

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



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| IN THE MATTER OF THE | § | BEFORE THE EXECUTIVE |
| APPLICATION OF | § | DIRECTOR OF THE TEXAS |
| GRAYSON COUNTY | § | COMMISSION ON |
| FOR A TEXAS HEALTH AND SAFETY | § | ENVIRONMENTAL |
| CODE §366.031 ORDER | § | QUALITY |

On 06/21/2022, the Executive Director of the Texas Commission on Environmental Quality ("Commission" or "TCEQ"), considered the application of Grayson 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 Grayson County has satisfied the requirements of §366.031, THSC. The Commission finds that the Grayson County Order should be approved.

FINDINGS OF FACT

1. Grayson County drafted a proposed Order which regulates on-site sewage facilities.
2. On July 27, 2021, Grayson County caused notice to be published, in a newspaper regularly published and of general circulation, in the Grayson County's area of jurisdiction, of a public meeting to be held on August 3, 2021.
3. Grayson County held a public meeting to discuss its proposed Order on August 3, 2021.
4. The Grayson County Order regulating on-site sewage facilities was adopted on April 19, 2022.
5. A certified copy of the minutes was submitted to the Texas Commission on Environmental Quality.
6. A certified copy of the Grayson County Order was submitted to the Commission.
7. The Order 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 Grayson County's intent to adopt an amendment was properly provided. TEXAS HEALTH & SAFETY CODE § 366.031 and TEXAS ADMINISTRATIVE CODE § 285.10.
4. Grayson County agreed to the proposed Order in writing.
5. The proposed Order is uncontested.
6. The Grayson County's 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. Grayson County is hereby authorized to implement its amended Order regulating on-site sewage facilities.
2. Any amendments to the Grayson 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 the Grayson County's adopted Order, marked as Exhibit "A," to Grayson 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:
06/21/2022

A handwritten signature in black ink, appearing to read "T. G. Baker", written in a cursive style.

Executive Director
Texas Commission on Environmental Quality

EXHIBIT A

Affidavit of Publication

STATE OF TEXAS)
COUNTY OF GRAYSON) SS:

GRAYSON COUNTY
100 W. HOUSTON ST., 3RD FLOOR
SHERMAN TX 75090

Account # 151713
Ad Number 0001418298

Jeanine Sewell, being 1st duly sworn, deposes and says: That (s)he is the Legal Clerk for the Herald Democrat, a daily newspaper regularly issued, published and circulated in the City of Sherman, County of Grayson, State of Texas, and that the advertisement,

The Grayson County Commissioners Court will hold a public hearing to consider adopting new rules for On-Site Sewage Facilities. The public hearing will be cond

a true copy attached for, was published in said Herald Democrat in 1 edition(s) of said newspaper issued from 07/27/2021 to 07/27/2021, on the following days:

07 / 27 / 21

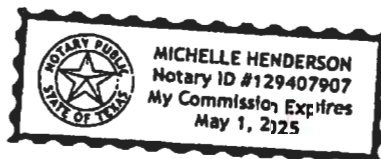
HERALDDEMOCRAT.COM | TUESDAY, JULY 27, 2021 | 7B

The Grayson County Commissioners Court will hold a public hearing to consider adopting new rules for On-Site Sewage Facilities. The public hearing will be conducted at 10:00 a.m. on Tuesday, August 3, 2021, during the Grayson County Commissioners Court, at the Grayson County Courthouse, 100 W. Houston St., Suite 16, Sherman, Texas 75090. Any member of the public may attend the meeting and comment on the proposed new rules. Information about the proposed new rules may be obtained from Grayson County Development Services at (903) 813-5257.

151 Jeanine Sewell
LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 29th day of July, 2021

Notary Michelle Henderson



AN ORDER ENTITLED ON-SITE SEWAGE FACILITIES

**ORDER ADOPTING RULES OF GRAYSON 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 meeting to determine whether the Commissioners Court of Grayson County, Texas should enact an order controlling or prohibiting the installation or use of on-site sewage facilities in the County of Grayson, Texas; and

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

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

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

SECTION 3. THAT an Order for Grayson 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 (OSSF) Order for Grayson County, Texas.

SECTION 5. ON-SITE SEWAGE FACILITY REGULATION AND ENFORCEMENT.

The County of Grayson, 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.

AN ORDER ENTITLED ON-SITE SEWAGE FACILITIES

SECTION 6. AREA OF JURISDICTION.

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

SECTION 7. ON-SITE SEWAGE FACILITY RULES.

Any permit issued for an on-site sewage facility within the jurisdictional area of Grayson 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 Grayson 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 Grayson, 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 Grayson County, Texas:

- (A) All residential structures and recreational vehicles (RVs) in the area of jurisdiction must be equipped with on-site sewage facility.
- (B) Grayson County, to provide greater public health and safety protection, shall require an application, permit, authorization to construct and inspection for construction, alteration, extension or repair to a residential or commercial on-site sewage facility and subject to the permitting requirements, regardless of the size of the tract of land.
- (C) Use of a public sewage system is required for all parcels/tracts/lots within one hundred feet (100') of said public sewage system, unless written approval is obtained from the County Engineer.
- (D) An aerobic treatment process shall be utilized for any OSSF located on a parcel/tract/lot that is less than 2.5 acres in size.
- (E) The minimum parcel/tract/lot size for an OSSF in Grayson County shall be based on the following:
 - 1) For a parcel/tract/lot not served by a public water source:

AN ORDER ENTITLED ON-SITE SEWAGE FACILITIES

- a) Where any OSSF on the parcel/tract/lot does **not** utilize a subsurface drip irrigation type system, the minimum parcel/tract/lot size is 1.5 acres. No more than one (1) structure per 1.5 acres rounded down shall be placed on the parcel/tract/lot. For a multi-family structure, each unit shall be counted as a separate structure.
 - b) Where all OSSF on the parcel/tract/lot utilize a subsurface drip irrigation type system, the minimum parcel/tract/lot size is one (1) acre. No more than one (1) structure per one (1) acre rounded down shall be placed on the parcel/tract/lot. For a multi-family structure, each unit shall be counted as a separate structure.
 - c) Under no circumstances shall a parcel/tract/lot with a land use of other than residential be less than 1.5 acres in size.
- 2) For a parcel/tract/lot served by a public water source:
- a) Where any OSSF on the parcel/tract/lot does **not** utilize a subsurface drip irrigation type system, the minimum parcel/tract/lot size is one (1) acre. No more than one (1) structure per one (1) acre rounded down shall be placed on the parcel/tract/lot. For a multi-family structure, each unit shall be counted as a separate structure.
 - b) Where all OSSF on the parcel/tract/lot utilize a subsurface drip irrigation type system, the minimum parcel/tract/lot size is a half (0.5) acre. No more than one (1) structure per half (0.5) acre rounded down shall be placed on the parcel/tract/lot. For a multi-family structure, each unit shall be counted as a separate structure.
 - c) Under no circumstances shall a parcel/tract/lot with a land use of other than residential be less than one (1) acre in size.
- (F) A minimum usage rate of eighty (80) gallons/day shall be used for all RVs.
- (G) The following shall apply to all parcel/tract/lot where four (4) or more RVs are placed:
- 1) All RVs must utilize an aerobic treatment system;
 - 2) Surface application of effluent from the aerobic treatment system is not permitted;
 - 3) A minimum of one (1) trash tank shall be installed per every five (5) RV spaces; and
 - 4) No more than one (1) RV per 0.15 acres rounded down shall be placed on the parcel/tract/lot.
- (H) All contracted maintenance of an on-site sewage disposal system using aerobic treatment shall be conducted by a registered/licensed maintenance provider. There shall be no homeowner/property owner maintenance of an on-site sewage disposal system using aerobic treatment unless:
- 1) The homeowner/property owner is a registered/licensed maintenance provider for that aerobic treatment unit; or

AN ORDER ENTITLED ON-SITE SEWAGE FACILITIES

- 2) The homeowner/property owner takes and passes a basic homeowner/property owner maintenance provider course approved by the County of Grayson;
- 3) The homeowner/property owner will enter into a signed agreement with Grayson County agreeing to the terms of this Order relative to homeowner/property owner maintenance;
- 4) The homeowner/property owner conducting his/her own maintenance must comply with all inspections, testing and reporting requirements of a registered/licensed maintenance provider as defined by TCEQ in 30 TAC Chapter 285, §285.91(12) and §285.91(4); and
- 5) A homeowner/property owner who fails to submit required inspection reports to the County shall relinquish authority to self-maintain his/her aerobic treatment unit and will be required to obtain a contract for maintenance of their unit by a registered/licensed maintenance provider.

SECTION 11. DUTIES AND POWERS.

The OSSF Designated Representative (DR) (30 TAC §285.2(17)) of Grayson 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 Grayson County, Texas. A fee of \$10 will also be collected for each on-site sewage facility permit to be paid to the credit of the 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 Grayson County, Texas.

SECTION 14. ENFORCEMENT PLAN.

The County of Grayson, 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 Grayson 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

AN ORDER ENTITLED ON-SITE SEWAGE FACILITIES

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 Grayson 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.

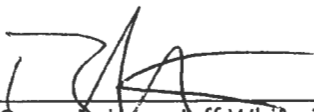
This Order shall be in full force and effect from and after its date of approval as required by law and upon the approval of the TCEQ.

AND IT IS SO ORDERED:

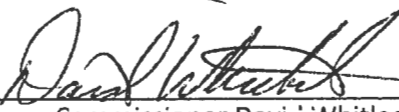
PASSED AND APPROVED THIS 19 DAY OF April, 2022.




County Judge Bill Wagers




Commissioner Jaff Whitmire
Precinct One



Commissioner David Whitlock
Precinct Two



Commissioner Phyllis James
Precinct Three



Commissioner Bart Lawrence
Precinct Four

Attest: 

County Clerk