

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

May 20, 2007

TO: Honorable Kip Averitt, Chair, Senate Committee on Natural Resources

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB2482 by Cook, Robby (Relating to the requirements regarding persons who service or maintain on-site sewage disposal systems; imposing an administrative penalty.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would provide for an exception to the prohibition against the Texas Commission on Environmental Quality (TCEQ) conditioning permits or the approval of permits for on-site sewage disposal systems using aerobic treatment for single-family residences based on whether they have a maintenance contract for an on-site sewage disposal facility (OSSF). This would allow the homeowner the option of maintaining their own OSSF, except where prohibited by local order or resolution. The bill would set the penalty and possible loss of the homeowner maintenance option for a homeowner violation in a county of at least 40,000.

The bill would delete current provisions requiring homeowner maintenance training, the requirement for periodic inspection of an OSSF aerobic treatment system maintained by homeowners and allowing the agency to establish by rule the procedure and frequency for the inspections. In addition, the bill would delete the requirement that the Texas Commission on Environmental Quality (TCEQ) require homeowners to get a maintenance contract if a system is a nuisance or fails a periodic inspection, or is notified three times in a one year period that a system is malfunctioning. Further, the bill would delete the requirement that a person be certified by manufacturer to maintain a system under a maintenance contract and the requirement that the TCEQ or an authorized agent not dictate to a manufacturer who may maintain or train others to maintain systems.

The bill would allow the TCEQ to implement a program to register persons who service or maintain OSSFs for compensation.

The TCEQ does not expect implementation of the bill to result in any significant fiscal implications to the agency.

Local Government Impact

The bill would eliminate mandated maintenance reporting by homeowners to local authorities. The impact on local permit authorities (city, county, and water district) could include an increase in workload to inspect systems which, under current law, are maintained by contract and status reported periodically to the permit authority. Because the bill removes the requirement that a homeowner be trained in system maintenance, this bill may place an increased responsibility on the local governments in response to their role to protect public health and safety.

Source Agencies: 582 Commission on Environmental Quality

LBB Staff: JOB, WK, TL