

# TEXAS NATURAL RESOURCE CONSERVATION COMMISSION



THE STATE OF TEXAS  
COUNTY OF TRAVIS  
I hereby certify that this is a true and correct copy of a Texas Natural  
Resource Conservation Commission document, which is filed in the  
permanent records of the Commission.  
Given under my hand and the seal of office on

*La Donna Castañuela* APR 01 1999

La Donna Castañuela, Chief Clerk  
Texas Natural Resource  
Conservation Commission

IN THE MATTER OF THE APPLICATION § BEFORE THE EXECUTIVE  
OF THE COUNTY OF NACOGDOCHES § DIRECTOR OF THE TEXAS  
FOR A TEXAS HEALTH AND SAFETY § NATURAL RESOURCE  
CODE §366.031 ORDER § CONSERVATION COMMISSION

On MAR 26 1999 the Executive Director of the Texas Natural Resource Conservation Commission ("Commission" or "TNRCC"), considered the application of the County of Nacogdoches, ("Applicant" or "Nacogdoches"), for an Order pursuant to §366.031, Texas Health and Safety Code ("Code"), 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 the Applicant has satisfied the requirements of §366.031 of the Code and, therefore, the Commission finds that Nacogdoches County Order should be approved.

## FINDINGS OF FACT

1. The County of Nacogdoches drafted a proposed amendment to the current order which regulates on-site sewage facilities.
2. On January 21, 1999 the County of Nacogdoches caused notice to be published, in a newspaper regularly published and of general circulation, in Nacogdoches's area of jurisdiction, of a public meeting to be held on Monday, January 25, 1999.
3. The County of Nacogdoches held a public meeting to discuss the proposed amendment on January 25, 1999.
4. Nacogdoches County Order regulating on-site sewage facilities was adopted on February 8, 1999.
5. A certified copy of the minutes was submitted to the Texas Natural Resource Conservation Commission.
6. A certified copy of Nacogdoches County Order was submitted to the Texas Natural Resource Conservation Commission.



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

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

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

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

Now, Therefore, BE IT ORDERED BY THE COMMISSIONERS COURT OF NACOGDOCHES 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 NACOGDOCHES County, Texas is causing or may cause pollution is injuring the public Health;

SECTION 3. THAT an order for NACOGDOCHES County, Texas IS adopted entitled "ON-SITE SEWAGE DISPOSAL," which will read as follows:



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#### SECTION 4. CONFLICTS.

All Ordinances or parts of the Ordinance of the County of NACOGDOCHES, Texas not consistent with or in conflict with the provisions of this Ordinance are hereby repealed.

#### SECTION 5. ADOPTING CHAPTER 366.

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

#### SECTION 6. Area of Jurisdiction.

(A) The Rules will apply to all the area lying in NACOGDOCHES County, Texas except for the area of regulated under an existing Rule and the area within incorporated cities.

(B) (OPTIONAL) These Rules will apply to those incorporated cities or towns that have executed intergovernmental contracts with NACOGDOCHES County, Texas.

#### SECTION 7. On-site Sewage Facility Rules.

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

#### SECTION 8. On-site Sewage Facility Rules Adopted.

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

#### SECTION 9. Incorporation by Reference.

The Design Criteria (30 TAC 285.1 - 285.91) and all future amendments and revisions thereto are incorporated by reference and are thus made apart of these Rules. A copy of the current Design Criteria is attached to these Rules as Appendix I.



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SECTION 10. Amendments. (Optional)

No Ten Acre Exemptions will be allowed regardless of acreage within 2,000 feet of the Elevation 286 Mean Sea Level on Lake Nacogdoches, and Elevation 357 Mean Sea Level on Lake Naconiche. All on-site Sewage Facilities within these Perimeter's will be permitted and Inspected. All other OFFS will follow under the "Ten Acre Rule." in Chapter 366.

SECTION 10 or 11. Duties and Powers.

The Health & Environmental Services Department of NACOGDOCHES County, Texas is herewith declared the designated representative for the enforcement of these Rules 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 NACOGDOCHES County (entity).

SECTION 11 or 12. Collection and Fees

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

SECTION 13 or 14. Appeals.

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

SECTION 14 or 15. Penalties

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

SECTION 15 or 16. SEVERABILITY

It is hereby declared to be the intention of the Commissioners Court of NACOGDOCHES County, Texas that the phrases, clauses, sentences, paragraphs, and sections of this Order are severable, and if any phrases, clauses, sentence, paragraph, or section of this Order should be declared unconstitutional by the valid judgement or decree of any court of competent jurisdiction, such unconstitutionality will not affect any of the



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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 OR 17. RELINQUISHMENT OF ORDER.

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

(A) The Commissioners Court will inform the Texas Natural Resource Conservation 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 will 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 will 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 will 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 will determine the exact date the authorized agent would surrender its authorized agent designation to the executive director.

#### Section 17 or 18. EFFECTIVE DATE

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



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ON \_\_\_\_\_, the Texas Natural Resource Conservation Commission ("Commission" or "TNRCC"), at a hearing pursuant to notice properly and timely given, considered the application of the County of NACOGDOCHES, ("Applicant" or "NACOGDOCHES County"), for an Order pursuant to s366.031, Texas Health and Safety Code ("Code"), and 30 Texas Administrative Code (TAC) ss285.1-285.91 of the rules of the Commission.

Having heard the argument of the parties, the Commission is satisfied that the Applicant has satisfied the requirements of s336.031 of the Code and, therefore, the Commission finds that NACOGDOCHES County's Order should be approved.

#### FINDINGS OF FACT

1. The County of NACOGDOCHES drafted a proposed order to regulate on-site sewage facilities.
2. On January 21, 1999, the County of NACOGDOCHES caused notice to be published, in a newspaper regularly published and of general circulation, in NACOGDOCHES County's area of jurisdiction, of a public hearing to be Held on January 25, 1999.
3. The County of NACOGDOCHES held a public meeting to discuss the proposed order on January 25, 1999.
4. NACOGDOCHES County Order regulating on-site sewage facility was adopted On April 10, 1995.
5. A certified copy of the minutes was submitted to the Texas Natural Resource Conservation Commission.
6. A certified copy of NACOGDOCHES County Order was submitted to the Texas Natural Resource Conservation Commission.
7. The Order was reviewed by the staff of the Texas Natural Resource Conservation Commission and found to be at least equivalent to the standards of the Texas Natural Resource Conservation Commission.



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And It Is Ordered:

Passed and Approved This Month Feb. And This 8 Day of , 1999

(Seals)

Approved:

Sue Kennedy  
County Judge

Attest:  
Carol Wilson  
County Clerk

PUBLIC HEARING NOTICE FOR THE UPDATE OF THE  
COUNTY OF NACOGDOCHES ON-SITE SEWAGE FACILITY ORDER

The County Commissioners of NACOGDOCHES County, will conduct a public hearing under the authority of Chapter 366. Texas Health and Safety Code to consider the update of on-site sewage facilities (including Septic tanks ) in NACOGDOCHES Texas, to prevent possible pollution or injury to public Health. A copy of the updated order is available for review at The NACOGDOCHES County Courthouse Public Notice Bulletin Board between the hours of: 8:00 a.m. - 5pm. The public hearing will be held:

Date: January 25, 1999 - Time 1:30 p.m.  
Location: Commissioners Court Room

All interested persons are encouraged to participate in the public hearing.