


17,356

FILED FOR RECORD  
at 1:00 o'clock P.M

MAR 22 2022

BECKY LANDRUM  
County Clerk, Hunt County, Tex.

By 

COUNTY OF HUNT §  
STATE OF TEXAS §

**AFFIDAVIT**

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

My name is Becky Landrum, 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 Hunt, Texas. Attached hereto are \_\_\_\_\_ ( ) pages of records known as (Order) \_\_\_\_\_. The records are kept by me as County Clerk, County of Hunt, 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 Becky Landrum, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledge to me that she executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

(SEAL)

\_\_\_\_\_  
Notary/Public, State of Texas  
My commission expires:

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

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

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

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

SECTION 3. THAT an Order for Hunt 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 Hunt County, Texas.

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

The County of Hunt, 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 Hunt County, Texas, except for areas regulated under an existing Order, Ordinance or Resolution of an incorporated city or township.

**SECTION 7. ON-SITE SEWAGE FACILITY RULES.**

Any permit issued for an on-site sewage facility within the jurisdictional area of Hunt 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 Hunt 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. (Optional – not included if no more stringent rules required)

The County of Hunt, 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 Hunt County, Texas:

(A) General Provisions

1. Each On-Site Sanitary Sewer Facility (OSSF) and each Lot with an OSSF must conform to this order.
2. Each OSSF must conform to the standards of TAC Title 30, Chapter 285 and all other applicable County standards.

*2007 Order (A) All OSSF systems in Hunt County's jurisdiction shall be subject to permitting requirements regardless of lot size. (kept word for word)*

3. All OSSF systems in Hunt County's jurisdiction shall be subject to permitting requirements regardless of lot size. **(More stringent requirement)**
4. Each OSSF requires a Permit before installation regardless of lot size. **(More stringent requirement)**
5. A licensed Engineer or site evaluator or registered professional sanitarian with a current site-evaluator certification must perform site evaluations, OSSF design, as-builts, or system certifications (TAC Title 30, Chapter 285, Subchapter B).
6. A commercial OSSF installer must hold a current and proper level of license. *An unlicensed homeowner or property owner may only install an OSSF with approval and a permit from the designated authority.* **(More stringent requirement)**
7. Irrigation spray heads shall be surface application heads and set on a spray-time schedule between the hours of 12am and 5am, *regardless of setbacks. If and when a flood zone is involved, refer to AMENDMENTS, (K) Minimum Land Area for an On-Site Sanitary Sewer Facility (OSSF), 4 and 5 of this order.* **(More stringent requirement)**
8. *Tiny homes and recreations vehicles (RV) located in temporary rental communities must be served by an OSSF with the capacity to accommodate eighty (80) gallons influent per day for each tiny home and sixty (60) gallons influent per day for each recreational vehicle. Tiny homes are defined as inhabitable structures of six hundred (600) square feet or less, excluding lofts, that are often but not always on wheels. Tiny homes may also be called and include park homes, cottages, cabins, huts, camps, etc. Recreational vehicles include motor coaches, motor homes, fifth-wheels, travel trailers, pop-up campers.*

*pickup campers, etc.: and* (More stringent requirement)

9. *Holding tanks as defined by TAC Title 30, Chapter 285 are generally prohibited in Hunt County but may be allowed by permit of the designated representative.* (More stringent requirement)

(B) Exceptions

An OSSF may be completely or partially exempt from the requirements of this order if:

1. The OSSF meets the conditions of TAC Title 30, Chapter 285, Subchapter A, Rule 285.3(f)(1).
2. *Hunt County does not allow the exceptions provided for under TAC Title 30, Chapter 285, Subchapter A, Rule 285.3(f)(2).* (More stringent requirement)

(C) Authority to Exceed State Standard

1. The County may adopt and enforce more stringent standards for OSSF under TAC Title 30, Chapter 285, Subchapter B, Rule 285.10.
2. This order exceeds the requirements of TAC Title 30, Chapter 285.

(D) Area of Jurisdiction

1. This order applies to all areas within Hunt County, Texas, except for areas regulated under an existing Order, Ordinance or Resolution, and the areas within incorporated cities.
2. This order also applies to any incorporated city or town with an executed intergovernmental contract with Hunt County to regulate OSSF.

*2007 Order (F) Residents or businesses located within city jurisdictions must have a letter from the city stating that city sewage can or cannot be provided. If a city cannot provide service, only then will on-site sewage (OSSF) be permitted. (kept word for word)*

3. Residents or businesses located within city jurisdictions must have a letter from the city stating that city sewage can or cannot be provided. If a city cannot provide service, only then will on-site sewage (OSSF) be permitted. (More stringent requirement)

(E) County OSSF Designated Representative

The County has the authority to designate an OSSF Designated Representative certified by TCEQ under TAC, Title 30, Chapter 285, Subchapter A, Rule



285.2(17) to review Permit Applications, site evaluations, or planning materials, or conduct inspections of On-Site Sanitary Sewer Facility (OSSF).

(F) Application for OSSF

1. The property owner or installer (the "Applicant") must submit a completed Application to the OSSF Designated Representative before beginning construction of the OSSF. **(More stringent requirement)**
2. The Application must include the following:
  - a. A completed Application Form provided by the OSSF Designated Representative;
  - b. Planning materials specified in this order and TAC, Title 30, Chapter 285, Subchapter A, Rule 285.5;
  - c. Site evaluation results conforming to TAC, Title 30, Chapter 285, Subchapter D, Rule 285.30;
  - d. Land survey completed by a Texas state licensed surveyor with all drawings and/or schematic sketches done to scale. Exact area for OSSF location should be outlined and labeled, "NO BUILD ZONE - SEPTIC EASEMENT"; and (More stringent requirement)
  - e. The required Application fee specified in the adopted Fee Schedule.
3. Before the OSSF Designated Representative issues an authorization to construct, the property owner must record an affidavit in the County deed records and affirm the recording to the OSSF Designated Representative.
4. The affidavit must include:
  - a. The owner's full name;
  - b. The Legal Description of the property;
  - c. That the OSSF requiring continuous maintenance is located on the property;
  - d. That the Permit for the OSSF is transferred to the new owner upon transfer of the property; and
  - e. The owner of an aerobic OSSF connected to a single-family dwelling must obtain a maintenance contract within 30 days of

transfer if the transfer takes place after the initial two-year service policy.

(G) Action by the OSSF Designated Representative

1. The OSSF Designated Representative will approve or deny the Permit Application no later than thirty (30) days after submittal (TAC Title 30, Chapter 285, Subchapter A, Rule 285.3(c)).
2. The OSSF Designated Representative may approve the Permit Applications with conditions necessary to ensure the OSSF will operate in accordance with the planning materials under TAC Title 30, Chapter 285, Subchapter A, Rule 285.3(a)(4).

(H) Appeals

1. The Applicant may appeal the decision to the Development Support Committee no later than thirty (30) days after the decision of the OSSF Designated Representative.
2. The Development Support Committee will decide the appeal no later than thirty (30) days after the appeal is filed. Failure of the Development Support Committee to act on the appeal will uphold the decision of the OSSF Designated Representative.
3. The Applicant may appeal the decision of the Development Support Committee to the Commissioners Court no later than ten (10) days after the decision of the Development Support Committee. Failure of the Commissioners Court to act will uphold the decision of the Development Support Committee.
4. The decision of the Commissioners Court is final.

(I) Inspection and Maintenance

1. The installer must notify the OSSF Designated Representative at least five (5) days before the OSSF is ready for inspection.
2. The OSSF Designated Representative will inspect the completed OSSF and charge a fee according to the adopted Fee Schedule.
  - a. If the property owner or installer requests an inspection before the OSSF is complete and every component ready for inspection, the OSSF Designated Representative will charge the full fee.
  - b. If the OSSF fails the inspection, the County will charge a re-inspection fee to the property owner each time a re-inspection is required.
3. The property owner must provide the OSSF Designated Representative



with a maintenance contract for an OSSF using aerobic treatment. The contract must conform to the following requirements:

- a. A TCEQ-registered maintenance provider must conduct all contracted maintenance;
- b. The maintenance provider must inspect the OSSF every four (4) months; and
- c. The maintenance provider must submit a copy of the contract and renewal information to the OSSF Designated Representative within seven (7) days of the document's signature date.

*2007 Order (G) All contracted maintenance of an on-site sewage disposal system using aerobic treatment shall be conducted by a certified maintenance provider. There shall be no homeowner/property owner maintenance of an aerobic sewage disposal system using aerobic treatment unless:*

- (1) the homeowner/property owner is a certified maintenance provider for that aerobic treatment unit;*
- (2) the homeowner/property owner was trained by an installer or manufacturer according to HB 2510 prior to adoption of this amendment;*
- (3) the homeowner/property owner holds a class D or higher wastewater treatment license and is certified by the manufacturer for the brand of system they own. (see changes in bold below)*

4. If an existing OSSF using aerobic treatment does not have a maintenance contract and the owner of the system maintains the OSSF, **the owner must successfully complete an approved OSSF maintenance training course as specified by the Designated Representative.** If an OSSF is not under a maintenance contract and is maintained by the owner, the Designated Representative may inspect the OSSF at any time. **(More stringent requirement)**
5. Non-residential OSSF (or any residential OSSF that also receives wastewater from a non-residential source/use) requires annual BOD/TSS testing. The maintenance provider must submit BOD test results to the County annually.

*2007 Order (H) Maintenance inspections and reports*

*Inspections at a minimum must meet all inspection requirements as set by the TCEQ, Hunt County, and as outlined by the manufacturer for the brand being inspected.*

*Inspection reports must also address all inspection requirements as set by the TCEQ, Hunt County, and as outlined by the manufacturer for the brand being inspected. Hunt County requires that each inspection address sludge levels in the pump tank and the condition of the spray area. (kept word for*



word)

6. Inspections at a minimum must meet all inspection requirements as set by the TCEQ, Hunt County, and as outlined by the manufacturer for the brand being inspected.
7. Inspection reports must also address all inspection requirements as set by the TCEQ, Hunt County, and as outlined by the manufacturer for the brand being inspected. Hunt County requires that each inspection address sludge levels in the pump tank and the condition of the spray area.

*2007 Order (E) Systems subject to required maintenance and reporting must register annually. Registration is subject to a fee, which is set by commissioners court. (kept word for word)*

8. OSSF systems, subject to required maintenance and reporting, must register annually. Registration is subject to a fee which is set by the commissioners court.

(J) Expansion of Existing Use or Remodel of Building

1. Prior to expanding any use or remodeling of a building that will result in the need for additional OSSF capacity, the property owner must notify the OSSF Designated Representative of the expansion and provide an analysis of the existing OSSF that conforms to TAC, Title 30, Chapter 285, Subchapter D, Rule 285.30.
2. Expansions and/or substantial remodels are defined as changes to an existing structure that is currently served by one or more OSSF that will require increased capacity per Table III Wastewater Usage Rate from Title 30 Chapter 285 OSSF or that result in an increase in market value of the residence or building by fifty percent (50%) or more. Expansions and/or substantial remodels must include bringing the OSSF system up to current requirements of this order even if a new OSSF system is not required. (More stringent requirement)
3. If the existing OSSF does not have the capacity for the expanded use or building, the property owner must secure a permit for a new OSSF in accordance with this order.

*2007 Order (D) Existing facilities replacing systems must submit the last 12 months of water usage for that facility. If higher than Table III Wastewater Usage Rate from Title 30 TAC Chapter 285 OSSF, actual usage rate will be used for sizing. (kept word for word)*

4. Existing facilities replacing systems must submit the last 12 months of

water usage for that facility. If higher than Table III Wastewater Usage Rate from Title 30 TAC Chapter 285 OSSF, actual usage rate will be used for sizing.

(K) Minimum Land Area for an On-Site Sanitary Sewer Facility (OSSF)

*2007 Order (B) Subdivision of land for single family residents or commercial using OSSF systems must have a minimum of 1.5 acres per lot size. (see changes in bold below)*

1. **Any Lot with an OSSF must be a minimum of one (1) acre to accommodate adequate drainage fields. A minimum of ½ acre of land appropriate for use as a drainage field shall be marked and identified on any new survey of a subdivision lot prior to installation of an OSSF for new construction. (More stringent requirement)**
2. The OSSF Designated Representative may approve an OSSF on a Lot that is less than one (1) acre under the following conditions:
  - a. The Lot is a Lot of Record;
  - b. The OSSF Designated Representative determines that an OSSF will not cause a threat or harm to an existing or proposed water supply system or to the public health; and
  - c. The OSSF will not create a threat of pollution or nuisance conditions.

*2007 Order (C) Only one single family residence using OSSF systems may be located on 1.5 acres. (see changes in bold below)*

3. Only one single family residence using an OSSF system may be located on one (1) acre.
4. **An OSSF proposed within a 100-year Floodplain is subject to special planning requirements in accordance under TAC Title 30, Chapter 285, Subchapter D, Rule 285.31(c)(2).**
  - a. **The Applicant must locate the OSSF to avoid damage during a flood event that could result in contamination of the environment.**
  - b. **Planning materials must demonstrate prevention of tank flotation in a flood event.**
5. If the site is within the Floodway, the planning materials must demonstrate the following:
  - a. The system will not increase the height of the flood elevation;

**Commented [DJ1]:** What about a "no-impact/no-rise" certification by a PE must be received in order for such systems to be approved. This requirement would be in accordance with county resolutions 16,143 and 16,377.

Do we even need to re-state this no-impact/no-rise since that should be taken care of through the permitting process? Just asking.

**Commented [AH2R1]:** I think "no-impact/no-rise" is summed up in 5(a) just below this section. Regardless, like you stated, it will be addressed by the engineering/surveying in the permitting process.

**Commented [AH3R1]:**



- b. All components, except for risers, chlorinators, cleanouts, sprinklers, and inspection ports, will be completely buried without adding fill; and
- c. Non-buried components (e.g., alarms, junction boxes, sprinklers and compressors) will be elevated **2 feet** above the 100-year Base Flood Elevation.

#### SECTION 11. DUTIES AND POWERS.

The OSSF Designated Representative (DR) (30 TAC § 285.2(17)) of Hunt 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 Hunt 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 Hunt County, Texas.

#### SECTION 14. ENFORCEMENT PLAN

The County of Hunt, 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 Hunt 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 Hunt 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 22<sup>nd</sup> DAY OF March, 2020.

APPROVED:

  
\_\_\_\_\_  
County Judge

ATTEST:

  
\_\_\_\_\_  
County Clerk

