

Hidalgo County Environmental Compliance Division Website

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Environmental Compliance Division

[Storm Water Management Plan](#)

[EPA National News](#)

[Municipal Separate Storm Sewer Systems \(MS4s\)](#)

[Developer, Engineers, and General Contractors](#)

[Hidalgo County Courthouse
100 N. Clossner
Edinburg, Texas 78539](#)

Overview

Welcome to the Hidalgo County Office of Environmental Compliance.

This website is dedicated to providing compliance information on the Hidalgo County MS4 Permit and EPA/TCEQ regulations.

In addition the office of Environmental Compliance is dedicated to researching "green" initiatives to support our natural resources.

Engineers, Developers and General Contractors will also find information regarding Hidalgo County requirements for Storm Water Management Pollution Prevention Plans(SWMP3).

Visitors to this website will find timely information on weather alerts, recent EPA and TCEQ environmental laws and regulations as well as activities for teachers and students.

Contact

Martin Ramirez,
Environmental Compliance Coordinator
[Email](#)

1304 S. 25th St
Edinburg, TX 78539

Ph: (956) 318-2840 ext. 260

Fx: (956) 318-2844

Hours

8:00 am - 5:00 pm
Monday - Friday

Links

[Environmental Kids Club](#)

[Texas Commission on Environmental Quality](#)

[Environmental Protection Agency](#)

Water Pollution Complaints

Hidalgo County is committed to protecting the storm water it releases to the Arroyo Colorado and Laguna Madre from our drainage systems. Dumping of trash, tires, chemicals, waste from septic tanks, etc. into canals, ditches, resacas, ponds, lakes, etc. will pollute our storm water. Apart from polluting our storm water, the dumping of waste into ditches and canals also impacts the drainage system that protects our communities and neighborhoods from flooding during storms and hurricanes. We are all affected by these activities as residents and taxpayers of the county.

Any resident of Hidalgo County may submit a complaint to the Hidalgo County Office of Environmental Compliance concerning pollution to our water bodies. Complaints may be submitted to (956) 318-2840 at ext. 255 or 260, or by submitting it through our water pollution complaint email: stormwater@hchd.org. You will be asked to provide some basic information concerning what you saw so that we may be able to address your concern.

Agenda for Hidalgo County Commissioners Court Meeting
on May 23, 2011

SPECIAL MEETING – MAY 23, 2011

BE IT REMEMBERED, that on this 23rd day of May A.D., 2011, there was begun and held a SPECIAL MEETING of the Honorable Commissioners' Court of Hidalgo County, Texas, wherein the following members thereof were present, to-wit:

HONORABLE RAMON GARCIA	HIDALGO COUNTY JUDGE
HONORABLE JOEL QUINTANILLA	COMMISSIONER, PRECINCT NO. 1
HONORABLE HECTOR (TITO) PALACIOS	COMMISSIONER, PRECINCT NO. 2
HONORABLE JOSEPH PALACIOS	COMMISSIONER, PRECINCT NO. 4

and ARTURO GUAJARDO, JR., COUNTY CLERK & EX-OFICIO CLERK OF THE COMMISSIONERS' COURT of Hidalgo County, Texas, wherein the following proceedings were had, to-wit:

AGENDA
CC REGULAR
HIDALGO COUNTY
COMMISSIONERS' COURT MEETING
May 23, 2011
9:00 A.M.

NOTICE is hereby given in accordance with Chapter 551, Texas Government Code, that a SPECIAL MEETING of the Commissioners' Court will be held in the Commissioners' Courtroom of the Administration Building, 100 E. Cano, 1st floor, Edinburg, Hidalgo County, Texas. Discussion and possible action relating to the following business will be transacted:

1. Roll Call

All members of the Court were counted present, with the exception of Commissioner Flores.

2. Pledge of Allegiance

Judge Garcia led the Court and Audience in reciting the Pledge of Allegiance.

3. Prayer

Martin led the Court and Audience in Prayer.

4. Approval of Consent Agenda

The Court proceeded with the Consent Agenda at this time.

5. Open Forum

(Audio Tape # 1, Tracking # 461)

-Fern McLaugherty had questions the date of Commissioners' Court meetings.

-Valde Guerra clarified scheduled meetings for Commissioners' Court.

-Brenda Salazar informed the Court and Audience that the Health & Human Services Department will be hosting an information booth on High Blood Pressure.

-Yvonne Ramon discussed the Election run offs and made clarifications on the concerns on the elections process in the City of Mercedes.

The Court proceeded with item #6.

6. Executive Officer - Valde Guerra: (Exhibit M)

(Audio Tape # 1, Tracking # 750)

A. 1. Requesting exemption from competitive bidding requirements under the Texas Local Government Code, Section 262.024(A) (4) "a Professional Service" for the "provision of legal services/representation in connection with litigation."

2. Requesting engagement with the firm of _____ for the "Provision of Legal Services/Representation in connection with Litigation"

NO ACTION taken on items 6.A.1 & 2.

B. AI-26760 Discussion and possible action on an Order authorizing the Resale of Foreclosed Real Estate Properties for failure to pay ad valorem taxes.

(Audio Tape # 1, Tracking # 1232)

On motion of Commissioner Joseph Palacios, seconded by Commissioner Flores, the Court made a UNANIMOUS vote of approval.

At this point, the Court recessed and proceeded with the Drainage Agenda to take action on this similar item.

C. AI-26757 Environmental Compliance: (Audio Tape # 1, Tracking # 750)

1. Presentation and Discussion of the Hidalgo County Storm Water Pollution Prevention Plan (SWMP3) as required by the Texas Commission on Environmental Quality (TCEQ) Municipal Separate Storm Sewer System (MS4) Permit.

Presentation made by Dr. Lori Ochoa.

NO ACTION taken on this item.

2. Presentation and Discussion on the Environmental Compliance Division priorities.

Presentation made by Dr. Lori Ochoa.

NO ACTION taken on this item.

D. AI-26777 1. Approval of the following personnel actions:

Action	Slot No.	Position Title	Grade & Step	Salary
Delete	008	Environmental Compliance Monitor	N/A	(\$60,000.00)
Create	012	Environmental Compliance Monitor (added to Hidalgo County position inventory)	G9, S1	\$34,360.00
Create	013	Administrative Assistant III	G8, S1	\$31,815.00
			Total Variance	\$6,175.00

2. Approval of interdepartmental transfer.

3. Approval of revised salary schedule.

On motion of Commissioner Flores, seconded by Commissioner Joseph Palacios, the Court made a UNANIMOUS vote to approve items 6.D.1, 2 & 3.

There being no further business to come before said Court, the meetings of the Commissioners' Court and the Drainage District #1 Board are now hereby adjourned.

Dated this the 23rd day of May 2011

ARTURO GUAJARDO, JR., County Clerk
Hidalgo County, Texas

By: _____
Priscilla Torres, Deputy

I, ARTURO GUAJARDO, JR., County Clerk attest that this is an accurate accounting of a proceeding of the Commissioners' Court held on May 10, 2011.

Signed this 1st day of June 2011

ATTEST:
ARTURO GUAJARDO, JR.
County Clerk and Ex-Officio Clerk
Of the Commissioners' Court of
Hidalgo County

(Seal)

By: _____
Priscilla Torres, Deputy

Agendas for presentations to Hidalgo County Subdivision Advisory
Board meetings on March 31, 2011 and April 19, 2011

REGULAR MEETING- APRIL 19, 2011

BE IT REMEMBERED that on this 19th day of April, A.D., 2011, there was begun and held a REGULAR MEETING of the Honorable Subdivision Advisory Board of Hidalgo County, Texas, wherein the following members thereof were present to-wit:

HONORABLE LEONEL GARZA, III	CHAIRMAN
HONORABLE JACK MCCLELLAND	VICE CHAIRMAN
HONORABLE OMAR RAMON	BOARD MEMBER
HONORABLE MANUEL CANTU	BOARD MEMBER
HONORABLE LONNIE BERRY	BOARD MEMBER

And **ARTURO GUAJARDO, JR., COUNTY CLERK** of Hidalgo County, Texas, wherein the following proceedings were had, to-wit:

**PLANNING DEPARTMENT
County of Hidalgo**

NOTICE is hereby given in accordance with Chapter 551, Texas Government Code, that a **REGULAR MEETING** of the Hidalgo County Subdivision Advisory Board will be held on **Tuesday, April 19, 2011, at 6:15 P.M.** at Hidalgo County Health Department Conference Room, 1304 S. 25th Street, Edinburg, Hidalgo County, Texas at which time the following items will be discussed and/or acted upon.

AGENDA

I. Call meeting to order

The Honorable Leonel Garza, III called the Hidalgo County Subdivision Advisory Board Meeting to order, whereupon the following proceedings were had, to-wit.

II. Roll Call

All members of the Board were counted present.

Also present were Gregory S. Kazen, Legal Counsel, Raul Sesin, T.J. Arredondo, Joe Tovar, Lori Ochoa and Erika Reyna.

III. Public Comments

No presentations made under Public Comments.

IV. Minutes

January 18, 2011
February 15, 2011
March 15, 2011

On motion of Jack McClelland, seconded by Lonnie Berry, the Board made a UNANIMOUS vote of approval.

V. Preliminary Approval

Paris Ranches Subdivision – Pct. 1 (Richard Garza)(Mile 6 West Rd & Mile 16 North Rd)

On motion of Omar Ramon, seconded by Jack McClelland, the Board made a UNANIMOUS vote of approval.

Morin Subdivision – Pct. 3 (Jose Luis Morin)(Goodwin Acres Rd & Mile 1 North Rd)

On motion of Lonnie Berry, seconded by Omar Ramon, the Board made a UNANIMOUS vote of approval.

VI. Final Approval

Amended El Monte Commercial Subdivision – Pct. 3 (Richard Ruppert)(El Pinto Rd & El Tabledo Rd)

On motion of Jack McClelland, seconded by Manuel Cantu, the Board made a UNANIMOUS vote of approval.

R.A.G. Subdivision – Pct. 1 (Roberto Gonzalez)(FM 88 & Mile 20 North Rd)

Chairman Leonel Garza, III asked if this is the one with the common access easement and if they were going to remove the last driveway.

Joe Tovar explained that that was the agreement and that they did comply.

On motion of Manuel Cantu, seconded by Omar Ramon, the Board made a UNANIMOUS vote of approval.

VII. Final Approval with Financial Guarantee

Tierra de Santa Cruz Subdivision – Pct. 4 (Richard Ruppert)(Brushline Rd & El Cibolo Rd)

NO ACTION taken on this item.

VIII. Other Business

T.J. Arredondo asked if the Board would be available for a Special Meeting sometime next week. The Board agreed to try and get together on Wednesday at noon.

IX. Adjournment

On motion of Lonnie Berry, seconded by Omar Ramon, the Board made a UNANIMOUS vote of approval to Adjourn the Subdivision Advisory Board Meeting.

There being no further business to come before
said Board, the meeting of the Hidalgo County Subdivision
Advisory Board was hereby adjourned.

LEONEL GARZA, III _____
CHAIRMAN

JACK McCLELLAND _____
VICE - CHAIRMAN

OMAR RAMON _____
BOARD MEMBER

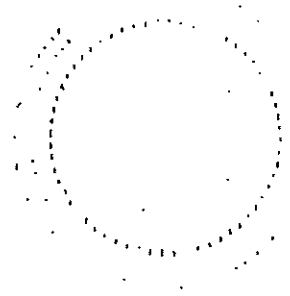
MANUEL CANTU _____
BOARD MEMBER

LONNIE BERRY _____
BOARD MEMBER

Dated this the 19th day of April 2011.

ARTURO GUAJARDO, JR., County Clerk
HIDALGO COUNTY, Texas

BY: Priscilla Torres
Priscilla Torres, Deputy



Minutes approved by the Subdivision Advisory Board on the 17th day of May, 2011.

SPECIAL MEETING- MARCH 31, 2011

BE IT REMEMBERED that on this 31st day of March, A.D., 2011, there was begun and held a SPECIAL MEETING of the Honorable Subdivision Advisory Board of Hidalgo County, Texas, wherein the following members thereof were present to-wit:

HONORABLE LEONEL GARZA, III	CHAIRMAN
HONORABLE JACK MCCLELLAND	VICE CHAIRMAN
HONORABLE OMAR RAMON	BOARD MEMBER

And **ARTURO GUAJARDO, JR., COUNTY CLERK** of Hidalgo County, Texas, wherein the following proceedings were had, to-wit:

**PLANNING DEPARTMENT
County of Hidalgo**

NOTICE is hereby given in accordance with Chapter 551, Texas Government Code, that a **SPECIAL MEETING** of the Hidalgo County Subdivision Advisory Board will be held on **Thursday, March 31, 2011, at 12:00 P.M.** at Hidalgo County Health Department Conference Room, 1304 S. 25th Street, Edinburg, Hidalgo County, Texas at which time the following items will be discussed and/or acted upon.

AGENDA

I. Call meeting to order

The Honorable Leonel Garza, III called the Hidalgo County Subdivision Advisory Board Meeting to order, whereupon the following proceedings were had, to-wit.

II. Roll Call

All members of the Board were counted present, with the exception of Manuel Cantu and Lonnie Berry.

III. Public Comments

No presentations made under Public Comments.

IV. Preliminary Approval

Eduardo's No. 10 Subdivision – Pct. 3 (Aniceto Izaguirre)(La Homa Rd & Mile 6 North Rd)

On motion of Jack McClelland, seconded by Omar Ramon, the Board made a UNANIMOUS vote of approval, subject to obtaining the FEMA Certification of the Zone A.

V. Final Approval

Palmito Estates Unit I Subdivision – Pct. 4 (Kyndel Bennett)(Valverde Rd & Mile 13 North Rd)

On motion of Jack McClelland, seconded by Omar Ramon, the Board made a UNANIMOUS vote of approval.

Palmito Estates Unit II Subdivision – Pct. 4 (Kyndel Bennett)(Valverde Rd & Mile 13 North Rd)

On motion of Jack McClelland, seconded by Omar Ramon, the Board made a UNANIMOUS vote of approval.

VI. Other Business

Presentation by Dr. Lori Ochoa and Mr. Tony Peña on environmental compliance. Dr. Ochoa informed the Board that training for developers and anyone working with construction crews is required by TCEQ and EPA. Chairman Garza suggested a Workshop to provide training to various Engineers, etc. on Protocols.

VII. Adjournment

On motion of Jack McClelland, seconded by Omar Ramon, the Board made a UNANIMOUS vote of approval to Adjourn the Subdivision Advisory Board Meeting.

There being no further business to come before
said Board, the meeting of the Hidalgo County Subdivision
Advisory Board was hereby adjourned.

LEONEL GARZA, III _____
CHAIRMAN

JACK McCLELLAND _____
VICE - CHAIRMAN

OMAR RAMON _____
BOARD MEMBER

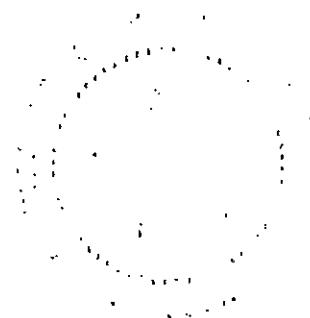
MANUEL CANTU _____ ABSENT
BOARD MEMBER

LONNIE BERRY _____ ABSENT
BOARD MEMBER

Dated this the 31st day of March 2011.

ARTURO GUAJARDO, JR., County Clerk
HIDALGO COUNTY, Texas

BY: Priscilla Torres
Priscilla Torres, Deputy



Minutes approved by the Subdivision Advisory Board on the 17th day of May, 2011.

Hidalgo County on Site Sewage Facilities (OSSF) Order

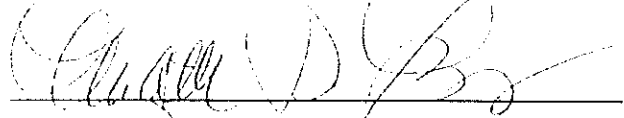
THE MONITOR

PUBLISHER'S AFFIDAVIT

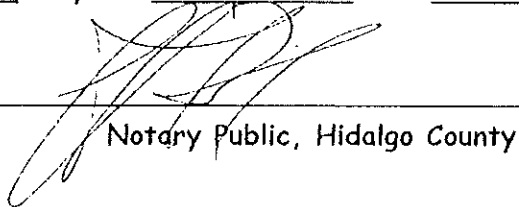
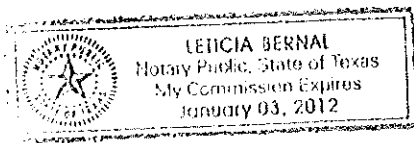
State of Texas
County of Hidalgo

ELIZABETH D. FLORES, being duly sworn on his/her oath states that he/she is a Sales Representative of THE MONITOR and that the attached notice appeared in the following issues:

November 6, 2010



Subscribed and sworn to before me this the 8th day of November A.D. 2010


Notary Public, Hidalgo County

Notice of Public Hearing for
Hidalgo County Health & Human Services
County of Hidalgo, State of Texas

Proposed On-Site Sewage Facility (OSSF) orders, ordinances, and resolutions

The County Commissioners of Hidalgo County, will conduct a public hearing under the authority of 30 TAC 285. 10(b) (5) and Chapter 366, Texas Health & Safety Code to consider the regulation of on-site sewerage facilities (OSSF), which includes septic tanks and systems in Hidalgo County, Texas to prevent possible pollution or injury to public health. A copy of the proposed order is available for review at the office Hidalgo County Health & Human Services OSSF Division, 1304 South 25th Ave. Edinburg, Texas 78542, 8:00 a.m. thru 5:00 p.m. The public hearing will be held at ...

Tuesday, November 9, 2010
10:00 A.M.

Hidalgo County Commissioners Courtroom
100 East Cano 1st floor
Edinburg, TX 78539

All interested persons are encouraged to participate in the public hearing.

NOTIFICACION DE LA AUDIENCIA PUBLICA PARA LA ORDEN DE DRENAGE A LA VISTA EN EL CONDADO DE HIDALGO

Los Comisionados del Condado de Hidalgo, conducira una audiencia publica bajo la autoridad del Capitulo 366 delCodigo de Texas de Salud y Seguridad para considerar la regulacion de las facilidades de drenage a la vista (incluyendo tanques septicos) en el Condado de Hidalgo, para prevenir contaminacion o danos a la salud publica. Una copia de la propuesta orden estara disponible para ser revisada en las oficinas Del Departamento De Planeacion de Condado de Hidalgo, 100 E. Cano, # 202, Edinburg, Texas 78539, de las 8:00 a.m. a las 5:00 p.m., de Lunes a Viernes.

La audiencia publica se llevara acabo en:

10:00 a.m.
el dia 9 de Noviembre, 2010
en la Oficina Judicial de Comisionados
100 E. Cano, 1er Piso
Edinburg, Texas

A todas las personas interezadas se les invita a participar en la audiencia publica.

AI-23808

15.B.

**Public Hearing on the On Site Sewage Facilities (OSSF Order Ordinance
CC REGULAR**

Date: 11/09/2010
Submitted By: Josie Escalante, HEALTH & HUMAN SERVICES DEPT.
Submitted For: Eddie Olivarez
Department: HEALTH & HUMAN SERVICES DEPT.
Agenda Category: Health & Human Services Dept.

Information

CAPTION

1. Public Hearing on the On-Site Sewage Facility (OSSF) Orders Ordinance and Resolutions in accordance to Texas Health & Safety Code Chapter 366.
2. Requesting approval to pass the 2010 OSSF Orders as modified and presented.
3. Authorization and approval for HCHHS to follow up with each of the municipalities and update our OSSF inter-local agreement for their cities and ETJ

BACKGROUND

Fiscal Impact

Attachments

- Link: [Notice of Public Hearing](#)
 Link: [OSSF Inter local Agreement](#)
 Link: [Hidalgo County OSSF](#)

Form Routing/Status

Route	Seq	Inbox	Approved By	Date	Status
1		Budget & Management	Sylvia Solis	11/04/2010 07:51 AM	APRV
2		Manuel Chapa	Manuel Chapa	11/05/2010 02:31 PM	APRV
3		Auditor's Office	Linda Fong	11/05/2010 04:05 PM	APRV
4		Purchasing Department	Marty Salazar	11/05/2010 04:07 PM	APRV
Form Started By: Josie Escalante			Started On: 11/03/2010 03:45 PM		
Final Approval Date: 11/05/2010					

SPECIAL MEETING – NOVEMBER 09, 2010

BE IT REMEMBERED, that on this 9th day of November A.D., 2010, there was begun and held a SPECIAL MEETING of the Honorable Commissioners' Court of Hidalgo County, Texas, wherein the following members thereof were present, to-wit:

HONORABLE RAMON GARCIA	HIDALGO COUNTY JUDGE
HONORABLE ARTURO C. CUELLAR JR.	COMMISSIONER, PRECINCT NO. 1
HONORABLE HECTOR (TITO) PALACIOS	COMMISSIONER, PRECINCT NO. 2
HONORABLE JOE M. FLORES	COMMISSIONER, PRECINCT NO. 3
HONORABLE OSCAR L. GARZA JR.	COMMISSIONER, PRECINCT NO. 4

and ARTURO GUAJARDO, JR., COUNTY CLERK & EX-OFFICIO CLERK OF THE COMMISSIONERS' COURT of Hidalgo County, Texas, wherein the following proceedings were had, to-wit:

DATE Nov 16, 2010
A true copy I certify
ARTURO GUAJARDO, JR.
County Clerk, Hidalgo County, Texas
By P. Tor Deputy

15. Health & Human Services Department - Eddie Olivarez: (Exhibit Q)

A. Discussion and/or action, including but not limited to Indigent Health Care Program and/or Expenditures

NO ACTION taken on this item.

B. AI-23808 1. Public Hearing on the On-Site Sewage Facility (OSSF) Orders Ordinance and Resolutions in accordance to Texas Health & Safety Code Chapter 366.

Presentation by Mr. Eddie Olivarez on changes in the OSSF Orders, Rural changes, requirements, etc.

Judge Garcia Opened the Public Hearing.

No one came forward to make any comments.

Judge Garcia Closed the Public Hearing.

2. Requesting approval to pass the 2010 OSSF Orders as modified and presented.

On motion of Commissioner Flores, seconded by Commissioner Cuellar, the Court made a UNANIMOUS vote of approval.

3. Authorization and approval for HCHHS to follow up with each of the municipalities and update our OSSF inter-local agreement for their cities and ETJ

Mr. Olivarez informed the Court that most of the municipalities have their own on site facilities employees to do inspections, but the County does it in smaller municipalities. Mr. Olivarez explained that with the new rule changes they need to go back to each community and the commission and get a new Interlocal signed so they may go into their community and doing the inspections. With the Court approving this item, it is giving Mr. Olivarez authority to speak to the City Counsels and respectable areas.

On motion of Commissioner Flores, seconded by Commissioner Cuellar, the Court made a UNANIMOUS vote of approval.

16. HIDTA - Task Force - Dora Munoz: (Exhibit R)

A. AI-23861 Authorization and approval to transfer \$10,000.00 from the Hidalgo County HIDTA Task Force to the McAllen Independent School District - Police Department, under the State of Texas, Code of Criminal Procedure, Chapter 59. Forfeiture of Contraband.

On motion of Commissioner Flores, seconded by Commissioner Cuellar, the Court made a UNANIMOUS vote of approval.

Commissioner Garza joined the meeting.

17. Urban County - Diana Serna: (Exhibit S)

A. AI-23815 1. Hold a Public Hearing to consider public comments for Hidalgo County Precinct No. 3's proposed Budget and Program Amendment to their existing Urban County Program work plan for FY 18, 20, & 22 (2005, 2007, & 2009). The proposed amendment will reallocate funds in the

DATE Nov 16, 2010 5

A true copy I certify
ARTURO GUAJARDO, JR.
County Clerk, Hidalgo County, Texas
By P. T. Olvera Deputy

There being no further business to come before said Court, the meetings of the Commissioners' Court and the Drainage District #1 Board are now hereby adjourned.

Dated this the 9th day of November 2010

ARTURO GUAJARDO, JR., County Clerk
Hidalgo County, Texas

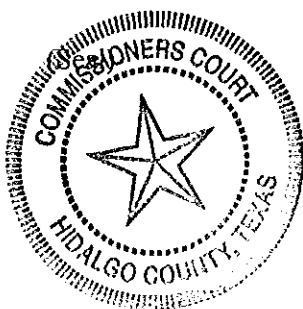
By: Priscilla Torres
Priscilla Torres, Deputy

I, ARTURO GUAJARDO, JR., County Clerk attest that this is an accurate accounting of a proceeding of the Commissioners' Court held on October 9, 2010.

Signed this 16 day of November 2010

ATTEST:
ARTURO GUAJARDO, JR.
County Clerk and Ex-Officio Clerk
Of the Commissioners' Court of
Hidalgo County

By: Priscilla Torres
Priscilla Torres



DATE Nov. 16, 2010

A true copy I certify
ARTURO GUAJARDO, JR.
County Clerk, Hidalgo County, Texas
By P. Torres Deputy

COUNTY OF HIDALGO

§

STATE OF TEXAS

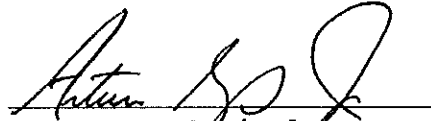
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AFFIDAVIT

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

My name is Arturo Guajardo Jr. 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 Clerks Office for the County of Hidalgo, Texas. Attached hereto are _____ () pages of records known as the On-Site Sewage Facilities Order. The records are kept by me as County Clerk, County of Hidalgo, 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.


Arturo Guajardo, Jr.
County Clerk

BEFORE ME, the undersigned authority, a Notary Public in and for said County, Texas, on this day personally appeared Arturo Guajardo, Jr., 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 30 day of Nov., 2010.

(SEAL)


~~Notary Public~~, State of Texas
My commission expires:
Jennilee Ann Garza
Deputy Clerk

ORDER ADOPTING RULES OF HIDALGO COUNTY, 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 Commissioners Court of Hidalgo County, Texas should enact an order controlling or prohibiting the installation or use of on-site sewage facilities in the County of Hidalgo, Texas; and

WHEREAS, the Commissioners Court of Hidalgo County, Texas finds that the use of on-site sewage facilities in Hidalgo County, Texas is causing or may cause pollution, and is injuring or may injure the public health; and

WHEREAS, the Commissioners Court of Hidalgo County, Texas has considered the matter and deems it appropriate to enact an Order adopting Rules regulating on-site sewage facilities to abate or prevent pollution, or injury to public health in Hidalgo County, Texas.

NOW, THEREFORE, BE IT ORDERED BY THE COMMISSIONERS COURT OF HIDALGO COUNTY, 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 Hidalgo County, Texas is causing or may cause pollution or is injuring or may injure the public health;

SECTION 3. THAT an Order for Hidalgo County, Texas be adopted entitled "On-Site Sewage Facilities", which shall read as follows:

AN ORDER ENTITLED ON-SITE SEWAGE FACILITIES

SECTION 4. CONFLICTS.

This Order repeals and replaces any other On-site Sewage Facility (OSSF) Order for Hidalgo

County.

SECTION 5. CHAPTER 366.

The County of Hidalgo, 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 Order.

SECTION 6. AREA OF JURISDICTION.

The Rules shall apply to all the area lying in Hidalgo County, Texas, except for the area regulated under an existing Rule and the areas within incorporated cities.

These rules shall apply to those incorporated cities of towns that have executed inter-governmental contracts with Hidalgo County.

SECTION 7. ON-SITE SEWAGE FACILITY RULES.

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

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 Hidalgo County, 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. AMENDMENTS.

The County of Hidalgo, Texas wishing to adopt more stringent Rules for its OSSF Order understands that the more stringent local Rule shall take precedence over the corresponding TCEQ requirement. Listed below are the more stringent Rules adopted by Hidalgo County, Texas:

- 10.1 All Texas Water Development Board statutes, rules and regulation now or hereafter applicable to an economically distressed area shall apply to permitting associated with on-site sewage facilities.
- 10.2 A permit shall be required for all on-site sewage facilities located within Hidalgo County's area of jurisdiction regardless of the size of the tract to be served by the facility.
- 10.3 Prior to the issuance of a permit, and in order to insure floodplain issues are properly

addressed, an applicant for an on-site sewage facility must obtain a determination from the Hidalgo County Floodplain Administrator that the tract to be serviced by the on-site sewage facility is in compliance with the Hidalgo County Flood Damage Prevention Order.

- 10.4 An applicant is required to insure that all persons and/or entities retained by the applicant to install an on-site sewage facility on the applicant's tract maintain a copy of their current certificate/registration at the job-site while installation of the on-site sewage facility is in progress.
- 10.5 The County may assess the applicant a re-inspection fee on the on-site sewage facility each time a County re-inspection is required. The re-inspection fee shall be set by the County and the County may revise this fee from time to time.
- 10.6 In no case shall the sewer line diameter for the proposed on-site sewage facility be reduced to a size smaller than the sewer stub out for the improvements to be serviced by the on-site sewage facility.
- 10.7 No personal property, including but not limited to, picnic tables, play equipment or BBQ pits, shall be placed within the surface application spray area of the on-site sewage facilities installed on the applicant's tract.
- 10.8 Hidalgo County will require two (2) OSSF permits the **Installation permit** and **Final Inspection permit** each to be purchased prior to each phase of inspection. The Installation permit and Final Inspection fees shall be set by the County Commissioners Court and the County may revise this fee from time to time.
- 10.9 The **Installation permit** will be purchased at the beginning of development. The homeowner/developer must present the appropriate OSSF site plans and meet all of the OSSF guidelines as required by Hidalgo County and TCEQ. In addition, the homeowner/developer must have been approved and cleared for construction by the Hidalgo County Planning Department prior to site development. In the event of a commercial development, a Fire Marshal Inspection/approval must be obtained to assure continuation of the project. The Fire Marshal must be an official representative of the indicated jurisdiction.

The **Final Inspection permit** will be purchased when the dwelling/commercial development is completed and the final connections from the dwelling/commercial development to the system is made and confirmed. The final inspection will also consist of a confirmation that the system installed has met the guidelines in accordance to the final square footage of the structure built.

In the event that the dwelling/commercial development constructed is larger than initially approved by Hidalgo County OSSF and Hidalgo County Planning Department officials, the homeowner may need to upgrade the OSSF system in order to meet Hidalgo County/TCEQ requirements. Final approval of the dwelling/commercial development will not be given until the final inspection is completed.

- 10.10 Upon final inspection, Hidalgo County OSSF inspectors must visually confirm that the identified dwelling/commercial development is physically connected to the OSSF system.

In addition, the Hidalgo County OSSF inspector must verify that there is no additional dwelling connected to the single approved system. This is to assure that Hidalgo County's requirements are met in regards to the "one single family detached dwelling per lot rule."

- 10.11 It will be the homeowner's responsibility to make sure that only one officially approved dwelling will be connected to the OSSF system. Violation of this requirement may lead to an issuance of a citation resulting in fines and additional legal action.
- 10.12 In the event of a pre-existing building or agricultural site requiring an electrical service, an inspection must be made to assure that there is no additional structure illegally connected to the existing OSSF system.
- 10.13 Regarding multi-family units, i.e., duplex, apartments, etc., the owner/developer must have met all the Hidalgo County OSSF and TCEQ requirements concerning the OSSF system, i.e., tank capacity, length of drain field and the size of lot to be built on. In addition, the owner/developer must meet all the Hidalgo County Planning Department requirements and Hidalgo County Fire Marshall guidelines.

SECTION 11. DUTIES AND POWERS.

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

SECTION 12. COLLECTION OF FEES.

All fees collected for permits and/or inspections shall be made payable to Hidalgo County, Texas. A fee of \$10 will also be collected for each on-site sewage facility permit to be paid to the On-Site Wastewater Treatment Research Council as required by the THSC, Chapter 367.

Hidalgo County Commissioners Court will assess the OSSF fee structure and determine the permit rate as indicated in section 10.8

SECTION 13. APPEALS.

Persons aggrieved by an action or decision of the designated representative may appeal such action or decision to the Commissioners Court of Hidalgo County, Texas.

SECTION 14 ENFORCEMENT PLAN

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

This Order 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 15. SEVERABILITY

It is hereby declared to be the intention of the Commissioners Court of Hidalgo 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 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 Order, since the same would have been enacted by the Commissioners Court without incorporation in this Order of such unconstitutional phrases, clauses, sentences, paragraphs, or sections.

SECTION 16. RELINQUISHMENT OF ORDER

If the Commissioners Court of Hidalgo County, Texas decides that it no longer wishes to regulate on-site sewage facilities in its area of jurisdiction, the Commissioners Court, 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 17. 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 the TCEQ.

AND IT IS SO ORDERED:

PASSED AND APPROVED THIS 09th day of November, 2010.

Approved by Commissioners' Court
on 11/9/10

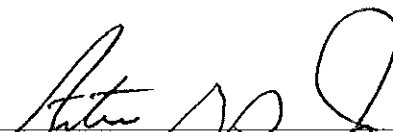
APPROVED:

(SEAL)



Ramon Garcia, County Judge

ATTEST:



Arturo Guajardo, Jr., County Clerk

STATE OF TEXAS

COUNTY OF HIDALGO

**INTERLOCAL COOPERATION AGREEMENT
BETWEEN THE CITY OF _____ AND
COUNTY OF HIDALGO, TEXAS.**

WITNESSETH:

WHEREAS, City of _____ is a general law municipality created by the laws of the Texas;

WHEREAS, County is a county in the State of Texas (the "County");

WHEREAS, City of _____ is in need of obtaining services for the inspection and permitting on-site sewage disposal systems (Septic Tanks) within its jurisdiction and desires to obtain such services from County.

WHEREAS, County has the expertise and equipment to provide certain permitting and inspection services on behalf of City of _____ as further described herein (the "Services")

WHEREAS, both parties recognize the environmental benefits of regulating, inspecting and permitting Septic Tanks and desire to cooperate with each other to meet local and state Septic Tank requirements;

WHEREAS, City of _____ and County are authorized to enter into this Agreement pursuant to the Interlocal Cooperation Act, Texas government Code 791.001 et seq., (the "Act") which authorizes local governments to contract with each other to perform governmental functions and services under the terms of the Act;

NOW THEREFORE, City of _____ and County, in consideration of the mutual covenants expressed hereinafter, agree as follows:

1. County shall inspect Septic Tanks within the jurisdiction of City of _____ including but not limited to, performing subsoil texture test and evaluation of Septic Tank systems.
2. County shall provide all necessary equipment, materials and personnel to conduct inspections and issue permits at it sole cost and expense.
3. County shall comply with all present or future laws pertaining to the inspection and approval of sanitary sewer systems in Texas and shall enforce all rules and regulations required by the State of Texas or local applicable codes.
4. City of _____ agrees that the County shall charge and collect the following permit fees, Installation Permit eighty-five dollars zero cents \$85.00 and Final Inspection Permit sixty dollars and zero cents \$60.00. However, if the County conducts an inspection and a permit is not issued for any reason, the County shall be entitled to charge the amount specified from the home owner and may issue citation to the Septic

system installer for not obtaining a permit.

5. County shall not be responsible for the maintenance, upkeep or environmental compliance once an inspection and permit is issued and the County shall not be held liable for same once the Services are completed.
6. A permit applicant shall have one (1) year to construct its septic system from the date an "Authorization to Construct" is issued by the County (see Exhibit "A" attached hereto). Should construction not be completed and a final inspection conducted by County within one (1) year from the date of the "Authorization to Construct" then the County shall require a permit applicant to submit a new application and fee as described herein. Upon a successful inspection, the County shall issue a Notice of Approval to the permit applicant within approximately two (2) working days.
7. In accordance with Texas Health and Safety Code, Sec. 366.003, County shall not be liable for damages resulting from the approval of the installation and operation of a Septic Tank. County shall not be responsible for any damage to personal or real property for any septic systems within City of _____ caused by the County's inspection and permitting process described herein.
8. During the term of this Agreement, the County shall have sole exclusive rights to permit and inspect Septic Tanks within City of _____ except that the Texas Commission of Environmental Quality may override the County's authority at any time.
9. **Term.** The term of this Agreement shall commence on the date of execution of this Agreement and shall continue until the date this Agreement is terminated.
10. **Termination.** Either party may terminate this Agreement upon (30) days written notice to the non-terminating party for any reason or no reason at all.
11. **Conflict with applicable Law.** Nothing in this Agreement shall be construed to require the commission of any act contrary to law, and whenever there is any conflict between any provision of this agreement and any present or future law, ordinance or administrative, executive or judicial regulation, order or decree, or amendment thereof, contrary to which the parties have no legal right to contract, the latter shall prevail, but in such event the affected provision or provisions of this Agreement shall be modified only to the extent necessary to bring them within the legal requirements and only during the time such conflict exists.
12. **No Waiver.** No waiver by any party hereto of any breach of any provision of this Agreement shall be deemed to be a waiver of any preceding or succeeding breach of the same or any other provision hereof.
13. **Entire Agreement.** This Agreement contains the entire contract among the parties hereto, and each party acknowledges that no other party has made (either directly or through any agent or representative) any representation or agreements in connection this Agreement not specifically set forth herein. This Agreement may be modified or amended only by agreement in writing executed by City of _____ and County and not otherwise.

14. **Texas Law to Apply.** This Agreement shall be construed under and in accordance with the laws of the State of Texas and all obligation of the parties created hereunder are performable in Hidalgo County, Texas. The parties hereby consent to personal jurisdiction in Hidalgo County, Texas.
15. **Notice.** Except as may be otherwise specifically provided in this Agreement, all notices, demands, requests, or communication required or permitted hereunder shall be in writing and shall either be (i) personally delivered against a written receipt, or (ii) sent by registered or certified mail, return receipt requested, postage prepaid, and addressed to the parties at the addresses set forth below, or at such other addresses as may have been theretofore specified by written notice delivered in accordance herewith:

If to Hidalgo County: Hidalgo County Health & Human Services
 Attn: Eduardo Olivarez, Chief Administrative Officer
 1304 South 25th Avenue
 Edinburg, Texas 78542

If to City of _____: City of _____

Any other demand, request or communication which shall be delivered or mailed in the manner described above shall be deemed sufficiently given for all purposes at such time as it is personally delivered to the addressee or, if mailed, at such time as it is deposited in the United States mail.

16. **Additional Documents.** The parties hereto covenant and agree that they will execute such other and further instruments and documents as are or may become necessary or convenient to effectuate and carry out the terms of this Agreement.
17. **Successors.** This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, executors, administrators, legal representatives, successors, and assigns where permitted by this Agreement.
18. **Assignment.** This Agreement shall not be assignable.
19. **Headings.** The headings and captions contained in this Agreement are solely for convenient reference and shall not be deemed to affect the meaning or interpretation of any provision of paragraph hereof.
20. **Gender and Number.** All pronouns used in this Agreement shall include the other gender, whether used in the masculine, feminine or neuter gender, and singular shall include the plural whenever and so often as may be appropriate.
21. **Authority to Execute.** The performance of this Agreement by each of the parties have been duly authorized by all necessary laws, resolutions, ordinances or government body action, and this Agreement constitutes the valid and enforceable obligations of the parties hereto in accordance with its terms.

22. **Governmental Purpose.** Each party hereto is entering into this Agreement for the purpose of providing governmental services or functions and will pay for such services out of current revenues available to the paying party as herein provided.
23. **Commitment of Current Revenues Only.** In the event that, during any term hereof, the governing body of any party does not appropriate sufficient funds to meet the obligations of such party under this Agreement, then any party may terminate this Agreement upon ninety (90) days written notice to the other party. Each of the parties hereto agrees, however, to use its best efforts to secure funds necessary for the continued performance of the Agreement. The parties intend this provision to be continuing right to terminate this Agreement at the expiration each budget period of each party hereto pursuant to the provisions of Tex. Loc. Gov't Code Ann. Section 271.903.
24. **Serverability.** Should any phrase, clause, sentence, or section of this Agreement be judicially declared to be invalid, unenforceable, or void, such decision will not have the effect of invalidating or voiding the remainder of this Agreement, and such part of the Agreement will be deemed to have been stricken herefrom, and the remainder of this Agreement will have the same force and effect if such part or parts had never been included herein.

WITNESS THE HANDS OF THE PARTIES effective as of the ____ day of _____, 2010.

CITY OF _____

 , Mayor

ATTEST:

 City Secretary

HIDALGO COUNTY, TEXAS

 Ramon Garcia, County Judge

ATTEST:

 County Clerk

APPROVED AS TO FORM:
 ATLAS & HALL, LLP

By: _____
 Stephen L. Crain

Notice of Public Hearing for
Hidalgo County Health & Human Services
County of Hidalgo, State of Texas

**Proposed On-Site Sewage Facility (OSSF)
orders, ordinances, and resolutions**

The County Commissioners of Hidalgo County, will conduct a public hearing under the authority of 30 TAC 285. 10(b) (5) and Chapter 366, Texas Health & Safety Code to consider the regulation of **on-site sewerage facilities (OSSF)**, which includes septic tanks and systems in Hidalgo County, Texas to prevent possible pollution or injury to public health. A copy of the proposed order is available for review at the office Hidalgo County Health & Human Services OSSF Division, 1304 South 25th Ave. Edinburg, Texas 78542, 8:00 a.m. thru 5:00 p.m. The public hearing will be held at ...

Tuesday, November 9, 2010
10:00 A.M.
Hidalgo County Commissioners Courtroom
100 East Cano 1st floor
Edinburg, TX 78539

All interested persons are encouraged to participate in the public hearing.

SPECIAL MEETING –November 9, 2010

BE IT REMEMBERED, that on this 9th day of November, A.D. 2010, there was begun and held a SPECIAL MEETING of the Honorable Commissioners Court of Hidalgo County, Texas, wherein the following members thereof were present, to-wit:

Honorable Ramon Garcia	Hidalgo County Judge
Honorable A.C. Cuellar	Commissioner, Precinct No. 1
Honorable Hector (Tito) Palacios	Commissioner, Precinct No. 2
Honorable Jose M. Flores	Commissioner, Precinct No. 3
Honorable Oscar L. Garza, Jr.	Commissioner, Precinct No. 4

and **Arturo Guajardo, Jr.**, HIDALGO COUNTY CLERK & EX-OFICIO CLERK OF THE COMMISSIONERS COURT of Hidalgo County, Texas, Wherein the following proceedings were had, to-wit:

Paid Invoice for SWPP for Construction Sites: "Ground Control" DVD
Training Kit

EXCAL VISUAL LLP
 5721 Arapahoe Ave., Ste. A-2
 Boulder, CO 80303-1363
 888-925-6554 Toll Free
 303-413-0847 303-413-0683 fax

Invoice

DATE	INVOICE #
09/29/2010	272645

PAID
10/25/2010

BILL TO
HIDALGO COUNTY JUDGE'S OFFICE ATTN: LORIE OCHOA 100 E CANO ST EDINBURG, TX 78539-

SHIP TO
HIDALGO COUNTY JUDGE'S OFFICE ATTN: LORIE OCHOA 100 E CANO ST EDINBURG, TX 78539-

P.O. NUMBER	TERMS	REP	SHIP	VIA	F.O.B.
646413	Due upon receipt	JR	09/10/2010	UPS Ground	

QUANTITY	ITEM CODE	DESCRIPTION	PRICE EACH	AMOUNT
1	2110S	SWPP for Construction Sites: "Ground Control" DVD Training Kit	495.00	495.00T
1	21200	Shipping & handling SW training materials	7.87	7.87T
1	2110S	SWPP for Construction Sites: "Ground Control" DVD Training Kit	495.00	495.00
1	21200	SW Shipping & Handling	7.88	7.88

Invoices not paid within 30 days will be subject to a 1.5% interest charge on unpaid balance.	Federal TIN 84-1259128 We accept VISA, Mastercard & American Express	\$1,005.75
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	Payments/Credits	\$-1,005.75
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Balance Due	\$0.00
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