

RULES OF LLANO COUNTY, TEXAS
PRIVATE SEWAGE FACILITIES

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CHAPTER 1
DEFINITIONS

The following words and terms, when used in these Rules, shall have the following meaning, unless the context clearly indicates otherwise:

“Absorption Unit” – Any subsurface system that primarily relies on soil absorption in an absorption trench or absorption bed to dispose of the effluent from a wastewater treatment unit.

“Authorization” – A Subdivision Construction Authorization as required in Chapter 8 of these Rules.

“Commissioners Court” – The Commissioners Court of Llano County, Texas.

“Evapotranspiration Unit” – Any subsurface system that primarily relies on evaporation and plant transpiration to dispose of effluent from a wastewater treatment unit.

“Existing Private Sewage Facilities” – Any private sewage facility that was in use on the effective date of these Rules. Such a facility shall be an existing private sewage facility as long as that facility is not causing pollution, a threat to the public, or nuisance conditions; or is not substantially modified after the effective date of these Rules. Any private sewage facility that has been actually used at any time during the twelve (12) month period immediately preceding the effective date of these Rules, shall be conclusively presumed to have been in use on the effective date of the Rules.

“Institution” – Any establishment other than a single family residence.

“License” – A License to Operate as required by Chapter 7 of these Rules.

“Licensing Authority” – The unit of the county government that has been designated by the Commissioners Court in Chapter 4 of these Rules to have the duties and powers to administer and enforce these Rules.

“Mobile Home Park” – Any facility or area developed for the lease or rental of two or more mobile homes.

“New Private Sewage Facility” – Any private sewage facility that does not qualify as an existing private sewage facility.

“Nuisance” – Any activity or condition that is or tends to be, injurious to or adversely affects human health or welfare, animal life, vegetation, or property; or interferes with the normal use and enjoyment of animal life, vegetation, or property.

“Organized Disposal System” – Any publicly or privately owned system for the collection, treatment, and disposal of sewage that is operated in accordance with the terms and conditions of a valid waste discharge permit issued by the Texas Water Commission.

“Permit” – A Permit to Construct as required by Chapter 7 of these Rules.

“Person” – Any individual, corporation, organization, government or governmental subdivision or agency, business, trust, estate, partnership and any other legal entity or association, including, but not limited to, owners, developers, installers, operators, or any other person responsible for the construction, installation, or operation, of a private sewage facility.

“Pollution” – The alteration of the physical, thermal, chemical, or biological quality of, or contamination of any water in the State that renders the water harmful, detrimental, or injurious to humans, animal life, vegetation, or property or to the public health, safety, or welfare, or impairs the usefulness or the public enjoyment of the water for any lawful or reasonable purpose.

“Private Sewage Facility” – All systems and methods used for the disposal of sewage, other than organized disposal systems. Private sewage facilities are usually composed of three units; the generating unit (the residence, the institution, etc.), the treatment unit (Septic tank, etc.), and the disposal unit (the drain field that may be an absorption trench or bed, or an evapotranspiration bed).

“Proposed Individual or Public Water Supply Wells or Systems, or Proposed Organized Disposal Systems” – Any such well or system for which the owner or operator has entered into contractual obligations, which cannot be cancelled or modified without substantial loss, for the construction of such well or system that will be completed within a reasonable time.

“Sewage” – Waterborne wastes that are primarily organic and biodegradable or decomposable and that generally originate as human, animal, or plant wastes from domestic activities, such as washing, bathing, and food preparation, and certain retail or commercial activities.

“Single Family Residence” – A single family dwelling or mobile home.

“Special Hearing Examiner” – An officer appointed by the Commissioners Court to hear appeals of decisions or actions by the licensing authority. (REQUIRED IF THE OPTIONAL SUBSTITUTE FOR S3.02 IS USED.)

“Standards” – The standards set forth in the pamphlet entitled “Construction Standards for Private Sewage Facilities” and all future amendments thereto, which were adopted by the Texas Board of Health, pursuant to Article 447-1 (Sec. 23(B)), of the Texas Revised Civil Statutes Annotated, as Texas Department of Health Rules 301.79.03.001-.003 and which were originally published in 2 Tex.Reg. 4978.

“State” – The State of Texas.

“Subdivision” – A subdivision that has been platted and recorded with the county clerk or that is required by statute to be so platted and recorded; or any four (4) or more adjoining lots or tracts, any one of which is less than two (2) acres in size; or a mobile home park.

“Substantial Modification” – An increase in the size or use of a private sewage facility’s generating unit (residence or institution) that, based on the considerations in the Standards, could be expected to result in an increase of 25% or more in the average daily volume of sewage generated by that unit; or an action that, based on the considerations in the Standards, could be expected to result in an increase or decrease in the capacity of a private sewage facility’s treatment unit (septic tank) or disposal unit (drain field) by 25% or more.

“Water” or “Water in the State” – Groundwater, percolating or otherwise, lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Gulf of Mexico, inside the territorial limits of the State, and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, navigable or nonnavigable, and including the beds and banks of all watercourses and bodies of surface water, that are wholly or partially inside or bordering the State or inside the jurisdiction of the State.

CHAPTER 2 ESTABLISHMENT AND GENERAL PROVISIONS

- S2.01 AUTHORITY. These Rules are adopted by the Commissioners Court of Llano County, Texas, acting in its capacity as the governing body of Llano County. Llano County adopts these Rules under the authority of Section 26.032 of the Texas Water Code.
- S2.02 PURPOSE. The purpose of these Rules is to abate or prevent pollution, or injury to the public health in Llano County, Texas.
- S2.03 AREA OF JURISDICTION.
(A) These Rules shall apply to all of the area of Llano County except for the areas regulate under an existing Texas Water Development Board Rule and the areas within the Boundaries of the incorporated cities and towns of Llano County.
(B) (Optional) These Rules shall also apply to those incorporated cities or towns that have executed cooperative agreements with the Commissioners Court for coverage under these Rules.
- S2.04 EFFECTIVE DATE. These Rules shall become effective upon their approval by the Texas Water Development Board.

S2.05 INCOPORATION BY REFERENCE. The Standards and all future amendments thereto are incorporated by reference and are thus made a part of these Rules. A copy of the Standards is attached to these Rules as Appendix I.

S2.06 CONSTRUCTION, PRECEDENCE, AND INTERPRETATION.

- (A) These Rules shall be construed liberally to accomplish their purpose. In construing the Standards, precatory words contained therein shall be deemed mandatory.
- (B) In the event of any conflict between these Rules and an order, resolution, or rule adopted by the Texas Water Development Board, the order, resolution, or rule adopted by the Texas Water Development Board shall take precedence. In the event of any conflict between these Rules and the Standards, these Rules shall take precedence.
- (C) The licensing authority shall, within the purpose of these Rules, resolve any question regarding any interpretation of these Rules or the Standards.

S2.07 SEVERABILITY. If any provision of these Rules or the application thereof to any person or circumstances is held invalid, the validity of the remainder of these Rules and the application thereof to other persons and circumstances shall not be affected.

CHAPTER 3 ADMINISTRATIVE PROVISIONS

S3.01 EXCEPTION.

- (A) A person desiring an exception to any requirement of these Rules shall file a written request with the licensing authority stating:
 - (1) The nature of the exception requested;
 - (2) The reason that justifies the granting of the exception; and
 - (3) Any information that the licensing authority reasonably requests.
- (B) Within thirty (30) days after the receipt of said request, the licensing authority shall review the request and reply to the applicant in writing either granting or denying the request. If the request is denied, the licensing authority shall include the reasons for denial in the reply.

S3.02 APPEAL.

- (A) Any person aggrieved by an action or decision of the licensing authority made hereunder may, within thirty (30) days of the date of the document giving notice of the action or decision, or within thirty (30) days of the action, if no document is given, appeal to the Commissioners Court.
- (B) The appeal shall be initiated by filing a written objection with the Clerk of the Commissioners Court. The written objection shall state what the complainant believes the action or decision of the licensing authority should have been and the reasons therefor. A copy of the document containing the notice of the complained of action or decision, or a written statement of the complained of action or decision, if no document was given, shall be attached to said written objection.
- (C) When an objection is filed, the Clerk of the Commissioners Court shall notify the County Judge who shall place the matter on the Agenda of the

Commissioners Court for review at the next meeting of the Commissioners Court, that is at least ten (10) days after the date of the filing of the objection. The Clerk of the Commissioners Court shall notify the licensing authority and the complainant that the matter is on the agenda.

- (D) The commissioners Court shall review the matter and consider such information and evidence that the Commissioners Court may deem relevant and that may be offered by the licensing authority or the complainant. The Commissioners Court shall either affirm, reverse, or modify the action or decision of the licensing authority.
 - (E) These provisions for appeal are not exclusive, but are cumulative of any other remedies at law or in equity.
- S3.03 NOTICE. Any notice required to be given pursuant to these Rules shall be considered given by depositing the same in the U.S. Mail, postage prepaid, and addressed in accordance with the information given by an applicant or complainant.
- S3.04 FEES. To defray the reasonable cost of administering these Rules, the licensing authority shall require fees to be paid in accordance with the schedule established from time to time by the Commissioners Court. Such fees shall be paid with the filing of an application for a permit, license, or authorization; a written request for an inspection or exception; or an appeal.

LICENSE FEE SCHEDULE FOR LLANO COUNTY SEWAGE FACILITY
WILL BE POSTED IN THE COUNTY SANITATION DEPARTMENT.

- S3.05 LICENSING OF INSTALLERS.
- (A) Beginning four (4) months after date of approval of these Rules by the Texas Water Development Board, no installer may commence or proceed in any manner with the construction or installation of , or a substantial modification to, a private sewage facility without first having obtained an installer's license from the licensing authority.
 - (B) Licensing procedures shall be as follows:
 - (1) In order to obtain an installer's license, an installer shall make application to the licensing authority and the licensing authority shall provide the installer with a copy of these Rules including all current amendments and all applicable State Laws, and construction standards.
 - (2) The installer, upon demonstrating a knowledge of the Rules and Standards, and appropriate health laws, shall be issued an Installer's License.
 - (3) An installer's license fee as determined by the Commissioners Court shall be submitted along with an application.
 - (4) An installer's license is valid for one (1) year from the date of issue and must be renewed annually. A fee will be charged for renewal.
 - (C) The licensing authority shall keep available a current list of licensed installers.
 - (D) A licensed installer shall directly supervise and be held accountable for a proper installation of all private sewage facilities installed under his authority and pursuant to his license.
 - (E) A licensed installer shall be responsible for good workmanship practices and for following these Rules in the installation of all private sewage facilities installed by him or under his authority.
 - (F) Suspension and Cancellation.

- (1) On a showing of good cause, the licensing authority may suspend or cancel an installer's license. Grounds for suspension or cancellation of the installer's license include, but are not necessarily limited to, the following:
 - a. Installation or alteration of a private sewage facility without a valid permit to construct having been issued by the licensing authority.
 - b. Significant alteration or removal of, or damage to, a new private sewage facility after the licensing authority's final inspection thereof.
 - c. Repeated and documented faulty workmanship in connection with the installation or repair of private sewage facilities.
 - d. Any other violation of these Rules.
 - (2) Whenever it appears to the licensing authority that a licensed installer has violated or is violating any requirement of this Section 3.05, the licensing authority shall provide the installer with at least ten (10) days written notice of a hearing to be held for the purpose of considering the suspension or cancellation of the installer's license. Following the hearing, the licensing authority shall provide the installer with written notice of its decision, and shall include therein the reasons for any suspension or cancellation. (Note: The appeal procedures specified in Section 3.02 apply to this decision without further mention of this section.)
 - (3) Violations listed in items (a) and (b) above may result in cancellation of the license. An application for a new license may not be made for a period of one hundred and eighty (180) days after cancellation. Violation of items (c) or (d) may result in license suspension for a period of sixty (60) days. After two (2) suspensions of a license any further violations may result in a cancellation of the license for at least one hundred and eighty (180) days.
- (G) A property owner who installs his/her own private sewage facility shall be exempt from the requirements of this Section 3.05 provided, however that the design and installation shall be under the direction of a registered sanitarian or licensed professional engineer or similar qualified person approved by the licensing authority.

CHAPTER 4 DUTIES AND POWERS

S4.01 DUTIES AND POWERS. The Sewer Department of Llano County, Texas, is designated by the commissioner court to be the licensing authority for these Rules and thus have the duty, and necessary powers, to administer and enforce these Rules. The department, as the licensing authority, shall have the following duties and necessary concomitant powers:

- (1) To enforce these : Rules and to make appropriate recommendations to proper County authorities when instances of noncompliance with these Rules have been determined.
- (2) To make inspections of any existing private sewage facilities, when requested or required, and all new private sewage facilities.
- (3) To collect all fees set by the Commissioners Court as necessary to recover the reasonable costs incurred in meeting the requirements of these Rules.
- (4) To make semi-annual reports to the Commissioners Court on all actions, including legal actions, taken concerning these Rules.
- (5) To perform all other duties necessary to meet the requirements of these Rules.

CHAPTER 5
LAWFUL DISCHARGES AND GENERAL REQUIREMENTS

S5.01 LAWFUL DISCHARGES. After the effective date of these Rules, only the following types of sewage discharges shall be lawful:

- (1) Sewage discharged into an organized disposal system operating under a valid permit issued by the Texas Water Commission. :
- (2) Sewage discharged into a private sewage facility designed, installed, licensed, operated, and maintained in accordance with these Rules.
- (3) Sewage discharged into an existing private sewage facility that is in use on the effective date of these Rules, that has not been substantially modified since the effective date of these Rules, and that is operated and maintained in such a manner as not to cause pollution, a threat to the public health, or nuisance conditions.

S5.02 REQUIREMENTS.

- (1) No person, except the person owning or having the right of possession and use of the parcel of land upon which a proposed private sewage facility is to be located, may apply for a private sewage facility permit or license.
- (2) The design, construction, and installation of any new private sewage facility and the maintenance of any private sewage facility shall, at a minimum meet the requirements set forth in the Standards.
- (3) No person may cause, suffer, allow, or permit the construction or installation of, or a substantial modification to, a private sewage facility unless a permit therefor has first been issued.
- (4) The construction, installation, or substantial modification of a private sewage facility shall be made in accordance with the approved design and requirements of the permit issued therefor.
- (5) No component of a private sewage facility shall be covered until an inspection by the licensing authority has been made. Provided, however, absorption trenches or beds, or evapotranspiration beds may be partial back-filled, but all ends and other critical areas shall not be covered until the licensing authority has determined, as evidenced by the issuance of a license, that the installation, construction, or substantial modification complies with these Rules, the Standards, or other special conditions specified in the permit.
- (6) No person may cause, suffer, allow, or permit the operation or use of a new private sewage facility unless a license, or necessary license amendment therefor, has first been issued.
- (7) No person may cause, suffer, allow, or permit the construction or installation of a private sewage facility on a lot or tract that is smaller than that required to meet the requirements set forth in the Standards. Provided; however, on lots existing prior to the effective date of these Rules, a private sewage facility may be permitted to be constructed and licensed to operate on a lot smaller than one acre, if it is demonstrated by a thorough investigation that a private sewage facility may be permitted to be constructed and licensed to operate on a lot smaller than one acre, if it is demonstrated by a thorough investigation that a private sewage facility can be operated without causing a threat or harm to an existing or proposed water supply system or to the public health, or the threat of pollution or nuisance conditions. In calculating lot or tract sizes, easements or right-of-ways adjacent or through such lots or tracts shall be excluded.
- (8) The effluent from a private sewage facility, whether using a aerobic or anaerobic treatment unit, must be discharged into a properly designed and constructed absorption

or evapotranspiration unit and shall not be discharged to the ground surface or into or adjacent to any water in the State.

- (9) Injection wells, pit privies, and cesspools used to dispose of sewage, and any system utilizing naturally or artificially produced holes, cavities, or drilled wells to ease the disposal of sewage are specifically prohibited from being installed and licensed.
- (10) No person may cause, suffer, allow, or permit the maintenance of a private sewage facility in such a manner as to cause, or as may tend to cause, pollution, injury to public health, or nuisance conditions.

CHAPTER 6 DEVELOPMENT OF ORGANIZED DISPOSAL SYSTEMS

- S6.01 CONNECTION TO ORGANIZED DISPOSAL SYSTEMS. In order to implement the stated policy of the legislature and the Texas Water Commission to encourage the development and use of organized disposal systems to serve the waste disposal needs of the citizens of the State and to prevent pollution, protect the public health, and maintain and enhance the quality of water in the State, the following requirements are made:
- (1) No person may cause or allow the installation of a private sewage facility when any part of the facility is to be within three hundred (300) feet in horizontal distance (measured on the closest practicable access route) of an existing organized disposal system, unless one of the following requirements has been met:
 - (A) The person has received a written denial of service from the owner or governing body of the organized disposal system; or
 - (B) The person has received a written determination from the licensing authority that it is not feasible for the person to connect to the organized disposal system.
 - (2) Whenever an organized disposal system is developed within three hundred (300) feet in horizontal distance (measured on the closest practicable route) from any part of a private sewage facility, that facility shall be connected to the organized system within one hundred and eighty (180) days following notification to the private sewage facility's owner of the organized system's availability unless one of the requirements set forth in Subsections (1) (A) or (1) (B) of this section has been met.

CHAPTER 7 CONSTRUCTION AND OPERATION REQUIREMENTS

- S7.01 REQUIREMENTS FOR NEW PRIVATE SEWAGE FACILITIES.
- (A) A Permit to Construct must be obtained from the licensing authority prior to commencing the construction or installation of, or a substantial modification to, a private sewage facility and will be issued upon a finding that construction can commence.
 - (B) A License to Operate must be obtained from the licensing authority prior to operating a new private sewage facility and will be issued after satisfactory completion and approval of construction.
- S7.02 PERMIT TO CONSTRUCT

- (A) To make an application for a Permit to Construct, the applicant shall submit to the licensing authority the following:
 - (1) A properly completed application form.
 - (2) The required fee.
 - (3) The results of the percolation tests performed by a registered professional engineer, registered professional sanitarian, or similarly qualified person approved by the licensing authority.
 - (4) A drawing or drawings reflecting that the proposed private sewage facility will comply with these Rules and demonstrating that the lot or tract is large enough for the private sewage facility to be constructed thereon.
 - (5) A statement or other evidence that demonstrates that the requirements set forth in S6.01 of these Rules have been met.
 - (6) Any additional information that the licensing authority may require.
- (B) The completed application and all additional information submitted shall not contain any false information or conceal any material facts.
- (C) Within thirty (30) days after a proper and complete application has been made, the licensing authority shall make a finding on the issuance of a permit, based upon the information contained in the completed application and any other information available to the licensing authority.
 - (1) Upon a finding that construction can commence, a Permit to Construct shall be issued to the applicant.
 - (2) Upon a finding that a Permit to Construct cannot be issued, the licensing authority shall so notify the applicant in writing within ten (10) days of that finding and shall include the reasons for denying the issuance of a permit.

S7.03 LICENSE TO OPERATE.

- (A) A License to Operate a private sewage facility shall only be issued by the licensing authority if all the requirements of Section 7.03 herein are met by the applicant. Application forms may be obtained from the licensing authority. To initiate the application, the forms must be completed in duplicate and returned to the licensing authority along with payment of the fee and must conform to the following:
- (B) Each new private sewage facility shall be inspected and approved by the licensing authority prior to the final covering of the facility.
 - (1) The applicant or installer shall notify the licensing authority that an inspection is desired at least two (2) working days, excluding weekends and legal holidays, prior to the need for inspection.
 - (2) The applicant shall allow, and make arrangements for, the licensing authority to inspect the fully excavated trench or bed in order to evaluate soils and bottom grade prior to the installation of any pipe or fill material.
 - (3) The applicant or installer shall provide whatever reasonable assistance the licensing authority requests in order to make the inspection.
- (C) Within five (5) days after an inspection, the licensing authority shall make a finding on the issuance of a license, and any modifications to septic tank or drain field size or other design considerations, based upon the information obtained from the inspection and any other information available to the licensing authority.
 - (1) Upon a finding that the use of the new private sewage facility will not cause pollution, injury to the public health, or nuisance conditions and is not in conflict with these Rules and upon

payment of appropriate fees, a License to Operate the facility shall be issued to the applicant.

- (2) Upon a finding that a License to Operate cannot be issued, the licensing authority shall so notify the applicant in writing within five (5) days of that finding and shall include the reasons for denying the issuance of a license.
- (D) Licenses to Operate issued under the authority of these Rules shall be for an indefinite period and shall be transferred to a succeeding owner. Upon the request of a new owner of a licensed private sewage facility, the licensing authority shall transfer the license to that new owner, provided the private sewage facility has not been substantially modified.
- (E) The licensing authority or the executive director of the Texas Water Commission may revoke or suspend a license for any of the causes listed in paragraphs (1) through (6) of this subsection. Neither revocation of license nor any other provision of this subchapter shall impede the licensing authority or the executive director in taking proper steps to prevent or curtail pollution, to abate a nuisance, or to protect the public health.
- (1) An increase in the volume of or change in the nature of the wastewater being treated by the private sewage facility, or a reduction of the capacity of the facility;
 - (2) Failure of the holder of the license to properly maintain or operate the private sewage facility;
 - (3) Malfunction of the private sewage facility;
 - (4) Evidence that the private sewage facility is causing or will cause pollution;
 - (5) Failure to comply with the terms and conditions of the license or this subchapter; and
 - (6) Any other reason which the licensing authority or executive director determines to be the reason to revoke or suspend.

S7.04 EXISTING PRIVATE SEWAGE FACILITIES.

- (A) Existing private sewage facilities are not required to be licensed, provided the facility is not causing pollution, a threat to the public health, or nuisance conditions, or has not been substantially modified.
- (B) If an existing private sewage facility is causing pollution, a threat to the public health; or nuisance conditions, or has been substantially modified, the licensing authority shall require that the facility be licensed in accordance with SS7.01-7.03 of these Rules as appropriate and shall undertake actions pursuant to Chapter 9 of these Rules.

S7.05 SPECIAL REQUIREMENTS FOR INSTITUTIONS. A registered professional engineer, registered professional sanitarian, or similarly qualified person approved by the licensing authority; or the licensing authority, at its discretion, shall design all private sewage facilities serving institutions. Said designs shall be made in accordance with these Rules, including the Standards, except that single compartment treatment units shall not be utilized, but instead, treatment units with two or more compartments or two or more treatment units connected in series shall be utilized.

CHAPTER 8 SUBDIVISIONS

- S8.01 SUBDIVISION CONSTRUCTION AUTHORIZATION. Any person desiring to create a subdivision, including mobile home parks, that will utilize private sewage facilities, in whole or a part, must obtain a Subdivision Construction Authorization from the licensing authority prior to commencing or continuing construction in the subdivision.
- S8.02 APPLICATION.
- (A) An applicant for a Subdivision Construction Authorization shall submit an application to the licensing authority containing information that is adequate to establish:
- (1) That it is not feasible for the applicant to provide sewer service to the subdivision by means of an organized disposal system, and
 - (2) That private sewage facilities may be used in the specified subdivision without causing, or threatening to cause, individually or collectively, pollution, injury to the public health, or nuisance conditions. This information will include as a minimum:
 - (a) A map locating the subdivision relative to on and off site:
 - (i) Surface water,
 - (ii) Watersheds,
 - (iii) Floodplains,
 - (iv) Existing and proposed individual and public water supply wells, and
 - (v) Existing and proposed organized disposal systems.
 - (b) An accurate plat of the subdivision that details the size and intended use of each lot and that details roads and utility right-of-ways. This plat shall show all areas of the subdivision where the ground water table is less than six (6) feet below the surface as the surface exists or as it will be after grading and filling that may be required in the subdivision development.
 - (c) A list that specifies the type and maximum size (floorspace, bedrooms, seating, etc.) of the intended construction that will be allowed on each lot. Based on this list, the applicant shall provide further information to confirm that a private sewage facility that meets all of the requirements of these Rules and the Standards can be constructed on each lot. This information shall include:
 - (i) Preliminary locations and distances between sewage generating units, treatment units, disposal units, water wells, and lot boundaries. These distances shall be shown between these items on each lot and to existing or proposed water supply wells on adjacent lots.
 - (ii) Average daily wastewater volume to be generated by the specified maximum size construction.
 - (iii) Capacity and/or size of the treatment (tank) and disposal (drain field) units.

- (iv) The disposal area size shall be calculated assuming a specific type of drain field (absorption trench or bed or evapotranspiration bed) and using adequately documented permeability measurements taken at or in reasonable proximity to the drain field locations.
 - (d) At the discretion of the licensing authority and in consideration of the size and density of the proposed subdivision and other conditions known to exist in the vicinity of the proposed subdivision, one or more geological cross-sections may be required from the applicant. These cross-sections shall illustrate the geologic formations that make up the subsurface below the subdivision down to the first aquifer that supplies, or maybe used to supply, drinking water in the area. These cross-sections shall illustrate the primary dip and characteristics (permeable, impermeable, water bearing, etc.) of each formation and the elevation of any water table.
- (B) The required fee shall accompany the application.
- (C) Within forty-five (45) days after a proper and complete application has been made, the licensing authority shall make a recommendation on the issuance of a Subdivision Construction Authorization, based upon the information contained in the completed application and any other information available to the licensing authority. When made, said recommendation for approval, with appropriate restrictions, if any, or denial shall be submitted to the Clerk of the Commissioners Court and mailed to the applicant within five (5) days.
- (D) When a recommendation is submitted, the Clerk of the commissioners Court shall notify the County Judge who shall place the matter on the Agenda of the Commissioners Court that is at least ten (10) days after the date of the submission of the recommendation. The Clerk of the Commissioners Court shall notify the licensing authority and the applicant that the matter is on the agenda.
- (1) Upon the approval of a Subdivision Construction Authorization by the Commissioners Court, the authorization shall be issued to the applicant. A Subdivision Construction Authorization does not constitute either a Permit to Construct or a License to Operate a specific private sewage facility. An approved Subdivision Construction Authorization, however, is a prerequisite for obtaining a permit or license for a specific private sewage facility in a subdivision.
 - (2) Upon the disapproval of a Subdivision Construction Authorization by the Commissioners Court, the licensing authority shall so notify the applicant in writing within ten (10) days of the disapproval and shall include the reasons for denying the approval of the authorization.

S8.03

- NOTICE.
- (A) Upon the approval of a Subdivision Construction Authorization, the authorization, the application therefor, and any other critical evaluation information shall be filed as a deed record for the subdivision lots.

- (B) Any person, or his agents and assignees, desiring to create a subdivision that will utilize private sewage facilities, in whole or in part, and sell, lease, or rent the lots therein shall inform each prospective purchaser, lessee, or renter:
 - (1) That the subdivision is subject to all of the terms and conditions of these Rules,
 - (2) That a Permit to Construct shall be required before a private sewage facility can be constructed in the subdivision,
 - (3) That a License to Operate shall be required for the Operation of such a private sewage facility, and
 - (4) That an application for a Subdivision Construction Authorization has been made and whether or not it has been approved, including any restrictions placed on any such approval.

CHAPTER 9 ENFORCEMENT

S9.01 INFORMAL

- (A) The licensing authority may routinely inspect private sewage facilities to assure continued compliance with these Rules.
- (B) The licensing authority shall inspect any private sewage facility that is reasonably believed to be causing pollution, a threat to the public health, or nuisance conditions, or to have been substantially modified without complying with these Rules based on a creditable complaint or other information available to the licensing authority and may inspect any new private sewage facility should the conditions existing at the time of licensing be found to have changed. If upon such inspection it is found that pollution, a threat to public health, or nuisance conditions is occurring, or an unpermitted substantial modification was performed, the licensing authority shall so notify the owner of the private sewage facility in writing and include what problems must be remedied in order to achieve compliance, and set a reasonable amount of time to achieve compliance. The private sewage facility shall be reinspected at the expiration of the allotted time.
 - (1) If the facility is found to be compliant, a license therefor may be issued or the existing license may be modified.
 - (2) If the facility is found to be noncompliant, appropriate enforcement shall be taken.

S9.02 CRIMINAL (TEXAS WATER CODE, S26.214)

- (A) A person who violates any of these Rules, is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$200. Each day that a violation occurs constitutes a separate offense
- (B) Jurisdiction for prosecution of a suit under this section is in the justice of the peace courts.

- (C) Venue for prosecution of a suit under this section is in the justice of the peace precinct in which the violation is alleged to have occurred.

S9.03 CIVIL (TEXAS WATER CODE, 26.124)

- (A) Whenever it appears that a violation or the threat of a violation of any of these Rules has occurred or is occurring, the licensing authority may have a suit instituted in a district court through its own attorney for injunctive relief or civil penalties or both against the person who committed, is committing, or is threatening to commit the violation.
- (B) Such suits may not be instituted by the licensing authority unless the Commissioners Court has adopted a resolution authorizing the institution of the suit.
- (C) In suits brought under this section, the Texas Water Commission is a necessary and indispensable party.