

House Bill 2482
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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:~~

SENATE VERSION

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

(a) **Except as provided by Subsection (g), an [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 on the system's owner contracting for the maintenance of the system.

(g) The owner of a single-family residence shall maintain the system directly or through a maintenance contract. **If an authorized agent or the commission determines that an owner of a single-family residence located in a county with a population of at least 40,000 who maintains the owner's system directly has violated this chapter or a rule adopted or order or permit issued under this chapter, the owner, not later than the 10th day after the date of receipt of notification of the violation, shall correct the violation or enter into a contract for the maintenance of the system. If before the third anniversary of the date of the determination the owner is determined to have committed another violation of this chapter or a rule adopted under this chapter, the owner, not later than the 10th day after the date of receipt of notification of the subsequent violation, shall enter into a contract for the maintenance of the system. An owner of a single-family residence located in a county with a population of at least 40,000 who maintains the owner's system directly and who violates this chapter or a rule adopted or order or permit issued under this chapter is also subject to an administrative penalty. The**

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~~[(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, Water Code, to register persons who service or maintain on-site sewage disposal systems for compensation.

No equivalent provision.

commission may recover the penalty in a proceeding conducted as provided by Subchapter C, Chapter 7, Water Code, or the authorized agent may recover the penalty in a proceeding conducted under an order or resolution of the agent. Notwithstanding Section 7.052, Water Code, the amount of the penalty may not exceed \$100. ~~[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 3. Same as House version.

SECTION 2. Same as House version.

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

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date.

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

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

SECTION 5. Same as House version.