

BILL ANALYSIS

Senate Research Center

C.S.H.B. 2482
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Natural Resources
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 2510, 79th Legislature, Regular Session, 2005, made substantial changes to the regulation of on-site septic systems, also known as aerobic septic systems. This legislation allowed homeowners across the state to maintain their own septic systems, rather than limiting this allowance to homeowners in counties with fewer than 40,000 people, as was previously the case. Changes in law also required septic system professionals throughout the state to take many hours of additional training. Furthermore, these changes required the Texas Commission on Environmental Quality (TCEQ) to adopt new rules and expend time and resources overseeing the program related to such changes.

The changes have been in effect for a number of months and have proven burdensome for both septic system professionals and homeowners. Only about 30 homeowners throughout the state have taken advantage of the opportunity to maintain their own septic systems. This small response and the small savings homeowners receive does not justify the resources that TCEQ and septic system professionals are expending in order to provide this program.

C.S.H.B. 2482 repeals most of the provisions of H.B. 2510, 79th Legislature, Regular Session, 2005, leaving in place the provisions that provide counties with more tools to enforce health and safety standards for on-site septic systems.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Texas Natural Resource Conservation Commission [Texas Commission on Environmental Quality] is rescinded in SECTION 1 (Section 366.0515, Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

[While the statutory reference in this bill is to the Texas Natural Resource Conservation Commission (TNRCC), the following amendments affect the Texas Commission on Environmental Quality, as the successor agency to TNRCC.]

SECTION 1. Amends Sections 366.0515(a) and (g), Health and Safety Code, as follows:

(a) Prohibits an authorized agent or the Texas Natural Resource Conservation Commission (TNRCC), except as provided by Subsection (g), from conditioning a permit or the approval of a permit for an on-site sewage disposal system (system) using aerobic treatment for a single-family residence on the system's owner contracting for the maintenance of the system.

(g) Requires an owner, not later than the 10th day after the date of receipt of notification of the violation, to correct the violation or enter into a contract for the maintenance of the system, if an authorized agent or TNRCC determines that an owner of a single-family residence located in a county with a population of at least 40,000 who maintains the owner's system directly has violated this chapter or a rule adopted or order or permit issued under this chapter. Requires an owner, not later than the 10th day after the date of receipt of notification of the violation, to correct the violation or enter into a contract for the maintenance of the system, if before the third anniversary of the date of the determination the owner is determined to have committed another violation of this chapter or a rule adopted under this chapter. Provides that an owner of a single-family

residence located in a county with a population of at least 40,000 who maintains the owner's system directly and who violates this chapter or a rule adopted or order or permit issued under this chapter is also subject to an administrative penalty. Authorizes TNRCC to recover the penalty in a proceeding conducted as provided by Subchapter C (Texas Water Development Board), Chapter 7, Water Code, or the authorized agent to recover the penalty in a proceeding conducted under an order or resolution of the agent. Prohibits the amount of the penalty from exceeding \$100, notwithstanding Section 7.052 (Maximum Penalty), Water Code. Deletes existing text requiring TNRCC to certain adopt rules.

SECTION 2. Amends Section 366.071, Health and Safety Code, by adding Subsection (d), to authorize TNRCC to implement a program under Chapter 37 (Occupational Licensing and Registration), Water Code, to register persons who service or maintain on-site sewage disposal systems for compensation.

SECTION 3. Repealer: Sections 366.0515(h), (i), (j), (n), and (o) (regarding regulation of on-site sewage disposal systems using aerobic treatment for a single-family residence), Health and Safety Code.

SECTION 4. Makes application of this Act prospective.

SECTION 5. Effective date: September 1, 2007.