

AN ACT

relating to the requirements regarding persons who service or maintain on-site sewage disposal systems; imposing an administrative penalty.

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

SECTION 1. Sections 366.0515(a) and (g), Health and Safety Code, are amended to read as follows:

(a) Except as provided by Subsection (g), an [An] authorized agent or the commission may not condition a permit or the approval of a permit for an on-site sewage disposal system using aerobic treatment for a single-family residence on the system's owner contracting for the maintenance of the system.

(g) The owner of a single-family residence shall maintain the system directly or through a maintenance contract. If an authorized agent or the commission determines that an owner of a single-family residence located in a county with a population of at least 40,000 who maintains the owner's system directly has violated this chapter or a rule adopted or order or permit issued under this chapter, the owner, not later than the 10th day after the date of receipt of notification of the violation, shall correct the violation or enter into a contract for the maintenance of the system. If before the third anniversary of the date of the determination the owner is determined to have committed another violation of this chapter or a rule adopted under this chapter, the

1 owner, not later than the 10th day after the date of receipt of
2 notification of the subsequent violation, shall enter into a
3 contract for the maintenance of the system. An owner of a
4 single-family residence located in a county with a population of at
5 least 40,000 who maintains the owner's system directly and who
6 violates this chapter or a rule adopted or order or permit issued
7 under this chapter is also subject to an administrative penalty.
8 The commission may recover the penalty in a proceeding conducted as
9 provided by Subchapter C, Chapter 7, Water Code, or the authorized
10 agent may recover the penalty in a proceeding conducted under an
11 order or resolution of the agent. Notwithstanding Section 7.052,
12 Water Code, the amount of the penalty may not exceed \$100. [The
13 ~~commission shall adopt rules governing:~~

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

16 ~~(2) the maintenance of a system by the owner of the~~
17 ~~system.]~~

18 SECTION 2. Section 366.071, Health and Safety Code, is
19 amended by adding Subsection (d) to read as follows:

20 (d) The commission may implement a program under Chapter 37,
21 Water Code, to register persons who service or maintain on-site
22 sewage disposal systems for compensation.

23 SECTION 3. Sections 366.0515(h), (i), (j), (n), and (o),
24 Health and Safety Code, are repealed.

25 SECTION 4. (a) The changes in law made by this Act apply
26 only to a violation committed on or after the effective date of this
27 Act. For purposes of this section, a violation is committed before

1 the effective date of this Act if any element of the violation
2 occurs before that date.

3 (b) A violation committed before the effective date of this
4 Act is covered by the law in effect when the violation was
5 committed, and the former law is continued in effect for that
6 purpose.

7 SECTION 5. This Act takes effect September 1, 2007.

President of the Senate

Speaker of the House

I certify that H.B. No. 2482 was passed by the House on April 26, 2007, by the following vote: Yeas 141, Nays 0, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 2482 on May 25, 2007, by the following vote: Yeas 137, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 2482 was passed by the Senate, with amendments, on May 22, 2007, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor