

BILL ANALYSIS

C.S.H.B. 2916
By: Puente
Natural Resources
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Smaller communities in this state must deal on a regular basis with the installation of septic systems within their jurisdiction. Some of these historical communities have lots that are too small to adequately hold a modern day septic system. Many of these communities do not have subdivision lots that have adequate acreage necessary for the installation of a septic system and its proper drain field. The Town of San Felipe in Austin County has had the recent unfortunate experience of having two permits granted by the Texas Commission on Environmental Quality (TCEQ) to resident property owners for the placement of septic systems; one for a lot that was less than half an acre and the other for a lot that was .3 of an acre. Their concerns regarding the septic systems lead the Town to file a protest at TCEQ and adopt an ordinance that requires a minimum of one acre for the placement of a septic system. Officials at the TCEQ Regional Office in Houston have informed the Town that they will not enforce these regulations.

C.S.H.B. 2916 prohibits the TCEQ from issuing a permit for an on-site sewage disposal system, the installation and operation of which would violate an ordinance, order, or rule of a local governmental entity regulating the minimum acreage of a site on which an on-site sewage disposal system may be installed. The Act applies only to the issuance of a permit for an on-site sewage disposal system that is to be installed or operated on a subdivision plat created on or before December 31, 1900.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2916 amends Subchapter D, Chapter 366, Health and Safety Code to adding Section 366.0571 to provide that Texas Commission on Environmental Quality (TCEQ) may not issue a permit for an on-site sewage disposal system, the installation and operation of which would violate an ordinance, order, or rule of a local governmental entity regulating the minimum acreage of a site on which a on-site sewage disposal system may be installed.

The Act applies only to the issuance of a permit for an on-site sewage disposal system that is to be installed or operated on a subdivision plat created on or before December 31, 1900.

EFFECTIVE DATE

Upon passage, or if the Act does not receive the necessary vote, September 1, 2005.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The bill, as filed, amended Section 366.04, Health and Safety Code, to require persons to comply with the Code and any local governmental entity regulation regarding minimum acreage for septic systems. The bill also amended Section 366.011, Health and Safety Code, to state that the TCEQ shall incorporate and enforce local governmental regulation regarding minimum acreage for septic systems. Finally, Section 366.012(b), Health and Safety Code, concerning TCEQ rules regarding septic systems was amended to require that the TCEQ incorporate and enforce local governmental regulation regarding minimum acreage for septic systems.

The bill, as substituted, only amends Chapter 366, Health and Safety Code, by adding new Section 366.0571 to prohibit the Texas Commission on Environmental Quality from issuing a permit for an on-site sewage disposal system, the installation and operation of which would violate an ordinance, order, or rule of a local governmental entity regulating the minimum acreage of a site on which a on-site sewage disposal system may be installed.

The substitute also states that the Act applies only to the issuance of a permit for an on-site sewage disposal system that is to be installed or operated on a subdivision plat created on or before December 31, 1900.