

Jon Niermann, *Chairman*
Bobby Janecka, *Commissioner*
Catarina R. Gonzales, *Commissioner*
Kelly Keel, *Interim Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

March 7, 2024

The Honorable Vicki Sanson
City of Lavon City Hall
P.O. Box 340
Lavon, Texas 75166

RE: City of Lavon
On-Site Sewage Facility No. 620315

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 cursive script that reads "Laurie Gharis".

Laurie Gharis
Chief Clerk

LG/erg

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

Texas Commission on Environmental Quality



IN THE MATTER OF RELINQUISHING
THE AUTHORIZED AGENT DELEGATION
FOR CITY OF LAVON

§ BEFORE THE EXECUTIVE
§ DIRECTOR OF THE TEXAS
§ COMMISSION ON
§ ENVIRONMENTAL QUALITY

On February 29, 2024, the Executive Director of the Texas Commission on Environmental Quality ("Commission" or "TCEQ"), considered the relinquishment of Authorized Agent delegation of City of Lavon, pursuant to 30 Texas Administrative Code (TAC) § 285.10.

The Executive Director is satisfied that City of Lavon has satisfied the requirements of 30 TAC § 285.10 and therefore, the Executive Director finds that the relinquishment of its Authorized Agent delegation of City of Lavon should be approved.

FINDINGS OF FACT

1. The Executive Director delegated responsibility for on-site sewage facilities (OSSFs) to City of Lavon on August 31, 2000.
2. City of Lavon provided the Executive Director with a letter of its intent to relinquish its delegation to regulate on-site sewage facilities (OSSFs) on November 28, 2023.
3. On January 24, 2024, City of Lavon published proper notice of a public meeting to discuss its intent to relinquish its authority to regulate OSSFs in *The Wylie News*, a newspaper regularly published and of general circulation, in City of Lavon's area of jurisdiction.
4. City of Lavon held a public meeting on February 6, 2024, at 6:30pm, to discuss its intent to relinquish its delegated authority.
5. In a public meeting held on February 6, 2024 City of Lavon adopted an ordinance relinquishing its delegation to regulate on-site sewage facilities.
6. A certified copy of the minutes was submitted to the Executive Director on February 21, 2024.

7. City of Lavon's relinquishment is not due to a material change in 30 TAC Chapter 285.
8. The relinquishment process complies with the requirements in 30 TAC Chapter 285 regarding relinquishment of an Authorized Agent's delegation.

CONCLUSIONS OF LAW

1. The above facts are conditions sufficient to issue this order pursuant to 30 TAC § 285.10.
2. Section 5.102 of the Texas Water Code authorizes the Commission to issue orders and make determinations necessary to effectuate the purposes of Chapter 366 of the Health and Safety Code.
3. The Commission may delegate uncontested matters to the Executive Director. Texas Water Code § 5.122.
4. The Executive Director is authorized to act on behalf of the Commission. 30 TAC § 285.10.
5. Issuance of this order will effectuate the purposes of Chapter 366 of the Health and Safety Code and 30 TAC Chapter 285.

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

1. Effective March 21, 2024, the relinquishment of authorized agent delegation to City of Lavon is hereby ordered.
2. The Office of the Chief Clerk of the Commission is directed to forward a copy of this Order to the applicant 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 29, 2024



Executive Director
Texas Commission on Environmental Quality