

BILL ANALYSIS

C.S.H.B. 2510
By: Bonnen
Environmental Regulation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Under current practice the county may require a consumer to purchase a maintenance plan upon installation 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. C.S.H.B. 2510 allows the TCEQ or authorized agent to require maintenance companies to inspect systems and provides a penalty for non-compliance.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Commission on Environmental Quality in SECTION 1 of this bill.

ANALYSIS

C.S.H.B. 2510 amends the Health and Safety Code to provide that if an authorized agent or the TCEQ conditions approval of a permit for an aerobic on-site sewage disposal system on the system's owner contracting for the maintenance of the system the rule may require the maintenance company to: (1) inspect the system at specified intervals; (2) submit a report on each inspection; and (3) provide a copy of each report to the system's owner. The bill provides that a maintenance company that violates a provision of such an order is subject to a fine of \$200 for the first violation and \$500 for each subsequent violation and may have their license revoked after three or more violations. The bill amends the Water Code to provide that a violation of these provisions is a Class C misdemeanor.

The bill amends the Health and Safety Code to require a person who services or maintains an on-site sewage disposal system for compensation to hold a license or registration issued by the TCEQ. The bill repeals provisions that allow the TCEQ to implement a program to register persons who service or maintain on-site sewage disposal systems for compensation.

EFFECTIVE DATE

Provisions requiring a person who services or maintains an on-site sewage disposal system for compensation to hold a license or registration issued by the TCEQ take effect March 1, 2006. The rests of the Act takes effect September 1, 2005.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute removes provisions that required the TCEQ to appoint an advisory council to advise on on-site sewage disposal systems.