

BILL ANALYSIS

C.S.H.B. 2482
By: Cook, Robby
Environmental Regulation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

HB 2510 by Bonnen passed in the 79th Legislature made substantial changes to the regulation of on-site septic systems, also known as aerobic septic systems. It allowed homeowners across the state to maintain their own systems. Before HB 2510 only homeowners in counties with less than 40,000 people were allowed to do so. These changes also required septic system professionals throughout the state to take many hours of extra training in addition to the technical training they already had. The changes required TCEQ to adopt new rules and expend time and resources overseeing the program.

The changes have been in effect for a number of months and have proven burdensome for both septic system professionals and homeowners. Only about 30 homeowners throughout the state have taken advantage of the opportunity to maintain their own systems. This small response and the small savings they get does not justify the resources that the TCEQ and septic system professionals are expending to provide this program.

CSHB 2482 repeals most of the provisions of HB 2510 from the 79th regular session, leaving in place the provisions that give counties more tools to enforce health and safety standards for on-site septic systems.

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

CSHB 2482 amends the Health & Safety Code to add the population limit that prohibits an authorized agent or the TCEQ from conditioning a permit for a residential aerobic septic system located in a county with a population of less than 40,000 on the system's owner contracting for the maintenance of the system. The bill adds the population limit that provides that the owner of a single-family residence located in a county with a population of less than 40,000 is required to maintain the system directly or through a maintenance contract.

The bill removes provisions that require the TCEQ adopt rules to govern the training in system maintenance to be provided to an owner who elects to maintain the system directly and the maintenance of a system by the owner of the system.

The bill amends section 366.0515 of the Health and Safety Code by deleting Subsections (h), (i), (j), (n), and (o) relating to maintenance contracts and performance bonds for aerobic septic systems.

The bill restores provisions repealed by earlier law that authorize s the TCEQ to implement a program under Chapter 37, Water Code, to register persons who service or maintain on-site sewage disposal systems for compensation.

EFFECTIVE DATE

September 1, 2007.

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COMPARISON OF ORIGINAL TO SUBSTITUTE

The original bill removed the requirement that the training be certified by the manufacturer of the system for the training in homeowner maintenance of an aerobic septic system provided to a person who purchases a home that has an aerobic septic system that was being maintained by the homeowner. The substitute repeals this entire subsection from statute.

The original removed the requirement that a person be certified by the manufacturer of an aerobic septic system to provide training to the owner in maintenance of the system. The substitute repeals this entire subsection from statute.

The original set forth provisions relating to certification by the TCEQ to provide training to the owner of an aerobic septic system in maintenance of the system. The substitute removes these provisions from the bill.

The substitute adds the population limit that prohibits an authorized agent or the TCEQ from conditioning a permit for a residential aerobic septic system located in a county with a population of less than 40,000 on the system's owner contracting for the maintenance of the system. The substitute adds the population limit that provides that the owner of a single-family residence located in a county with a population of less than 40,000 is required to maintain the system directly or through a maintenance contract.

The substitute removes provisions from statute that require the TCEQ adopt rules to govern the training in system maintenance to be provided to an owner who elects to maintain the system directly and the maintenance of a system by the owner of the system.

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