FILED
7/14/25 1:15p
Stephanie M. Sanders, County Clerk
Robertson County, Texas
By: Stephanie Sanders

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

WHEREAS, the Texas Commission on Environmental Quality (TCEQ) has established Rules for on-site sewage facilities (OSSFs) 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 OSSFs in its jurisdiction to eliminate and prevent health hazards from the use of OSSFs; and

WHEREAS, the County of ROBERTSON, Texas understands that there are technical criteria, legal requirements, and administrative procedures and duties associated with regulating OSSFs, 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 ROBERTSON County, Texas should enact an Order regulating the installation and use of OSSFs in the County of ROBERTSON, Texas; and

WHEREAS, the Commissioners Court of ROBERTSON County, Texas finds that the use of OSSFs in ROBERTSON County, Texas is causing or may cause pollution, and is injuring or may injure the public health; and

WHEREAS, the Commissioners Court of ROBERTSON County, Texas has considered the matter and deems it appropriate to enact an Order adopting Rules regulating OSSFs to abate or prevent pollution, or injury to public health in ROBERTSON County, Texas.

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

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

SECTION 2. THAT the use of OSSFs in ROBERTSON 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 Order for ROBERTSON County, Texas.

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

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

SECTION 5. THAT the County of ROBERTSON, 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.

This Order shall apply to all the areas lying within ROBERTSON County, Texas, except for areas regulated under an existing Order, Ordinance, or Resolution.

SECTION 7. COMPLIANCE WITH ORDER.

All OSSFs installed in the jurisdictional area of Robertson 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 REQUIRENTS

30 Texas Administrative Code (TAC) § 285.10 allows local governmental entities to propose more stringent standards than minimally required by 30 TAC Chapter 285. ROBERTSON 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 ROBERTSON County, Texas in this ORDER:

(A) A permit will be required for all OSSFs regardless of lot size or acreage on which it is installed. All habitable structures, upon their completion, must be connected to either a central wastewater treatment sanitary sewer system or an approved OSSF. A permit will not be issued for an OSSF that is on a tract of land that is found to be in violation of any Robertson County Development (Subdivision) Regulations.

(B) Any OSSF using aerobic treatment connected to a single-family dwelling shall have a maintenance contract unless the homeowner has completed TEEX Class #WWW301, AgriLife Class #AGEN-CO-003, or another County approved aerobic maintenance class, and submitted a certificate of completion to the County.

(C) Aerobic treatment system maintenance reports shall be submitted to the County by the system owner's contracted Maintenance Provider or the homeowner certified to conduct their own maintenance.

(i) Reports shall address all maintenance and testing requirements as set by 30 TAC § 285.7 and outlined by the product manufacturer.
(ii) A homeowner conducting their own maintenance must comply with all maintenance, testing, and reporting requirements in 30 TAC § 285.91 (12).
(iii) Failure to submit reports for eight consecutive months shall result in forfeiting homeowner maintenance and require a maintenance contract with a licensed maintenance provider.
(iv) Robertson County shall require reporting of sludge levels in pump tanks and condition of the spray area in each required maintenance report.

(D) In the event of a change of ownership of property having an OSSF using aerobic treatment, a new Affidavit to the Public must be filed with the deed records by the new owner. The obligation to continue contracted maintenance by a licensed maintenance provider and file a new Affidavit to the Public with the deed records is required to be disclosed to any subsequent purchaser of real property which has an OSSF using aerobic treatment.

(E) All construction, alteration, extension, or repair of any non-standard or proprietary OSSF shall be by a licensed Installer. There shall be no homeowner installations for these types of systems unless the homeowner is an appropriately licensed Installer.

(F) All subdivisions of single-family dwellings using individual OSSFs must have

lots of at least one-half acre.

(G) All surface spray systems shall have timers to be set between 10:00 p.m. and 5:00 a.m.

SECTION 10. COLLECTION OF FEES.

All fees collected for permits and/or inspections shall be made payable to ROBERTSON County, Texas and will be determined by the Commissioners' Court of Robertson County, Texas. A fee of $10 will also be collected for each OSSF 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 ROBERTSON County, Texas.

SECTION 12. ENFORCEMENT PLAN.

The County of ROBERTSON, Texas understands that, at a minimum, it must follow the requirements in 30 TAC § 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 OSSFs, including those found in Chapters 341 and 366 of the THSC, Chapters 7 and 26 of the Texas Water Code, and 30 TAC Chapter 285.

SECTION 13. SEVERABILITY.

It is hereby declared to be the intention of the Commissioners Court of ROBERTSON 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 ROBERTSON County, Texas decides to relinquish its authority to regulate OSSFs in its area of jurisdiction, the local governmental entity (previously the Authorized Agent) and 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 Authorized Agent has historical knowledge.

SECTION 16. EFFECTIVE DATE.

This Order shall be in full force and effect as of September 1, 2025.

AND IT IS SO ORDERED:

PASSED AND APPROVED THIS 8th DAY OF July, 2025.

APPROVED:

(SEAL)

County Judge

ATTEST:

Stephanie M. Sanders

County Clerk

CERTIFIED COPY
This is a true and correct copy of the original filed in Robertson County Clerk's Office
Stephanie M. Sanders
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Organized Justifications for More Stringent Requirements of Robertson County OSSF Order

(A) A permit will be required for all OSSFs regardless of lot size or acreage on which it is installed. All habitable structures, upon their completion, must be connected to either a central wastewater treatment sanitary sewer system or an approved OSSF. A permit will not be issued for an OSSF that is on a tract of land that is found to be in violation of any Robertson County Development (Subdivision) Regulations.

Justification:

(i) Robertson County will require the permitting of all OSSF systems within County jurisdiction to protect the health and welfare of all citizens equally. We will manage, inspect, and ensure all effluent discharge is properly managed per TCEQ Guidelines.

(ii) We find this requirement necessary to provide consistent coverage within our jurisdiction regardless of lot size.

(iii) This ensures that no structures within county jurisdiction utilize prohibited methods of waste disposal such as out houses, bore injection, cesspools, etc.

(B) Any OSSF using aerobic treatment connected to a single-family dwelling shall have a maintenance contract unless the homeowner has completed TEEX Class #WWW301, AgriLife Class #AGEN-CO-003, or another County approved aerobic maintenance class, and submitted a certificate of completion to the County.

Justification:

(i) Robertson County wants to ensure that OSSFs are maintained by individuals that possess the knowledge needed to safely maintain such systems.

(ii) We believe this is necessary as unqualified individuals may overlook situations of illicit discharge through failed OSSF systems and some of these issues may not be readily addressed before potential damage to potable sources.

(C) Aerobic treatment system maintenance reports shall be submitted to the County by the system owner's contracted Maintenance Provider or the homeowner certified to conduct their own maintenance.

(i) Reports shall address all maintenance and testing requirements as set by 30 TAC § 285.7 and outlined by the product manufacturer.

(ii) A homeowner conducting their own maintenance must comply with all maintenance, testing, and reporting requirements in 30 TAC § 285.91 (12).

(iii) Failure to submit reports for eight consecutive months shall result in forfeiting homeowner maintenance and require a maintenance contract with a licensed maintenance provider.

(iv) Robertson County shall require reporting of sludge levels in pump tanks and condition of the spray area in each required maintenance report.

Justification:

(i) This requirement ensures proper operation of OSSFs in County jurisdiction.

(ii) Robertson County must be able to track and monitor the general health of OSSFs to protect against illicit discharge and water contamination.

(D) In the event of a change of ownership of property having an OSSF using aerobic treatment, a new Affidavit to the Public must be filed with the deed records by the new owner. The obligation to continue contracted maintenance by a licensed maintenance provider and file a new Affidavit to the Public with the deed records is required to be disclosed to any subsequent purchaser of real property which has an OSSF using aerobic treatment.

Justification:

(i) Robertson County wants to ensure that potential or new owners are made aware of the requirements of maintaining an OSSF utilizing aerobic treatment.

(ii) We believe this is necessary as individuals unaware of such responsibilities may fail to ensure proper maintenance through the utilization of a contracted maintenance provider or through certified home owner maintenance

(E) All construction, alteration, extension, or repair of any non-standard or proprietary OSSF shall be by a licensed Installer. There shall be no homeowner installations for these types of systems unless the homeowner is an appropriately licensed Installer.

Justification:

(i) This ensures that non-standard OSSFs are installed by individuals that possess the knowledge needed to safely install such systems.

(ii) We believe this is necessary as unqualified individuals may create situations of illicit discharge through failed installations of OSSF systems and some of these issues may not be readily visibly apparent during inspection.

(F) All subdivisions of single-family dwellings using individual OSSFs must have lots of at least one-half acre.

Justification:

(i) This ensures that OSSFs are installed in a way that provides adequate clearance for OSSF equipment, appurtenances and drain fields.

(ii) We believe this is necessary given our soil conditions and installation methods.

(H) All surface spray systems shall have timers to be set between 10:00 p.m. and 5:00 a.m.

Justification:

(i) This reduces potential exposure to OSSF effluent.

(ii) We believe this is necessary as there might be cases of exposure to unsafe discharge during periods of higher traffic. On surface discharge systems the likelihood is greatly reduced for contact.

COUNTY OF ROBERTSON §

STATE OF TEXAS §

AFFIDAVIT

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

My name is Stephanie M. Sanders, 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 Robertson, Texas. Attached hereto are five (5) pages of records known as Order Adopting Rules of Robertson County, Texas for On-Site Sewage Facilities (Order). The records are kept by me as County Clerk, County of Robertson, 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.

Stephanie M. Sanders

BEFORE ME, the undersigned authority, a Notary Public in and for said County, Texas, on this day personally appeared Stepanie Sanders, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 8th day of July, 2025

(SEAL)

SHELLEY SMITH
My Notary ID # 130379106
Expires September 22, 2027

Shelley Smith
Notary/Public, State of Texas
My commission expires: 9-22-27

CERTIFIED COPY
This is a true and correct copy of the original filed in Robertson County Clerk's Office
Stephanie M. Sanders
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