

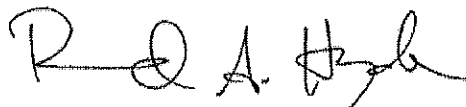
CONCLUSIONS OF LAW

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 the County of Lavaca' intent to adopt a new County Order was properly provided. TEXAS HEALTH & SAFETY CODE § 366.031 and TEXAS ADMINISTRATIVE CODE § 285.10.
4. The County of Lavaca agreed to the proposed Order in writing.
5. The proposed Order is uncontested.
6. The County of Lavaca' proposed Order 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. The County of Lavaca is hereby authorized to implement its new County Order regulating on-site sewage facilities.
2. Any amendments to the County of Lavaca 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 the County of Lavaca's adopted Order, marked as Exhibit "A," to the County of Lavaca and all other parties and to issue the Order and cause it to be recorded in the files of the Commission.

Issued this date: March 18, 2016



Executive Director
Texas Commission on Environmental Quality

EXHIBIT A

CERTIFICATE

THE STATE OF TEXAS)(

COUNTY OF LAVACA)(

I, ELIZABETH A. KOUBA, Clerk of the County Court of Lavaca

County, Texas, do hereby certify that the above and foregoing is a true and correct copy of:

2. *Adoption of Order Adopting Rules of Lavaca County, Texas for On-Site Sewage Facilities Preamble. (County Judge)*

Moved by Commissioner Dennis Kocian, Seconded by Commissioner Edward Pustka, and adopted by all members present voting AYE and none voting NO, IT IS HEREBY ORDERED to accept the Order Adopting Rules of Lavaca County, Texas for On-Site Sewage Facilities Preamble.

as the same is taken from the Original Minutes of the Commissioners' Court, on file in this office, dated January 11, 2016.

TO CERTIFY WHICH, WITNESS my hand and seal of office in

Hallettsville, Lavaca County, Texas, this, the 12th day of January, A.D. 2016.

ELIZABETH A. KOUBA, COUNTY CLERK
LAVACA COUNTY, TEXAS

BY



Elizabeth A. Kouba, County Clerk



AN ORDER ENTITLED ON-SITE SEWAGE DISPOSAL
ORDER ADOPTING RULES OF LAVACA COUNTY, TEXAS
FOR ON-SITE SEWAGE FACILITIES PREAMBLE

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 Legislature has 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 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 hearing to determine whether the Commissioners Court of Lavaca County, Texas should enact an order controlling or prohibiting the installation or use of On-Site Sewage Facilities in the County of Lavaca, Texas; and

WHEREAS, the Commissioners Court of Lavaca County, Texas finds that the use of On-Site Sewage Facilities in Lavaca County, Texas is causing or may cause pollution, and is injuring or may injure the public health; and

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

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

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


AN ORDER ENTITLED ON-SITE SEWAGE FACILITIES

SECTION 4. CONFLICTS

This order repeals and replaces any other On-Site Sewage Facility (OSSF) Order for Lavaca County, Texas.

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I, ELIZABETH A. KOUBA, County Clerk, Lavaca County, Texas, do hereby certify that this is a true and correct copy as same appears of record in my office. 1-12-16
Witness my hand and seal of office on _____
ELIZABETH A. KOUBA, COUNTY CLERK
BY: Barbara Steffek
Deputy
Barbara Steffek



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

SECTION 5. ON-SITE SEWAGE FACILITY REGULATION AND ENFORCEMENT

The County of Lavaca, 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 THSC 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

The Rules shall apply to all the areas lying within Lavaca County, Texas, except for areas regulated under an existing Order, Ordinance or Resolution and the areas within incorporated cities.

SECTION 7. ON-SITE SEWAGE FACILITY RULES

Any permit issued for an On-Site Sewage Facility within the jurisdictional area of Lavaca 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 30, Subchapters A and G, and Chapter 285, promulgated by the TCEQ for On-Site Sewage Facilities are hereby adopted, and all officials and employees of Lavaca 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 Chapter 30, Subchapters A and G, and Chapter 285 and all future amendments and revisions thereto are incorporated by reference and are thus made a part of these Rules.

SECTION 10. AMENDMENTS

The County of Lavaca, Texas wishing to adopt more stringent Rules for its OSSF order understands that the more stringent local Rule shall take precedence over the corresponding TCEQ requirement. Listed below are the more stringent Rules adopted by Lavaca County, Texas.

- (a) Permitting shall be required for all On-Site Sewage Facilities installations, regardless of acreage. The County of Lavaca has chosen to grant no exceptions. This allows a more complete and equitable regulation, as well as increased health and environmental protection.

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I, ELIZABETH A. KOUBA, County Clerk, Lavaca County, Texas, do hereby certify that this is a true and correct copy as same appears of record in my office. Witness my hand and seal of office on 1-12-16



ELIZABETH A. KOUBA, COUNTY CLERK

BY

Barbara Steffek

Deputy

Barbara Steffek

- (b) All Aerobic Systems shall be required to have an ongoing professional "Maintenance Agreement" as part of the permitting process, regardless of the population of the county. The County of Lavaca has chosen to grant no exemptions due to population pertaining to maintenance agreements on Aerobic Septic Systems. This ensures properly trained personnel maintaining these systems for increased health and environmental protection.

SECTION 11. DUTIES AND POWERS

The OSSF Designated Representative (DR) (30 TAC § 285.2(17)) of Lavaca County, Texas must be certified by the TCEQ before assuming the duties and responsibilities.

SECTION 12. COLLECTION OF FEES

All fees collected for permits and/or inspections shall be made payable to Lavaca County, Texas. Fees for permits and inspections shall be set by the Commissioners Court from time to time as deemed necessary. A fee of \$10.00 will also be collected for each on-site sewage facility permit to be paid to the credit of TCEQ Water Resources Management Account as required by the THSC, Chapter 367.

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 Lavaca County, Texas.

SECTION 14. ENFORCEMENT PLAN

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

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 Lavaca 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 as 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.

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I, ELIZABETH A. KOUBA, County Clerk, Lavaca County, Texas, do hereby certify that this is a true and correct copy as same appears of record in my office. Witness my hand and seal of office on 1-12-16



ELIZABETH A. KOUBA, COUNTY CLERK

By Barbara Steffek
Deputy

Barbara Steffek

SECTION 16. RELINQUISHMENT OF ORDER

If the Commissioners Court of Lavaca County, Texas decides that it no longer wishes to regulate 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.

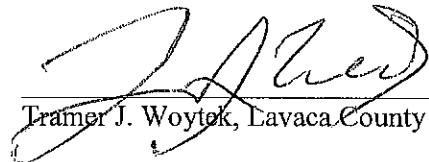
SECTION 17. EFFECTIVE DATE

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

AND IT IS SO ORDERED:


PASSED AND APPROVED THIS 11TH day of JANUARY, 2016.

APPROVED:


Tramer J. Woytek, Lavaca County Judge



ATTESTED:


Elizabeth A. Kouba, Lavaca County Clerk

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I, ELIZABETH A. KOUBA, County Clerk, Lavaca County, Texas, do hereby certify that this is a true and correct copy as same appears of record in my office. Witness my hand and seal of office on 1-12-16



ELIZABETH A. KOUBA, COUNTY CLERK
BY Barbara Steffek
Deputy

Barbara Steffek