

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

PREAMBLE

WHEREAS, the Texas Commission on Environmental Quality has established Design Criteria 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 disposal 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 meeting and public hearing to determine whether the Commissioners of Jackson County, Texas should enact an order controlling or prohibiting the installation or use of on-site sewage facilities in the County of Jackson, Texas; and

WHEREAS, said meeting and public hearing were held in accordance with the notice thereof, and the evidence and arguments there presented were considered by the Commissioners Court of Jackson County, Texas; and

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

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

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

SECTION 3. THAT an Order for Jackson County, Texas be adopted entitled "On-Site Sewage Facilities," which shall read as follows: AN ORDER ENTITLED ON-SITE SEWAGE FACILITIES

SECTION 4. CONFLICTS

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of the Orders of Jackson County, Texas not consistent with or in conflict with the provisions of this Order are hereby repealed.

SECTION 5. ADOPTING CHAPTER 366

The County of Jackson, Texas clearly understanding the technical criteria, legal requirements, and administrative procedures and duties associated with regulating on-site sewage facilities, does adopt 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 areas lying within Jackson County, Texas, except for areas regulated under an existing Order, Ordinance or Resolution.

SECTION 7. ON-SITE SEWAGE FACILITY RULES

Any structure discharging sewage into an on-site sewage facility within the jurisdictional area of Jackson 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 Sewage Facilities" and Administrative Rules 30 TAC 285.1 – 285.91, attached hereto, promulgated by the Texas Commission on Environmental Quality for on-site sewage systems are hereby adopted, and all officials and employees of Jackson 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 hereto are incorporated by reference and are thus a part of these Rules.

SECTION 10. AMENDMENTS

The County of Jackson, Texas does not wish to adopt more stringent rules than the Texas Commission on Environmental Quality Rules for its "On-Site Sewage Facilities" Order.

SECTION 11. DUTIES AND POWERS

The appointee of the Commissioners Court of Jackson 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 Commission on Environmental Quality before assuming the duties and responsibilities of the Designated Representative.

SECTION 12. COLLECTION OF FEES

All fees collected for permits and/or inspections shall be made payable to Jackson County, Texas. Fees for permits and inspections shall be set by Commissioner Court from time to time as deemed necessary.

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 Jackson County, Texas

SECTION 14. ENFORCEMENT PLAN

The County of Jackson, Texas clearly understands that, at a minimum, it must follow the requirements in 30 TAC §285.71 Authorized Agent Enforcement of OSSF's.

This Order adopts and incorporates all applicable provisions related to on-site sewage facilities, which includes, but is not limited to, those found in Chapters 341, 343 and 366 of the THSC, Chapters 7, 26, and 37 of the TWC and 30 TAC Chapter 30 Subchapters A and G, and Chapter 285.

SECTION 15. SEVERABILITY

It is hereby declared to be the intention of the Commissioners Court of Jackson 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, clauses, sentences, paragraphs, or sections.

SECTION 16. RELINQUISHMENT OF ORDER

If the Commissioners Court of Jackson County, Texas decides that it no longer wishes to regulated on-site sewage facilities in its area of jurisdiction, the Commissioners Court, as the authorized agent, and the TCEQ shall follow the procedures outlined in 30 TAC §285.10(d)(1) through (4).

After relinquishing its OSSF authority, the authorized agent understands that it may be subject to charge-back fees in accordance with 30 TAC §285.10(d)(5) and §285.14 after the date that delegation has been relinquished.

SECTION 17. EFFECTIVE DATE

This Order shall be in full force and effective from and after its date of approval as required by law and upon approval of the TCEQ.

AND IT IS SO ORDERED:

PASSED AND APPROVED THIS 14 DAY OF July, 2014.

APPROVED:

Jerry Dayton
County Judge *pro tem*

ATTEST

[Signature]
County Clerk