

COUNTY OF MONTAGUE

§

STATE OF TEXAS

§

AFFIDAVIT

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

My name is Kim Jones, 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 Montague, Texas. Attached hereto are four (4) pages of records known as Order Adopting Rules of Montague County, Texas for On-Site Sewage Facilities (Order). The records are kept by me as County Clerk, County of Montague, 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.

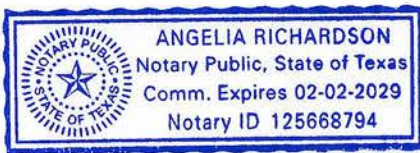


Kim Jones
Kim Jones, Montague County Clerk

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

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 11th day of August, 2025.

(SEAL)



Angelia Richardson
Notary/Public, State of Texas
My commission expires:

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

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

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

NOW, THEREFORE, BE IT ORDERED BY THE COMMISSIONERS COURT OF MONTAGUE 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 Montague 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 Montague County, Texas.

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

Order Adopting Rules of Montague County, Texas for On-Site Sewage Facilities

SECTION 5. THAT the County of Montague 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 Montague 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 Montague 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. Montague 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 Montague County, Texas in this ORDER:

(A) The 10-acre rule does not apply. All systems must have a permit regardless of acreage.

(B) All aerobic systems must have a maintenance contract with a licensed

maintenance provider.

- (C) Effective on the date of this order, all platted or created subdivisions of single-family dwellings using individual OSSFs shall have lots of at least two (2) acres.

SECTION 10. COLLECTION OF FEES.

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

SECTION 12. ENFORCEMENT PLAN.

The County of Montague, 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 Montague 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 Montague 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 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 11th DAY OF August, 2025.

APPROVED:

(SEAL)


County Judge

ATTEST:

 
County Clerk