

By: Smith of Harris

H.B. No. 2922

A BILL TO BE ENTITLED

AN ACT

relating to the prevention of groundwater contamination by swimming pool and spa chemicals; providing a penalty.

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

SECTION 1. Subtitle B, Title 5, Health and Safety Code, is amended by adding Chapter 380 to read as follows:

CHAPTER 380. MISCELLANEOUS SOURCES OF POLLUTION

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 380.001. DEFINITION. In this chapter, "commission" means the Texas Commission on Environmental Quality.

[Sections 380.002-380.050 reserved for expansion]

SUBCHAPTER B. POOL AND SPA CHEMICALS

Sec. 380.051. INSPECTION REQUIRED. (a) The commission by rule shall require each newly constructed or substantially altered in-ground swimming pool or spa to pass an inspection before the pool or spa is first filled after construction or alteration to ensure that the structure and its associated plumbing and equipment are constructed in a manner that will prevent the contamination of groundwater by pool or spa chemicals.

(b) An inspection required under Subsection (a) must be conducted by a county or municipal regulatory authority having jurisdiction over the pool or spa.

Sec. 380.052. FEE. The regulatory authority conducting the inspection shall impose on the owner of an in-ground swimming pool

1 or spa a fee for an inspection under this subchapter. The
2 regulatory authority by order shall establish the amount of the
3 fee, which may not exceed the cost of conducting the inspection.

4 Sec. 380.053. POOL OR SPA WATER DISCHARGE; OFFENSE. (a) A
5 person may not knowingly discharge chemically treated water from a
6 swimming pool or spa in the course of draining or maintaining the
7 pool or spa to a location other than into a sanitary sewer.

8 (b) A person who violates Subsection (a) commits an offense.

9 (c) Except as provided by Subsection (d), an offense under
10 this section is a Class C misdemeanor.

11 (d) An offense under this section is a Class B misdemeanor
12 if it is shown on the trial of the defendant for an offense under
13 this section that the defendant has previously been convicted of an
14 offense under this section.

15 SECTION 2. (a) The Texas Commission on Environmental
16 Quality shall adopt the rules required by Subchapter B, Chapter
17 380, Health and Safety Code, as added by this Act, not later than
18 January 1, 2008.

19 (b) The inspection requirements under Section 380.051,
20 Health and Safety Code, as added by this Act, apply only to an
21 in-ground pool or spa for which construction or alteration begins
22 on or after March 1, 2008.

23 SECTION 3. This Act takes effect September 1, 2007.