

## **BILL ANALYSIS**

C.S.H.B. 488  
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Natural Resources  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

In order to promote water conservation, the State of Texas implemented a 1.6 gallon per flush toilet efficiency standard in 1992. Since that time, manufacturers have adopted several different methods of achieving that standard. Some manufacturers redesigned the entire toilet and used tanks that hold little more than 1.6 gallons. Other manufacturers designed pressure assisted flush toilets, whose pressure tanks only hold 1.6 gallons. But some manufacturers kept tanks that hold up to 5 gallons and instead rely on flappers that close before the entire tank's contents are released. These flappers, like all flappers, eventually fail and begin to leak.

Unfortunately, there is no standard replacement flapper. Each toilet model may require its own unique flapper, and frequently the retailer that sold the toilet does not carry its replacement flapper. Flappers are readily available that will fit the toilet and will seal the tank after a flush, but only after releasing the entire contents of the tank. Thus, in a toilet that requires an early closing flapper, all water savings would be lost.

C.S.H.B. 488 requires that toilets sold or installed in Texas after January 1, 2004 will be able to retain their flush volumes after they are fitted with any readily available replacement flapper.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Commission on Environmental Quality in SECTION 1 (Section 372.002, Health and Safety Code) of this bill.

### **ANALYSIS**

C.S.H.B. 488 requires that gravity flow toilets sold or installed in Texas after January 1, 2004 be able to retain a maximum flush volume of 2.4 gallons of water if a non-early closure flapper is installed. After January 1, 2005, the maximum flush volume may not exceed 2.0 gallons. To accomplish this objective, the plumbing fixture must comply with certain requirements of the American National Standards Institute. The Texas Commission on Environmental Quality (TCEQ) shall review subsequent amendments to the standard and determine whether the later version should be adopted as the new standard.

A manufacturer or importer must submit test results to the TCEQ from an independent laboratory verifying that a toilet meets the above described standards. The TCEQ must maintain a current list of toilets that are certified as meeting the standard.

Not later than September 1, 2003, the TCEQ must petition the federal Department of Energy for an exemption from any relevant federal regulations governing water and energy efficiency.

### **EFFECTIVE DATE**

September 1, 2003

## **COMPARISON OF ORIGINAL TO SUBSTITUTE**

C.S.H.B. 488 adds an interim requirement that gravity flow toilets sold or installed in Texas after January 1, 2004 be able to retain a maximum flush volume of 2.4 gallons of water if a non-early closure flapper is installed and after January 1, 2005, the maximum flush volume may not exceed 2.0 gallons if a non-early closure flapper is installed. The original bill only contained the requirement that the maximum flush volume not exceed 2.0 gallons by September 1, 2005.

The substitute requires that, in order to comply with the maximum flush volumes described in the Act, a plumbing fixture shall meet certain requirements of the American National Standards Institute.

The substitute also requires TCEQ to petition the federal Department of Energy for an exemption from any relevant federal regulations.