BILL ANALYSIS

Senate Research Center
82R23523 SMH-F

C.S.H.B. 3372
By: King, Tracy O.; Landtroop (Jackson)
Natural Resources
5/10/2011
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

C.S.H.B. 3372 enables rainwater that has been harvested using the appropriate cross-connection safeguards to be used for potable indoor purposes. This bill furthers water conservation efforts that are critical to meeting future water demands and would provide citizens who harvest rainwater responsibly a wider range of indoor uses and applications.

C.S.H.B. 3372 amends current law relating to rainwater harvesting systems that are connected to public water supply systems.

[**Note:** While the statutory reference in this bill is to the Texas Department of Health (TDH), the following amendments affect the Department of State Health Services, as the successor agency to TDH.]

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Texas Commission on Environmental Quality is modified in SECTION 1 (Section 341.042, Health and Safety Code) of this bill.

Rulemaking authority is jointly granted to TCEQ and the Department of State Health Services [TDH] in SECTION 1 (Section 341.042, Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 341.042(b), Health and Safety Code, by amending Subsection (b) and adding Subsections (b-1), (b-2), (b-3), and (b-4), as follows:

(b) Requires the Texas Commission on Environmental Quality (TCEQ) by rule to provide that if a structure is connected to a public water supply system and has a rainwater harvesting system for indoor use, the structure must have appropriate cross-connection safeguards, rather than requires TCEQ by rule to provide that if a structure is connected to a public water supply system and has a rainwater harvesting system for indoor use, the structure must have appropriate cross-connection safeguards and the rainwater harvesting system may be used only for nonpotable indoor purposes.

(b-1) Requires TCEQ to work with the Texas Department of Health (TDH) to develop rules regarding the installation and maintenance of rainwater harvesting systems that are used for indoor potable purposes and connected to a public water supply system. Requires that the rules contain criteria that are sufficient to ensure that:

(1) safe sanitary drinking water standards are met; and

(2) harvested rainwater does not come into communication with a public water supply system's drinking water at a location off of the property on which the rainwater harvesting system is located.

(b-2) Requires a person who installs and maintains rainwater harvesting systems that are connected to a public water supply system and are used for potable purposes to be licensed by the Texas State Board of Plumbing Examiners (TSBPE) as a master plumber

or journeyman plumber and to hold an endorsement issued by TSBPE as a water supply protection specialist.

(b-3) Requires a person who intends to connect a rainwater harvesting system to a public water supply system for use for potable purposes to give written notice of that intention to the municipality in which the rainwater harvesting system is located or the owner or operator of the public water supply system before connecting the rainwater harvesting system to the public water supply system.

(b-4) Prohibits a municipally owned water or wastewater utility, a municipality, or the owner or operator of a public water supply system from being held liable for any adverse health effects allegedly caused by the consumption of water collected by a rainwater harvesting system that is connected to a public water supply system and is used for potable purposes if the municipally owned water or wastewater utility, municipality, or public water supply system is in compliance with the sanitary standards for drinking water applicable the municipally owned water or wastewater utility, municipality, or public water supply system.

SECTION 2. Effective date: September 1, 2011.