

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

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

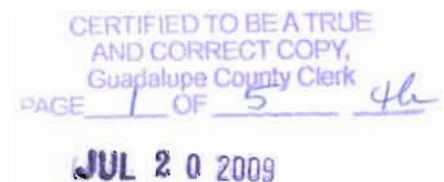
WHEREAS, the Commissioners Court of Guadalupe County, Texas has considered the matter and deems it appropriate to enact an Order adopting Rules regulating on-site sewage facilities to abate or prevent pollution, or injury to public health in Guadalupe County, Texas.

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

SECTION 3. THAT an Order for Guadalupe 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 Order for Guadalupe County.

SECTION 5. CHAPTER 366.

The County of Guadalupe, 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 the Order.

SECTION 6. AREA OF JURISIDICITION.

- (A) The Rules shall apply to all the area lying in Guadalupe County, Texas, except for the area regulated under an existing Rule and the areas within incorporated cities.
- (B) These Rules shall apply to those incorporated cities or towns that have executed intergovernmental contracts with Guadalupe County, Texas.

SECTION 7. ON-SITE SEWAGE FACILITY RULES.

Any permit issued for an on-site sewage facility within the jurisdictional area of Guadalupe 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, attached hereto, promulgated by the TCEQ for on-site sewage facilities are hereby adopted, and all officials and employees of Guadalupe 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 Chapters 30, Subchapters A and G, and 285 and all future amendments and revisions thereto are incorporated by reference and are thus made a part of these Rules.

CERTIFIED TO BE A TRUE
AND CORRECT COPY,
Guadalupe County Clerk
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SECTION 10. AMENDMENTS.

The County of Guadalupe, Texas wishing to adopt more stringent Rules for its On-Site Sewage Facility 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 Guadalupe County, Texas:

(A) RESIDENTIAL LOT SIZING

All subdivisions of single family dwellings as defined in Title 30 TAC Chapter 285.2 (67), platted, unplatted or created after the effective date of this Order and using individual on-site sewage facilities for sewage disposal shall have lots of at least one (1) acre.

All new subdivisions platted or unplatted after the date of this Order, and all existing subdivisions requiring on-site sewage facilities permitted after the date of this Order shall comply with this Section except for smaller lots platted prior to December 16, 2005 and thereby grandfathered.

(B) MULTI-FAMILY DEVELOPMENTS LOT SIZING

A multi-family development is an area developed or used for a structure or combination of structures designed to house two or more families either for purchase, rent or lease. A Living Unit Equivalent (LUE) is defined as a single family unit with two-hundred forty (240) gallons per day usage rate.

All subdivisions of multi-family dwellings platted or created after the effective date of this Order and using individual on-site sewage facilities for sewage disposal shall have lots of at least one (1) acre. Each multi-family residential unit shall have a minimum of one half (1/2) acre for each LUE for public water supply and one (1) acre for each LUE for private water supply, i.e., a duplex would require one acre with public water supply and two acres with private water supply.

(C) INSTITUTIONAL OR NON-RESIDENTIAL (BUSINESS, COMMERCIAL OR INDUSTRIAL) USES

Platted or unplatted lots used for institutional uses or non-residential uses, including office, commercial or industrial uses producing domestic wastewater shall:

- (1) Be sized and designed pursuant to a sewage disposal plan submitted to the Director which shall be based upon approved Site Specific Conditions and Site Evaluation Materials; and
- (2) Have a surface acreage minimum of three times the size of the disposal acreage which may be reserved for additional future disposal. This disposal acreage will be kept available for future use, i.e., acreage will be kept available for future use, i.e., not paved over for additional parking.

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(D) PERMIT REQUIREMENTS

All on-site sewage facilities in Guadalupe County shall require a permit regardless of tract size.

(E) PLANNING MATERIALS

Planning materials for all systems requiring a pump tank shall be submitted by a professional sanitarian or a professional engineer.

(F) MAINTENANCE PROCEDURES

Guadalupe County shall require that the maintenance procedures for OSSF's as identified in 285.91(12), be performed by a TCEQ registered maintenance provider unless:

- (1) The homeowner/property owner is a TCEQ licensed registered maintenance provider for their aerobic unit; or
- (2) The homeowner/property owner is trained by an installer or manufacturer according to the requirements of HB 2510 [79(R)] prior to adoption of HB 2482 [80(R)]; or
- (3) The homeowner/property owner obtains a valid Class D or higher wastewater treatment license or completes and passes the Texas Onsite Wastewater Association (TOWA) Basic Maintenance Course.

(G) MAINTENANCE INSPECTIONS AND REPORTS

- (1) Inspections at a minimum must meet all inspection requirements (no less than once every three months) as set by the Rules, found in Section 8 of this Order, Guadalupe County, as well as, the inspection requirements outlined by the manufacturer for the brand being inspected.
- (2) Inspection reports shall address all inspection and testing requirements as set by the Rules, found in Section 8 of this Order, Guadalupe County, as well as, the testing requirements outlined by the manufacturer for the brand being inspected.
- (3) Guadalupe County shall require the reporting of the sludge levels in the pump tank, and the condition of the spray area to be included on each required testing report specified by the Rules.

SECTION 11. DUTIES AND POWERS.

The on-site sewage facilities Inspector of Guadalupe County, Texas, must be certified by the Texas Commission on Environmental Quality before assuming the duties and responsibilities.

SECTION 12. COLLECTION OF FEES.

All fees collected for permits and/or inspections shall be made payable to Guadalupe County, Texas. A copy of the fee schedule is attached to these Rules as Appendix II.

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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 Guadalupe County, Texas.

SECTION 14. PENALTIES.

This Order adopts and incorporates all applicable penalty provisions related to on-site sewage facilities, which includes, but is not limited to, those found in Chapters 341 and 366 of the THSC, Chapters 7, 26, and 37 of the TWC and 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 Guadalupe, Texas, that the phases, 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, clause, sentence, paragraph, or section.

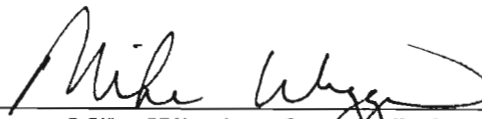
SECTION 16. EFFECTIVE DATE.

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 the Texas Commission on Environmental Quality.

AND IT IS SO ORDERED:

PASSED AND APPROVED THIS 30th DATE OF June, 2009

APPROVED:


Mike Wiggins, County Judge


Teresa Kiel, County Clerk



STATE OF TEXAS
COUNTY OF GUADALUPE
I do hereby certify that the foregoing is a true and correct copy as the same appears of FILE AND RECORDED in the Comm. Ct. Min. Records of Guadalupe County, Texas, on the date and time stamped thereon.

ATTEST:


TERESA KIEL
Guadalupe County Clerk
By 



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Guadalupe County, Clerk
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