

COUNTY OF CORYELL §
STATE OF TEXAS §

AFFIDAVIT

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

My name is Barbara Simpson, I am of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated:

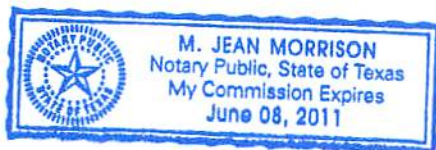
I am the custodian of the records of the County Clerks Office for the County of Coryell, Texas. Attached hereto are five (5) pages of records known as the On-Site Sewage Facilities Order for Coryell County. The records are kept by me as County Clerk, County of Coryell, in the regular course of business 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.


County Clerk

BEFORE ME, the undersigned authority, a Notary Public in and for said County, Texas, on this day personally appeared Barbara Simpson, 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 28th day of APRIL, 2008.

(SEAL)





Notary Public, State of Texas
My commission expires: June 08, 2011

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

WHEREAS, the Texas Commission on Environmental Quality 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, 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 Coryell County, Texas should enact an order controlling or prohibiting the installation or use of on-site sewage facilities in the County of Coryell, Texas; and

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

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

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

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

SECTION 5. CHAPTER 366.

The County of Coryell, 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 Texas Health and Safety Code (H&SC) 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.

(A) The Rules shall apply to all the area lying in Coryell 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 Coryell County, Texas.

SECTION 7. ON-SITE SEWAGE FACILITY RULES.

Any permit issued for an on-site sewage facility within the jurisdictional area of Coryell 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 285 and Chapter 30, promulgated by the Texas Commission on Environmental Quality for on-site sewage facilities are hereby adopted, and all officials and employees of Coryell County, Texas having duties under said Rules are authorized to perform such duties as are required of them under said Rules. The Rules, 30 TAC Chapters 30 and 285 and all future amendments and revisions thereto are incorporated by reference and are thus made a part of these Rules. A copy of the current Rules is attached to this Order as Appendix I.

SECTION 9. AMENDMENTS.

The County of Coryell, Texas wishing to adopt more stringent Rules for its On-Site Sewage Facility Order understands that the more stringent conflicting local Rule shall take precedence over the corresponding Texas Commission on Environmental Quality requirement. Listed below are the more stringent Rules adopted by Coryell County, Texas:

(A) All construction of, alteration, extension or repair to, on-site sewage facilities shall be permitted and inspected, regardless of the size of the tract of land.

(B) All maintenance of an on-site-sewage disposal system using aerobic treatment shall be conducted by a TCEQ licensed maintenance provider unless:

(1) The homeowner/property owner is a TCEQ licensed maintenance provider for their aerobic treatment unit; or

(2) The homeowner/property owner has received specific on-site maintenance training for their aerobic treatment unit from either their installer or the manufacturer of their unit pursuant to TAC Chapter 285, effective August 3, 2006, prior to September 1, 2007, the effective date of HB 2482 [80(R)]; or

(3) After September 1, 2007, and at any time after the expiration of the units' initial two-year service agreement, the homeowner/property owner receives specific maintenance training for their aerobic treatment unit from either their installer or the manufacturer of their unit pursuant to the detailed owner training requirements described within TAC Chapter 285, effective August 3, 2006; or

(4) The homeowner/property owner obtains a valid wastewater Class D or higher license.

(D) The required maintenance inspection and test report, conducted by the above described qualified homeowner/property owner or the TCEQ licensed maintenance provider, which must be submitted to the permitting authority shall:

(1) Meet all inspection requirements as set by TCEQ Rules, Coryell County Policy and Procedural Requirements, as well as, the inspection requirements outlined by the manufacturer for the brand being inspected; and

(2) Address all testing requirements as set by the TCEQ Rules, Coryell County Policy and Procedural Requirements, as well as, the testing requirements outlined by the manufacturer for the brand being inspected; and

(3) Report the sludge levels in the pump tank, and the condition of the spray area.

(E) Any homeowner/property owner intending on performing their own maintenance inspection and test reports must notify the Coryell County Permitting Authority of their intention to do so at least 30 days prior to the expiration date of their current contract and provide the required certification/documentation. Homeowners failing to provide said notification or failing to provide testing and reporting results as required by Rule, or homeowners falsifying the required documents, will be required to immediately contract with a TCEQ licensed maintenance provider and will not be allowed to perform their own maintenance.

SECTION 10. DUTIES AND POWERS.

The OSSF Inspector of Coryell County, Texas, must be certified by the Texas Commission on Environmental Quality before assuming the duties and responsibilities.

SECTION 11. COLLECTION OF FEES.

All fees collected for processing fees, late fees, penalty fees, permit renewal fees, permits, inspections, and/or re-inspections shall be made payable to Coryell County, Texas.

SECTION 12. APPEALS.

Persons aggrieved by an action or decision of the designated representative may appeal such action or decision to the Commissioners Court of Coryell County, Texas.

SECTION 13. 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 Texas Health and Safety Code, Chapters 7, 26, and 37 of the Texas Water Code and 30 TAC Chapters 30 and 285.

SECTION 14. SEVERABILITY

It is hereby declared to be the intention of the Commissioners Court of Coryell 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, clause, sentence, paragraph, or section.

SECTION 15. 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 28th DAY OF APRIL, 2008.

APPROVED:

(SEAL)


John E. Firth
Coryell County Judge



ATTEST:


County Clerk