

**ORDER ADOPTING RULES OF TRINITY 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 Trinity County, Texas should enact an order controlling or prohibiting the installation or use of on-site sewage facilities in the County of Trinity, Texas; and

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

WHEREAS, the Commissioners Court of Trinity 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 Trinity County, Texas.

**NOW, THEREFORE, BE IT ORDERED BY THE COMMISSIONERS
COURT OF TRINITY 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 Trinity County, Texas is causing or may cause pollution or is injuring or may injure the public health;

SECTION 3.

THAT an Order for Trinity County, Texas be adopted entitled "On-Site Sewage Disposal", which shall read as follows:

AN ORDER ENTITLED ON-SITE SEWAGE DISPOSAL

SECTION 4. CONFLICTS.

All Orders or parts of the Orders of Trinity County, Texas not consistent with or in conflict with the provisions of this Order are hereby repealed.

SECTION 5. CHAPTER 366.

The County of Trinity, 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.

SECTION 6. AREA OF JURISDICTION.

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

SECTION 7. ON-SITE SEWAGE FACILITY RULES.

Any structure discharging sewage into an on-site sewage facility within the jurisdictional area of Trinity County, Texas must comply with the Rules adopted in Section 8 of this order.

SECTION 8. ON-SITE SEWAGE FACILITY RULES ADOPTED.

The Rules, "Design Criteria For On-Site Facilities" and Texas Administrative Rules 30 TAC 282.1-285.91, attached hereto, promulgated by the Texas Commission on Environmental Quality for on-site sewage facilities are hereby adopted, and all officials and employees of Trinity 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 Design Criteria 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 Design Criteria is attached to these Rules as Appendix I.

SECTION 10. DUTIES AND POWERS.

The Designated representative of Trinity County, Texas is herewith declared the designated representative for the enforcement of these Rules within its jurisdictional area. The appointed individual(s) must be approved and certified by the Texas Natural Resource Conservation Commission before assuming the duties and responsibilities of the Designated Representative of Trinity County, Texas.

SECTION 11. COLLECTION OF FEES.

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

SECTION 12. APPEALS.

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

SECTION 13. 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 14. SEVERABILITY

It is hereby declared to be the intention of the Commissioners Court of Trinity 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.

SECTION 15. RELINQUISHMENT OF ORDER

If the Commissioners' Court of Trinity County, Texas decides that it no longer wishes to regulate on-site sewage facilities in its area of jurisdiction the Commissioners' Court shall follow the procedures outline below:

The Commissioners' Court shall inform the Texas natural Resource Conservation Commission by certified mail at least 30 days before the published date of the public hearing notice that it wishes to relinquish its on-Site Facility Order.

The authorized agent shall post the required public notice in a newspaper regularly published or circulated in the area of jurisdiction at least 30 days prior to the anticipated date of action by the authorized agent.

The authorized agent shall send a copy of the public notice, a publisher's affidavit of public notice, and a certified copy of the minutes to the Texas Natural Resource Conservation Commission.

The executive director shall process the request for relinquishment and may issue an order relinquishing the authority to regulate On-Site Sewage Facilities within the authorized agent's jurisdiction or may refer the request to relinquish to the commission.

Prior to issuance of a relinquishment order the local governmental entity and the executive director shall determine the exact date the authorized agent would surrender its authorized agent designation to the executive director.

SECTION 16. RELINQUISHMENT OF ORDER

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 Natural Resource Conservation commission.

AND IT IS ORDERED.

PASSED AND APPROVED THIS 20th DAY OF May, 1999.

APPROVED:

Mark Evans, County Judge

Attest:

Diane McCrory, County Clerk