

On-site Sewage Facility Program Complaint Form

Mail to: TCEQ, MC-178
Attention: OSSF Program
PO Box 13087
Austin, TX 78711-3087

Complaint against: _____ Social Security Number: _____

Name: _____ DL or Licence #: _____

Address: _____

City: _____ Zip: _____ County: _____

Phone: (business) _____ (Other) _____ (home) _____

Complaint filed by:

Individuals are entitled to request and review their personal information that the agency gathers on its forms. They may also have any errors in their information corrected. To review such information, contact us at 512/239-3282. If you have questions on how to fill out this form or about the On-site Sewage Facility program, please contact us at 512/239-0914.

Name: _____

Address: _____

City: _____ Zip: _____ Phone: h _____ w _____

Local program complaint investigation information:

Date Received: _____ Date(s) Investigated: _____ Given _____ Days to correct.

Investigator: _____ DR License#: _____

Alleged violation(s): **Identified in Attachment(s) A _____ for each license/registration involved.**
(Include a written justification for each violation).

On-site sewage facility system information:

Owner's name: _____

Address: _____

City: _____ Zip: _____ Phone: h _____ w _____

Date of Installation/Construction/Alteration/Repair: _____ Date of Site Evaluation: _____

Date Inspected for Permit: _____ Date Licensed: _____ Date Malfunctioned: _____

AFFIDAVIT: The information attached is true and correct to the best of my knowledge. I understand if the case proceeds to a formal hearing, I will be required to testify in that proceeding in Austin, Texas. I may be asked to explain the information I have provided and cross-examined by the defendant's attorney. This could include questions regarding my testimony and motives.

Date: _____ Signature: _____

Example: Chronological Log of Events (Required)

- 4-2-01 Received complaint regarding Joseph Installer from Mr. Owner. Spoke to Mr. Owner about complaint. Set up site visit for Monday to investigate complaint.
- 4-3 Pulled permit from files and made copy. Noted type of system installed, installer name and phone number, date of inspections, and date system was licensed to operate.
- 4-7 Visited site. Noted that complaint was valid -- the system had been altered since it was permitted. Did necessary work to document violation had indeed occurred. Submitted a notice of inspection to owner along with a list of corrective actions that needed to be taken to bring OSSF into compliance.
- 4-7 Spoke with installer to discuss results of field investigation conducted that day. Informed installer of corrections that were needed within the next 30 days and that a Notice of Violation will be given to him to document the corrective action to be taken within the next 30 days to repair system.
- 4-9 Delivered Notice of Violation to Mr. Installer at 345 Windy Road at 9:15 am.
- 4-18 Received call from Mr. Owner stating Mr. Installer has not even come out to site to check on what needed to be done.
- 4-22 Called Mr. Installer. Left message on answering machine informing Mr. Installer he had only 15 days left to correct Mr. Owner's system. Informed Mr. Installer that no permit to construct has been received yet.
- 4-30 Received call from Mr. Owner. Mr. Installer has not been out on site still. I told Mr. Owner that if Mr. Installer has not corrected the system within 7 days, the matter would be referred to the County Attorney's Office for enforcement action on Mr. Installer.
- 4-30 Called Mr. Installer. Left message informing him he had 7 days left to correct system or complaint will be referred to the County Attorney's Office for enforcement.
- 5-7 Matter not corrected. Referred complaint to county prosecutor for local court action.
- 7-24 Mr. Installer was found guilty by local court (judgement with documentation enclosed). Forwarded to TCEQ for possible administrative enforcement action on Mr. Installer's license in accordance with 30 TAC §30.33 or 30 TAC §285.64.

Attachment A 1 - Installer License

Attach documentation** for the installer alleged violation(s) noted below.

Installer: _____ License number: _____

Location: _____ Date of investigation: _____

- 1 HSC §366.51(c), 30 TAC §285.61(4): beginning the construction of an OSSF before verifying that the necessary TCEQ or local authorized agent's permit was obtained, unless a permit is not required.
- 2 HSC §366.054, 30 TAC §285.61(5): beginning the construction of an OSSF before notifying the permitting authority of the date he planned to begin the construction, unless a permit is not required.
- 3 HSC §366.071(a), 30 TAC §30.5(a), 30 TAC §285.50(b), 30 TAC §285.61(1): operating as an installer without a current license or not possessing the appropriate installer license for the type of system being installed.
- 4 30 TAC §285.61(11): failing to call for the required inspection(s) from the permitting authority.
- 5 HSC §366.004, 30 TAC §285.61(6): constructing, altering, repairing, or extending or causing the construction, alteration, repair, or extension of an on-site sewage disposal system that does not comply with the minimum state standards or more stringent requirements of the permitting authority. (Provide section(s) of Subchapter D or the local Order that was allegedly violated:)
30 TAC §285. _____
- 6 30 TAC §285.61(7): constructing an OSSF that was not authorized by the permitting authority for the specific location identified in the soil evaluation.
- 7 30 TAC §285.61(8): failing to stop the construction of an OSSF and returning to the permit authority to change the planning materials for a permit upon discovering site or soil conditions, materials, or supplies made compliance with the planning materials impossible.
- 8 30 TAC §285.61(9): failing to be present during all phases of installation, construction, alteration, extension or repair of the OSSF at the job site or represented by the installer's apprentice.
- 9 30 TAC §285.61(10): failing to visit the job site at least once during each work day to verify the work performed by an apprentice is in compliance with the minimum state standards.
- 10 30 TAC §285.61(12): removing materials from, or altering components of, an OSSF after the final inspection.
- 11 30 TAC §285.61(3): submitting false information on any application or other documentation.
- 12 30 TAC §285.61(14): failing to properly maintain an on-site sewage facility at the required frequency specified in the maintenance contract.
(Manufacturer/Designer: _____)
- 13 30 TAC §30.5(b): advertising or representing oneself to the public as a holder of a license when the company does not employ an individual with, or the individual does not hold, a current license.
- 14 Other (please provide specific code or statute allegedly violated):

** Proof of compensation paid to installer is required (except for item 13). At a minimum, an affidavit will be needed to document a violation. Violations are best supported by an inspection by the local permitting authority.

Attachment A 2 - Designated Representative License

Attach documentation for the designated representative alleged violations noted below.

Designated Representative: _____ License number: _____

Location: _____ Date of alleged violation: _____

- 1 HSC§366.071(b), 30 TAC §30.5(a), 30 TAC §285.50(c), 30TAC §285.62(1): conducting system evaluations, and inspections or reviewing planning materials, site evaluations, or soil evaluations without a current license.
- 2 30 TAC §285.62(2): conducting system evaluations, and inspections or reviewing planning materials, site evaluations, or soil evaluations without being employed, appointed, or contracted by an authorized agent.
- 3 30 TAC §285.62(3): failing to enforce the minimum state standards, or the more stringent requirements of the permitting authority's OSSF Order.
- 4 30 TAC §285.62(7): failing to approve planning materials that conform with the minimum state standards or more stringent requirements of the permitting authority.
- 5 30 TAC §285.62(9): failing to verify, before the initial inspection, that the installer possess a current license and has the correct classification for constructing the permitted or planned OSSF.
- 6 30 TAC §285.62(10): failing to conduct inspections as required under 30 TAC §285.3(d).
- 7 30 TAC §285.62(11): approving construction, of an on-site sewage disposal system that does not comply with the minimum state standards or more stringent requirements of the permitting authority. (Provide section(s) of Subchapter D or the local Order that was allegedly violated:)
30 TAC §285. _____
- 8 30 TAC §285.62(14): failing to maintain accurate records of permitting, fees, inspections, maintenance reports, and complaints.
- 9 30 TAC §285.62(15): failing to investigate complaints and take appropriate and timely action.
- 10 30 TAC §285.62(18): receiving compensation for OSSF related services within the authorized agent's area of jurisdiction from other than the authorized agent or not in accordance with to a signed contract with the authorized agent.
- 11 30 TAC §285.62(19): working as an apprentice, OSSF installer, OSSF maintenance company, OSSF site evaluator, or performing any other OSSF-related activities which fall under the authorized agent's regulatory jurisdiction, except those activities directly related to the individual's duties as a designated representative for the authorized agent.
- 12 30 TAC §285.62(20): failing to verify the existence of an adequate maintenance contract between the property owner and the maintenance company.
- 13 Other: _____

Attachment A 3 - Site Evaluator License

Attach documentation for the site evaluator alleged violations noted below.

Site Evaluator: _____ License number: _____

Location: _____ Date of site inspection: _____

- 1 HSC §366.072(c), 30 TAC §285.50(e), 30 TAC §285.60(1): conducting site evaluations, soil evaluations, system evaluations, and inspections without a valid license.
- 2 30 TAC §285.60(2): not recording their license number on all site evaluations, and all other correspondence prepared as a site evaluator under this chapter.
- 3 30 TAC §285.60(3): not providing true and accurate information in the site evaluations report required under §285.30(a) and in any documentation.
- 4 30 TAC §285.60(4): failure to maintain a current Installer II license, designated representative license, professional engineer license, professional sanitarian license, or a certified professional soil scientist certificate, in addition to the site evaluator license.
- 5 30 TAC §285.60(5): not conducting preconstruction site evaluations, including visiting the site and performing soil analysis, a site survey, or other activities necessary to determine if a site is suitable for an OSSF.
- 6 30 TAC §285.60(6): failure to maintain a current address and phone number with the executive director and submit any change in address or phone number in writing within 30 days after the date of the change.
- 7 30 TAC §285.50(g)(4): Any individual who acts in any capacity for a permitting authority shall not, within that permitting authority's area of jurisdiction, work as a site evaluator.
- 8 Other: _____

Attachment A 4 - Registered Apprentice

Attach documentation for the registered apprentice alleged violations noted below.

Registered Apprentice: _____ Supervisor's License number: _____

Location: _____ Date of alleged violation: _____

- 1 30 TAC §30.5(a), 30 TAC §285.50(d): performing the duties of an apprentice under 30 TAC §285.63 without holding a current registration.
- 2 30 TAC §285.63(b): acting, advertising, or offering to perform services as a licensed installer without possessing the appropriate installer license.
- 3 30 TAC §285.63(a)(1): failing to represent his supervising installer during the construction at the site.
- 4 30 TAC §285.63(a)(2): performing the services associated with OSSF construction without the supervision and direction of the installer.
- 5 30 TAC §285.63(a)(3): receiving compensation from someone other than the supervising installer for OSSF construction.
- 6 Other: _____

