COURT ORDER NO. 2008- 187 -03-11

THE STATE OF TEXAS

COUNTY OF COLLIN

Subject: Resolution, Rules for On-Site Sewage Facilities – Development Services

On **March 11, 2008,** the Commissioners Court of Collin County, Texas, met in **regular session** with the following members present and participating, to wit:

Keith Self	**County Judge, Presiding**
Phyllis Cole	**Commissioner, Precinct 1**
Jerry Hoagland	**Commissioner, Precinct 2**
Joe Jaynes	**Commissioner, Precinct 3**
Jack Hatchell	**Commissioner, Precinct 4**

During such session the court considered a request for approval of the attached resolution adopting the rules of Collin County, Texas for On-Site Sewage Facilities.

Thereupon, a motion was made, second and carried with a majority vote of the court for approval of the attached resolution adopting the rules of Collin County, Texas for On-Site Sewage Facilities. Same is hereby approved in accordance with the attached documentation.

Keith Self, County Judge

Phyllis Cole, Commissioner, Pct. 1

~ No Vote ~

Jerry Hoagland, Commissioner, Pct. 2

Joe Jaynes, Commissioner, Pct. 3

Jack Hatchell, Commissioner, Pct. 4

COUNTY COURT OF COLLIN COUNTY, TEXAS

ATTEST:

Stacey Kemp, Ex-Officio Clerk
Commissioners' Court
Collin County, T E X A S

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

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

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

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

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

SECTION 4. CONFLICTS.

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

SECTION 5. CHAPTER 366.

The County of Collin, 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 Collin County, Texas, except for the area regulated under an existing Rule and the areas within incorporated cities.

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

SECTION 7. ON-SITE SEWAGE FACILITY RULES.

Any permit issued for an on-site sewage facility within the jurisdictional area of Collin 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 Collin 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 are attached to these Rules as Appendix I.

SECTION 10. AMENDMENTS. (OPTIONAL)

The County of Collin, 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 Collin County, Texas:

(a) Platted or unplatted subdivisions of land served by a public water supply, but utilizing on-site sewage facility methods for sewage disposal, platted or subdivided after the effective date of the original order (Court Order # 83-194-4-4, effective April 4th, 1983) shall provide for individual lots having a USEABLE surface area of at least one (1) acre.
(b) Platted or unplatted subdivisions of land served by individual water systems and utilizing on-site sewage facility methods for sewage disposal, platted or subdivided after the effective date of the original order (Court Order # 97-812-11-24, effective November 24th, 1997) shall provide for individual lots having a USEABLE surface area of at least one and one half (1.5) acres.
(c) Either a registered professional sanitarian (with a current site-evaluator's certification) or registered professional engineer shall perform all site evaluations and complete any OSSF designs, as-builts or system certifications.
(d) All OSSF systems in Collin County's jurisdiction shall be subject to Licensing Requirements regardless of lot size.
(e) Maintenance inspections shall be performed ever four months, with no fewer than 120 days and no more than 130 days between inspections.
(f) All surface irrigation spray heads shall be subsurface (pop-up) heads.
(g) Any/all required OSSF maintenance must be performed by an appropriately licensed OSSF Professional – home/property owner maintenance allowed only if the owner has a minimum of Class D Wastewater License and proof of training by an appropriately licensed OSSF Professional. Any home/property owner that will be maintaining their own system must submit an annual letter stating intent to maintain their own system for the year to Collin County Development Services, along with copies of current WWD (or higher) license and training certification. Additionally, homeowners maintaining their own systems must perform all required testing and submit reports to Collin County Development Services 3 times a year as required by TCEQ and Collin County OSSF regulations.
(h) Annual BOD testing required for any non-residential OSSF (or any residential OSSF that also receives wastewater from a non-residential source/use). BOD test results must be submitted to Collin County.
(i) In addition to the required, weather resistant tag on the OSSF, Maintenance Providers must submit written notification (door hanger, mailed letter or email) to the OSSF owner within 7 days of routine maintenance visit or visit in response to a complaint. The notification must include the date and time of the visit, the nature of the visit, the findings of the visit and (if applicable) the date and time of any necessary follow-up visits related to complaints.

SECTION 10 or 11. DUTIES AND POWERS.

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

SECTION 11 or 12. COLLECTION OF FEES.

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

SECTION 12 or 13. APPEALS.

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

SECTION 13 or 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 14 or 15. SEVERABILITY

It is hereby declared to be the intention of the Commissioners Court of Collin 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 judgement 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 or 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 11th DATE OF MARCH, 2008.

APPROVED: _____
County Judge

(SEAL)

ATTEST: _____
County Clerk