

1-1 By: Cook of Colorado (Senate Sponsor - Estes) H.B. No. 2482
1-2 (In the Senate - Received from the House April 27, 2007;
1-3 May 1, 2007, read first time and referred to Committee on Natural
1-4 Resources; May 21, 2007, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;
1-6 May 21, 2007, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 2482 By: Estes

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the requirements regarding persons who service or
1-11 maintain on-site sewage disposal systems; imposing an
1-12 administrative penalty.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Sections 366.0515(a) and (g), Health and Safety
1-15 Code, are amended to read as follows:

1-16 (a) Except as provided by Subsection (g), an [An] authorized
1-17 agent or the commission may not condition a permit or the approval
1-18 of a permit for an on-site sewage disposal system using aerobic
1-19 treatment for a single-family residence on the system's owner
1-20 contracting for the maintenance of the system.

1-21 (g) The owner of a single-family residence shall maintain
1-22 the system directly or through a maintenance contract. If an
1-23 authorized agent or the commission determines that an owner of a
1-24 single-family residence located in a county with a population of at
1-25 least 40,000 who maintains the owner's system directly has violated
1-26 this chapter or a rule adopted or order or permit issued under this
1-27 chapter, the owner, not later than the 10th day after the date of
1-28 receipt of notification of the violation, shall correct the
1-29 violation or enter into a contract for the maintenance of the
1-30 system. If before the third anniversary of the date of the
1-31 determination the owner is determined to have committed another
1-32 violation of this chapter or a rule adopted under this chapter, the
1-33 owner, not later than the 10th day after the date of receipt of
1-34 notification of the subsequent violation, shall enter into a
1-35 contract for the maintenance of the system. An owner of a
1-36 single-family residence located in a county with a population of at
1-37 least 40,000 who maintains the owner's system directly and who
1-38 violates this chapter or a rule adopted or order or permit issued
1-39 under this chapter is also subject to an administrative penalty.
1-40 The commission may recover the penalty in a proceeding conducted as
1-41 provided by Subchapter C, Chapter 7, Water Code, or the authorized
1-42 agent may recover the penalty in a proceeding conducted under an
1-43 order or resolution of the agent. Notwithstanding Section 7.052,
1-44 Water Code, the amount of the penalty may not exceed \$100. [The
1-45 commission shall adopt rules governing:

1-46 (1) the training in system maintenance to be provided
1-47 to an owner who elects to maintain the system directly; and

1-48 (2) the maintenance of a system by the owner of the
1-49 system.]

1-50 SECTION 2. Section 366.071, Health and Safety Code, is
1-51 amended by adding Subsection (d) to read as follows:

1-52 (d) The commission may implement a program under Chapter 37,
1-53 Water Code, to register persons who service or maintain on-site
1-54 sewage disposal systems for compensation.

1-55 SECTION 3. Sections 366.0515(h), (i), (j), (n), and (o),
1-56 Health and Safety Code, are repealed.

1-57 SECTION 4. (a) The changes in law made by this Act apply
1-58 only to a violation committed on or after the effective date of this
1-59 Act. For purposes of this section, a violation is committed before
1-60 the effective date of this Act if any element of the violation
1-61 occurs before that date.

1-62 (b) A violation committed before the effective date of this
1-63 Act is covered by the law in effect when the violation was

2-1 committed, and the former law is continued in effect for that
2-2 purpose.

2-3 SECTION 5. This Act takes effect September 1, 2007.

2-4

* * * * *