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AMENDED ORDER APPROVED  
ON-SITE SEWAGE FACILITIES

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Upon a motion by Kenny Maines, seconded by Gilbert Flores, the Court unanimously voted to approve the Amended Order Adopting Rules of Lubbock County, for On-Site Sewage Facilities.

**AMENDED  
ORDER ADOPTING RULES OF LUBBOCK COUNTY, TEXAS  
FOR ON-SITE SEWAGE FACILITIES**

**PREAMBLE**

WHEREAS, the Texas Natural Resource Conservation Commission has established Design Criteria for on-site sewage facilities to provide the citizens of this State with adequate public health protection and a minimum of environmental pollution (hereinafter referred to the Regulations); 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 disposal 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 meeting and public hearing to determine whether the Commissioners' Court of Lubbock County, Texas should enact an order controlling or prohibiting the installation or use of on-site sewage facilities in the County of Lubbock, Texas; and

WHEREAS, said meeting and public hearing were held in accordance with the notice thereof, and the evidence and arguments there presented were considered by the Commissioners' Court of Lubbock County, Texas; and

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

WHEREAS, the Commissioners' Court of Lubbock 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 Lubbock County, Texas.

NOW, THEREFORE, IT IS ORDERED BY THE COMMISSIONERS' COURT OF LUBBOCK COUNTY, TEXAS:

SECTION 1. THAT the matters and facts recited in the preamble hereof are found and determined to be true and correct;

SECTION 2. THAT the use of on-site sewage facilities in Lubbock County, Texas is causing or may cause pollution or is injuring or may injure the public health;

SECTION 3. THAT an Order for Lubbock County, Texas IS adopted entitled "Order Adopting Rules of Lubbock County, Texas for On-Site Sewage Facilities".

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SECTION 4. CONFLICTS.

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of orders of Lubbock County, Texas not consistent with or in conflict with the provisions of this Order are hereby repealed.

SECTION 5. ADOPTING CHAPTER 366.

The County of Lubbock, Texas clearly understands the technical criteria, legal requirements, and administrative procedures and duties associated with regulating on-site sewage facilities, and does adopt and will fully enforce Chapter 366 of the Texas Health and Safety Code.

SECTION 6. AREA OF JURISDICTION.

- (a) This Order shall apply to all areas in Lubbock County, Texas, except for any area regulated under an existing Rule and the areas within incorporated cities.
- (b) This Order shall apply to those incorporated cities, or towns that have executed intergovernmental contracts with Lubbock County, Texas.

SECTION 7. ON-SITE SEWAGE FACILITY RULES.

Any structure discharging sewage into an on-site sewage facility within the jurisdictional area of Lubbock County, Texas must comply with the Regulations adopted in Section 8 of this Order.

SECTION 8. ON-SITE SEWAGE FACILITY RULES ADOPTED.

The Regulations ("Design Criteria For On-site Sewage Facilities", Texas Administrative Code 30 TAC 285.1 - 285.91), promulgated by the Texas Natural Resource Conservation Commission for on-site sewage systems are hereby adopted, and all officials and employees of Lubbock County, Texas having duties under said Rules are authorized to perform such duties as are required of them under said Regulations.

SECTION 9. INCORPORATED BY REFERENCE.

The Regulations (Design Criteria ,30 TAC 285.1 - 285.91) 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 Lubbock, Texas wishing to adopt more stringent rules for its On-site Sewage Facility Order understands that the more stringent conflicting local Order shall take precedence over the corresponding Texas Natural Resource Conservation Commission Regulations if the local Order provide greater public health and safety protection. Following is the more stringent Order adopted by Lubbock County, Texas:

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Lubbock County, Texas does hereby exclude from adoption under Section 8 of this Order, Section 366.052 of the Texas Health and Safety Code.

Regardless of the acreage, a permit is required for all on-site sewage facilities.

**SECTION 11. DUTIES AND POWERS.**

The Health & Environmental Inspector of Lubbock County, Texas is hereby declared the designated representative for the enforcement of this Order within its jurisdictional area. The appointed individual(s) must be approved and certified by the Texas Natural Resource Conservation Commission before assuming the duties and responsibilities of the Designated Representative of Lubbock County, Texas.

**SECTION 12. COLLECTION OF FEES.**

All fees collected for permits and/or inspections shall be made payable to Lubbock County, Texas.

**SECTION 13. APPEALS.**

Persons aggrieved by an action or decision of the designated representative may appeal such action or decision in writing to the Commissioners' Court of Lubbock County, Texas within ten (10) working days of the act giving rise to the grievance.

**SECTION 14. PENALTIES.**

This order adopts and incorporates all applicable penalty provisions related to on-site sewage facilities, including, but not limited to those found in Chapters 341 and 366 of the Texas Health and Safety Code, Chapter 26 of the Texas Water Code and 30 TAC Chapter 285.

**SECTION 15. SEVERABILITY.**

It is the intention of the Commissioners' Court of Lubbock 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 invalid or unconstitutional by the judgement or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Order, and they shall continue in full force and effect.

**SECTION 16. RELINQUISHMENT OF ORDER.**

If the Commissioners' Court of Lubbock County, Texas decides that it no longer wishes to regulate on-site sewage facilities in its area of jurisdiction, the Commissioners' Court shall follow the procedures outlined below:

- (A) The Commissioners' Court shall inform the Texas Natural Resource Conservation

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Commission by certified mail at least 30 days before the published date of the public hearing notice that it wishes to relinquish its On-site Sewage Facility Order.

- (B) The authorized agent shall post the required public notice in a newspaper regularly published or circulated in the area of jurisdiction at least 30 days prior to the anticipated date of action by the authorized agent.
- (C) The authorized agent shall send a copy of the public notice, a publisher's affidavit of public notice, and a certified copy of the minutes to the Texas Natural Resource Conservation Commission.
- (D) The executive director shall process the request for relinquishment and may issue an order relinquishing the authority to regulate OSSF's within the authorized agent's jurisdiction or may refer the request to relinquish to the commission.
- (E) Prior to issuance of a relinquishment order the local governmental entity and the executive director shall determine the exact date the authorized agent would surrender its authorized agent designation to the executive director.

SECTION 17. EFFECTIVE DATE.

This order shall be in full force and effect and after its date of approval as required by law and upon the approval of the Texas Natural Resource Conservation Commission.

AND IT IS SO ORDERED:

PASSED AND APPROVED THE 28TH DAY OF February, 2000.

AMENDED ORDER :

PASSED AND APPROVED THIS 12 day of August, 2002

APPROVED:

Tom Head  
Tom Head, COUNTY JUDGE

ATTEST:

Doris Ruff  
Doris Ruff, COUNTY CLERK

(SEAL)

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