

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

APR 20 2026



OF THE COMMISSION, I HEREBY CERTIFY TO THE
SEAL OF OFFICE
Laurel Williams
LAUREL WILLIAMS, CHIEF CLERK
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

IN THE MATTER OF THE	§	BEFORE THE EXECUTIVE
APPLICATION OF	§	DIRECTOR OF THE TEXAS
FRANKLIN COUNTY	§	COMMISSION ON
FOR A TEXAS HEALTH AND SAFETY	§	ENVIRONMENTAL
CODE §366.031 ORDER	§	QUALITY

On April 16, 2026, the Executive Director of the Texas Commission on Environmental Quality ("Commission" or "TCEQ"), considered the application of Franklin County for an Order pursuant to §366.031, Texas Health and Safety Code (THSC), and 30 Texas Administrative Code (TAC) §285.10 of the rules of the Commission.

No person has requested a public hearing on the application, therefore the Executive Director, on behalf of the Commission, is satisfied that Franklin County has satisfied the requirements of §366.031, THSC. The Commission finds that the Franklin County Order should be approved.

FINDINGS OF FACT

1. Franklin County drafted a proposed Order amendment which regulates on-site sewage facilities.
2. On February 18, 2026, Franklin County caused notice to be published, in a newspaper regularly published and of general circulation in Franklin County, of a public meeting to be held on February 23, 2026.
3. Franklin County held a public meeting to discuss its proposed Order on February 23, 2026.
4. The Franklin County Order regulating on-site sewage facilities was adopted on February 23, 2026.
5. A certified copy of the minutes was submitted to the Commission.
6. A certified copy of the Franklin County Order was submitted to the Commission.
7. The Order is at least equivalent to the standards of the Commission.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction to issue Orders designating local governmental entities as authorized agents. TEXAS WATER CODE ch. 5 and TEXAS HEALTH & SAFETY CODE ch. 366.
2. The Commission may delegate uncontested matters to the Executive Director provided the required notice was given, the applicant agrees to the action and the application is uncontested. TEXAS WATER CODE § 5.122.
3. Notice of Franklin County's intent to adopt a new Order was properly provided. TEXAS HEALTH & SAFETY CODE § 366.031 and TEXAS ADMINISTRATIVE CODE § 285.10.
4. Franklin County agreed to the proposed Order in writing.
5. The proposed Order is uncontested.
6. The Franklin County proposed Order incorporates the Commission's rules on abatement or prevention of pollution and prevention of injury to the public health; meets the Commission's minimum requirements for on-site sewage disposal systems. TEXAS HEALTH & SAFETY CODE § 366.032.

NOW, THEREFORE, BE IT ORDERED BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY THAT:

1. Franklin County is hereby authorized to implement its new Order regulating on-site sewage facilities.
2. Any amendments to the Franklin County Order must be approved by the Commission.
3. The Office of Chief Clerk of the Commission is directed to forward a copy of this Order and the Franklin County adopted Order, marked as Exhibit "A," to Franklin County and all other parties and to issue the Order and cause it to be recorded in the files of the Commission.

Issued this date: April 16, 2026

A handwritten signature in black ink, appearing to read "K. Keel". The signature is written in a cursive style with a large, stylized "K" and "Keel" following.

Executive Director
Texas Commission on Environmental Quality

EXHIBIT A

COUNTY OF FRANKLIN §

STATE OF TEXAS §

AFFIDAVIT

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

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

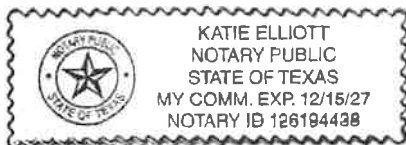
Brook Bussell

BEFORE ME, the undersigned authority, a Notary Public in and for said County, Texas, on this day personally appeared Brook Bussell, 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 23rd day of February, 2020

(SEAL)

Katie Elliott
Notary/Public, State of Texas
My commission expires: 12.15.2027



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

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

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

NOW, THEREFORE, BE IT ORDERED BY THE COMMISSIONERS COURT OF FRANKLIN 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 Franklin 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 Franklin County, Texas.

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

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

SECTION 5. THAT the County of Franklin, 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 Franklin 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 Franklin 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. Franklin 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 Exhibit B of this ORDER. The following more stringent requirements are adopted by Franklin County, Texas in this ORDER:

- (A) An application, permit, and inspection are required for construction, alteration, extension, or repair to any OSSF regardless of the size of the tract of land.
- (B) Maintenance for all OSSFs identified in 30 TAC § 285.91(12) shall be performed by a TCEQ registered maintenance technician or licensed maintenance provider unless:
 - (1) The homeowner is at least a registered maintenance technician; or
 - (2) The homeowner passes a basic homeowner maintenance course approved by Franklin County.
- (C) All platted or unplatted subdivisions of residential structures created after the effective date of this Order and using OSSFs shall have lots of at least one acre of usable area (usable area excludes water features and easements with a minimum required separation distance in 30 TAC § 285.91(10), and any slopes where seeps may occur).
- (D) Upon completion, all habitable structures must be connected to either a central wastewater treatment sanitary sewer system or a permitted OSSF.
- (E) Maintenance Reports:
 - (1) Homeowners of single family dwellings who maintain their own systems are not exempt from testing and reporting requirements identified in 30 TAC § 285.91(12).
 - (2) If aerobic treatment system maintenance is provided by a homeowner and they fail to submit maintenance or testing reports for 10 consecutive months, the homeowner shall enter into a maintenance contract with a licensed maintenance provider within 30 days from the date of a notice of violation.
 - (3) Sludge levels in the pump tank and the condition of the spray area (if present) shall be included in each required maintenance report.
- (F) All surface application systems installed on one acre or less of usable area shall be controlled by irrigation timers set to spray between midnight and 5:00 a.m.

SECTION 10. COLLECTION OF FEES.

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

SECTION 12. ENFORCEMENT PLAN.

The County of Franklin, 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 Franklin 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 Franklin 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 23rd DAY OF February, 2025.

APPROVED:

(SEAL)



ATTEST:

Scott Lee

County Judge

Frank Burrell

County Clerk

EXHIBIT B

MORE STRINGENT REQUIREMENT JUSTIFICATIONS

- (A) An application, permit, and inspection are required for construction, alteration, extension, or repair to any OSSF regardless of the size of the tract of land.

Justification:

a. *Franklin County will require the permitting of all OSSFs to protect the health and welfare of all citizens equally. We find it necessary to inspect all installations and ensure all effluent discharge is properly managed per TCEQ guidelines.*

- (B) Maintenance for all OSSFs identified in 30 TAC § 285.91(12) shall be performed by a TCEQ registered maintenance technician or licensed maintenance provider unless:

- (1) The homeowner is at least a registered maintenance technician; or
- (2) The homeowner passes a basic homeowner maintenance course approved by Franklin County.

Justification:

- a. *Franklin County wants to ensure that OSSFs are maintained by individuals that possess the knowledge needed to do so.*
- b. *We believe this is necessary as unqualified individuals may overlook situations of illicit discharge by failed OSSFs.*

- (C) All platted or unplatted subdivisions of residential structures created after the effective date of this Order and using OSSFs shall have lots of at least one acre of usable area (usable area excludes water features and easements with a minimum required separation distance in 30 TAC § 285.91(10), and any slopes where seeps may occur).

Justification:

- a. *Franklin County wants to ensure that OSSFs are installed on properties that provide adequate separation for OSSF equipment, appurtenances, and drain fields.*
- b. *We believe this is necessary to prevent soil saturation and groundwater contamination given soil classes in much of the County and the increase in residential construction in the area.*

- (D) Upon completion, all habitable structures must be connected to either a central wastewater treatment sanitary sewer system or a permitted OSSF.

Justification:

- a. *Franklin County wants to ensure that no structures utilize prohibited methods of waste disposal.*

- (E) Maintenance Reports:

- (1) Homeowners of single family dwellings who maintain their own systems are not exempt from testing and reporting requirements identified in 30 TAC § 285.91(12).
- (2) If aerobic treatment system maintenance is provided by a homeowner and they fail to submit maintenance or testing reports for 10 consecutive months, the homeowner shall enter into a maintenance contract with a licensed maintenance provider within 30 days from the date of a notice of violation.
- (3) Sludge levels in the pump tank and the condition of the spray area (if present) shall be included in each required maintenance report.

Justification:

- a. *By having additional reporting requirements, Franklin County ensures proper operation.*
- b. *Franklin County must be able to track and monitor the general health of OSSFs to protect against illicit discharge and water contamination.*

- (F) All surface application systems installed on one acre or less of usable area shall be controlled by irrigation timers set to spray between midnight and 5:00 a.m.

Justification:

- a. *Franklin County wants to minimize potential exposure to OSSF effluent by limiting to evening hours.*