

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF THE APPLICATION § BEFORE THE EXECUTIVE
OF THE COUNTY OF PARKER § DIRECTOR OF THE TEXAS
FOR A TEXAS HEALTH AND SAFETY § COMMISSION ON
CODE §366.031 ORDER § ENVIRONMENTAL QUALITY

On **OCT 05 2007** the Executive Director of the Texas Commission on Environmental Quality ("Commission" or "TCEQ"), considered the application of the County of Parker, ("Applicant" or "Parker"), for an Order pursuant to §366.031, Texas Health and Safety Code ("Code"), and 30 Texas Administrative Code (TAC) §285.10 of the rules of the Commission.

No person has requested a public hearing on the application, therefore the Executive Director, on behalf of the Commission, is satisfied that the Applicant has satisfied the requirements of §366.031 of the Code and, therefore, the Commission finds that the Parker County Order should be approved.

FINDINGS OF FACT

1. The County of Parker drafted a proposed amendment to the current order which regulates on-site sewage facilities.
2. On August 23, 2007 the County of Parker caused notice to be published, in a newspaper regularly published and of general circulation, in the Applicant's area of jurisdiction, of a public meeting to be held on Monday, August 27, 2007.
3. The County of Parker held a public meeting to discuss the proposed amendment on August 27, 2007.
4. Parker County's Order regulating on-site sewage facilities was adopted on August 27, 2007.
5. A certified copy of the minutes was submitted to the Texas Commission on Environmental Quality.
6. A certified copy of the Parker County Order was submitted to the Texas Commission on Environmental Quality.
7. The order is at least equivalent to the standards of the Texas Commission on Environmental Quality.

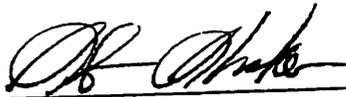
CONCLUSIONS OF LAW

1. The above facts are conditions sufficient to issue this order pursuant to §366.031 of the Code.
2. Section 5.102 of the Texas Water Code authorizes the Commission to issue orders and make determinations necessary to effectuate the purposes of Chapter 366 of the Health and Safety Code and / or within the Commission's jurisdiction and who provides no comment on other statutory authority.
3. Issuance of this order will effectuate the purposes of Chapter 366 of the Code.

NOW, THEREFORE, BE IT ORDERED BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY THAT:

1. The County of Parker is hereby authorized to implement its Order which regulates on-site sewage facilities.
2. Any amendments to the Parker County Order must be approved by the Texas Commission on Environmental Quality.
3. The Chief Clerk of the Commission is directed to forward a copy of this Order and the Applicant's adopted order, ordinance, or resolution, marked as Exhibit "A", to the Applicant and all other parties and to issue the Order and cause it to be recorded in the files of the Commission.

Issued this date: OCT 05 2007



Executive Director
Texas Commission on Environmental Quality

EXHIBIT "A"

ORDER ADOPTING RULES OF PARKER COUNTY, TEXAS
FOR ON-SITE SEWAGE FACILITIES
PREAMBLE

WHEREAS, the Texas Commission on Environmental Quality has established Rules for on-site sewage facilities to provide the citizens of this State with adequate public health protection and a minimum of environmental pollution; and

WHEREAS, the Legislature has enacted legislation, codified, as Texas Health and Safety Code, Chapter 366, which authorizes a local government to regulate the use of on-site sewage facilities in its jurisdiction in order to abate or prevent pollution or injury to public health arising out of the use of on-site sewage facilities; and

WHEREAS, due notice was given of a public meeting to determine whether the Commissioners Court of Parker County, Texas should enact an order controlling or prohibiting the installation or use of on-site sewage facilities in the County of Parker, Texas; and

WHEREAS, the Commissioners Court of Parker County, Texas finds that the use of on-site sewage facilities in Parker County, Texas is causing or may cause pollution, and is injuring or may injure the public health; and

WHEREAS, the Commissioners Court of Parker County, Texas has considered the matter and deems it appropriate to enact an Order adopting Rules regulating on-site sewage facilities to abate or prevent pollution, or injury to public health in Parker County, Texas.

NOW, THEREFORE, BE IT ORDERED BY THE COMMISSIONERS COURT OF PARKER COUNTY, TEXAS:

SECTION 1. THAT the matters and facts recited in the preamble hereof are hereby found and determined to be true and correct;

SECTION 2. THAT the use of on-site sewage facilities in Parker County, Texas is causing or may cause pollution or is injuring or may injure the public health;

SECTION 3. THAT an Order for Parker County, Texas be adopted entitled "On-Site Sewage Facilities", which shall read as follows:

A CERTIFIED COPY
Attest: 7-6, 2007
JEANE BRUNSON, COUNTY CLERK
Parker County, Texas
Deputy *Leslie Coufal*
LESLIE COUFAL

AN ORDER ENTITLED ON-SITE SEWAGE FACILITIES

SECTION 4. CONFLICTS.

This Order repeals and replaces any other On-site Sewage Facility order for Parker County.

SECTION 5. CHAPTER 366.

The County of Parker, Texas clearly understands that there are technical criteria, legal requirements, and administrative procedures and duties associated with regulating on-site sewage facilities, and will fully enforce Chapter 366 of the Texas Health and Safety Code (H&SC) and Chapters 7 and 37 of the Texas Water Code (TWC), and associated rules referenced in Section 8 of this Order.

SECTION 6. AREA OF JURISDICTION.

(A) The Rules shall apply to all the area lying in Parker County, Texas, except for the area regulated under an existing Rule and the areas within incorporated cities.

(B) These Rules shall apply to those incorporated cities or towns that have executed intergovernmental contracts with Parker County, Texas.

SECTION 7. ON-SITE SEWAGE FACILITY RULES.

Any permit issued for an on-site sewage facility within the jurisdictional area of Parker County, Texas must comply with the Rules adopted in Section 8 of this Order.

SECTION 8. ON-SITE SEWAGE FACILITY RULES ADOPTED.

The Rules, Title 30 Texas Administrative Code (TAC) Chapter 285 and Chapter 30, attached hereto, promulgated by the Texas Commission on Environmental Quality for on-site sewage facilities are hereby adopted, and all officials and employees of Parker County, Texas having duties under said Rules are authorized to perform such duties as are required of them under said Rules.

SECTION 9. INCORPORATION BY REFERENCE.

The Rules, 30 TAC Chapters 30 and 285 and all future amendments and revisions thereto are incorporated by reference and are thus made a part of these Rules. A copy of the current Rules is attached to these Rules as Appendix A.

A CERTIFIED COPY
Attest: 9-6, 2007
JEANE BRUNSON, COUNTY CLERK
Parker County, Texas
Deputy Leslie Coufal
LESLIE COUFAL

SECTION 10. AMENDMENTS.

The County of Parker, Texas wishing to adopt more stringent Rules for its On-Site Sewage Facility Order understands that the more stringent conflicting local Rule shall take precedence over the corresponding Texas Commission on Environmental Quality requirement. Listed below are the more stringent Rules adopted by Parker County, Texas:

- (A) Lot Sizing: Lot size requirements are a minimum of one acre regardless of water source.
- (B) Permit Requirements: All on-site sewage facilities installed in Parker County must be permitted.
- (C) Site Evaluations: Site evaluations are limited to professional engineers, professional sanitarians and designated representatives who have earned a site evaluator certification.
- (D) Maintenance Requirements: Any on-site sewage disposal system using aerobic treatment shall have a maintenance contract on that system. All contracted maintenance of an on-site sewage facility using aerobic treatment shall be conducted by a TCEQ registered maintenance company. There shall be no homeowner/property owner maintenance of an on-site sewage disposal system using aerobic treatment unless the property owner/homeowner is certified by the manufacturer of that system or is a OSSF licensed installer who has been certified by the manufacturer for their system. Testing and reporting requirements specified in Title 30, TAC, Section 285.7 shall be in effect.

SECTION 11. DUTIES AND POWERS.

The OSSF Inspector of Parker County, Texas, must be certified by the Texas Commission on Environmental Quality before assuming the duties and responsibilities.

SECTION 12. COLLECTION OF FEES.

All fees collected for permits and/or inspections shall be made payable to Parker County, Texas.

SECTION 13. APPEALS.

Persons aggrieved by an action or decision of the designated representative may appeal such action or decision to the Commissioners Court of Parker County, Texas.

SECTION 14. PENALTIES.

This Order adopts and incorporates all applicable penalty provisions related to on-site sewage facilities, which includes, but is not limited to, those found in Chapters 341 and 366 of the Texas Health and Safety Code, Chapters 7, 26, and 37 of the Texas Water Code and 30 TAC Chapters 30 and 285.

SECTION 15. SEVERABILITY

It is hereby declared to be the intention of the Commissioners Court of Parker County, Texas, that the phrases, clauses, sentences, paragraphs, and sections of this Order are severable, and if any phrase, clause, sentence, paragraph, or section of this Order should be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Order, since the same would have been enacted by the Commissioners Court without incorporation in this Order of such unconstitutional phrases, clause, sentence, paragraph, or section.

A CERTIFIED COPY
Attest: 9-16, 2007
JEANE BRUNSON, COUNTY CLERK
Parker County, Texas
Deputy: Leslie Coufal
LESLIE COUFAL

SECTION 16. EFFECTIVE DATE.

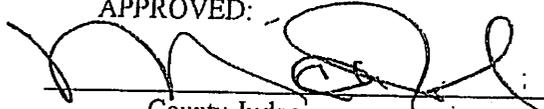
This Order shall be in full force and effect from and after its date of approval as required by law and upon the approval of the Texas Commission on Environmental Quality.

AND IT IS SO ORDERED:

PASSED AND APPROVED THIS 27th DATE OF Aug, 2007

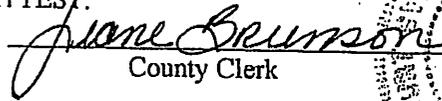
(SEAL)

APPROVED:

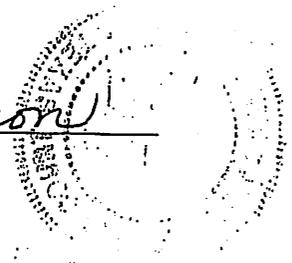


County Judge

ATTEST:



County Clerk



A CERTIFIED COPY
Attest: 9-6, 2007
JEANE BRUNSON, COUNTY CLERK
Parker County, Texas
Deputy: Leslie Coufal
LESLIE COUFAL