

Brooke T. Paup, *Chairwoman*  
Bobby Janecka, *Commissioner*  
Catarina R. Gonzales, *Commissioner*  
Kelly Keel, *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

February 20, 2025

The Honorable Randall Hoyer  
County Judge  
Lampasas County Courthouse  
501 East 4th Street, Suite 103  
Lampasas, Texas 76550

RE: Lampasas County  
On Site Sewage Facility No. 620121

This letter is your notice that the Texas Commission on Environmental Quality (TCEQ) executive director (ED) has acted on the above-named application. According to 30 Texas Administrative Code (TAC) Section 50.135 the ED's action became effective on the date the ED signed the permit or other action. A copy of the final action is enclosed and cites the effective date.

For certain matters, a **motion to overturn**, which is a request that the commission review the ED's action on an application, may be filed with the chief clerk. Whether a motion to overturn is procedurally available for a specific matter is determined by Title 30 of the Texas Administrative Code Chapter 50. According to 30 TAC Section 50.139, an action by the ED is not affected by a motion to overturn filed under this section unless expressly ordered by the commission.

If a motion to overturn is filed, the motion must be received by the chief clerk within 23 days after the date of this letter. An original and 7 copies of a motion must be filed with the chief clerk in person or by mail. The Chief Clerk's mailing address is Office of the Chief Clerk (MC 105), TCEQ, P.O. Box 13087, Austin, Texas 78711-3087. On the same day the motion is transmitted to the chief clerk, please provide copies to the Environmental Law Deputy Director (MC 173), and the Public Interest Counsel (MC 103), both at the same TCEQ address listed above. If a motion is not acted on by the commission within 45 days after the date of this letter, then the motion shall be deemed overruled.

You may also request **judicial review** of the ED's action. The procedure and timelines for seeking judicial review of a commission or ED action are governed by Texas Water Code Section 5.351.

Individual members of the public may seek further information by calling the TCEQ Public Education Program, toll free, at 1-800-687-4040.

Sincerely,

A handwritten signature in black ink that reads "Laurie Gharis". The signature is written in a cursive, flowing style.

Laurie Gharis  
Chief Clerk

LG/cb

cc: Garrett T. Arthur, TCEQ Public Interest Counsel (MC 103)

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



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

On February 13, 2025, the Executive Director of the Texas Commission on Environmental Quality ("Commission" or "TCEQ"), considered the application of Lampasas 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 Lampasas County has satisfied the requirements of §366.031, THSC. The Commission finds that the Lampasas County Order should be approved.

## FINDINGS OF FACT

1. Lampasas County drafted a proposed Order which regulates on-site sewage facilities.
2. On January 7, 2025, Lampasas County caused notice to be published, in a newspaper regularly published and of general circulation, in the Lampasas County area of jurisdiction, of a public meeting to be held on January 13, 2025.
3. Lampasas County held a public meeting to discuss its proposed Order on January 13, 2025.
4. The Lampasas County Order regulating on-site sewage facilities was adopted on January 13, 2025.
5. A certified copy of the minutes was submitted to the Texas Commission on Environmental Quality.
6. A certified copy of the Lampasas 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 Lampasas County's intent to adopt a new Order was properly provided. TEXAS HEALTH & SAFETY CODE § 366.031 and TEXAS ADMINISTRATIVE CODE § 285.10.
4. Lampasas County agreed to the proposed Order in writing.
5. The proposed Order is uncontested.
6. The Lampasas County's 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. Lampasas County is hereby authorized to implement its new Order regulating on-site sewage facilities.
2. Any amendments to the Lampasas 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 Lampasas County adopted Order, marked as Exhibit "A," to Lampasas 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: February 13, 2025

A handwritten signature in black ink, appearing to read "K. Keel", is written over a horizontal line.

Executive Director  
Texas Commission on Environmental Quality

# EXHIBIT A

COUNTY OF LAMPASAS

STATE OF TEXAS

AFFIDAVIT

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

My name is Dianne Miller, I am of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated:

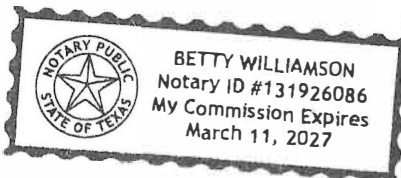
I am the custodian of the records of the County Clerk's Office for the County of Lampasas, Texas. Attached hereto are five (5) pages of records known as Order Adopting Rules of Lampasas County, Texas for On-Site Sewage Facilities (Order). The records are kept by me as County Clerk, County of Lampasas, 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.

Dianne Miller  
Dianne Miller

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

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 13 day January,  
of 2025

(SEAL)

Betty Williamson  
Notary Public, State of Texas My  
commission expires:  


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

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

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

NOW, THEREFORE, BE IT ORDERED BY THE COMMISSIONERS COURT OF LAMPASAS 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 Lampasas 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 Lampasas County, Texas.

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

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

SECTION 5. THAT the County of Lampasas, 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 Lampasas County, Texas, except for areas regulated under an existing Order, Ordinance or Resolution.

SECTION 7. COMPLIANCE WITH ORDER.

All on-site sewage disposal systems installed in the jurisdictional area of Lampasas 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. Lampasas County has determined that more stringent requirements are necessary to protect human health and the environment. The Justification for the more stringent requirements is marked as "Exhibit B" of this ORDER. The following more stringent requirements are adopted by Lampasas County, Texas in this ORDER:

- (A) Lampasas County, in order to provide greater health and safety protection, shall require a permit for all OSSFs regardless of acreage.
- (B) Lampasas County, in order to provide greater health and safety protection, shall require that all homeowners that maintain their aerobic treatment units shall successfully complete the "Homeowner Maintenance of Aerobic Treatment Units" course as taught by Texas A&M AgriLife or approved equal. The Lampasas County Designated Representative will determine if a proposed course is equivalent.
- (C) Homeowners shall adhere to the testing and reporting requirements found in §285.91(12) Table XII. OSSF Maintenance Contracts, Affidavit, and Testing/Reporting Requirements.
- (D) After the effective date of this order, Lampasas County, in order to provide greater health and safety protection, shall require for single family dwellings using an OSSF, a minimum lot size of 1 acre of surface area suitable for an OSSF installation, when served by a public water supply and a minimum lot size of 2 acres of surface area suitable for an OSSF installation, when not served by a public water supply.
- (E) Lampasas County, in order to provide greater health and safety protection, shall require a daily wastewater usage rate of 60 gallons per day for recreational vehicle (RV) OSSF permit designs.
- (F) Lampasas County, in order to provide greater health and safety protection, shall require that if an OSSF permit application is submitted for a development that is in violation of either the Lampasas County Subdivision Order or the Lampasas County Manufactured Home Order, the application will not be approved until the development becomes compliant with the applicable Order.

#### SECTION 10. COLLECTION OF FEES.

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

#### SECTION 12. ENFORCEMENT PLAN

The County of Lampasas, 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 Lampasas 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 Lampasas 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 AA has historical knowledge.

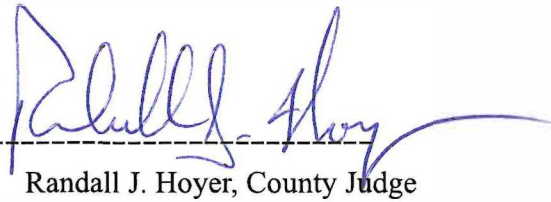
#### SECTION 16. EFFECTIVE DATE.

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 13 DAY OF January, 2025

APPROVED:



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Randall J. Hoyer, County Judge

(SEAL)

ATTEST:



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Dianne Miller, County Clerk.

## EXHIBIT B

# Organized Justifications for More Stringent Requirements Section 9 of OSSF Order

- (A) Lampasas County, in order to provide greater health and safety protection, shall require a permit for all OSSFs regardless of acreage.
  - (1) Justification: Greater public health and safety protection can be achieved by assuring that all OSSFs meet the appropriate design standards.
- (B) Lampasas County, in order to provide greater health and safety protection, shall require that all homeowners that maintain their aerobic treatment units shall successfully complete the “Homeowner Maintenance of Aerobic Treatment Units” course as taught by Texas A&M AgriLife or approved equal. The Lampasas County Designated Representative will determine if a proposed course is equivalent.
  - (1) Justification: Greater public health and safety protection can be achieved by increasing the training and knowledge of homeowners.
- (C) Homeowners shall adhere to the testing and reporting requirements as found in 30 TAC §285.91(12) Table XII. OSSF Maintenance Contracts, Affidavit, and Testing/Reporting Requirements.
  - (1) Justification: Greater public health and safety protection can be achieved by ensuring that proper testing and maintenance is being conducted for all systems.
- (D) After the effective date of this order, Lampasas County, in order to provide greater health and safety protection, shall require for single family dwellings using an OSSF, a minimum lot size of 1 acre of surface area suitable for an OSSF installation, when served by a public water supply and a minimum lot size of 2 acres of surface area suitable for an OSSF installation, when not served by a public water supply.
  - (1) Justification: In order to meet the necessary required setbacks from the OSSF, the minimum lot size needs to be increased to be in compliance with 30 TAC §285.91(10).
- (E) Lampasas County, in order to provide greater health and safety protection, shall require a daily wastewater usage rate of 60 gallons

per day for recreational vehicle (RV) OSSF permit designs.

- (1) Justification: Many recreational vehicles have washing machines and automatic dishwashers. Additionally, many recreational vehicles are being used as permanent housing, increasing the daily water usage for general hygiene. Overall, daily water usage has significantly increased.
- (F) Lampasas County, in order to provide greater health and safety protection, shall require that if an OSSF permit application is submitted for a development that is in violation of either the Lampasas County Subdivision Order or the Lampasas County Manufactured Home Order, the application will not be approved until the development becomes compliant with the applicable Order.
- (1) Justification: Lampasas County will require the platting of all subdivisions of land as stated within Section 232 of the Local Government Code. By establishing platting requirements, Section 232.101 allows, “the commissioners court may adopt rules governing plats and subdivisions of land within the unincorporated area of the county to promote the health, safety, morals, or general welfare of the county and the safe, orderly, and healthful development of the unincorporated area of the county.” By adopting standards for Manufactured Home Communities, Section 232.007(c)(3) allows adoption of “reasonable requirements for providing access to sanitary sewer lines, including specifying the location of sanitary sewer lines, or providing adequate on-site sewage facilities in accordance with Chapter 366, Health and Safety Code”.