

COUNTY OF POLK §

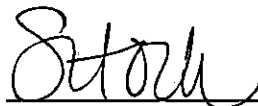
STATE OF TEXAS §

**AFFIDAVIT**

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

My name is Schelana Hock, 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 Polk, Texas. Attached hereto are six (<sup>6</sup>) pages of records known as (Order) OSSF. The records are kept by me as County Clerk, County of Polk, 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.

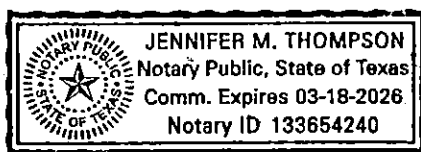


Schelana Hock  
Polk County Clerk

BEFORE ME, the undersigned authority, a Notary Public in and for said County, Texas, on this day personally appeared Schelana Hock, 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 25 day of Oct, 2023

(SEAL)



Notary Public, State of Texas

My commission expires: 03-18-26

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

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 Texas Legislature 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 to eliminate and prevent health hazards from the use of on-site sewage facilities; and

WHEREAS, the County of Polk, Texas understands that there are technical criteria, legal requirements, and administrative procedures and duties associated with regulating on-site sewage facilities, and may have responsibilities under the following provisions:

Texas Health and Safety Code Chapters 366 (On-Site Sewage Disposal Systems) and 367 On-Site Wastewater Treatment Research;

Texas Water Code Chapters 7 (Enforcement), 26 (Water Quality) and 37 (Occupational Licensing and Registration);

30 Texas Administrative Code Chapters 30, (Occupational Licensing and Registrations) 70 (Enforcement), and 285 (On-Site Sewage Facilities); and

Section 9 of this Order (More Stringent Requirements).

WHEREAS, due notice was given of a public meeting to determine whether the Commissioners Court of Polk County, Texas should enact an Order regulating the installation and use of on-site sewage facilities in the County of Polk, Texas; and

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

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

**NOW, THEREFORE, BE IT ORDERED BY THE COMMISSIONERS COURT OF POLK COUNTY, TEXAS:**

**SECTION 1. THAT** the matters and facts recited in the preamble are true and correct;

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

SECTION 3. This Order repeals and replaces any other On-site Sewage Facility (OSSF) Order for Polk County, Texas.

SECTION 4. THAT an Order for Polk County, Texas be adopted entitled “On-Site Sewage Facilities,” which shall read as follows:

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

SECTION 5. THAT the County of Polk, Texas wishing to adopt more stringent requirements for its OSSF ORDER understands that the more stringent requirements in this ORDER take precedence over the corresponding TCEQ rule.

SECTION 6. AREA OF JURISDICTION.

- (A) These Rules shall apply to all the areas lying within Polk County, Texas, except for areas regulated under an existing Order, Ordinance or Resolution and the areas within incorporated cities.
- (B) These Rules shall apply to those incorporated cities or towns that have executed OSSF intergovernmental contracts with Polk County, Texas.

SECTION 7. COMPLIANCE WITH ORDER.

All on-site sewage disposal systems installed in the jurisdictional area of Polk County must comply with this Order.

SECTION 8. INCORPORATION BY REFERENCE.

The following statutes and rules, including all future amendments to the statutes and rules, are incorporated by reference specifically, but not limited to:

Texas Health and Safety Code Chapters 366 (On-Site Sewage Disposal Systems) and 367 On-Site Wastewater Treatment Research;

Texas Water Code Chapters 7 (Enforcement), 26 (Water Quality) and 37 (Occupational Licensing and Registration); and

30 Texas Administrative Code Chapters 30, (Occupational Licensing and Registrations) 70 (Enforcement), and 285 (On-Site Sewage Facilities).

SECTION 9. MORE STRINGENT REQUIREMENTS

30 TAC § 285.10 allows local governmental entities to propose more stringent standards than minimally required by 30 TAC Chapter 285. Polk County has determined that more stringent requirements are necessary to protect human health and the environment. The Justification for the more stringent requirements is in Attachment A of this ORDER. The following more stringent

requirements are adopted by Polk County, Texas in this ORDER:

(A) MAINTENANCE OF ON-SITE SEWAGE DISPOSAL SYSTEM USING AEROBIC TREATMENT. All on-site sewage facilities using aerobic treatment must maintain a continuous maintenance contract after the initial two-year maintenance contract. All maintenance of an on-site sewage facility system using aerobic treatment shall be constructed by a TCEQ registered or licensed maintenance provider unless:

1. The homeowner of his/her primary single family residence is a TCEQ Registered or Licensed Maintenance Provider for their aerobic treatment unit; or
2. The homeowner of his/her primary single family residence is trained and certified by an Installer II, Aerobic Manufacturer, or the OSSF Designated Representative for the County; or
3. The homeowner of his/her primary single-family residence is trained by a TCEQ Registered or Licensed Maintenance Provider.

(B) MAINTENANCE INSPECTION AND TEST REPORT. The required maintenance inspection and test report, conducted by the above described certified homeowner or the TCEQ registered Maintenance Provider, which must be submitted once every four (4) months to the permitting authority, shall:

1. Meet all inspection requirements as set by TCEQ Rules, 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, as well as, the testing requirements outlined by the manufacturer for the brand being inspected; and
3. Comply with all inspection, testing, and reporting requirements identified in § 285.91(12).
4. Report the sludge levels in the pump tank, and the condition of the spray area.
5. Failure to provide and submit to Polk County inspection and testing reports for at least eight consecutive months shall result in forfeiting homeowner maintenance and shall require a maintenance contract with a registered provider.

(C) MINIMUM LOT SIZES. The minimum lot size requirements for property owners with an on-site sewage facility and public water supply shall be one (1) acre. Property owners with both a private/domestic water well and an on-site sewage facility shall be required to have a minimum lot size of two (2) acres. These increased lot size requirements are established to ensure proper wastewater management and protect groundwater resources in Polk County, Texas.

#### SECTION 10. COLLECTION OF FEES.

All fees for permits and/or inspections shall be made payable to Polk County, Texas. A processing fee for all service policies/maintenance contracts shall be submitted to the Permitting Office through the Maintenance Company, Technician or Certified Homeowner. Please refer to the Polk County Fee Schedule for current fees. A fee 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 11. APPEALS.

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

## SECTION 12. ENFORCEMENT PLAN

The County of Polk, Texas understands that, at a minimum, it must follow the requirements in 30 Texas Administrative Code § 285.71 Authorized Agent Enforcement of OSSFs. This includes timely investigating complaints, notifying complainants of findings, and taking appropriate action related to any documented violations. Records related to these activities shall be retained for review by TCEQ.

The County shall take appropriate and timely action on all documented violations, which may include any available penalties and remedies, pursuant to all applicable provisions related to on-site sewage facilities, including those found in Chapters 341 and 366 of the Texas Health and Safety Code, Chapters 7 and 26 of the Texas Water Code, and 30 Texas Administrative Code Chapter 285.

## SECTION 13. SEVERABILITY

It is hereby declared to be the intention of the Commissioners Court of Polk 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 void by a valid judgment or decree of any court of competent jurisdiction the judgment or decree shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Order.

## SECTION 14. RELINQUISHMENT OF ORDER

If the Authorized Agent of Polk County, Texas decides to relinquish its authority to regulate on-site sewage facilities in its area of jurisdiction, the local governmental entity (previously the Authorized Agent) and the TCEQ shall follow the procedures in 30 TAC § 285.10 (d) (1) through (4).

After relinquishing its OSSF authority, the local governmental entity understands that it may be subject to charge-back fees in accordance with 30 TAC § 285.10 (d) (5) and §285.14.

## SECTION 15. TITLE VI COMPLIANCE

If necessary, based on the need for access to information in a language other than English by the community, the Authorized Agent shall provide information regarding this Order, including notice, applications, and enforcement actions, in an alternative language. The Authorized Agent may base its determination on all relevant factors including: whether the elementary or middle school nearest to the site is required to provide a bilingual education program as required by Texas Education Code, Chapter 29, Subchapter B; whether there is newspaper regularly published in an alternative language; or if the AA has historical knowledge.

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 TCEQ.


AND IT IS SO ORDERED:

PASSED AND APPROVED THIS 24 DAY OF October, 2023.

APPROVED:

  
County Judge

ATTEST:

  
County Clerk

