# **On-site Sewage Facility Program Complaint Form**

Mail to: TCEQ, MC-178 Attention: OSSF Program PO Box 13087

|  | . o box  |                   |              |                 |          |
|--|--|-------------------|--------------|-----------------|----------|
| Complaint against:                                 | Social Security Number:  |                   |              |                 |          |
| Name:  |  | DL c              | r License #: |                 |          |
| Address:   |  |                   |              |                 |          |
| City:<br>Phone: (business) (                       | Zip:<br>) (Other)  | County:           | (hom         | ne) <u>()</u>   |          |
| They may also have an                              | o request and review their per<br>y errors in their information co<br>ave questions on how to fill ou<br>t us at 512/239-0914. | rected. To review | such informa | tion, contact ι | ıs at    |
| Address:   | Zip: Pho   | ne: h <u>(</u> )  | w <u>(</u>   | <u>)</u>        |          |
| Local program complaint investigation information: |  |                   |              |                 |          |
| Date Received:                                     | Date(s) Investiga  | ted:              | Given        | Days to d       | correct. |
| Investigator:                                      |  |                   | DR Licen     | se#:            |          |
| Alleged violation(s):lc                            | entified in Attachment(s)<br>(Include a written justifi  |                   |              | gistration in   | volved.  |
| Austin, TX 78711-3087                              |  |                   |              |                 |          |
|  |  |                   |              |                 |          |
|  |  |                   |              |                 |          |
|  |  |                   |              |                 |          |

**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.

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### **Attachment A 1 - Installer License**

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

| Installe | er: License number:  |
|----------|--|
| Location | on: 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 no 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 no 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):  |
|          |  |

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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.

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## **Attachment A 2 - Designated Representative License**

Attach documentation for the designated representative alleged violations noted below.

| Design  | ated Representative:  | License number:  |
|---------|---|--|
| Locatio | on:   | Date of alleged violation:   |
| 1       |   | 30 TAC §285.50(c), 30TAC §285.62(1): conducting system ewing planning materials, site evaluations, or soil evaluations   |
| 2       |   | system evaluations, and inspections or reviewing planning valuations without being employed, appointed, or contracted  |
| 3       | 30 TAC §285.62(3): failing to enforce requirements of the permitting authorities. | orce the minimum state standards, or the more stringent rity's OSSF Order.   |
|         |   | to approve planning materials that conform with the minimum quirements of the permitting authority.  |
| 5       |   | fy, before the initial inspection, that the installer possess a classification for constructing the permitted or planned OSSF.   |
| 6       | 30 TAC §285.62(10): failing to cond   | uct inspections as required under 30 TAC §285.3(d).  |
| 7       | comply with the minimum state s   | struction, of an on-site sewage disposal system that does not tandards or more stringent requirements of the permitting ochapter D or the local Order that was allegedly violated:)                                |
|         | 8 30 TAC §285.62(14): failing maintenance reports, and complaint                  | to maintain accurate records of permitting, fees, inspections, s.  |
|         | 9 30 TAC §285.62(15): failing action.   | g to investigate complaints and take appropriate and timely  |
| 10      |   | mpensation for OSSF related services within the authorized ner than the authorized agent or not in accordance with to a agent.   |
| 11      | OSSF site evaluator, or performing  | n apprentice, OSSF installer, OSSF maintenance company, ng any other OSSF-related activities which fall under the ction, except those activities directly related to the individual's re for the authorized agent. |
|         |   |  |

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30 TAC §285.62(20): failing to verify the existence of an adequate maintenance contract between

the property owner and the maintenance company.

12

13

Other:

## **Attachment A 3 - Site Evaluator License**

Attach documentation for the site evaluator alleged violations noted below.

Other:

|   | Site Evaluator:   | License number:                     |
|---|---|-------------------------------------|
|   | Location:   | Date of site inspection:            |
| 1 | HSC §366.072(c), 30 TAC §285.50(e), 30 TAC §285.60(1): evaluations, system evaluations, and inspections without a valid   |                                     |
| 2 | 30 TAC §285.60(2): not recording their license number on correspondence prepared as a site evaluator under this chapter   |                                     |
| 3 | 30 TAC §285.60(3): not providing true and accurate informative required under §285.30(a) and in any documentation.  | tion in the site evaluations report |
| 4 | 30 TAC §285.60(4): failure to maintain a current Installer II li license, professional engineer license, professional sanitarian soil scientist certificate, in addition to the site evaluator license. |                                     |
| 5 | 30 TAC §285.60(5): not conducting preconstruction site evaluat performing soil analysis, a site survey, or other activities ne suitable for an OSSF.  |                                     |
| 6 | 30 TAC §285.60(6): failure to maintain a current address and director and submit any change in address or phone number date of the change.  |                                     |
| 7 | 30 TAC §285.50(g)(4): Any individual who acts in any capacity within that permitting authority's area of jurisdiction, work as a s  |                                     |

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# **Attachment A 4 - Registered Apprentice**

Attach documentation for the registered apprentice alleged violations noted below.

| Regis  | egistered Apprentice: Supervisor's License  | Supervisor's License number: |           |              |
|--------|---|------------------------------|-----------|--------------|
| Locati | ocation: Dat  | е                            | of        | alleged      |
|        | violation:  |                              |           |              |
| 1      | 1 30 TAC §30.5(a), 30 TAC §285.50(d): performing the duties of an a §285.63 without holding a current registration.         | apprenti                     | ce unde   | er 30 TAC    |
| 2      | 30 TAC §285.63(b): acting, advertising, or offering to perform servic without possessing the appropriate installer license. | es as a                      | license   | d installer  |
| 3      | 30 TAC §285.63(a)(1): failing to represent his supervising installer duri site.   | ng the o                     | construc  | tion at the  |
| 4      | 30 TAC §285.63(a)(2): performing the services associated with OSSI supervision and direction of the installer.              | constr                       | uction v  | vithout the  |
| 5      | 30 TAC §285.63(a)(3): receiving compensation from someone other that<br>for OSSF construction.                              | in the si                    | upervisir | ng installer |
| 6      | 6 Other   |                              |           |              |

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