

By: Jackson

S.B. No. 1790

A BILL TO BE ENTITLED

AN ACT

relating to the requirements for receiving approval to provide training to an owner of an on-site sewage disposal system using aerobic treatment in maintaining the system.

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

SECTION 1. Section 366.0515, Health and Safety Code, is amended by amending Subsections (h), (n), and (o) and adding Subsections (p) and (q) to read as follows:

(h) If the owner of an on-site sewage disposal system using aerobic treatment for a single-family residence elects to maintain the system directly, the owner must obtain ~~[from the manufacturer or installer of the system]~~ an amount of on-site training specified by commission rule, not to exceed six hours, from an approved trainer under Subsection (p) ~~[either at the time of acceptance of the system from the installer or at the time of an on-site maintenance visit by a maintenance company under the initial term of the maintenance contract for the system, if applicable]~~. The training must include instruction regarding the importance to public health and safety of proper maintenance of the system and a demonstration of the procedure for performing a scheduled maintenance. On the owner's completion of the training, the approved trainer ~~[manufacturer or installer]~~ shall provide the owner with a certificate or letter stating that the owner has received the required training. An owner who elects to maintain the

owner's system is subject to any inspection and reporting requirements imposed by an authorized agent or the commission under Subsection (k) applicable to a maintenance company that contracts to maintain a system. ~~[If the residence is sold, the new owner, not later than the 30th day after the date the owner takes possession of the property, must obtain the training required by this subsection from an installer certified by the manufacturer of the system under Subsection (n) or contract with a maintenance company for the maintenance of the system.]~~

(n) A person must be certified by the manufacturer of an on-site sewage disposal system using aerobic treatment to maintain the system under a maintenance contract with the owner of the system ~~[or to provide training to the owner in maintenance of the system]~~. A manufacturer may not unreasonably withhold certification and, except as otherwise provided by this subsection, must offer the certification to persons who are not employees of the manufacturer on the same terms as the manufacturer offers the certification to the manufacturer's employees. To be certified by a manufacturer, a person who is not an employee must:

(1) successfully complete a course approved by the commission that provides up to 32 hours of training in maintenance of on-site sewage disposal systems using aerobic treatment;

(2) be employed by a maintenance company at least one employee of which holds a license as:

(A) an installer, if the commission recognizes only one level of installer; or

(B) the highest level of installer recognized by

1 the commission, if the commission recognizes more than one level of
2 installer;

3 (3) meet all of the manufacturer's criteria and
4 requirements for entering into a business relationship; and

5 (4) satisfactorily complete any other reasonable
6 requirements imposed by the manufacturer for certification.

7 (o) Subsection (n) does not allow the commission or an
8 authorized agent to dictate to the manufacturer of on-site sewage
9 disposal systems using aerobic treatment the person who is
10 authorized to maintain the systems [~~or to provide training in~~
11 ~~maintenance of the systems~~] in a particular area. That subsection
12 merely facilitates the expansion of the pool of persons who are
13 qualified to maintain [~~or to provide training in maintenance of~~]
14 those systems and protects the rights of owners and manufacturers
15 of those systems.

16 (p) A person must be approved by the commission to provide
17 training to the owner of an on-site sewage disposal system using
18 aerobic treatment in maintenance of the system. To be approved by
19 the commission, a person must:

20 (1) successfully complete a course approved by the
21 commission that provides up to 32 hours of training in maintenance
22 of on-site sewage disposal systems using aerobic treatment;

23 (2) hold a license as an installer and be employed by a
24 maintenance company, or if the person does not hold a license as an
25 installer or is not employed by a maintenance company, meet
26 additional requirements for approval as determined by the
27 commission; and

1 (3) satisfactorily complete any other reasonable
2 requirements imposed by the commission for approval.

3 (g) In this section, "training provider" means an
4 administrative entity or individual approved by the commission to
5 provide training under this section.

6 SECTION 2. The Texas Commission on Environmental Quality
7 shall be prepared to accept applications for the approval described
8 by Subsection (p), Section 366.0515, Health and Safety Code, as
9 added by this Act, not later than March 1, 2008.

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