

By: Kitzman

H.B. No. 3128

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the regulation of on-site sewage disposal systems,
3 including requiring a license for on-site sewage disposal system
4 pumping technicians.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 366.001, Health and Safety Code, is
7 amended to read as follows:

8 Sec. 366.001. POLICY AND PURPOSE. It is the public policy
9 of this state and the purpose of this chapter to:

10 (1) eliminate and prevent health hazards by regulating
11 and properly planning the location, design, construction,
12 installation, operation, pumping, and maintenance of on-site
13 sewage disposal systems;

14 (2) authorize the commission or authorized agent to
15 impose and collect a permit fee for:

16 (A) construction, installation, alteration,
17 repair, or extension of on-site sewage disposal systems; and

18 (B) tests, designs, and inspections of those
19 systems;

20 (3) authorize the commission or authorized agent to
21 impose a penalty for a violation of this chapter or a rule adopted
22 under this chapter;

23 (4) authorize the commission to license or register
24 certain persons; and

1 (5) allow the individual owner of a disposal system to
2 install and repair the system in accordance with this chapter.

3 SECTION 2. Section 366.052(a), Health and Safety Code, is
4 amended to read as follows:

5 (a) Sections 366.051, 366.053, 366.054, and 366.057 do not
6 apply to an on-site sewage disposal system of a single residence
7 that is located on a land tract that is:

8 (1) 10 acres or larger in which the field line or
9 sewage disposal line is not closer than 100 feet of the property
10 line; and

11 (2) in a county with a population of less than 40,000.

12 SECTION 3. Sections 366.071(a) and (d), Health and Safety
13 Code, are amended to read as follows:

14 (a) A person who constructs, installs, alters, extends,
15 services, maintains, pumps, or repairs an on-site sewage disposal
16 system or any part of an on-site sewage disposal system for
17 compensation must hold a license or registration issued by the
18 commission under Chapter 37, Water Code.

19 (d) The commission may implement a program under Chapter 37,
20 Water Code, to register persons who service, pump, or maintain
21 on-site sewage disposal systems for compensation.

22 SECTION 4. Section 366.052(a), Health and Safety Code, as
23 amended by this Act, applies only to a residence for which
24 construction begins on or after the effective date of this Act. A
25 residence for which construction began before the effective date of
26 this Act is governed by the law in effect when construction began,
27 and the former law is continued in effect for that purpose.

1 SECTION 5. Not later than September 1, 2024, the Texas
2 Commission on Environmental Quality shall adopt rules implementing
3 Section 366.071(a), Health and Safety Code, as amended by this Act.
4 The rules must provide for the creation of an on-site sewage
5 disposal system pumping technician license or registration and the
6 requirements and qualifications to obtain the license or
7 registration.

8 SECTION 6. (a) Except as provided by Subsection (b) of this
9 section, this Act takes effect September 1, 2023.

10 (b) Section 366.071(a), Health and Safety Code, as amended
11 by this Act, takes effect September 1, 2024.