

CITY OF STARBASE

§

STATE OF TEXAS


§

### AFFIDAVIT

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

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

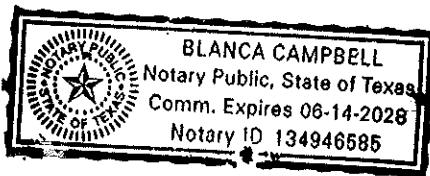
I am the custodian of the records of the City Clerk's Office for the City of Starbase, Texas. Attached hereto are four (4) pages of records known as AN ORDINANCE OF THE CITY OF STARBASE, TEXAS, ADOPTING RULES OF THE CITY OF STARBASE, TEXAS FOR ON-SITE SEWAGE FACILITIES (Ordinance No. 2025-06-23-D04-OR). The records are kept by me as City Clerk of City of Starbase 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.


  
Caroline Cole

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

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 27 day of June, 2025.

(SEAL)



  
Notary/Public, State of Texas  
My commission expires: 6/14/2028

**CITY OF STARBASE, TEXAS**

**ORDINANCE NO. 2025-06-23-D04-OR**

**AN ORDINANCE OF THE CITY OF STARBASE, TEXAS, ADOPTING RULES OF THE CITY OF STARBASE, TEXAS FOR ON-SITE SEWAGE FACILITIES; PROVIDING FOR INCORPORATION OF PREMISES; PROVIDING FOR A PENALTY FOR ALL VIOLATIONS OF THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; PROVIDING FOR ENGROSSMENT AND ENROLLMENT OF THIS ORDINANCE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.**

**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 City Commission of Starbase, 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).

**WHEREAS**, due notice was given of a public meeting to determine whether the City Commission of the City of Starbase, Texas should enact an Ordinance regulating the installation and use of OSSFs in the City of Starbase, Texas; and

**WHEREAS**, the City Commission of the City of Starbase, Texas finds that the use of OSSFs in the City of Starbase, Texas is causing or may cause pollution, and is injuring or may injure the public health; and

**WHEREAS**, the City Commission of the City of Starbase, Texas has considered the matter and deems it appropriate to enact an Ordinance adopting Rules regulating OSSFs to abate or prevent pollution, or injury to public health in the City of Starbase, Texas.

**NOW, THEREFORE, BE IT ORDERED BY THE CITY COMMISSION OF THE CITY OF STARBASE, TEXAS:**

**SECTION 1.** The matters and facts recited in the preamble are true and correct;

**SECTION 2.** The use of OSSFs in the City of Starbase, Texas is causing or may cause pollution or is injuring or may injure the public health;

**SECTION 3.** This Ordinance repeals and replaces any other On-Site Sewage Facility Ordinance for the City of Starbase, Texas.

**SECTION 4.** An Ordinance for the City of Starbase, Texas be adopted entitled "On-Site Sewage Facilities," which shall read as follows:

"AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STARBASE, TEXAS ADOPTING RULES FOR ON-SITE SEWAGE FACILITIES."

**SECTION 5. AREA OF JURISDICTION.**

This Ordinance shall apply to all the areas lying within the municipal boundaries of the City of Starbase, Texas, except for areas regulated under an existing Order, Ordinance, or Resolution.

**SECTION 6. COMPLIANCE WITH ORDINANCE.**

All OSSFs installed in the jurisdictional area of City of Starbase must comply with this Ordinance.

**SECTION 7. 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 8. COLLECTION OF FEES.**

All fees collected for permits and/or inspections shall be made payable to the City of Starbase, 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 9. APPEALS.**

Persons aggrieved by an action or decision of the designated representative may appeal such action or decision to the City Commission of the City of Starbase Texas.

**SECTION 10. ENFORCEMENT PLAN.**

The City of Starbase, Texas understands that, at a minimum, it must follow the requirements in 30 Texas Administrative Code (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 City 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 11. SEVERABILITY.**

It is hereby declared to be the intention of the City Commission of the City of Starbase, 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 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 Ordinance.

**SECTION 12. RELINQUISHMENT OF ORDINANCE.**

If the Authorized Agent of the City of Starbase, 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 13. 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 Ordinance, including notice, applications, and enforcement actions, in an alternative language. The Authorized Agent may base its determination on all relevant factors including: whether the elementary or middle school nearest to the site is required to provide a bilingual education program as required by Texas Education Code, Chapter 29, Subchapter B; whether there is newspaper regularly published in an alternative language; or if the Authorized Agent has historical knowledge.

**SECTION 14. ENGROSSMENT/ENROLLMENT.**

The City Clerk is hereby directed to enroll and engross this Ordinance by reflecting the passage of this Ordinance in the minutes of the City Commission and by filing this Ordinance in the Ordinance Records of the City.

**SECTION 15. EFFECTIVE DATE.**

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

AND IT IS SO ORDERED:

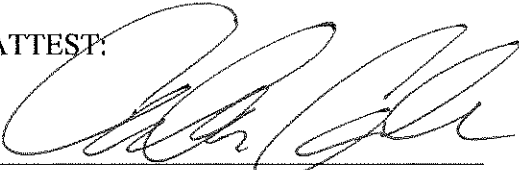
**PASSED AND APPROVED** by the City Commission of the City of Starbase, Texas, on this 23rd day of June 2025.

CITY OF STARBASE, TEXAS

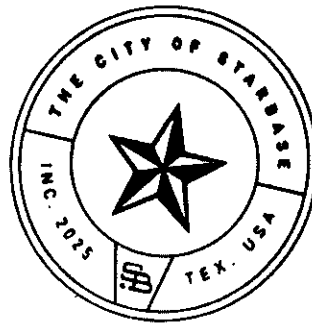


Bobby Peden, Mayor

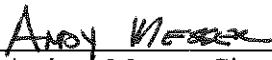
ATTEST:



Caroline Cole, City Clerk



APPROVED AS TO FORM:



Wm. Andrew Messer, City Attorney

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*

June 11, 2025

The Honorable Bobby Peden  
City of Starbase Mayor  
39046 LBJ Blvd  
Brownsville, TX 78521

Re: On-Site Sewage Facility Ordinance for City of Starbase  
Proposed Authorized Agent ID: AR #620482

Dear Mayor Peden:

TCEQ staff has reviewed the proposed City of Starbase On-Site Sewage Facility Ordinance. Our review determined that the enclosed amended draft Ordinance meets minimum State requirements. Please proceed with the next steps of the adoption process as outlined in Title 30 Texas Administrative Code Chapter 285, Sections 285.10(b)(5)(A)-(C) and 285.10(b)(6)(A)-(D), and as follows:

1. Publish notice of a public meeting to discuss adoption of the proposed Ordinance at least 72 hours, but not more than 30 days, before the meeting. The notice must appear in a regularly published newspaper of general circulation in City limits and include the time, date, and location of the public meeting.
2. After the public meeting is held, submit a copy of the following:
  - A copy of the public notice as it appeared in the newspaper;
  - A publisher's affidavit from the newspaper in which the public notice was published;
  - A certified copy of the meeting minutes when the Ordinance was adopted; and
  - A certified copy of the Ordinance that was passed by the City Commission.

If further information or assistance is needed, please contact Kathleen McCully at [kathleen.mccully@tceq.texas.gov](mailto:kathleen.mccully@tceq.texas.gov).

Sincerely,

A handwritten signature in cursive script that reads "Joseph L. Hopkins".

Joseph L. Hopkins, P.G.  
Technical Programs Team Leader  
Texas Commission on Environmental Quality

JLH/KM

**NOTICE OF PUBLIC MEETING**  
**CITY OF STARBASE, TEXAS**

A Public Meeting will be held at a meeting of the City of Starbase City Commission on **Monday, June 23, 2025 at 9:00 a.m.** at the temporary City Hall located at 39046 LBJ Boulevard, Brownsville, TX 78521, to discuss the adoption of the City's ordinance and regulations regarding On-Site Sewage Facilities ("OSSF") and authorizing Star Base to become a Texas OSSF authorized agent. Citizens are invited to attend and give input regarding the OSSF regulations and ordinance.