

By: Brimer

S.B. No. 884

A BILL TO BE ENTITLED

AN ACT

relating to county authority to regulate the placement of water wells in unincorporated areas of the county; providing a penalty.

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

SECTION 1. Chapter 240, Local Government Code, is amended by adding Subchapter C to read as follows:

SUBCHAPTER C. COUNTY REGULATION OF WATER WELLS

Sec. 240.041. DEFINITION. In this subchapter, "on-site sewage disposal system" has the meaning assigned by Section 366.002, Health and Safety Code.

Sec. 240.042. AUTHORITY TO REGULATE PLACEMENT OF WATER WELLS. (a) The commissioners court of a county by order may regulate the placement of private water wells in the unincorporated area of the county to prevent:

(1) the contamination of a well from an on-site sewage disposal system; and

(2) rendering an on-site sewage disposal system that was in place before the well was drilled out of compliance with applicable law because of the placement of the well.

(b) A commissioners court that decides to regulate the placement of private water wells under this subchapter by order shall adopt rules governing the placement of a water well in relation to an existing on-site sewage disposal system and enforcement of those rules. The rules must require:

1 (1) a person desiring to drill a private water well to:

2 (A) notify the county health officer of the
3 intent to drill the well; and

4 (B) include with the notice a diagram showing the
5 location of the well and its distance from any nearby on-site sewage
6 disposal system; and

7 (2) the county health officer to:

8 (A) review the notice and diagram; and

9 (B) approve the drilling of the well if placement
10 of the well will not:

11 (i) result in contamination of the well
12 from an on-site sewage disposal system; or

13 (ii) render an on-site sewage disposal
14 system that was in place before the well was drilled out of
15 compliance with applicable law.

16 Sec. 240.043. INSPECTION. A county health officer may
17 inspect a proposed private water well site to ensure that it
18 complies with the requirements of this subchapter and county rules
19 adopted under this subchapter.

20 Sec. 240.044. FEE. The county may impose a placement review
21 fee in the amount of not more than \$50 to be paid by the person
22 drilling the well. Fees collected under this section shall be
23 deposited to the county's general fund to be used only for the
24 administration and enforcement of this subchapter.

25 Sec. 240.045. COMPLIANCE REQUIRED. A person may not drill a
26 private water well in a county that has chosen to regulate the
27 placement of private water wells under this subchapter unless the

1 placement of the well complies with this subchapter and applicable
2 rules and has been approved by the county health officer.

3 Sec. 240.046. OFFENSE; PENALTY. A person who violates this
4 subchapter or a county ordinance adopted under this subchapter
5 commits an offense. An offense under this section is a Class C
6 misdemeanor.

7 SECTION 2. This Act takes effect September 1, 2003.