

## **BILL ANALYSIS**

Senate Research Center  
85R24060 SLB-F

C.S.H.B. 2771  
By: Phelan; Fallon (Nichols)  
Agriculture, Water & Rural Affairs  
5/19/2017  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The Texas On-Site Wastewater Treatment Research Council (council) was created in 1987. One role of the council was to oversee the awarding of grant funding for applied research and demonstration projects regarding on-site wastewater treatment (septic tank) technology. Funding for the grants came from a \$10 on-site waste water permit application fee that municipalities and counties are required to collect and forward to the Texas Commission on Environmental Quality (TCEQ).

In 2011, the council underwent sunset review and was abolished, and its responsibilities were absorbed by TCEQ. Since the abolishment of the council, TCEQ has continued to collect the \$10 permit fee but has not distributed or awarded any grant funds.

H.B. 2771 removes the \$10 fee requirement from law, as this fee is no longer used toward its clearly stipulated statutory purpose. Further, on-site wastewater treatment technology has advanced significantly since this fee was established, obviating the need for the type of research grants funded via this program. (Original Author's / Sponsor's Statement of Intent)

C.S.H.B. 2771 amends current law relating to the fee collected for an on-site wastewater treatment permit application.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Sections 367.008(b) and (c), Health and Safety Code, as follows:

(b) Requires, rather than authorizes, the Texas Commission on Environmental Quality (TCEQ) to award competitive grants to support applied research and demonstration projects by accredited colleges and universities in this state, by other governmental entities, or by acceptable public or private research centers regarding on-site wastewater treatment technology and systems applicable to this state that are directed toward improving the quality of wastewater treatment and reducing the cost of providing wastewater treatment to consumers, including wastewater reuse. Deletes existing text authorizing TCEQ to award competitive grants to enhance technology transfer regarding on-site wastewater treatment by using educational courses, seminars, symposia, publications, and other forms of information dissemination.

(c) Requires TCEQ to seek the advice of relevant experts when choosing research topics and awarding grants, rather than and holding educational conference associated with activities, under this chapter (On-site Wastewater Treatment Research).

SECTION 2. Amends Section 367.010(d), Health and Safety Code, to require that the fee proceeds be deposited to the credit of the water resources management account and authorizes the fee proceeds to be used only for the purpose of Sections 367.007 (Administration) and 367.008 (Award of Competitive Grants).

SECTION 3. Amends Section 5.701(p), Water Code, as follows:

(p) Deletes existing text authorizing fees collected for deposit to the water resource management account under certain statutes, notwithstanding any other law, to be appropriated and used to protect water resources in this state, including assessment of water quality, reasonably related to the activities of any of the persons required to pay a fee under Section 367.010, Health and Safety Code.

SECTION 4. (a) Makes application of this Act prospective.

(b) Makes application of Section 367.008, Health and Safety Code, as amended by this Act, prospective.

SECTION 5. Effective date: September 1, 2017.