

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Parker

H.B. No. 240

A BILL TO BE ENTITLED

AN ACT

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relating to requiring the Texas Commission on Environmental Quality to adopt rules preventing accidental or unintentional access to on-site sewage disposal systems.

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

SECTION 1. Section 366.012(a), Health and Safety Code, is amended to read as follows:

(a) To assure the effective and efficient administration of this chapter, the commission shall:

(1) adopt rules governing the installation of on-site sewage disposal systems, including rules concerning the:

(A) review and approval of on-site sewage disposal systems; and

(B) temporary waiver of a permit for an emergency repair; and

(2) adopt rules under this chapter that:

(A) encourage the use of economically feasible alternative techniques and technologies for on-site sewage disposal systems that can be used in soils not suitable for conventional on-site sewage disposal; ~~and~~

(B) address the separation of graywater, as defined by Section 341.039, in a residence served by an on-site sewage disposal system; and

(C) require on-site sewage disposal systems,

1 including risers and covers, installed after September 1, 2012, to  
2 be designed to prevent accidental or unintentional access to the  
3 system.

4 SECTION 2. This Act takes effect September 1, 2011.

# ADOPTED

MAY 19 2011

*Atty. Gen.*  
Secretary of the Senate

By: Nelson

H.B. No. 240

Substitute the following for \_\_\_B. No. \_\_\_\_\_:

By: Dewell

C.S. \_\_\_B. No. \_\_\_\_\_

## A BILL TO BE ENTITLED

### AN ACT

1  
2 relating to requiring the Texas Commission on Environmental Quality  
3 to adopt rules preventing access to on-site sewage disposal  
4 systems.

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

6 SECTION 1. Section 366.012(a), Health and Safety Code, is  
7 amended to read as follows:

8 (a) To assure the effective and efficient administration of  
9 this chapter, the commission shall:

10 (1) adopt rules governing the installation of on-site  
11 sewage disposal systems, including rules concerning the:

12 (A) review and approval of on-site sewage  
13 disposal systems; and

14 (B) temporary waiver of a permit for an emergency  
15 repair; and

16 (2) adopt rules under this chapter that:

17 (A) encourage the use of economically feasible  
18 alternative techniques and technologies for on-site sewage  
19 disposal systems that can be used in soils not suitable for  
20 conventional on-site sewage disposal; ~~and~~

21 (B) address the separation of graywater, as  
22 defined by Section 341.039, in a residence served by an on-site  
23 sewage disposal system; and

24 (C) require on-site sewage disposal systems,

1 including risers and covers, installed after September 1, 2012, to  
2 be designed to prevent access to the system by anyone other than:  
3 (i) the owner of the system; or  
4 (ii) a person described by Section  
5 366.071(a) or (b).

6 SECTION 2. This Act takes effect September 1, 2011.

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**May 19, 2011**

**TO:** Honorable Joe Straus, Speaker of the House, House of Representatives

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

**IN RE: HB240** by Parker (Relating to requiring the Texas Commission on Environmental Quality to adopt rules preventing access to on-site sewage disposal systems.), **As Passed 2nd House**

**No significant fiscal implication to the State is anticipated.**

The bill would require the Texas Commission on Environmental Quality (TCEQ) to adopt rules relating to the operation of on-site sewage disposal systems that prevent accidental or unintentional access to such systems by owners and certain other persons, including requiring risers and covers, of on-site sewage disposal systems installed after September 1, 2012. Although the bill could result in an increased workload to the TCEQ because it could require additional consideration in its review of proposed systems and enforcement activities, this estimate assumes that the additional costs could be absorbed using existing agency resources.

**Local Government Impact**

Local governments that administer the On-Site Sewage Facilities Program could see an increase in workload relating to plan review and enforcement, this estimate does not assume that the agency would adopt rules requiring that all existing systems to be modified, resulting in no significant fiscal implications to local governments.

**Source Agencies:** 582 Commission on Environmental Quality

**LBB Staff:** JOB, SD, SZ, TL

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**May 10, 2011**

**TO:** Honorable Troy Fraser, Chair, Senate Committee on Natural Resources

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

**IN RE: HB240** by Parker (Relating to requiring the Texas Commission on Environmental Quality to adopt rules preventing access to on-site sewage disposal systems.), **Committee Report 2nd House, Substituted**

**No significant fiscal implication to the State is anticipated.**

The bill would require the Texas Commission on Environmental Quality (TCEQ) to adopt rules relating to the operation of on-site sewage disposal systems that prevent accidental or unintentional access to such systems by owners and certain other persons, including requiring risers and covers, of on-site sewage disposal systems installed after September 1, 2012. Although the bill could result in an increased workload to the TCEQ because it could require additional consideration in its review of proposed systems and enforcement activities, this estimate assumes that the additional costs could be absorbed using existing agency resources.

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**Source Agencies:** 582 Commission on Environmental Quality

**LBB Staff:** JOB, SZ, TL

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**May 4, 2011**

**TO:** Honorable Troy Fraser, Chair, Senate Committee on Natural Resources

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

**IN RE: HB240** by Parker (Relating to requiring the Texas Commission on Environmental Quality to adopt rules preventing accidental or unintentional access to on-site sewage disposal systems.), **As Engrossed**

**No significant fiscal implication to the State is anticipated.**

The bill would require the Texas Commission on Environmental Quality (TCEQ) to adopt rules relating to the operation of on-site sewage disposal systems that prevent accidental or unintentional access to such systems, including requiring risers and covers of on-site sewage disposal systems installed after September 1, 2012. Although the bill could result in an increased workload to the TCEQ because it could require additional consideration in its review of proposed systems and enforcement activities, this estimate assumes that the additional costs could be absorbed using existing agency resources.

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**Source Agencies:** 582 Commission on Environmental Quality

**LBB Staff:** JOB, SZ, TL

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**April 1, 2011**

**TO:** Honorable Wayne Smith, Chair, House Committee on Environmental Regulation

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

**IN RE: HB240** by Parker (Relating to requiring the Texas Commission on Environmental Quality to adopt rules preventing accidental or unintentional access to on-site sewage disposal systems. ), **Committee Report 1st House, Substituted**

**No significant fiscal implication to the State is anticipated.**

The bill would require the Texas Commission on Environmental Quality (TCEQ) to adopt rules relating to the operation of on-site sewage disposal systems that prevent accidental or unintentional access to such systems, including requiring risers and covers of on-site sewage disposal systems installed after September 1, 2012. Although the bill could result in an increased workload to the TCEQ because it could require additional consideration in its review of proposed systems and enforcement activities, this estimate assumes that the additional costs could be absorbed using existing agency resources.

**Local Government Impact**

Local governments that administer the On-Site Sewage Facilities Program could see an increase in workload relating to plan review and enforcement, this estimate does not assume that the agency would adopt rules requiring that all existing systems to be modified, resulting in no significant fiscal implications to local governments.

**Source Agencies:** 582 Commission on Environmental Quality

**LBB Staff:** JOB, SZ, TL



**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**March 9, 2011**

**TO:** Honorable Wayne Smith, Chair, House Committee on Environmental Regulation

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

**IN RE: HB240** by Parker (Relating to requiring the Texas Commission on Environmental Quality to adopt rules preventing accidental or unintentional access to on-site sewage disposal systems.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

The bill would require the Texas Commission on Environmental Quality (TCEQ) to adopt rules relating to the operation of on-site sewage disposal systems that prevent accidental or unintentional access to such systems. Although the bill could result in an increased workload to the TCEQ because it could require additional consideration in its review of proposed systems and enforcement activities, this estimate assumes that the additional costs could be absorbed using existing agency resources.

**Local Government Impact**

Local governments that administer the On-Site Sewage Facilities Program could see an increase in workload relating to plan review and enforcement, this estimate does not assume that the agency would adopt rules requiring that all existing systems to be modified, resulting in no significant fiscal implications to local governments.

**Source Agencies:** 582 Commission on Environmental Quality

**LBB Staff:** JOB, SZ, TL