

By: Bonnen

H.B. No. 2510

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the regulation of on-site sewage disposal systems and  
3 the maintenance of those systems; imposing administrative and  
4 criminal penalties.

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

6 SECTION 1. Subchapter A, Chapter 366, Health and Safety  
7 Code, is amended by adding Section 366.006 to read as follows:

8 Sec. 366.006. ADVISORY COUNCIL. (a) The commission shall  
9 appoint an advisory council to advise the commission regarding the  
10 adoption of rules under, the administration of, and the enforcement  
11 of the requirements of this chapter and Chapter 37, Water Code, to  
12 the extent the chapters govern the regulation, design, planning,  
13 construction, installation, operation, licensing, maintenance, and  
14 inspection of on-site sewage disposal systems.

15 (b) The advisory council consists of six members as follows:

16 (1) two licensed installers who are actively engaged  
17 in the installation of on-site sewage disposal systems and who have  
18 not less than five years of experience in that field on the date of  
19 appointment;

20 (2) two licensed site evaluators who are actively  
21 engaged in the determination of the suitability of sites for  
22 on-site sewage disposal systems and who have not less than five  
23 years of experience in that field on the date of appointment; and

24 (3) two persons who are actively engaged in testing

1 and inspecting on-site sewage disposal systems and who have not  
2 less than five years of experience in that field on the date of  
3 appointment.

4 (c) The commission shall adjust the amount of the fees  
5 established under this chapter as necessary to cover the costs of  
6 administering this section, including the cost of reimbursing  
7 members of the advisory council for travel expenses.

8 (d) A member of the advisory council is not entitled to  
9 compensation for serving on the council but is entitled to  
10 reimbursement for reasonable expenses incurred in the performance  
11 of the functions of the council.

12 (e) Chapter 2110, Government Code, does not apply to the  
13 size, composition, or duration of the advisory council.

14 SECTION 2. Section 366.0515, Health and Safety Code, is  
15 amended by adding Subsections (h), (i), and (j) to read as follows:

16 (h) If, under Subsection (b), an authorized agent or the  
17 commission conditions approval of a permit for an on-site sewage  
18 disposal system using aerobic treatment on the system's owner  
19 contracting for the maintenance of the system, the order,  
20 resolution, or rule may require the maintenance company to:

21 (1) inspect the system at specified intervals;

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

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

26 (i) A maintenance company that violates a provision of an  
27 order, resolution, or rule described by Subsection (h) is subject

1 to an administrative penalty. The commission may recover the  
2 penalty in a proceeding conducted as provided by Subchapter C,  
3 Chapter 7, Water Code, or the authorized agent may recover the  
4 penalty in a proceeding conducted under an order or resolution of  
5 the agent. Notwithstanding Section 7.052, Water Code, the amount  
6 of the penalty for the first violation of that order, resolution, or  
7 rule is \$200, and the amount of the penalty for each subsequent  
8 violation is \$500.

9 (j) If a maintenance company violates an order, resolution,  
10 or rule described by Subsection (h) three or more times, the  
11 commission, in the manner provided by Subchapter G, Chapter 7,  
12 Water Code, may revoke the license or registration of the  
13 maintenance company or any person employed by the maintenance  
14 company issued under:

15 (1) Section 26.0301, Water Code;

16 (2) Chapter 37, Water Code; or

17 (3) Section 366.071 of this code.

18 SECTION 3. Section 366.071(a), Health and Safety Code, is  
19 amended to read as follows:

20 (a) A person who constructs, installs, alters, extends,  
21 services, maintains, or repairs an on-site sewage disposal system  
22 or any part of an on-site sewage disposal system for compensation  
23 must hold a license or registration issued by the commission under  
24 Chapter 37, Water Code.

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

27 Sec. 7.1735. VIOLATION RELATING TO MAINTENANCE OF SEWAGE

1 DISPOSAL SYSTEM. (a) A person commits an offense if the person  
2 knowingly violates an order or resolution adopted by an authorized  
3 agent under Section 366.0515, Health and Safety Code.

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

5 SECTION 5. Section 366.071(d), Health and Safety Code, is  
6 repealed.

7 SECTION 6. (a) The changes in law made by this Act apply  
8 only to a violation committed on or after the effective date of this  
9 Act. For purposes of this section, a violation is committed before  
10 the effective date of this Act if any element of the violation  
11 occurs before that date.

12 (b) A violation committed before the effective date of this  
13 Act is covered by the law in effect when the violation was  
14 committed, and the former law is continued in effect for that  
15 purpose.

16 SECTION 7. The Texas Commission on Environmental Quality  
17 shall be prepared to accept applications for licenses or  
18 registrations described by Section 366.071(a), Health and Safety  
19 Code, as amended by this Act, not later than December 1, 2005.

20 SECTION 8. (a) Except as provided by Subsection (b) of this  
21 section, this Act takes effect September 1, 2005.

22 (b) Section 3 of this Act takes effect March 1, 2006.