SUBCHAPTER E: SPECIAL REQUIREMENTS FOR OSSFS LOCATED IN THE EDWARDS AQUIFER RECHARGE ZONE

§§285.40 - 285.42
Effective June 13, 2001

§285.40. OSSFs on the Recharge Zone of the Edwards Aquifer.

(a) Applicability. The following additional provisions apply to the Edwards Aquifer recharge zone as defined in §285.2 of this title (relating to Definitions) and are not intended to be applied to any other areas in the State of Texas.

(b) Additional application requirements for new OSSFs. All planning materials shall be submitted to the permitting authority by a professional engineer or professional sanitarian.

(c) Conditions for obtaining an authorization to construct. In order to obtain an authorization to construct in the Edwards Aquifer recharge zone, the following conditions must be met.

(1) Minimum lot sizes. Each lot or tract of land on the recharge zone on which OSSFs are to be located shall have an area of at least one acre (43,560 square feet) per single family dwelling.

(2) Minimum separation distances from recharge features.

(A) No sewage treatment tank or holding tank may be located within 50 feet of a recharge feature as defined in §285.2 of this title.

(B) No soil absorption system may be located within 150 feet of a recharge feature.

(C) Additional separation distances in §285.91(10) of this title (relating to Tables) shall be used.

(d) Existing OSSFs. OSSFs shall comply with the provisions of this subchapter except as provided under §285.3(f)(1) of this title (relating to General Requirements). If the OSSF is required to have a new permit, the permit shall be obtained according to §285.3 of this title. An OSSF installed on the recharge zone before April 11, 1977, in either Uvalde or Kinney Counties is not required to be permitted, provided the OSSF is not causing pollution, is not a threat to the public health, is not a nuisance, and has not been altered.

(e) Exceptions for certain lots. Lots platted and recorded with the following counties in their official plat record, deed, or tax records before the date indicated in this subsection, are exempted from the one-acre minimum lot size requirement, according to the conditions of subsection (f) of this section. However, an Edwards Aquifer protection plan under Chapter 213 of this title (relating to Edwards Aquifer) may be required for construction of regulated activities, including home construction:
(1) Kinney, Uvalde, Medina, Bexar, and Comal Counties--March 26, 1974;

(2) Hays County--June 21, 1984;

(3) Travis County--November 21, 1983; and


(f) Notice. Any owner who divides his property into two or more residential lots, on which any part of the OSSF will be on the recharge zone, must inform, in writing, each prospective purchaser, lessee, or renter of the following:

(1) which lots within the regulated development are subject to the terms and conditions of this section;

(2) that an authorization to construct shall be required before an OSSF can be constructed in the subdivision;

(3) that a notice of approval shall be required for the operation of an OSSF; and

(4) whether an application for a water pollution abatement plan as defined in Chapter 213 of this title has been made, whether it has been approved, and if any restrictions or conditions have been placed on that approval.

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(a) An Edwards Aquifer protection plan as defined in Chapter 213 of this title (relating to Edwards Aquifer) shall be approved by the appropriate regional office before an authorization to construct may be issued for an OSSF by a permitting authority.

(b) For projects where an Edwards Aquifer protection plan has been approved by a regional office, the written notice required in §285.40(f) of this title (relating to OSSFs on the Recharge Zone of the Edwards Aquifer) shall include the separation distance requirements to any existing or possible recharge features found on the proposed lot or lots. The location of recharge features can be obtained from the designated representative or authorized agent of the county where the development will take place, from an affected groundwater conservation district, or as identified in the water pollution abatement plan for the proposed lot or lots as provided in §213.5(b)(4)(F)(ii) of this title (relating to Required Edwards Aquifer Protection Plans, Notification, and Exemptions).

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§285.42. Other Requirements.

(a) If any recharge feature is discovered during construction of an OSSF, all regulated activities near the feature shall be suspended immediately. The owner shall immediately notify the appropriate regional office of the discovery of the feature. Activities regulated under Chapter 213 of this title (relating to Edwards Aquifer) or this chapter shall not proceed near the feature until the permitting authority, in conjunction with the appropriate regional office, has reviewed and approved a plan proposed to protect the feature, the structural integrity of the OSSF, and the water quality of the aquifer. The plan shall be sealed, signed, and dated by a professional engineer.

(b) No OSSF may be installed closer than 75 feet from the banks of the Nueces, Dry Frio, Frio, or Sabinal Rivers downstream from the northern Uvalde county line to the recharge zone.

(c) Additional requirements may apply as required by the permitting authority’s order, ordinance, or resolution.

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