

SENATE AMENDMENTS

2nd Printing

By: Cook of Colorado

H.B. No. 2482

A BILL TO BE ENTITLED

AN ACT

relating to the requirements regarding persons who service or maintain on-site sewage disposal systems.

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

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

(a) An authorized agent or the commission may not condition a permit or the approval of a permit for an on-site sewage disposal system using aerobic treatment for a single-family residence located in a county with a population of less than 40,000 on the system's owner contracting for the maintenance of the system.

(g) The owner of a single-family residence located in a county with a population of less than 40,000 shall maintain the system directly or through a maintenance contract. [~~The commission shall adopt rules governing:~~

~~(1) the training in system maintenance to be provided to an owner who elects to maintain the system directly, and~~

~~(2) the maintenance of a system by the owner of the system.]~~

SECTION 2. Sections 366.0515(h), (i), (j), (n), and (o), Health and Safety Code, are repealed.

SECTION 3. Section 366.071, Health and Safety Code, is amended by adding Subsection (d) to read as follows:

(d) The commission may implement a program under Chapter 37,

1 Water Code, to register persons who service or maintain on-site
2 sewage disposal systems for compensation.

3 SECTION 4. This Act takes effect September 1, 2007.

ADOPTED

MAY 22 2007

Leroy Spaul
Secretary of the Senate

H.B. No. 2482

By: Estes

Substitute the following for __.B. No. _____:

By: Estes

C.S. __.B. No. _____

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the requirements regarding persons who service or
3 maintain on-site sewage disposal systems; imposing an
4 administrative penalty.

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

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

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

13 (g) The owner of a single-family residence shall maintain the
14 system directly or through a maintenance contract. If an
15 authorized agent or the commission determines that an owner of a
16 single-family residence located in a county with a population of at
17 least 40,000 who maintains the owner's system directly has violated
18 this chapter or a rule adopted or order or permit issued under this
19 chapter, the owner, not later than the 10th day after the date of
20 receipt of notification of the violation, shall correct the
21 violation or enter into a contract for the maintenance of the

1 system. If before the third anniversary of the date of the
2 determination the owner is determined to have committed another
3 violation of this chapter or a rule adopted under this chapter, the
4 owner, not later than the 10th day after the date of receipt of
5 notification of the subsequent violation, shall enter into a
6 contract for the maintenance of the system. An owner of a single-
7 family residence located in a county with a population of at least
8 40,000 who maintains the owner's system directly and who violates
9 this chapter or a rule adopted or order or permit issued under this
10 chapter is also subject to an administrative penalty. The
11 commission may recover the penalty in a proceeding conducted as
12 provided by Subchapter C, Chapter 7, Water Code, or the authorized
13 agent may recover the penalty in a proceeding conducted under an
14 order or resolution of the agent. Notwithstanding Section 7.052,
15 Water Code, the amount of the penalty may not exceed \$100. [The
16 ~~commission shall adopt rules governing:~~

17 ~~[(1) the training in system maintenance to be provided~~
18 ~~to an owner who elects to maintain the system directly, and~~

19 ~~[(2) the maintenance of a system by the owner of the~~
20 ~~system.]~~

21 SECTION 2. Section 366.071, Health and Safety Code, is
22 amended by adding Subsection (d) to read as follows:

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

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

3 SECTION 4. (a) The changes in law made by this Act apply
4 only to a violation committed on or after the effective date of
5 this Act. For purposes of this section, a violation is committed
6 before the effective date of this Act if any element of the
7 violation occurs before that date.

8 (b) A violation committed before the effective date of this
9 Act is covered by the law in effect when the violation was
10 committed, and the former law is continued in effect for that
11 purpose.

12 SECTION 5. This Act takes effect September 1, 2007.

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

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

May 16, 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.), **As Engrossed**

<p>No significant fiscal implication to the State is anticipated.</p>
--

The bill would provide that homeowners in counties with a population of 40,000 or less would not be eligible to repermit approval 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.

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

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 582 Commission on Environmental Quality

LBB Staff: JOB, WK, TL

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

April 17, 2007

TO: Honorable Dennis Bonnen, Chair, House Committee on Environmental Regulation

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

IN RE: HB2482 by Cook, Robby (Relating to the requirements for certification to provide training to an owner of an on-site sewage disposal system using aerobic treatment in maintaining the system.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would provide that homeowners in counties with a population of 40,000 or less would not be eligible to repermit approval 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.

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

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 582 Commission on Environmental Quality

LBB Staff: JOB, WK, TL

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

March 25, 2007

TO: Honorable Dennis Bonnen, Chair, House Committee on Environmental Regulation

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

IN RE: HB2482 by Cook, Robby (Relating to the requirements for certification to provide training to an owner of an on-site sewage disposal system using aerobic treatment in maintaining the system.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend requirements for certification to provide training to an owner of an on-site sewage disposal system using aerobic treatment in maintaining the system. The bill would add the requirement that a person must be certified by the Texas Commission on Environmental Quality (TCEQ) to provide training to the owner of an on-site sewage disposal system using aerobic treatment in maintenance of the system, and establish basic training, employment, and certification requirements. The agency would be required to accept applications for certification of trainers not later than March 1, 2008.

It is assumed that currently licensed individuals would provide the training to homeowners and that they would have to obtain training course approval from the TCEQ. Although the bill does not create a fee, it would be part of the on-site sewage disposal system program. Therefore, it is assumed that the TCEQ could collect necessary fees for the agency to administer the licensing, registration, and training approval programs and recover any costs relating to the program. It is assumed that the agency would charge a fee of \$150 for this approval, the fee would be in an amount necessary to cover the costs of course approval, and that the agency would contract the approval process out.

According to the TCEQ there are approximately 2,000 licensed individuals who could potentially apply for a training certification. Assuming one-half would apply, there would be initial, one-time training course application fee revenue of \$150,000. It is assumed this fee revenue would be spread over a two year period, and therefore would not be significant compared to the TCEQ's budget.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 582 Commission on Environmental Quality

LBB Staff: JOB, WK, TL