

CITY OF JOHNSON CITY §

STATE OF TEXAS §

AFFIDAVIT

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

My name is S. Whitney Walston, 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 City Secretary's Office for the City of Johnson City, Texas. Attached hereto are _____ () pages of records known as Ordinance No. _____. The records are kept by me as City Secretary, City of Johnson City, 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.

S. Whitney Walston
City Secretary

BEFORE ME, the undersigned authority, a Notary Public in and for said City of Johnson City, Texas, on this day personally appeared S. Whitney Walston, 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__.

(SEAL)

Notary/Public, State of Texas
My commission expires:

ORDINANCE ADOPTING RULES OF THE CITY OF JOHNSON CITY, TEXAS
FOR ON-SITE SEWAGE FACILITIES

PREAMBLE

WHEREAS, the Texas Commission on Environmental Quality (TCEQ) 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 (THSC), 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 City Council of the City of Johnson City, Texas should enact an ordinance controlling or prohibiting the installation or use of on-site sewage facilities in the City of Johnson City, Texas; and

WHEREAS, the City Council of the City of Johnson City, Texas finds that the use of on-site sewage facilities in the City of Johnson City, Texas is causing or may cause pollution, and is injuring or may injure the public health; and

WHEREAS, the City Council of the City of Johnson City, Texas has considered the matter and deems it appropriate to enact an Ordinance adopting Rules regulating on-site sewage facilities to abate or prevent pollution, or injury to public health in the City of Johnson City, Texas.

NOW, THEREFORE, BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF JOHNSON CITY, 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 the City of Johnson City, Texas is causing or may cause pollution or is injuring or may injure the public health;

SECTION 3. THAT an Ordinance for the City of Johnson City, Texas be adopted entitled "On-Site Sewage Facilities", which shall read as follows:

AN ORDINANCE ENTITLED ON-SITE SEWAGE FACILITIES

SECTION 4. CONFLICTS.

This Ordinance repeals and replaces any other On-site Sewage Facility (OSSF) Ordinance for the City of Johnson City, Texas.

SECTION 5. ON-SITE SEWAGE FACILITY REGULATION AND ENFORCEMENT

The City of Johnson City, 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 THSC and Chapters 7 and 37 of the Texas Water Code (TWC), and associated rules referenced in Section 8 of this Ordinance.

SECTION 6. AREA OF JURISDICTION.

The Rules shall apply to all the area lying within the incorporated limits of the City of Johnson City, Texas.

SECTION 7. ON-SITE SEWAGE FACILITY RULES.

Any permit issued for an on-site sewage facility within the jurisdictional area of the City of Johnson City, Texas must comply with the Rules adopted in Section 8 of this Ordinance.

SECTION 8. ON-SITE SEWAGE FACILITY RULES ADOPTED.

The Rules, Title 30 Texas Administrative Code (TAC) Chapter 30, Subchapters A and G, and Chapter 285, promulgated by the TCEQ for on-site sewage facilities are hereby adopted, and all officials and employees of the City of Johnson City, 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 Chapter 30, Subchapters A and G, and Chapter 285 and all future amendments and revisions thereto are incorporated by reference and are thus made a part of these Rules.

SECTION 10. DUTIES AND POWERS.

The OSSF Designated Representative (DR) (30 TAC § 285.2(17)) of the City of Johnson City, Texas, must be certified by the TCEQ before assuming the duties and responsibilities.

SECTION 11. COLLECTION OF FEES.

All fees collected for permits and/or inspections shall be made payable to the City of Johnson City, Texas. A fee of \$10 will also be collected for each on-site sewage facility permit to be paid to the credit of the TCEQ Water Resources Management Account as required by the THSC, Chapter 367.

SECTION 12. APPEALS.

Persons aggrieved by an action or decision of the designated representative may appeal such action or decision to the City Council of the City of Johnson City, Texas.

SECTION 13. ENFORCEMENT PLAN

The City of Johnson City, Texas clearly understands that, at a minimum, it must follow the requirements in 30 TAC § 285.71 Authorized Agent Enforcement of OSSFs.

This Ordinance adopts and incorporates all applicable provisions related to on-site sewage facilities, which includes, but is not limited to, those found in Chapters 341 and 366 of the THSC, Chapters 7, 26, and 37 of the TWC and 30 TAC Chapter 30, Subchapters A and G, and Chapter 285.

SECTION 14. SEVERABILITY

It is hereby declared to be the intention of the City Council of the City of Johnson City, Texas, that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance should be declared unconstitutional by the valid judgment 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 Ordinance, since the same would have been enacted by the City Council without incorporation in this Ordinance of such unconstitutional phrases, clauses, sentences, paragraphs, or sections.

SECTION 15. RELINQUISHMENT OF ORDINANCE

If the City Council of the City of Johnson City, Texas decides that it no longer wishes to regulate on-site sewage facilities in its area of jurisdiction, the City Council, as the authorized agent, and the TCEQ shall follow the procedures outlined in 30 TAC § 285.10 (d) (1) through (4).

After relinquishing its OSSF authority, the authorized agent understands that it may be subject to charge-back fees in accordance with 30 TAC § 285.10 (d) (5) and §285.14 after the date that delegation has been relinquished.

SECTION 16. EFFECTIVE DATE.

This Ordinance shall be in full force and effect from and after its date of approval as required by law and upon the approval of the TCEQ.

AND IT IS SO ORDERED:

PASSED AND APPROVED THIS 3rd DAY OF OCTOBER 2023.

APPROVED:

(SEAL)

Stephanie Fisher, Mayor

ATTEST:

S. Whitney Walston, City Secretary

From: Michael OLSON <michael.olson@bureauveritas.com>
Sent: Thursday, August 10, 2023 7:18 PM
To: Rick Schroder <rschroder@johnsoncitytx.org>
Subject: Re: On-Site Sewage Facility Authorized Agent

Rick I just wanted oyu to know that I have passed my Designated Represenative OSSF test from TCEQ . I am now licensed and will be the DR for Johnson City if you all decide on it.

Michael "MO" Olson CBO, CFM, I-2954
Regional Director of Operations Waco/Austin/San Antonio
Bureau Veritas North America Inc.
100 Jupiter Road, Suite 900
Plano, Texas 75704
Phone: 254-258-8171
Inspection: 877-837-8775
Michael.Olson@bureauveritas.com
www.us.bureauveritas.com
ISO 9001:2008 Certified

From: Rick Schroder <rschroder@johnsoncitytx.org>
Sent: Thursday, August 3, 2023 3:39 PM
To: Michael OLSON <michael.olson@bureauveritas.com>
Subject: On-Site Sewage Facility Authorized Agent

Mo –

On Tuesday of this week, the City Council directed Staff to start the on-site sewage facility authorized agent process. We must adopt an ordinance (attached) and designate a designated representative.

It is my understanding from our prior conversation, that Bureau Veritas can operate as the City's designated representative. If correct, I would like confirmation that Bureau Veritas would handle the following on behalf of the City:

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Please advise.




Rick A. Schroder
Chief Administrative Officer
303 E. Pecan Dr. (Physical) | P.O. Box 369 (Mailing) | Johnson City, Texas 78636
(830) 868-7111, Ext. 8 | (830) 868-7718 (Fax) | www.johnsoncitytx.org
Yesterday is not ours to recover, but tomorrow is ours to win or lose. – President LBJ

OPEN MEETINGS ACT / CONFIDENTIALITY NOTICE: City Councilpersons and members of other Johnson City boards and / or commissions shall not "reply all" to this e-mail message. Please reply only to the original sender of this e-mail message. This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential or privileged information. Any unauthorized review, use, disclosure, or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

How to Become a Texas On-Site Sewage Facility (Septic System) Authorized Agent

What an OSSF authorized agent is, how a local government agency can become one, and how authorized agents amend an existing approved order, ordinance, or resolution.


How does a local governmental entity become an authorized agent? 

To become an authorized agent, a local governmental entity must have an order, ordinance, or resolution approved by the TCEQ; and must follow the requirements specified in **30 TAC §285.10**.  It is recommended the local governmental entity work with their designated representative when preparing or amending an order or ordinance. Below is a synopsis of the process:

1. Request a description of the delegation process and a copy of the model order, ordinance, or resolution.
2. Draft an order, ordinance, or resolution that meets the requirements of Title 30 Texas Administrative Code (30 TAC), Chapter 285 and Texas Health and Safety Code, Chapter 366, §366.032 using the model order, ordinance, or resolution format.
3. If proposing more stringent standards than 30 TAC, Chapter 285, the draft order, ordinance, or resolution must be submitted to the TCEQ with a written justification demonstrating how each more stringent requirement will provide greater protection to the public health and safety for review, comment, and approval before publishing the notice for a public meeting.
4. Publish notice of a public meeting at least 72 hours, but not more than 30 days. The notice must appear in a regularly published newspaper of general circulation in the area of jurisdiction.
5. After the public meeting is held, submit a copy of the following items:
 - o public notice as it appeared in the newspaper;
 - o publisher's affidavit from the newspaper in which the public notice appeared;

- certified copy of the minutes of the meeting when the order, ordinance, or resolution was adopted; and
 - certified copy of the order, ordinance, or resolution that was passed by the entity.
6. Have TCEQ review the materials to ensure the entity has complied with the requirements of 30 TAC, Chapter 285 and the Texas Health and Safety Code, Chapter 366. After the review:
- a commission order approving delegation will be prepared for signature by the executive director, or
 - a letter will be sent to the entity describing how the draft order, ordinance, or resolution does not comply with 30 TAC, Chapter 285 or Texas Health and Safety Code, Chapter 366.
7. Make necessary changes to the draft order, ordinance, or resolution, if needed and repeat steps 4-6.

The entity's order, ordinance, or resolution will be effective on the date the commission order approving delegation is signed by the executive director.

Is there a model order or ordinance available in a downloadable format? 

Yes.

-  **Model Order - 2016**
-  **Model Ordinance - 2016**


What happens when a local governmental entity becomes an authorized agent? 

The authorized agent is responsible for the proper implementation of Texas Health and Safety Code, Chapter 366, 30 TAC Chapter 285. The agent also administers the OSSF program according to the OSSF order, ordinance, or resolution approved by the executive director within the agent's area of jurisdiction.

The authorized agent must submit a monthly report ( **PDF format**) to the Texas On-site Wastewater Research Council to account for the total number of \$10 fees that were collected

during the month.


Not more than once a year, the authorized agent will be investigated by the TCEQ to determine the authorized agent's compliance with the Texas Health and Safety Code, Chapter 366 and 30 TAC Chapter 285.

How does an approved order, ordinance, or resolution get amended? 

An existing approved order, ordinance, or resolution may be amended at the request of the TCEQ:

- To ensure the authorized agent's program is consistent with current commission rules; or
- When the authorized agent feels they need to address a local issue that will benefit the greater protection of the public health and safety.

The **procedures** to amend an existing TCEQ approved order, ordinance, or resolution are the same as submitting an initial order, ordinance, or resolution for approval.

How do authorized agents relinquish their delegation? 

When an authorized agent decides to relinquish delegation, the agent will need complete the following steps:

1. Inform the executive director by certified mail at least 30 days before publishing a notice of intent to relinquish authority.
2. Publish notice of a public meeting at least 72 hours, but not more than 30 days, before the public meeting is to be held. The notice must appear in a regularly published newspaper of general circulation in the area of jurisdiction.
3. Hold a public meeting to discuss the intent to relinquish the delegated authority.
4. Repeal the order, ordinance, or resolution.
5. After the order, ordinance, or resolution is repealed, submit a copy of the following items:
 - public notice as it appeared in the newspaper;
 - publisher's affidavit from the newspaper in which the public notice was published; and



- o certified copy of the minutes of the meeting when the order, ordinance, or resolution was repealed.
6. Meet with the executive director to determine the exact date the agent shall surrender delegated authority.

The authorized agent will retain all authority and responsibility for the delegated program until the date agreed upon by the authorized agent and the executive director.

How does the TCEQ revoke an authorized agent's delegation?


An authorized agent's order, ordinance, or resolution may be revoked at any time by order of the commission for failure to implement, administer, or enforce Texas Health and Safety Code, Chapter 366 or 30 TAC, Chapter 285.

If the executive director determines that cause exists for revocation, the executive director will:

1. File a petition with the commission according to **30 TAC Chapter 70**  seeking revocation;
2. Initiate the hearing process with the State Office of Administrative Hearings according to **30 TAC Chapter 80**  ; and
3. Hold a public hearing to discuss the commission's intent to revoke the delegated authority of the local governmental entity.

After the opportunity for a hearing, the commission may:

- issue an order revoking the authorized agent's delegation;
- issue an order requiring the authorized agent to take certain action or actions in order to retain delegation; or
- take no action.

An authorized agent's order, ordinance, or resolution may be revoked at any time by order of the commission for failure to implement, administer, or enforce Texas Health and Safety Code, Chapter 366 or 30 TAC, Chapter 285. The process for revocation is outlined in **30 TAC, Chapter 285.13** .

Laws and rules that govern OSSF authorized agent delegation, relinquishment, and revocation. <

Subchapter C of the **Texas Health and Safety Code, Chapter 366** covers the designation of a local governmental entity as an authorized agent.

Subchapter B of Title 30, Texas Administrative Code Chapter 285 covers the procedures, in detail, for the designation, amendment, relinquishment, and revocation process for a local governmental entity.

Who can I contact for more information? <

Visit the **On-site Sewage Facility Program Contacts** page for e-mail addresses and phone numbers of staff who can assist with technical information, licensing, complaints, and other issues regarding on-site sewage facilities (septic systems).

On-Site Sewage Facilities (Septic Systems) Home

Information for Homeowners

Information for Licensees

Information for Regulators

On-Site Activity Reporting System (OARS)

 **How are we doing? Take our customer satisfaction survey**

Related Content

Contact TCEQ's OSSF program:

E-mail addresses and phone numbers for assistance with technical information, licensing, complaints, and other issues about on-site sewage facilities (septic systems).

External Quick Links

EPA Septic Systems Guidance, Policy, and Regulations [↗](#)

TX Onsite Wastewater Association [↗](#)

TX Department of Licensing and Regulation's Sanitarian Registration Program [↗](#)

TX Board of Professional Engineers [↗](#)

Texas A&M Engineering Extension Service [↗](#)

The Johnson City Record Courier
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 216-9094

PUBLIC NOTICE

**City of Johnson City, Texas
 Notice of Public Meeting
 October 3, 2023 at 6 p.m.**

A Regular Meeting of the Johnson City City Council will be held on October 3, 2023 at 6 p.m. CST at City Hall located at 303 E. Pecan Dr., Johnson City, TX 78636. At the Regular Meeting, the City Council will consider the adoption of an Ordinance adopting municipal rules for on-site sewage facilities, including, but not limited to, controlling or prohibiting the installation or use of on-site sewage facilities in the City of Johnson City, Texas. The public is invited to attend. This notice is required to be posted in the Johnson City Record Courier by the Texas Com- mission on Environmental Quality.

GARAGE SALE

Inside sale, Saturday 23rd from 10 a.m. 3 p.m., Blanco. Lots of glass, some furniture and more. 895 Deer Haven Lane.

RENT IT! SELL IT!

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SAFE
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Most Precious
Resource.*