



Travis County Commissioners Court Agenda Request

Meeting Date: December 16, 2014 **Executive Session**

Prepared By: Stacey Scheffel, Permit Program Manager **Phone #:** (512) 854-7565

Division Director/Manager: Anna Bowlin, Division Director Development Services
Long Range Planning

Department Head: Steven M. Manilla, P.E., County Executive-TNR

Sponsoring Court Member: County Judge Samuel T. Biscoe

AGENDA LANGUAGE: Consider and take appropriate action on the proposed Chapter 48, Rules of Travis County, Texas, for On-Site Sewage Facilities.

(EXECUTIVE SESSION PURSUANT TO GOV'T. CODE ANN Sec. 551.071
Consultation with Attorney.)

BACKGROUND/SUMMARY OF REQUEST:

The State of Texas has adopted basic statewide rules for the installation and maintenance of On-Site Sewage Facilities (OSSFs). Travis County is an Authorized Agent of the State for OSSFs and as such is required to enforce the State rules. The county can adopt more stringent rules in order to protect public health and the environment. In fact, the county adopted more stringent rules in 2000, but the rules are in need of updating. TNR and County Attorney staff developed a revised Chapter 48 draft for public comment. A more stringent requirement list is attached with the new requirements being highlighted.

On October 28, 2014, the Court approved the month of November as the public comment period ending with an official public hearing on December 2, 2014. Staff sent the proposed rule to 84 OSSF professionals via e-mail and posted the draft on Travis County's website. There were comments made by 13 individual commented. Six commented on specific rules and 7 made comments regarding the process, but not regarding a specific rule. Summaries of the comments and response from staff are attached. Based on the comments, staff recommends revising the proposed to reflect no minimum lot size for non-residential uses (48.032(b)), striking the statement that organized systems are better than OSSFs (48.054(c)) and cleaning up language in 48.033 (e) to include the requirement for planning materials for subdivision proposals. All of these updates are included in the revised draft attached to this memo.

STAFF RECOMMENDATIONS:

Staff recommends adopting the draft Chapter 48, Rules of Travis County, Texas, for On-Site Sewage Facilities with the revisions made as a result of the comments to be effective January 31, 2015.

ISSUES AND OPPORTUNITIES:

Although not required in order to adopt new OSSF rules, the County Attorney's Office completed a Takings Impact Analysis for the proposed rules. The analysis found that the rules do not constitute a taking.

FISCAL IMPACT AND SOURCE OF FUNDING:

N/A

ATTACHMENTS/EXHIBITS:

More Stringent Requirement List
Proposed Chapter 48, Rules of Travis County, Texas for On-Site Sewage Facilities
Summary of Comments and Staff Response
TCEQ Approval Letter
Takings Impact Analysis

REQUIRED AUTHORIZATIONS:

Cynthia McDonald	Financial Manager	TNR	(512) 854-4239
Steven M. Manilla	County Executive	TNR	(512) 854-9429
Anna Bowlin	Division Director Development Services Long Range Planning	TNR	(512) 854-7561

CC:

Stacey Scheffel	Permit Program Manager	TNR	(512) 854-7565
Julie Joe	Asst. County Attorney	County Attorney's Office	(512) 854-9415
Brandon Couch	Engineer Associate	TNR	(512) 854-6435
Rodney Sherrill	Engineer	TNR	(512) 854-7581

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