

COUNTY OF FORT BEND           §

STATE OF TEXAS               §

AFFIDAVIT

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

My name is \_\_\_\_\_; 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 Fort Bend, Texas. Attached hereto are \_\_\_\_\_ (\_\_\_\_\_) pages of records known as Order For On-Site Sewage Facilities. The records are kept by me as County Clerk, County of Fort Bend, 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.

\_\_\_\_\_

BEFORE ME, the undersigned authority, a Notary Public in and for said County, Texas, on this day personally appeared \_\_\_\_\_, 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 \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**Signatures on file with the County Clerk's Office**

\_\_\_\_\_  
Notary/Public, State of Texas  
My commission expires

**ORDER ADOPTING RULES OF FORT BEND 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 Fort Bend County, Texas should enact an order controlling or prohibiting the installation or use of on-site sewage facilities in the County of Fort Bend, Texas; and

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

WHEREAS, the Commissioners Court of Fort Bend 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 Fort Bend County, Texas.

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

SECTION 3. THAT an Order for Fort Bend 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 Fort Bend County.

#### SECTION 5. CHAPTER 366.

The County of Fort Bend, 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 Fort Bend 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 Fort Bend County, Texas.

#### SECTION 7. ON-SITE SEWAGE FACILITY RULES.

Any permit issued for an on-site sewage facility within the jurisdictional area of Fort Bend 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, attached hereto, promulgated by the Texas Commission on Environmental Quality for on-site sewage facilities are hereby adopted, and all officials and employees of Fort Bend County, Texas having duties under said Rules are authorized to perform such duties as are required of them under said Rules.

#### SECTION 9. INCORPORATION BY REFERENCE.

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 these Rules as Appendix I.

## SECTION 10. AMENDMENTS.

The County of Fort Bend, 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 Fort Bend 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 construction of any type of on-site sewage facility shall be by a Registered Installer. There shall be no property owner/ homeowner installations unless the property owner/ homeowner is also a Registered Installer.
- c) All facilities holding a Fort Bend County Food Service Permit and receiving secondary treatment of the effluent shall be checked and maintained monthly by a contracted service provider. A chlorine residual or fecal coliform test shall be made at each site visit where disinfection is required. One BOD<sub>5</sub> and TSS Grab Sample test shall be conducted per year. The minimum acceptable test results shall be those outlined by the applicable State rules. All test results and maintenance reports shall be sent to the permitting authority within 14 days after the test is performed.
- d) All pipes shall be installed with the identifying numbers visible for inspection.
- e) The backfill material shall be on the site in sufficient quantities to complete the job at the time of the construction inspection.
- f) No component of an on site sewage facility shall be covered until an inspection by the permitting authority has been made. Provided, however, excavations may be partially backfilled with the permission of the permitting authority only. All ends and other critical items shall not be covered until the permitting authority has determined, as evidenced by the issuance of a Notice of Approval, that the installation, construction, extension or repair complies with these Rules, Standards, or other special conditions specified in the permit.
- g) When sprinklers are used as the application method, the sprinkler heads shall be stabilized to ensure the uniform distribution of the treated effluent.
- h) Any single family dwelling, commercial or institutional facility, multi-unit residential development or recreational vehicle park occupied any part of the day or night shall be connected to an on-site sewage facility or other approved method of wastewater treatment and disposal.
- i) When a visual and audible alarm is required for an on site sewage facility connected to a "Food Establishment", an additional visual and audible alarm shall be located or installed inside the facility, located in an area conspicuous to view by employees or management.

(For the purpose of this Order, a “Food Establishment” is an operation that stores, prepares, packages, serves, or otherwise provides food for human consumption, such as: a food establishment; retail food store; satellite or catered feeding location; catering operation; if the operation provides food directly to a consumer or to a conveyance used to transport people; market; remote catered operations; conveyance used to transport people; institution; or food bank; and that relinquishes possession of food to a consumer directly, or indirectly through a delivery services such as home delivery of grocery orders or restaurant takeout orders, or delivery service that is provided by common carriers).

- j) Low Pressure Dosed drainfields shall be constructed of excavations of at least one foot wide and shall have at least one foot of media depth.
- k) The Registered Installer of record shall be present at the final construction inspection.
- l) Any on-site sewage disposal system using aerobic treatment shall have a maintenance contract on that system.
- m) All contracted maintenance of an on-site sewage disposal system using aerobic treatment shall be conducted by a certified maintenance provider. There shall be no homeowner/property owner maintenance of an on-site sewage disposal system using aerobic treatment unless the property owner/homeowner is a certified maintenance provider for that aerobic treatment unit.
- n) The authorized agent may periodically inspect the on-site sewage disposal system using aerobic treatment for a single-family residence that is maintained directly by the owner of the system regardless of when the authorized agent conducted the last inspection.

#### SECTION 11. DUTIES AND POWERS.

The Environmental Health Department of Fort Bend County, Texas is herewith declared the designated representative for the enforcement of these Rules within its jurisdictional area. The OSSF Inspector(s) of Fort Bend County, Texas, must be certified by the Texas Commission on Environmental Quality before assuming the duties and responsibilities.

#### SECTION 12. COLLECTION OF FEES.

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

### SECTION 13. APPEALS.

Persons aggrieved by an action or decision of the designated representative may, within thirty (30) days of the date of the document giving notice of the action or decision, or within thirty (30) days of the action, if no document is given, appeal such action or decision to the Commissioners Court of Fort Bend County, Texas.

- (a) The appeal shall be initiated by the filing a written objection with the Clerk of the Commissioners Court. The written objection shall state what the complainant believes the action or decision of the licensing authority should have been and the reasons therefore. A copy of the document containing the notice of the complained of action or decision, or a written statement of the complained of action or decision if no document was given, shall be attached to said written objection.
- (b) When an objection is filed, the Clerk of the Commissioners Court shall notify the County Judge who shall place the matter on the Agenda of the Commissioners Court for review.
- (c) The Commissioners Court shall review the matter and consider such information and evidence that the Commissioners Court may deem relevant and that may be offered by the licensing authority or the complainant. The Commissioners Court shall affirm, reverse, or modify the action or decision of the licensing authority.
- (d) These provisions for appeal are not exclusive, but are cumulative of any other remedies at law or in equity.

### SECTION 14. ENFORCEMENT.

The designated representative may routinely inspect on-site sewage facilities to assure continued compliance with all applicable Rules.

The designated representative shall inspect any on-site system that is believed to be causing pollution, a threat to the public health, nuisance conditions, or illegally installed or altered. If upon inspection, it is found that any of these conditions exist, the owner of the on-site sewage facility will be notified in writing of the violation. The notification shall include; what must be done to achieve compliance, and shall set a reasonable amount of time to comply. The on-site sewage facility shall be reinspected at the expiration of the allotted time.

### SECTION 15. PENALTIES.

The County of Fort Bend, Texas 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 16. SEVERABILITY

It is hereby declared to be the intention of the Commissioners Court of Fort Bend 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 judgement 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 17. 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 \_\_\_\_\_ DATE OF \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
County Judge, Fort Bend County

ATTEST: \_\_\_\_\_  
County Clerk

**Signatures on file with the County Clerk's Office**