

By: Bonnen

H.B. No. 2510

A BILL TO BE ENTITLED

AN ACT

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relating to the regulation of on-site sewage disposal systems and the maintenance of those systems; imposing administrative and criminal penalties.

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

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

(g) The owner of a single-family residence located in a county with a population of less than 40,000 shall maintain the system directly or through a maintenance contract. If the owner elects to maintain the system directly, the owner must obtain training in system maintenance from the authorized agent or the installer. The commission shall adopt rules governing:

(1) the training in system maintenance to be provided to an owner who elects to maintain the system directly; and

(2) the maintenance of a system by the owner of the system.

(h) If, under Subsection (b), an authorized agent or the commission 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, the order, resolution, or rule may require the maintenance company to:

(1) inspect the system at specified intervals;

1 (2) submit a report on each inspection to the
2 authorized agent or commission; and

3 (3) provide a copy of each report submitted under
4 Subdivision (2) to the system's owner.

5 (i) A maintenance company that violates a provision of an
6 order, resolution, or rule described by Subsection (h) is subject
7 to an administrative penalty. The commission may recover the
8 penalty in a proceeding conducted as provided by Subchapter C,
9 Chapter 7, Water Code, or the authorized agent may recover the
10 penalty in a proceeding conducted under an order or resolution of
11 the agent. Notwithstanding Section 7.052, Water Code, the amount
12 of the penalty for the first violation of that order, resolution, or
13 rule is \$200, and the amount of the penalty for each subsequent
14 violation is \$500.

15 (j) If a maintenance company violates an order, resolution,
16 or rule described by Subsection (h) three or more times, the
17 commission, in the manner provided by Subchapter G, Chapter 7,
18 Water Code, may revoke the license or registration of the
19 maintenance company or any person employed by the maintenance
20 company issued under:

21 (1) Section 26.0301, Water Code;

22 (2) Chapter 37, Water Code; or

23 (3) Section 366.071 of this code.

24 SECTION 2. Section 366.071(a), Health and Safety Code, is
25 amended to read as follows:

26 (a) A person who constructs, installs, alters, extends,
27 services, maintains, or repairs an on-site sewage disposal system

1 or any part of an on-site sewage disposal system for compensation
2 must hold a license or registration issued by the commission under
3 Chapter 37, Water Code.

4 SECTION 3. Subchapter E, Chapter 7, Water Code, is amended
5 by adding Section 7.1735 to read as follows:

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

10 (b) An offense under this section is a Class C misdemeanor.

11 SECTION 4. Section 366.071(d), Health and Safety Code, is
12 repealed.

13 SECTION 5. (a) The changes in law made by this Act apply
14 only to a violation committed on or after the effective date of this
15 Act. For purposes of this section, a violation is committed before
16 the effective date of this Act if any element of the violation
17 occurs before that date.

18 (b) A violation committed before the effective date of this
19 Act is covered by the law in effect when the violation was
20 committed, and the former law is continued in effect for that
21 purpose.

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

26 SECTION 7. (a) Except as provided by Subsection (b) of this
27 section, this Act takes effect September 1, 2005.

1 (b) Section 2 of this Act takes effect March 1, 2006.