

The Texas Natural Resource Conservation Commission (TNRCC or commission) proposes amendments to §285.5, Submittal Requirements for Planning Materials; and new §285.8, Multiple On-Site Sewage Facility (OSSF) Systems on One Large Tract of Land.

BACKGROUND AND SUMMARY OF THE FACTUAL BASIS FOR THE PROPOSED RULES

Texas Health and Safety Code (THSC), §366.0512, was added by House Bill (HB) 2912, §20.03, 77th Legislature, 2001, to provide the commission the authority to permit multiple treatment and disposal systems located on one tract of land as an on-site sewage facility (OSSF), provided that: the tract of land is at least 100 acres in size; all the systems on the tract of land produce no more than a combined total of 5,000 gallons per day (gpd) on an annual average basis; the systems are only used on a seasonal or intermittent basis; and the systems are used only for disposal of sewage produced on the tract of land.

Owners of large tracts of land with multiple treatment and disposal systems, such as camps and parks, have highlighted concerns about being required to obtain a municipal wastewater treatment permit for the systems, because of the cost and time involved. HB 2912, §20.03, provides both environmental protection and a common-sense remedy for owners of large tracts of land with multiple OSSF systems.

To avoid any conflicts with the rules in 30 TAC Chapter 331 (relating to Underground Injection Control), language has also been included to indicate that the calculated peak flow for each individual system shall be less than 5,000 gpd.

Additionally, language has been included that requires the owner to monitor the flow from the systems and report the flow data to the permitting authority and the executive director (ED). The ED and the permitting authority must review the flow data. If the system produces more than 5,000 gpd, the owner must either bring the system into compliance or obtain a municipal wastewater discharge permit.

SECTION BY SECTION DISCUSSION

Section 285.5(a), *Submittal Requirements for Planning Materials*, is proposed to be amended to add §285.5(a)(2)(D). New subparagraph (D) states that the planning materials for multiple treatment and disposal systems on large tracts of land must be prepared by either a professional engineer or professional sanitarian.

Section 285.8, *Multiple On-Site Sewage Facility (OSSF) Systems on One Large Tract of Land*, is proposed to be added to provide the requirements that must be met before multiple treatment and disposal systems on a single tract can be permitted as an OSSF. Additionally, this section includes the procedures for preparing the planning materials, reviewing the planning materials, permitting the systems, and monitoring the systems. Language is also provided to address systems that do not meet the requirements of this section.

Section 285.8(a) proposes to add the requirements that the owner of a single tract of land must meet to be able to obtain an OSSF permit for construction of multiple treatment and disposal systems.

Paragraph (1) proposes to provide the size of the tract of land to be at least 100 acres as specified in HB 2912, §20.03. Paragraph (2) proposes to include the language specified in HB 2912, §20.03, that the

systems be used only on a seasonal or intermittent basis. Since the intent of the legislation is to address the needs of camps and parks, “seasonal or intermittent” are defined as the time used by camp and park programs as 60 weekdays (Monday through Thursday) during a calendar year, weekends (Friday through Sunday), or any combination of weekends plus 60 weekdays or less during a calendar year. Most of these facilities operate during the summer months, then only on weekends with some limited weekday use the remainder of the year. The 60-weekday requirement would allow use of the camp or park 15 weeks per year. Paragraph (3) proposes to provide that the total of all the systems on the tract of land produce no more than 5,000 gpd on an annual average basis as specified in HB 2912, §20.03. “Annual average basis” is defined as the arithmetic average of all daily flow determinations taken within the preceding 12 consecutive calendar months. This definition is consistent with other rules of the TNRCC. The flow must be calculated using either actual water use data or data from §285.91(3) of this title (relating to Tables). Paragraph (4) proposes to require that the peak flow for each individual OSSF system be less than 5,000 gpd. If the individual OSSF system has a peak flow over 5,000 gpd, the system is not considered an OSSF and may not be permitted under Chapter 285 or THSC, Chapter 366. This is consistent with 30 TAC §331.7(c) (relating to Underground Injection Control). Paragraph (5) proposes to provide the language from HB 2912, §20.03, indicating that the systems may only be used for disposal of sewage produced on the single tract of land.

Section 285.8(b) proposes to specify who can prepare and submit the planning materials to the permitting authority and the information that must be included in the planning materials for all existing systems. Paragraph (1) proposes to provide that the application must be submitted on the form provided by the permitting authority. Paragraph (2) proposes to provide that all planning materials

required by §285.5(a)(2) of this title must be submitted. Paragraph (3) proposes to provide that the results of a site evaluation must be provided. Paragraph (4) proposes to provide that the location, type of systems, size of systems, and if permitted, information from the permit must be provided for all existing systems. Paragraph (5) proposes to provide that the appropriate fee must be submitted.

Section 285.8(c) proposes to provide that the permitting authority must submit the application package to the ED within five working days after receipt. The review will be completed by the ED within 30 days after receipt of the application package from the permitting authority.

Section 285.8(d) proposes to provide the procedures to follow as a result of the ED review. Paragraph (1) proposes to provide that if the ED determines that the systems may be permitted as an OSSF, the permitting authority shall issue either an authorization to construct, or a notice of approval. Paragraph (2) proposes to require that all multiple systems that do not meet the requirements in subsection (a) may be required to submit an application for either a permit under Chapter 205 or Chapter 305 of this title (relating to General Permits for Waste Discharges or Consolidated Permits, respectively) and an authorization under Chapter 331 of this title (relating to Underground Injection Control).

Section 285.8(e) proposes to indicate that all systems on the property, including existing systems, must meet the requirements of Chapter 285. This may require the owners of some existing systems to bring the systems into compliance with Chapter 285.

Section 285.8(f) proposes to specify the monitoring and reporting requirements for all of the systems on

the single tract of land. These provisions are necessary to ensure that all of the systems on the tract of land will comply with the requirement for an total combined annual average flow of 5,000 gpd.

Section 285.8(g) proposes to provide that if, as a result of the submittal of the reports required in subsection (f) of this section, the ED or the authorized agent determines that the systems no longer meet the requirement of this section, the owner shall either bring the systems into compliance with the section or submit an application for a permit under 30 TAC Chapter 205 or Chapter 305 and an authorization under 30 TAC Chapter 331.

FISCAL NOTE: COSTS TO STATE AND LOCAL GOVERNMENT

John Davis, Technical Specialist with Strategic Planning and Appropriations, determined that for the first five-year period the proposed rules are in effect, there will be no significant fiscal implications for the TNRCC and most units of state and local government due to administration and enforcement of the proposed rules. However, there could be cost savings for units of government that are currently required to apply for wastewater permits or an authorization for an injection well for camps, parks and other certain tracts of land.

The rules authorize owners of certain tracts of land over 100 acres to apply for OSSF permits instead of municipal wastewater permits. The commission estimates that the cost savings for a unit of government with a new facility that is allowed to be permitted as an OSSF instead of a municipal wastewater facility, would be approximately \$62,000 for the first year and \$12,000 each year thereafter. Facilities operating under a municipal wastewater permit could choose to transfer to an OSSF permit while

utilizing existing equipment, and would save approximately \$12,000 annually in operation and monitoring costs. OSSFs are one or more systems that treat and dispose of 5,000 gallons of wastewater or less each day and that are only used for disposal of sewage where the system is located.

The rules are intended to implement certain provisions of HB 2912 (an act relating to the continuation and functions of the commission; providing penalties), 77th Legislature, 2001. This rulemaking would allow owners and operators of all existing or new camping and park facilities in Texas, who want to install wastewater treatment devices and disposal facilities, to apply for OSSF permits instead of municipal wastewater permits or an authorization for an injection well. This bill provides the commission the authority to allow a multiple system of treatment devices and disposal facilities to be permitted as an OSSF if the system meets the following conditions: the proposed system would have to be located on a tract of land at least 100 acres in size; the system's total output could not exceed 5,000 gpd on an annual average basis; the system is used on a seasonal or intermittent basis; and the system is used only for disposal of sewage produced on the tract of land on which any part of the system is located.

The total number of new camps and parks that would qualify to apply for an OSSF permit instead of a municipal wastewater permit is unknown. There are at least 560 existing camp facilities that might be eligible to obtain an OSSF permit in lieu of a municipal wastewater permit. Examples of sites that may qualify to apply for OSSF permits include municipal and state-operated camps and parks.

The commission anticipates cost savings for units of state and local government that own or operate

existing or new camps or parks that would qualify for an OSSF permit instead of a municipal wastewater permit. Currently, an owner or operator of one of these facilities who wants to install wastewater treatment devices on his property would have to apply for a municipal wastewater permit, which is a costlier and more complicated process than seeking an OSSF permit. The typical costs associated with obtaining a municipal wastewater permit for a facility with the capacity to treat 5,000 gpd or less would be \$25,000 for design, \$60,000 to install, and \$18,000 for annual operation, maintenance, monitoring, and reporting. The total cost for the first year of operation (including the one-time design and installation, and ongoing costs) is estimated to be \$103,000.

The costs to design, install, and maintain an OSSF system of similar capacity is anticipated to be less. The commission estimates that the cost for an OSSF capable of treating 5,000 gpd or less would be approximately \$2,000 for design, \$32,000 to install, and \$6,000 for annual operation, maintenance, monitoring, and reporting costs. Additionally, one meter, costing approximately \$1,000, would be required for each system. The total costs for the first year of operation (including the one-time design and installation, and ongoing costs) would be \$41,000, or approximately 60% less than the costs for a similar size municipal system. Existing facilities operating under a municipal wastewater permit could choose to transfer to an OSSF permit while utilizing existing equipment, and would save approximately \$12,000 annually in operation and monitoring costs.

PUBLIC BENEFITS AND COSTS

Mr. Davis also determined that for each year of the first five years the proposed rules are in effect, the public benefit anticipated from enforcement of and compliance with the proposed rules will be

continued protection of the environment with cost savings for affected facilities that obtain an OSSF permit in lieu of a municipal wastewater permit, and potentially lower user fees to the public utilizing the facilities.

This rulemaking would implement certain provisions of HB 2912 that allow owners and operators of all existing or new camping and park facilities in Texas, who want to install wastewater treatment devices and disposal facilities, to apply for OSSF permits instead of municipal wastewater permits or an authorization for an injection well. This bill provides the commission the authority to allow a multiple system of treatment devices and disposal facilities to be permitted as an OSSF if the system meets the following conditions: the proposed system would have to be located on a tract of land at least 100 acres in size; the system's total output could not exceed 5,000 gpd on an annual average basis; the system is used on a seasonal or intermittent basis; and the system is used only for disposal of sewage produced on the tract of land on which any part of the system is located.

The total number of new camps and parks that would qualify to apply for an OSSF permit instead of a municipal wastewater permit is unknown. There are at least 560 existing camp facilities that might be eligible to obtain an OSSF permit in lieu of a municipal wastewater permit or an authorization for an injection well. Examples of sites that may qualify to apply for OSSF permits include Boy Scout camps, Girl Scout camps, church camps, YMCA camps, and municipal and state operated camps and parks.

The commission anticipates that there would be cost savings for individuals and businesses that own or operate existing or new camps or parks that would qualify for an OSSF permit instead of a municipal

wastewater permit. For similar sized systems capable of treating 5,000 gpd, the first year cost to design, install, and operate a municipal wastewater facility would be approximately \$103,000 instead of \$41,000 for an OSSF. The annual operating cost for an OSSF, estimated at \$6,000, would also be less compared to the annual operating costs of a municipal wastewater facility, estimated to be \$18,000. Existing facilities operating under a municipal wastewater permit could choose to transfer to an OSSF permit while utilizing existing equipment, and would save approximately \$12,000 annually in operation and monitoring costs.

SMALL BUSINESS AND MICRO-BUSINESS ASSESSMENT

There will be no adverse fiscal implications to small or micro-businesses as a result of implementing the proposed rules. Any small or micro-business operating certain new parks or camping facilities may experience cost savings of approximately \$62,000 for the first year, and \$12,000 per year thereafter due to implementation of these rules. Facilities operating under a municipal wastewater permit could choose to transfer to an OSSF permit while utilizing existing equipment, and would save approximately \$12,000 annually in operation and monitoring costs. This rulemaking would implement certain provisions of HB 2912 that would allow owners and operators of all existing or new camping and park facilities in Texas, who want to install wastewater treatment devices and disposal facilities, to apply for OSSF permits instead of municipal wastewater permits or authorizations for injection wells.

This bill provides the commission the authority to allow a multiple system of treatment devices and disposal facilities to be permitted as an OSSF if the system meets the following conditions: the proposed system would have to be located on a tract of land at least 100 acres in size; the system's total

output could not exceed 5,000 gpd on an annual average basis; the system is used on a seasonal or intermittent basis; and the system is used only for disposal of sewage produced on the tract of land on which any part of the system is located.

The total number of new camps and parks that would qualify to apply for an OSSF permit instead of a municipal wastewater permit is unknown. There are at least 560 existing camp facilities that might be eligible to obtain an OSSF permit in lieu of a municipal wastewater permit, some of which are owned and operated by small and micro-businesses, which may qualify.

The commission anticipates that there would be cost savings for small or micro-businesses that own or operate existing or new camps or parks that would qualify for an OSSF permit instead of a municipal wastewater permit. For similar sized systems capable of treating 5,000 gpd, the first year cost to design, install, and operate a municipal wastewater facility would be approximately \$103,000 instead of \$41,000 for an OSSF. The annual operating cost for an OSSF, estimated at \$6,000, would also be less compared to the annual operating costs of a municipal wastewater facility, estimated to be \$18,000.

The time to receive a permit for an OSSF would also be much quicker. The commission or a local authorized agent normally take between two weeks and two months to process a request for an OSSF permit, while the commission usually takes between nine months to over a year to process a request for a municipal wastewater permit.

The following is an analysis of the potential costs savings per employee for small or micro-businesses affected by the proposed rules. Small and micro-businesses are defined as having fewer than 100 or 20

employees, respectively. A small business that intends to obtain an OSSF in lieu of a municipal wastewater permit for a new facility would save approximately \$620 in the first year and \$120 annually per employee throughout the duration of the permit. A micro-business that intends to obtain an OSSF in lieu of a municipal wastewater permit for a new facility would save approximately \$3,100 in the first year and \$600 annually per employee throughout the duration of the permit.

LOCAL EMPLOYMENT IMPACT STATEMENT

The commission reviewed this proposed rulemaking and determined that a local employment impact statement is not required because the proposed rules do not adversely affect a local economy in a material way for the first five years that the proposed rules are in effect.

DRAFT REGULATORY IMPACT ANALYSIS DETERMINATION

The commission has reviewed the proposed rulemaking in light of the regulatory analysis requirements of Texas Government Code, §2001.0225, and determined that the rulemaking is not subject to §2001.0225 because it does not meet the definition of a major environmental rule. "Major environmental rule" means a rule, the specific intent of which, is to protect the environment or reduce risks to human health from environmental exposure and that may adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, or the public health and safety of the state or a sector of the state. These rules are proposed to protect the environment but are not expected to adversely affect the economy of the state in a material way.

These proposed rules are anticipated to have a minimal effect on the economy, competition, and jobs,

although they enhance the protection of the environment and the public health and safety of citizens of the state. The proposed rules incorporate multiple systems provisions from HB 2912, §20.03, 77th Legislature into proposed new §285.8.

These proposed revisions are not a major rule and do not meet any of the four requirements that apply to a major environmental rule. Under Texas Government Code, §2001.0225 these rules do not exceed a standard set by federal law or a requirement of a delegation agreement or contract between the state and an agency or representative of the federal government to implement a state and federal program. The EPA does not have a federal program for OSSFs and does not establish requirements for states that implement their own OSSF programs. Thus, the proposed rules do not exceed a standard set by federal law nor exceed the requirement of a delegation agreement because there is no federal authorization for on-site sewage disposal systems.

These revisions do not adopt a rule solely under the general powers of the commission and do not exceed an express requirement of state law. The requirements that would be implemented through these rules are expressly defined under THSC, Chapter 366, which requires the commission to enact rules governing the installation of OSSFs.

TAKINGS IMPACT ASSESSMENT

The commission prepared a takings impact assessment for these rules in accordance with Texas Government Code, §2007.43. The purpose of these revisions is to clarify and define minimum standards to ensure that OSSFs meet the requirements of the law and adequately protect the consumer

and the environment from potential exposure to raw sewage resulting from improper installation, operation, and maintenance of sewage facilities, which could result in the discharge of sewage into the environment. These revisions do not provide the commission with any additional authority or jurisdictional responsibility related to OSSFs.

The specific purpose of the proposed rules is to incorporate multiple systems provisions from HB 2912, §20.03, 77th Legislature into proposed new §285.8.

These rules are proposed in an effort to reasonably fulfill an obligation mandated by state law to implement the OSSF program and will substantially advance the implementation of the requirements under THSC, Chapter 366. Promulgation and enforcement of these proposed rules will not affect private real property. Therefore, the commission has determined that these rules will not result in a takings.

CONSISTENCY WITH THE COASTAL MANAGEMENT PROGRAM

The commission has reviewed the proposed rulemaking and found that the proposal is a rulemaking identified in Coastal Coordination Act Implementation Rules, 31 TAC Chapter 505, §505.11(b)(2), relating to Actions and Rules Subject to the Texas Coastal Management Program. The Coastal Coordination Act requires that applicable goals and policies of the Texas Coastal Management Program (CMP) be considered during the rulemaking process. The commission has determined that the proposed rules are in accordance with 31 TAC §505.22, and has found that the proposed rulemaking is consistent with the applicable CMP goals and policies.

The goals of the CMP are: to protect, preserve, restore, and enhance the diversity, quality, quantity, functions, and values of coastal natural resource areas; to ensure sound management of all coastal resources by allowing for compatible economic development and multiple human uses of the coastal zone; to ensure and enhance planned public access to and enjoyment of the coastal zone in a manner that is compatible with private property rights and other uses of the coastal zone; and to balance these competing interests.

The specific CMP goals applicable to these proposed rules require that rules governing OSSFs shall require those systems to be located, designed, operated, inspected, and maintained so as to prevent release of pollutants that may adversely affect coastal waters. Promulgation and enforcement of these rules will not violate any standards identified in the applicable CMP goals because the standards specified in the rules are intended to reduce discharge of pollutants regardless of location.

The commission seeks public comment on the consistency of the proposed rules with applicable CMP goals and policies.

ANNOUNCEMENT OF HEARING

A public hearing on this proposal will be held on March 26, 2002, in Austin at 10:00 a.m. in Building C, Room 131E at the TNRCC central office located at 12100 Park 35 Circle. Individuals may present oral or written statements when called upon in order of registration. There will be no open discussion during the hearing; however, an agency staff member will be available to discuss the proposal 30 minutes prior to the hearing and will answer questions before and after the hearing.

Persons with disabilities who have special communication or other accommodation needs, who are planning to attend the hearing, should contact the Office of Environmental Policy, Analysis, and Assessment at (512) 239-4900. Requests should be made as far in advance as possible.

SUBMITTAL OF COMMENTS

Comments may be submitted to Patricia Durón, MC 205, Texas Natural Resource Conservation Commission, Office of Environmental Policy, Analysis, and Assessment, MC 205, P.O. Box 13087, Austin, Texas 78711-3087; or by fax at (512) 239-4808. All comments should reference Rule Log Number 2001-096-285-WT. Comments must be received by 5:00 p.m., April 1, 2002. For further information, please contact Joseph Thomas, Policy and Regulations Division, (512) 239-4580.

STATUTORY AUTHORITY

The amendment and new section are proposed under HB 2912, §20.03, 77th Legislature, which provides that the commission may permit multiple OSSFs that are on large tracts of land, are used on a seasonal or intermittent basis, produce less than 5,000 gpd, and are only used to dispose of sewage produced on the tract of land where the OSSF is located.

The amendment and new section are also proposed under the general authority granted to the commission in THSC, §366.011, which provides the commission with authority over the location, design, construction, installation, and functioning of OSSFs. Additionally, §366.11 requires the commission to administer Chapter 366 and rules adopted under the chapter. The revisions will be implemented according to THSC, §366.012(a)(1), which requires the commission to adopt rules

governing the installation of OSSFs; THSC, §366.053(b), which authorizes the commission to adopt rules governing the submission, review, approval, or rejection of OSSF permits; and THSC, §366.058, which requires adoption of rules addressing permit fees.

The amendment and new section also implement the general authority granted in Texas Water Code (TWC), §5.013, which establishes the general jurisdiction of the commission over areas of responsibility as assigned to the commission under the TWC and other laws of the state; §5.103 and §5.105, which authorize the commission to adopt rules and policies necessary to carry out its responsibilities and duties under TWC, §5.013(15); and TWC, §7.002, which authorizes the commission to enforce provisions of the TWC and THSC.

SUBCHAPTER A: GENERAL PROVISIONS

§285.5, §285.8

§285.5. Submittal Requirements for Planning Materials.

(a) Submittal of planning material. Planning materials required under this chapter shall be submitted by the owner, or owner's agent, to the permitting authority for review and approval according to this section. All planning materials shall comply with this chapter and shall be submitted according to §285.91(9) of this title (relating to Tables). A legal description of the property where an on-site sewage facility (OSSF) [OSSF] is to be installed must be included with the permit application. Additionally, a scale drawing of the OSSF, all structures served by the OSSF, and all items specified in §285.30(b) of this title (relating to Site Evaluation) and §285.91(10) of this title (relating to Tables) must be included with the permit application.

(1) (No change.)

(2) Planning materials prepared by a professional engineer or professional sanitarian. OSSF planning materials shall be prepared by a professional engineer or professional sanitarian (with appropriate seal, date, and signature) as follows, unless otherwise specified in this chapter:

(A) (No change.)

(B) any proposal for an OSSF to serve manufactured housing communities,

recreational vehicle parks, or multi-unit residential developments where spaces are rented or leased;

[or]

(C) all subdivision and development plans as required in §285.4(c) of this title
(relating to Facility Planning); or [.]

(D) a proposal for multiple treatment and disposal systems on large tracts of
land.

(3) (No change.)

(b) (No change.)

§285.8. Multiple On-Site Sewage Facility (OSSF) Systems on One Large Tract of Land.

(a) The executive director may authorize the permitting authority to issue a permit for multiple
treatment and disposal systems on a tract of land as an OSSF, instead of as a municipal wastewater
treatment facility, if:

(1) the systems are located on a tract of land of 100 acres or more;

(2) the systems are used on a seasonal or intermittent basis, which means:

(A) no more than 60 weekdays (Monday through Thursday) during a calendar year;

(B) only on weekends (Friday through Sunday); or

(C) any combination of weekends plus 60 weekdays or less during a calendar year;

(3) the combined flow, calculated using either actual water use data or the data from §285.91(3) of this title (relating to Tables), from all systems is less than 5,000 gallons per day (gpd) on an annual average basis (the arithmetic average of all daily flows from the preceding 12 consecutive calendar months);

(4) the peak flow, calculated using either actual water use data or the data from §285.91(3) of this title, for each individual system is less than 5,000 gpd; and

(5) the systems are used only for disposal of sewage produced on the tract of land where the systems are located.

(b) To obtain an OSSF permit for multiple treatment and disposal systems, the owner or owner's agent must submit the following to the permitting authority:

(1) an application on the form provided by the permitting authority;

(2) all planning materials according to §285.5(a)(2) of this title (relating to Submittal Requirements for Planning Materials). The planning materials must include details on all existing systems, as well as any proposed new systems;

(3) the results of a site evaluation, conducted according to §285.30 of this title (relating to Site Evaluation);

(4) the location, types of systems, size of systems, and if permitted, information from the permit for all existing systems; and

(5) the appropriate fee.

(c) The permitting authority must submit the items listed in subsection (b) of this section to the executive director within five working days after receipt. The executive director shall review the materials submitted and respond in writing to the owner or the owner's agent, and to the permitting authority, within 30 working days after receipt of the materials listed in subsection (b) of this section from the permitting authority.

(d) Executive Director Determination.

(1) If the executive director determines that the systems may be permitted as an OSSF, the permitting authority shall issue an authorization to construct for all new systems and a permit for existing systems. If the permitting authority issues an authorization to construct, all steps in §285.3(d) and (e) of this title (relating to General Requirements) must be followed before the system receives a notice of approval.

(2) If the executive director determines that the systems do not meet the requirements of this section, the owner may be required to submit an application for either a permit under Chapters 205 or 305 of this title (relating to General Permits for Waste Discharges or Consolidated Permits, respectively) and an authorization under Chapter 331 of this title (relating to Underground Injection Control).

(e) In order to receive a notice of approval, all systems on the property, including the existing systems, must meet the requirements of this chapter.

(f) The owner shall submit a report of the flow data to both the permitting authority and the executive director once a year in the month following the anniversary month of the receipt of the notice of approval. The reported flows shall be based on sewage flows measured by a totalizing meter installed at each individual system. The flows shall be recorded in a table by calendar month. The table shall give a continuous average of flows.

(g) If, as a result of the submittal of the reports required in subsection (f) of this section, the

executive director and the authorized agent determine that the systems no longer meet the requirements of this section, the owner shall either bring the systems into compliance with this section or submit an application for a permit under Chapter 205 or Chapter 305 of this title and an authorization under Chapter 331 of this title.