

## ORDER ADOPTING RULES OF GILLESPIE 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 Gillespie, 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 Gillespie County, Texas should enact an Order regulating the installation and use of OSSFs in Gillespie County, Texas; and

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

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



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Gillespie County, Texas  
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NOW, THEREFORE, BE IT ORDERED BY THE COMMISSIONERS COURT OF GILLESPIE 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 Gillespie County, Texas is causing or may cause pollution or is injuring or may injure the public health.

Section 3. THAT this order repeals and replaces any other OSSF Order for Gillespie County, Texas.

Section 4. THAT an Order for Gillespie County, Texas be adopted entitled and read as:

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

Section 5. THAT the County of Gillespie, 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 areas lying within Gillespie 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 Gillespie 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 Texas Administrative Code (TAC) §285.10 allows local governmental entities to propose more stringent standards than minimally required by 30 TAC Chapter 285. Gillespie County has determined that more stringent requirements are necessary to protect human health and the environment. The following more stringent requirements are adopted by Gillespie County, Texas in this ORDER:



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(A) Gillespie County, to provide greater public health and safety protection shall require planning materials, application, permit, and inspection for construction, alteration, extension, or repairs of any OSSF, regardless of the size of the tract of land.

Justification:

- (1) This requirement ensures that all OSSFs are recorded and trackable on all properties, including ten acre or larger tracts.
- (2) This information will provide valuable information for future generations of property owners and avoid potential safety issues by illicit damage to existing systems that would otherwise not be identifiable.

(B) Gillespie County requires maintenance for all OSSFs identified in §285.91(12) to be performed by a TCEQ registered maintenance technician or licensed maintenance provider and not the homeowner.

Justification:

- (1) Gillespie County wants to ensure that OSSFs are maintained by individuals that possess the knowledge needed to safely maintain such systems.
- (2) We believe this is necessary as unqualified individuals may overlook situations of illicit discharge through failed OSSFs and some of these issues may not be readily addressed before potential damage to potable sources.

(C) Maintenance Inspections and Reports must include sludge levels in the pump tank and condition of the spray area in each required report.

Justification:

- (1) This requirement ensures proper operation of OSSFs in Gillespie County jurisdiction.
- (2) Gillespie County must be able to track and monitor the general health of OSSFs to protect against illicit discharge and water contamination.

Section 10. COLLECTION OF FEES. All fees collected for permits and/or inspections shall be made payable to Gillespie 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 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 Gillespie County, Texas.



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**Section 12. ENFORCEMENT PLAN.** The County of Gillespie, 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 OSSF's including those found in Chapters 341 and 366 of THSC, Chapters 7 and 26 of the Texas Water Code, and 30 TAC §285.

**Section 13. SEVERABILITY.** It is hereby declared to be the intention of the Commissioners Court of Gillespie 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 judgement 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 Gillespie County, Texas decides to relinquish its authority to regulate OSSF's 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 a 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 from and after its date of approval as required by law and upon the approval of TCEQ.



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AND IT IS SO ORDERED:

PASSED AND APPROVED THIS 14<sup>th</sup> DAY OF October, 2025

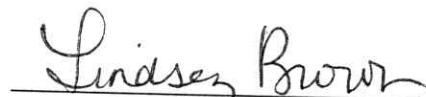
APPROVED:

(SEAL)



THE HONORABLE DANIEL JONES  
GILLESPIE COUNTY JUDGE

ATTEST:



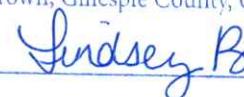
Lindsey Brown  
LINDSEY BROWN  
GILLESPIE COUNTY CLERK

I do here by certify that this is a true and correct copy as the same appears of record in my office. Witness my hand and Seal of Office on

November 3, 2025  
Lindsey Brown, Gillespie County, County Clerk



By



Lindsey Brown



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Gillespie County, Texas

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