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H.B. No. 1902

A BILL TO BE ENTITLED

AN ACT

relating to the regulation and use of graywater and alternative onsite water.

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

SECTION 1. Section 341.039, Health and Safety Code, is amended to read as follows:

Sec. 341.039. [~~GRAYWATER~~] STANDARDS FOR GRAYWATER AND ALTERNATIVE ONSITE WATER. (a) The commission by rule shall adopt and implement minimum standards for the indoor and outdoor use and reuse of treated graywater and alternative onsite water for:

(1) irrigation and other agricultural purposes;

(2) domestic use, to the extent consistent with Subsection (c);

(3) commercial purposes; and

(4) industrial purposes.

(a-1) The standards adopted by the commission under Subsection (a)(2) must allow the use of graywater and alternative onsite water for toilet and urinal flushing.

(b) The standards adopted by the commission under Subsection (a) must assure that the use of graywater or alternative onsite water is not a nuisance and does not threaten human health or damage the quality of surface water and groundwater in this state.

(b-1) The commission by rule may adopt and implement rules providing for the inspection and annual testing of a graywater or

1 alternative onsite water system by the commission.

2 (b-2) The commission shall develop and make available to the
3 public a regulatory guidance manual to explain the rules adopted
4 under this section.

5 (c) The commission may not require a permit for the domestic
6 use of less than 400 gallons of graywater or alternative onsite
7 water each day if the water [~~graywater~~]:

8 (1) originates from a private residence;

9 (2) is used by the occupants of that residence for
10 gardening, composting, [~~or~~] landscaping, or indoor use as allowed
11 by rule, including toilet or urinal flushing, at the residence;

12 (3) is collected using a system that may be diverted
13 [~~overflows~~] into a sewage collection or on-site wastewater
14 treatment and disposal system;

15 (4) is, if required by rule, stored in surge tanks
16 that:

17 (A) are clearly labeled as nonpotable water;

18 (B) restrict access, especially to children; and

19 (C) eliminate habitat for mosquitoes and other
20 vectors;

21 (5) uses piping clearly identified as a nonpotable
22 water conduit, including identification through the use of purple
23 pipe, purple tape, or similar markings;

24 (6) is generated without the formation of ponds or
25 pools of graywater or alternative onsite water;

26 (7) does not create runoff across the property lines
27 or onto any paved surface; and

1 (8) is distributed by a surface or subsurface system
2 that does not spray into the air.

3 (d) Each builder is encouraged to:

4 (1) install plumbing in new housing in a manner that
5 provides the capacity to collect graywater or alternative onsite
6 water from all allowable sources; and

7 (2) design and install a subsurface graywater or
8 alternative onsite water system around the foundation of new
9 housing in a way that minimizes foundation movement or cracking.

10 (e) In this section:

11 (1) "Alternative onsite water" means rainwater,
12 air-conditioner condensate, foundation drain water, storm water,
13 cooling tower blowdown, swimming pool backwash and drain water,
14 reverse osmosis reject water, or any other source of water
15 considered appropriate by the commission.

16 (2) "Graywater" [~~,"graywater"~~] means wastewater from
17 clothes-washing machines, showers, bathtubs, hand-washing
18 lavatories, and sinks that are not used for disposal of hazardous or
19 toxic ingredients. The term does not include wastewater:

20 (A) [~~(1)~~] that has come in contact with toilet
21 waste;

22 (B) [~~(2)~~] from the washing of material,
23 including diapers, soiled with human excreta; or

24 (C) [~~(3)~~] from sinks used for food preparation or
25 disposal.

26 SECTION 2. Section [366.012\(a\)](#), Health and Safety Code, is
27 amended to read as follows:

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

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

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

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

9 (2) adopt rules under this chapter that:

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

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

17 (C) allow for a reduction in the size required of
18 an on-site sewage disposal system if the system is used in
19 conjunction with a graywater system that complies with the rules
20 adopted under Section 341.039; and

21 (D) require on-site sewage disposal systems,
22 including risers and covers, installed after September 1, 2012, to
23 be designed to prevent access to the system by anyone other than:

24 (i) the owner of the system; or

25 (ii) a person described by Section
26 366.071(a) or (b).

27 SECTION 3. Section 26.0311, Water Code, is amended by

1 amending Subsection (a) and adding Subsection (b-1) to read as
2 follows:

3 (a) In this section, "graywater" has the meaning provided by
4 Section 341.039, Health and Safety Code [~~means wastewater from~~
5 ~~clothes washing machines, showers, bathtubs, handwashing~~
6 ~~lavatories, and sinks that are not used for disposal of hazardous or~~
7 ~~toxic ingredients. The term does not include wastewater:~~

8 [(1) ~~that has come in contact with toilet waste,~~

9 [(2) ~~from the washing of material, including diapers,~~
10 ~~soiled with human excreta; or~~

11 [(3) ~~from sinks used for food preparation or~~
12 ~~disposal].~~

13 (b-1) The standards adopted by the commission under
14 Subsection (b)(2) must allow the use of graywater for toilet and
15 urinal flushing.

16 SECTION 4. The Texas Commission on Environmental Quality
17 shall adopt the standards required by Sections 341.039 and 366.012,
18 Health and Safety Code, as amended by this Act, and Section 26.0311,
19 Water Code, as amended by this Act, not later than January 1, 2017.

20 SECTION 5. This Act takes effect immediately if it receives
21 a vote of two-thirds of all the members elected to each house, as
22 provided by Section 39, Article III, Texas Constitution. If this
23 Act does not receive the vote necessary for immediate effect, this
24 Act takes effect September 1, 2015.