

BILL ANALYSIS

Senate Research Center

H.B. 2510
By: Bonnen (Jackson)
Natural Resources
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Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Under current practice, a county may require a consumer to purchase a maintenance plan upon installment of an aerobic on-site sewage disposal system (septic system) and provide periodic maintenance and inspection reports. However, some inspection and maintenance operators have not fulfilled their obligations under the contract. This leaves the owner of the system out of compliance with the law. There is not a mechanism to punish irresponsible inspection and maintenance operators.

H.B. 2510 allows the Texas Commission on Environmental Quality or authorized agent to require maintenance companies to inspect systems and provides a penalty for noncompliance.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Commission on Environmental Quality in SECTION 1 (Section 366.0515, Health and Safety Code), of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 366.0515, Health and Safety Code, by amending Subsection (g) and adding Subsections (h), (i), and (j), as follows:

(g) Requires the Texas Commission on Environmental Quality (TCEQ) to adopt rules governing certain aspects relating to the maintenance of an on-site sewage disposal system.

(h) Authorizes the order, resolution, or rule to require the maintenance company to take certain actions relating to an inspection of the system if, under Subsection (b), an authorized agent or TCEQ conditions approval of a permit for an on-site sewage disposal system using aerobic treatment on the system's owner contracting for the maintenance of the system.

(i) Provides that a maintenance company that violates a provision of an order, resolution, or rule described by Subsection (h) is subject to an administrative penalty. Authorizes the TCEQ to recover the penalty in a proceeding conducted as provided by Subchapter C (Administrative Penalties), Chapter 7, Water Code, or the authorized agent to recover the penalty in a proceeding conducted under an order or resolution of the agent. Provides that, notwithstanding Section 7.052 (Penalties for Violations Relating to Certain Dry Cleaning Facilities), Water Code, the amount of the penalty for the first violation of that order, resolution, or rule is \$200, and the amount of the penalty for each subsequent violation is \$500.

(j) Authorizes TCEQ, in the manner provided by Subchapter G (Revocation and Suspension of Permits, Licenses, Certificates, and Registrations), Chapter 7, Water Code, to revoke the license or registration of the maintenance company or any person employed by the maintenance company issued under certain statutes, if the maintenance company violates an order, resolution, or rule described by Subsection (h) three or more times,

SECTION 2. Amends Section 366.071(a), Health and Safety Code, to require a person who services or maintains an on-site sewage disposal system to hold a license or registration under Chapter 37 (Occupational Licensing and Registration), Water Code.

SECTION 3. Amends Subchapter E, Chapter 7, Water Code, by adding Section 7.1735, as follows:

Sec. 7.1735. VIOLATION RELATING TO MAINTENANCE OF SEWAGE DISPOSAL SYSTEM. (a) Provides that a person commits an offense if the person knowingly violates an order or resolution adopted by an authorized agent under Section 366.0515, Health and Safety Code.

(b) Provides that an offense under this section is a Class C misdemeanor.

SECTION 4. Repealer: Section 366.071(d) (relating to compensation for persons who service or maintain on-site sewage disposal systems), Health and Safety Code.

SECTION 5. Makes application of this Act prospective.

SECTION 6. Requires the Texas Commission on Environmental Quality to be prepared to accept applications for licenses or registrations described by Section 366.071(a), Health and Safety Code, as amended by this Act, not later than December 1, 2005.

SECTION 7. Effective date: September 1, 2005, except that Section 2 of this Act takes effect March 1, 2006.