

Brooke T. Paup, *Chairwoman*
Bobby Janecka, *Commissioner*
Catarina R. Gonzales, *Commissioner*
Kelly Keel, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

July 22, 2025

The Honorable John Durrenberger
Washington County Judge
Washington County Courthouse
100 East Main Street
Brenham, Texas 77833

RE: Washington County
On Site Sewage Facility No. 620197

This letter is your notice that the Texas Commission on Environmental Quality (TCEQ) executive director (ED) has acted on the above-named application. According to 30 Texas Administrative Code (TAC) Section 50.135 the ED's action became effective on the date the ED signed the permit or other action. A copy of the final action is enclosed and cites the effective date.

For certain matters, a **motion to overturn**, which is a request that the commission review the ED's action on an application, may be filed with the chief clerk. Whether a motion to overturn is procedurally available for a specific matter is determined by Title 30 of the Texas Administrative Code Chapter 50. According to 30 TAC Section 50.139, an action by the ED is not affected by a motion to overturn filed under this section unless expressly ordered by the commission.

If a motion to overturn is filed, the motion must be received by the chief clerk within 23 days after the date of this letter. An original motion must be filed with the chief clerk in person or by mail. The Chief Clerk's mailing address is Office of the Chief Clerk (MC 105), TCEQ, P.O. Box 13087, Austin, Texas 78711-3087. On the same day the motion is transmitted to the chief clerk, please provide copies to the Environmental Law Deputy Director (MC 173), and the Public Interest Counsel (MC 103), both at the same TCEQ address listed above. If a motion is not acted on by the commission within 45 days after the date of this letter, then the motion shall be deemed overruled.

You may also request **judicial review** of the ED's action. The procedure and timelines for seeking judicial review of a commission or ED action are governed by Texas Water Code Section 5.351.

Individual members of the public may seek further information by calling the TCEQ Public Education Program, toll free, at 1-800-687-4040.

Sincerely,

A handwritten signature in black ink that reads "Laurie Gharis".

Laurie Gharis
Chief Clerk

LG/cb

cc: Garrett T. Arthur, TCEQ Public Interest Counsel (MC 103)

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF THE
APPLICATION OF
WASHINGTON COUNTY
FOR A TEXAS HEALTH AND SAFETY
CODE §366.031 ORDER

§ BEFORE THE EXECUTIVE
§ DIRECTOR OF THE TEXAS
§ COMMISSION ON
§ ENVIRONMENTAL
§ QUALITY

On July 17, 2025, the Executive Director of the Texas Commission on Environmental Quality ("Commission" or "TCEQ"), considered the application of Washington County for an Order pursuant to §366.031, Texas Health and Safety Code (THSC), 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 Washington County has satisfied the requirements of §366.031, THSC. The Commission finds that the Washington County Order should be approved.

FINDINGS OF FACT

1. Washington County drafted a proposed Order amendment which regulates on-site sewage facilities.
2. On May 8, 2025, Washington County caused notice to be published in a newspaper regularly published and of general circulation in Washington County, of a public meeting to be held on May 13, 2025.
3. Washington County held a public meeting to discuss its proposed Order amendment on May 13 2025.
4. The Washington County Order regulating on-site sewage facilities was adopted on Month 13, 2025.
5. A certified copy of the minutes was submitted to the Commission.
6. A certified copy of the Washington County Order amendment was submitted to the Commission.
7. The Order amendment is at least equivalent to the standards of the Commission.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction to issue Orders designating local governmental entities as authorized agents. TEXAS WATER CODE ch. 5 and TEXAS HEALTH & SAFETY CODE ch. 366.
2. The Commission may delegate uncontested matters to the Executive Director provided the required notice was given, the applicant agrees to the action and the application is uncontested. TEXAS WATER CODE § 5.122.
3. Notice of Washington County's intent to adopt a new Order was properly provided. TEXAS HEALTH & SAFETY CODE § 366.031 and TEXAS ADMINISTRATIVE CODE § 285.10.
4. Washington County agreed to the proposed Order amendment in writing.
5. The proposed Order amendment is uncontested.
6. Washington County's proposed Order amendment incorporates the Commission's rules on abatement or prevention of pollution and prevention of injury to the public health; meets the Commission's minimum requirements for on-site sewage disposal systems. TEXAS HEALTH & SAFETY CODE § 366.032.

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

1. Washington County is hereby authorized to implement its new Order regulating on-site sewage facilities.
2. Any amendments to the Washington County Order must be approved by the Commission.
3. The Office of Chief Clerk of the Commission is directed to forward a copy of this Order and Washington County's adopted Order, marked as Exhibit "A," to Washington County and all other parties and to issue the Order and cause it to be recorded in the files of the Commission.

Issued this date: July 17, 2025

A handwritten signature in black ink, appearing to read "K. Keel", is positioned above the printed name of the Executive Director.

Executive Director
Texas Commission on Environmental Quality

EXHIBIT A

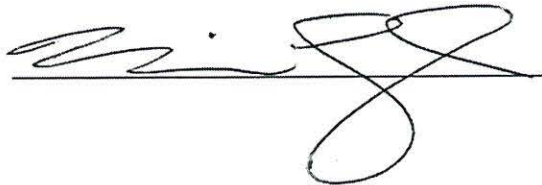
COUNTY OF WASHINGTON §
STATE OF TEXAS §

AFFIDAVIT

Before me, the undersigned authority, personally appeared Nicholas Prenzler who, being by me duly sworn, deposed as follows:

My name is Nicholas Prenzler, I am of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated:

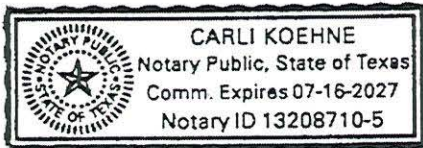
I am the custodian of the records of the County Clerk's Office for the County of Washington, Texas. Attached hereto are twelve (12) pages of records known as ORDER ADOPTING RULES OF WASHINGTON COUNTY, TEXAS FOR ON-SITE SEWAGE FACILITIES. The records are kept by me as County Clerk, County of Washington, in the regular course of business with knowledge of the act, event, condition, opinion, or diagnosis, recorded to make the record or to transmit information thereof to be included in such record; and the record was made at or near the time or reasonably soon thereafter. The record attached hereto is the original or exact duplicate of the official record.

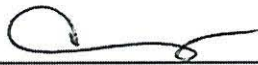


BEFORE ME, the undersigned authority, a Notary Public in and for said County, Texas, on this day personally appeared Nicholas Prenzler, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 13 day of May,
2025.

(SEAL)





Notary/Public, State of Texas
My commission expires: 7/16/2027



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

WHEREAS, the Texas Commission on Environmental Quality (TCEQ) 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 Texas Legislature enacted legislation, codified as Texas Health and Safety Code (THSC), Chapter 366, which authorizes a local government to regulate the use of on-site sewage facilities in its jurisdiction to eliminate and prevent health hazards from the use of on-site sewage facilities; and

WHEREAS, the County of Washington, Texas understands that there are technical criteria, legal requirements, and administrative procedures and duties associated with regulating on-site sewage facilities, and may have responsibilities under the following provisions:

Texas Health and Safety Code Chapters 366 (On-Site Sewage Disposal Systems) and 367 (On-Site Wastewater Treatment Research);

Texas Water Code Chapters 7 (Enforcement), 26 (Water Quality), and 37 (Occupational Licensing and Registration);

30 Texas Administrative Code Chapters 30, (Occupational Licensing and Registrations), 70 (Enforcement), and 285 (On-Site Sewage Facilities); and

Section 9 of this Order (More Stringent Requirements).

WHEREAS, due notice was given of a public meeting to determine whether the Commissioners Court of Washington County, Texas should enact an Order regulating the installation and use of on-site sewage facilities in the County of Washington, Texas; and

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

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

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

SECTION 1. THAT the matters and facts recited in the preamble are true and correct;

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

SECTION 3. This Order repeals and replaces any other OSSF Order for Washington County, Texas.

SECTION 4. THAT an Order for Washington County, Texas be adopted entitled "RULES OF WASHINGTON COUNTY, TEXAS FOR ON-SITE SEWAGE FACILITIES," which shall read as follows:

RULES OF WASHINGTON COUNTY, TEXAS
FOR ON-SITE SEWAGE FACILITIES

SECTION 5. THAT the County of Washington Texas wishing to adopt more stringent requirements for its OSSF ORDER understands that the more stringent requirements in this ORDER take precedence over the corresponding TCEQ rule.

SECTION 6. AREA OF JURISDICTION. This Order shall apply to all the areas lying within Washington County, Texas, except for areas regulated under an existing Order, Ordinance or Resolution.

SECTION 7. COMPLIANCE WITH ORDER. All OSSFs installed in the jurisdictional area of Washington County must comply with this Order.

SECTION 8. INCORPORATION BY REFERENCE. The following statutes and rules, including all future amendments to the statutes and rules, are incorporated by reference specifically, but not limited to:

Texas Health and Safety Code Chapters 366 (On-Site Sewage Disposal Systems) and 367 (On-Site Wastewater Treatment Research);

Texas Water Code Chapters 7 (Enforcement), 26 (Water Quality), and 37 (Occupational Licensing and Registration); and

30 Texas Administrative Code Chapters 30, (Occupational Licensing and Registrations), 70 (Enforcement), and 285 (On-Site Sewage Facilities).

SECTION 9. MORE STRINGENT REQUIREMENTS

30 Texas Administrative Code (TAC) § 285.10 allows local governmental entities to propose more stringent standards than minimally required by 30 TAC Chapter 285. Washington County has determined that more stringent requirements are necessary to protect human health and the environment. The Justification for the more stringent requirements is in Exhibit B of this ORDER. The following more stringent requirements are adopted by Washington County, Texas in this ORDER:

- (A) Each new, altered, repaired, or extended OSSF shall require a permit, regardless of acreage. Permit application fees shall be non-refundable and charged in accordance with the current fee schedule adopted by Commissioners Court.
- (B) Parcels, lots, or tracts of land subdivided or created on or after the effective date of this Order not served by a centralized wastewater treatment facility shall be subject to the following minimum acreage requirements.
 - 1. Each parcel, lot, or tract of land served by a Public Water System shall be at least one (1) acre.
 - 2. Each parcel, lot, or tract of land not served by a Public Water System shall be at least one and one-half (1.5) acres.
- (C) A tiny home, cabin, casita, cottage, park model recreational vehicle (PMRV), or similar structure shall be sized as a single-family dwelling per § 285.91(3).
- (D) Grease interceptors, when required, shall be sized according to the Environmental Protection Agency Onsite Wastewater Treatment and Disposal Systems Design Manual (1980).
- (E) Existing tanks that will be utilized in a newly permitted OSSF shall have the wastewater removed within the previous five (5) years by a sludge transporter holding a current registration with TCEQ. A copy of the waste manifest shall be submitted to Washington County Environmental Health (WCEH) by final inspection.
- (F) All perforated drainfield pipe shall be at least 3,000-pound crush rated.
- (G) Solid pipe shall be uniformly bedded the length of the pipe. Bedding material shall be either native soil or material approved by WCEH.
- (H) Lined evapotranspiration beds shall be lined with rubber, plastic, reinforced concrete, or gunite only. Clay liners shall not be used.
- (I) Holding tanks, including portable holding tanks, shall meet the requirements of § 285.34 (e) and shall not be used on properties with more than one (1) dwelling unit, single-family dwelling, recreational vehicle (RV), or similar structure, or more than one (1) commercial or institutional structure on the subject property that may produce sewage per § 366.002(9). These holding tank provisions do not apply to portable toilets, RVs utilizing only OEM factory installed integrated wastewater holding tanks, or to an office trailer at a construction site.

(J) When proposing more than one (1) single-family dwelling, RV, or similar structure per one (1) acre, or a commercial or institutional facility or multi-unit residential development that will utilize an OSSF, the following applies:

1. Gallons per day per acre (GPD/A) may not exceed 440 gallons.
2. Must show usable reserve area equal to all OSSF disposal areas on the subject property.
3. 25% of all usable reserve areas count toward the GPD/A usage.
4. The formula: $GPD/A = 1.25Q/Ac$ shall be used for calculating the total gallons per day per acre where:

GPD/A = Gallons per day per acre.

Q = Design wastewater usage rate in gallons per day.

1.25 = Adds 25% of usable reserve area to Q.

Ac = Acreage of subject property.

- (K) Maintenance frequency for systems required to have maintenance contracts per § 285.91(12) and connected to any food service establishment shall be tested monthly and shall submit reports monthly, in addition to the annual required BOD/TSS grab sample.
- (L) Each maintenance provider having contracts in Washington County shall register with WCEH. Maintenance provider registrations shall be effective from the date of registration to December 31st of the same calendar year. Maintenance provider registration fees shall be non-refundable and charged in accordance with the current fee schedule adopted by Commissioners Court.
- (M) New and renewal maintenance contracts will not be accepted, for a period of one (1) year from the date of last violation, from a maintenance provider who fails to perform maintenance testing at the required intervals, or fails to submit reports on time, two (2) or more times during any twelve (12) month period.
- (N) Homeowners maintaining their own OSSF may be required to contract with a maintenance provider if the owner has two (2) or more violations of the rules or their permit during any twelve (12) month period.
- (O) All sprinkler operation shall be controlled by timers set to spray between midnight and 5:00 a.m.
- (P) Surface Application (Edge of Spray Area) shall have a minimum separation distance of twenty-five (25) feet from any foundations, buildings, surface improvements, property lines, swimming pools, and other structures.
- (Q) Surface Application (Edge of Spray Area) shall have a minimum separation distance of seventy-five (75) feet from any streams, ponds, lakes, rivers, creeks, retention ponds and basins, or other waterways (measured from normal pool elevation and water level).

- (R) The timeframe for WCEH to either approve or deny an application shall begin when the application is complete. Applications are considered complete and ready for review when the application, all planning materials and documents, and the appropriate fee have been received by WCEH.
- (S) The authorization to construct will not be issued in the event the development site is not in conformance with County regulations.

SECTION 10. COLLECTION OF FEES.

All fees collected for permits and/or inspections shall be made payable to Washington County, Texas. A fee of \$10 will also be collected for each OSSF permit to be paid to the credit of the TCEQ Water Resources Management Account as required by the THSC Chapter 367.

SECTION 11. APPEALS.

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

SECTION 12. ENFORCEMENT PLAN

The County of Washington, Texas understands that, at a minimum, it must follow the requirements in 30 TAC § 285.71 Authorized Agent Enforcement of OSSFs. This includes timely investigating complaints, notifying complainants of findings, and taking appropriate action related to any documented violations. Records related to these activities shall be retained for review by TCEQ.

The County shall take appropriate and timely action on all documented violations, which may include any available penalties and remedies, pursuant to all applicable provisions related to OSSFs, including those found in Chapters 341 and 366 of the THSC, Chapters 7 and 26 of the Texas Water Code, and 30 TAC Chapter 285.

SECTION 13. SEVERABILITY

It is hereby declared to be the intention of the Commissioners Court of Washington 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 void by a valid judgment or decree of any court of competent jurisdiction the judgment or decree shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Order.

SECTION 14. RELINQUISHMENT OF ORDER

If the Authorized Agent of Washington County, Texas decides to relinquish its authority to regulate OSSFs in its area of jurisdiction, the local governmental entity (previously the Authorized Agent) and TCEQ shall follow the procedures in 30 TAC § 285.10 (d) (1) through (4). After relinquishing its OSSF authority, the local governmental entity understands that it may be subject to charge-back fees in accordance with 30 TAC § 285.10 (d) (5) and § 285.14.

SECTION 15. TITLE VI COMPLIANCE

If necessary, based on the need for access to information in a language other than English by the community, the Authorized Agent shall provide information regarding this Order, including notice, applications, and enforcement actions, in an alternative language. The Authorized Agent may base its determination on all relevant factors including: whether the elementary or middle school nearest to the site is required to provide a bilingual education program as required by Texas Education Code, Chapter 29, Subchapter B; whether there is newspaper regularly published in an alternative language; or if the Authorized Agent has historical knowledge.

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 TCEQ.


AND IT IS SO ORDERED:

PASSED AND APPROVED THIS 13 DAY OF may, 2025

APPROVED: _____ (SEAL)


JOHN DURRENBERGER
COUNTY JUDGE


MISTI HARTSTACK CORN
COMMISSIONER PCT. 1


CANDICE BULLOCK
COMMISSIONER PCT. 2


KIRK HANATH
COMMISSIONER PCT. 3


DUSTIN MAJEWSKI
COMMISSIONER PCT. 4

ATTEST:


NICHOLAS PRENZLER
COUNTY CLERK

EXHIBIT B



WASHINGTON COUNTY
ENGINEERING AND DEVELOPMENT SERVICES
Environmental Health Division

Justification for Washington County's more stringent Section 9 Requirements.

SECTION 9. MORE STRINGENT REQUIREMENTS

- (A) Each new, altered, repaired, or extended OSSF shall require a permit, regardless of acreage. Permit application fees shall be non-refundable and charged in accordance with the current fee schedule adopted by Commissioners Court.

Justification: This provides greater protection of public health and safety by requiring all OSSF installations/modifications to be permitted. This is necessary to verify that all work is up to code.

- (B) Parcels, lots, or tracts of land subdivided or created on or after the effective date of this Order not served by a centralized wastewater treatment facility shall be subject to the following minimum acreage requirements.

1. Each parcel, lot, or tract of land served by a Public Water System shall be at least one (1) acre.

2. Each parcel, lot, or tract of land not served by a Public Water System shall be at least one and one-half (1.5) acres.

Justification: This provides greater protection of public health and safety by increasing minimum acreage requirements. This is necessary to increase the usable area for an OSSF; which may also increase separation distances.

- (C) A tiny home, cabin, casita, cottage, park model recreational vehicle (PMRV), or similar structure shall be sized as a single-family dwelling per § 285.91(3).

Justification: This provides greater protection of public health and safety by requiring the OSSFs to be sized as a single-family dwelling, reducing the likelihood of undersized systems which can lead to failure. This is necessary

to reduce confusion over what a structure may be called by different people and to standardize the minimum Q for an OSSF serving one of these structures.

- (D) Grease interceptors, when required, shall be sized according to the Environmental Protection Agency Onsite Wastewater Treatment and Disposal Systems Design Manual (1980).

Justification: This provides greater protection of public health and safety because we believe the EPA Design Manual provides a more comprehensive and accessible grease interceptor design method than the UPC. This is necessary to provide the most accessible grease interceptor design method and to standardize grease interceptor design.

- (E) Existing tanks that will be utilized in a newly permitted OSSF shall have the wastewater removed within the previous five (5) years by a sludge transporter holding a current registration with TCEQ. A copy of the waste manifest shall be submitted to Washington County Environmental Health (WCEH) by final inspection.

Justification: This provides greater protection of public health and safety by ensuring that tanks being re-used are emptied, reducing the likelihood of overflows. This is necessary to verify they are up to code and in usable condition.

- (F) All perforated drainfield pipe shall be at least 3,000-pound crush rated.

Justification: This provides greater protection of public health and safety by reducing the likelihood of damage to the system. This is necessary to increase system longevity.

- (G) Solid pipe shall be uniformly bedded the length of the pipe. Bedding material shall be either native soil or material approved by WCEH.

Justification: This provides greater protection of public health and safety by increasing system performance; since trenches that are unevenly excavated and pipe that is supported with pipe scraps, bricks, rocks, etc., results in pipe suspended off the ground and not evenly supported. This is necessary to reduce occurrences of pipe being pushed down during backfilling; which can cause fracture points, low areas that may result in leakage or collection of solids, and unsatisfactory performance.

- (H) Lined evapotranspiration beds shall be lined with rubber, plastic, reinforced concrete, or gunite only. Clay liners shall not be used.

Justification: This provides greater protection of public health and safety

because natural clays include a broad array of permeability coefficients which provides no guarantee of water contamination prevention. This is necessary to prevent reduced separation distances on ET Beds with clay liners, which we do not believe provide adequate protection.

- (I) Holding tanks, including portable holding tanks, shall meet the requirements of § 285.34 (e) and shall not be used on properties with more than one (1) dwelling unit, single-family dwelling, recreational vehicle (RV), or similar structure, or more than one (1) commercial or institutional structure on the subject property that may produce sewage per § 366.002(9). These holding tank provisions do not apply to portable toilets, RVs utilizing only OEM factory installed integrated wastewater holding tanks, or to an office trailer at a construction site.

Justification: This provides greater protection of public health and safety by limiting the amount of wastewater produced on a tract of land to no more than the land could otherwise support using OSSFs; other than if necessary to allow for the first residence or commercial or institutional structure on the subject property. This is necessary to allow a reasonable amount of wastewater production on tracts of land.

- (J) When proposing more than one (1) single-family dwelling, RV, or similar structure per one (1) acre or a commercial or institutional facility or multi-unit residential development that will utilize an OSSF, the following applies:

1. Gallons per day per acre (GPD/A) may not exceed 440 gallons.
2. Must show usable reserve area equal to all OSSF disposal areas on the subject property.
3. 25% of all usable reserve areas count toward the GPD/A usage.
4. The formula: $GPD/A = 1.25Q/Ac$ shall be used for calculating the total gallons per day per acre where:

GPD/A = Gallons per day per acre.

Q = Design wastewater usage rate in gallons per day.

1.25 = Adds 25% of usable reserve area to Q.

Ac = Acreage of subject property.

Justification: This provides greater protection of public health and safety through improved groundwater and surface water protection by placing a reasonable maximum of 440 GPD per acre of effluent disposal (calculated using either actual water use data or the data from § 285.91(3)). This is

necessary to impede increases of organic nutrients and nitrogen, and in the degradation of groundwater. Massachusetts and Arizona are examples of other jurisdictions having comparable requirements, which are referenced in the EPA Onsite Wastewater Treatment Systems Manual (2002). Land containing commercial and/or institutional facilities whose effluent is reduced to residential strength through a performance based design will also benefit from this. This Rule provides a streamlined process that is fair to property owners by providing considerable flexibility in the use of their property. This Rule is not intended to regulate density or prevent a property owner from the use and enjoyment of their property; as demonstrated by the exemption of one (1) single-family dwelling, RV, or similar structures per one (1) acre from the requirements of this Rule.

- (K) Maintenance frequency for systems required to have maintenance contracts per § 285.91(12) and connected to any food service establishment shall be tested monthly and shall submit reports monthly, in addition to the annual required BOD/TSS grab sample.

Justification: This provides greater protection of public health and safety by requiring that systems typically having higher BOD, while also serving public establishments are monitored more closely and frequently. This is necessary to ensure they are operating properly and in compliance with their permit.

- (L) Each maintenance provider having contracts in Washington County shall register with WCEH. Maintenance provider registrations shall be effective from the date of registration to December 31st of the same calendar year. Maintenance provider registration fees shall be non-refundable and charged in accordance with the current fee schedule adopted by Commissioners Court.

Justification: This provides greater protection of public health and safety by allowing for closer monitoring of maintenance provider performance. This is necessary to encourage maintenance providers to fulfill their contractual obligations to their customers.

- (M) New and renewal maintenance contracts will not be accepted, for a period of one (1) year from the date of last violation, from a maintenance provider who fails to perform maintenance testing at the required intervals, or fails to submit reports on time, two (2) or more times during any twelve (12) month period.

Justification: This provides greater protection of public health and safety by encouraging maintenance providers to test and report on systems regularly and as scheduled. This is necessary to encourage maintenance providers to fulfill their contractual obligations to their customers.

- (N) Homeowners maintaining their own OSSF may be required to contract with a maintenance provider if the owner has two (2) or more violations of the rules or their permit during any twelve (12) month period.

Justification: This provides greater protection of public health and safety by requiring homeowners doing a poor job of maintaining their own OSSF to hire a professional to maintain their OSSF. This is necessary to encourage homeowners maintaining their own OSSF to do so properly.

- (O) All sprinkler operation shall be controlled by timers set to spray between midnight and 5:00 a.m.

Justification: This provides greater protection of public health and safety by reducing the likelihood of nuisances and contact with effluent from surface application systems by requiring that they be set to discharge only at night under normal operating conditions. This is necessary to reduce the likelihood of nuisances and contact with effluent.

- (P) Surface Application (Edge of Spray Area) shall have a minimum separation distance of twenty-five (25) feet from any foundations, buildings, surface improvements, property lines, swimming pools, and other structures.

Justification: This provides greater protection of public health and safety by increasing the surface application setback above State minimums. This is necessary to further separate surface application from the listed features.

- (Q) Surface Application (Edge of Spray Area) shall have a minimum separation distance of seventy-five (75) feet from any streams, ponds, lakes, rivers, creeks, retention ponds and basins, or other waterways (measured from normal pool elevation and water level).

Justification: This provides greater protection of public health and safety by increasing the surface application setback above State minimums. This is necessary to further separate surface application from nearby water features.

- (R) The timeframe for WCEH to either approve or deny an application shall begin when the application is complete. Applications are considered complete and ready for review when the application, all planning materials and documents, and the appropriate fee have been received by WCEH.

Justification: This provides greater protection of public health and safety by reducing duplication of work, confusion, and review times for all projects; thereby freeing some of the DRs time to address other issues. This is necessary to make clear that the review timeframe will not begin until everything has been received by WCEH.

- (S) The authorization to construct will not be issued in the event the development site is not in conformance with County regulations.

Justification: This provides greater protection of public health and safety by assisting to bring non-compliant developments into compliance. This is necessary to minimize the need for court intervention and/or legal action.

A CERTIFIED copy issued JUN 18 2025
pg 20 of 330
Nicholas Prenzler, County Clerk
Washington County, TX MS Deputy