

1-1 By: Jackson S.B. No. 1790  
1-2 (In the Senate - Filed March 9, 2007; March 21, 2007, read  
1-3 first time and referred to Committee on Natural Resources;  
1-4 April 16, 2007, reported favorably by the following vote: Yeas 10,  
1-5 Nays 0; April 16, 2007, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to the requirements for receiving approval to provide  
1-9 training to an owner of an on-site sewage disposal system using  
1-10 aerobic treatment in maintaining the system.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Section 366.0515, Health and Safety Code, is  
1-13 amended by amending Subsections (h), (n), and (o) and adding  
1-14 Subsections (p) and (q) to read as follows:

1-15 (h) If the owner of an on-site sewage disposal system using  
1-16 aerobic treatment for a single-family residence elects to maintain  
1-17 the system directly, the owner must obtain ~~[from the manufacturer  
1-18 or installer of the system]~~ an amount of on-site training specified  
1-19 by commission rule, not to exceed six hours, from an approved  
1-20 trainer under Subsection (p) ~~[either at the time of acceptance of  
1-21 the system from the installer or at the time of an on-site  
1-22 maintenance visit by a maintenance company under the initial term  
1-23 of the maintenance contract for the system, if applicable].~~ The  
1-24 training must include instruction regarding the importance to  
1-25 public health and safety of proper maintenance of the system and a  
1-26 demonstration of the procedure for performing a scheduled  
1-27 maintenance. On the owner's completion of the training, the  
1-28 approved trainer ~~[manufacturer or installer]~~ shall provide the  
1-29 owner with a certificate or letter stating that the owner has  
1-30 received the required training. An owner who elects to maintain the  
1-31 owner's system is subject to any inspection and reporting  
1-32 requirements imposed by an authorized agent or the commission under  
1-33 Subsection (k) applicable to a maintenance company that contracts  
1-34 to maintain a system. ~~[If the residence is sold, the new owner, not  
1-35 later than the 30th day after the date the owner takes possession of  
1-36 the property, must obtain the training required by this subsection  
1-37 from an installer certified by the manufacturer of the system under  
1-38 Subsection (n) or contract with a maintenance company for the  
1-39 maintenance of the system.]~~

1-40 (n) A person must be certified by the manufacturer of an  
1-41 on-site sewage disposal system using aerobic treatment to maintain  
1-42 the system under a maintenance contract with the owner of the system  
1-43 ~~[or to provide training to the owner in maintenance of the system].~~  
1-44 A manufacturer may not unreasonably withhold certification and,  
1-45 except as otherwise provided by this subsection, must offer the  
1-46 certification to persons who are not employees of the manufacturer  
1-47 on the same terms as the manufacturer offers the certification to  
1-48 the manufacturer's employees. To be certified by a manufacturer, a  
1-49 person who is not an employee must:

1-50 (1) successfully complete a course approved by the  
1-51 commission that provides up to 32 hours of training in maintenance  
1-52 of on-site sewage disposal systems using aerobic treatment;

1-53 (2) be employed by a maintenance company at least one  
1-54 employee of which holds a license as:

1-55 (A) an installer, if the commission recognizes  
1-56 only one level of installer; or

1-57 (B) the highest level of installer recognized by  
1-58 the commission, if the commission recognizes more than one level of  
1-59 installer;

1-60 (3) meet all of the manufacturer's criteria and  
1-61 requirements for entering into a business relationship; and

1-62 (4) satisfactorily complete any other reasonable  
1-63 requirements imposed by the manufacturer for certification.

1-64 (o) Subsection (n) does not allow the commission or an

2-1 authorized agent to dictate to the manufacturer of on-site sewage  
2-2 disposal systems using aerobic treatment the person who is  
2-3 authorized to maintain the systems [~~or to provide training in~~  
2-4 ~~maintenance of the systems~~] in a particular area. That subsection  
2-5 merely facilitates the expansion of the pool of persons who are  
2-6 qualified to maintain [~~or to provide training in maintenance of~~  
2-7 those systems and protects the rights of owners and manufacturers  
2-8 of those systems.

2-9 (p) A person must be approved by the commission to provide  
2-10 training to the owner of an on-site sewage disposal system using  
2-11 aerobic treatment in maintenance of the system. To be approved by  
2-12 the commission, a person must:

2-13 (1) successfully complete a course approved by the  
2-14 commission that provides up to 32 hours of training in maintenance  
2-15 of on-site sewage disposal systems using aerobic treatment;

2-16 (2) hold a license as an installer and be employed by a  
2-17 maintenance company, or if the person does not hold a license as an  
2-18 installer or is not employed by a maintenance company, meet  
2-19 additional requirements for approval as determined by the  
2-20 commission; and

2-21 (3) satisfactorily complete any other reasonable  
2-22 requirements imposed by the commission for approval.

2-23 (q) In this section, "approved trainer" means an  
2-24 administrative entity or individual approved by the commission to  
2-25 provide training under this section.

2-26 SECTION 2. The Texas Commission on Environmental Quality  
2-27 shall be prepared to accept applications for the approval described  
2-28 by Subsection (p), Section 366.0515, Health and Safety Code, as  
2-29 added by this Act, not later than March 1, 2008.

2-30 SECTION 3. This Act takes effect September 1, 2007.

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