

SENATE AMENDMENTS

2nd Printing

By: Howard, Isaac, Workman, Lucio III

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.

ADOPTED

MAY 20 2015

Atty. Gen.
Secretary of the Senate

By: Zaffinini

H.B. No. 1902

Substitute the following for H.B. No. 1902:

By: [Signature]

C.S. H.B. No. 1902

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12 Subsection (c);
13 (3) commercial purposes; and
14 (4) industrial purposes.

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

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19 Subsection (a) must assure that the use of graywater or alternative
20 onsite water is not a nuisance and does not threaten human health or
21 damage the quality of surface water and groundwater in this state.

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

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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 an adjustment in the size required
18 of 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
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15 urinal flushing.

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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.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 20, 2015

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

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1902 by Howard (Relating to the regulation and use of graywater and alternative onsite water.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would to expand the uses of graywater and alternative onsite water at a private residence authorized by the Texas Commission on Environmental Quality (TCEQ). The TCEQ would be authorized to adopt minimum standards by rule for additional indoor and outdoor uses and reuses of treated graywater and alternative onsite water. The bill would require TCEQ to develop and make available a regulatory manual to explain rules associated with graywater and alternative onsite water use.

The bill would also provide that rules adopted by TCEQ could to allow for an adjustment in the size of an on-site sewage disposal system if the system is used in conjunction with a graywater system that complies with certain other agency rules.

No significant fiscal implications are anticipated for the TCEQ.

Local Government Impact

There could be some costs to local governmental entities who chose to implement backflow prevention testing or permitting and reporting requirements. Such costs would depend on the number of households that would implement the use of graywater and/or alternative onsite water.

Source Agencies: 582 Commission on Environmental Quality

LBB Staff: UP, SD, SZ, TL

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 12, 2015

TO: Honorable Charles Perry, Chair, Senate Committee on Agriculture, Water & Rural Affairs

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1902 by Howard (relating to the regulation and use of graywater and alternative onsite water.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would to expand the uses of graywater and alternative onsite water at a private residence authorized by the Texas Commission on Environmental Quality (TCEQ). The TCEQ would be authorized to adopt minimum standards by rule for additional indoor and outdoor uses and reuses of treated graywater and alternative onsite water. The bill would require TCEQ to develop and make available a regulatory manual to explain rules associated with graywater and alternative onsite water use.

The bill would also provide that rules adopted by TCEQ could to allow for an adjustment in the size of an on-site sewage disposal system if the system is used in conjunction with a graywater system that complies with certain other agency rules.

No significant fiscal implications are anticipated for the TCEQ.

Local Government Impact

There could be some costs to local governmental entities who chose to implement backflow prevention testing or permitting and reporting requirements. Such costs would depend on the number of households that would implement the use of graywater and/or alternative onsite water.

Source Agencies: 582 Commission on Environmental Quality

LBB Staff: UP, SZ, TL

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 8, 2015

TO: Honorable Charles Perry, Chair, Senate Committee on Agriculture, Water & Rural Affairs

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1902 by Howard (Relating to the regulation and use of graywater and alternative onsite water.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would to expand the uses of graywater and alternative onsite water at a private residence authorized by the Texas Commission on Environmental Quality (TCEQ). The TCEQ would be authorized to adopt minimum standards by rule for additional indoor and outdoor uses and reuses of treated graywater and alternative onsite water. The bill would require TCEQ to develop and make available a regulatory manual to explain rules associated with graywater and alternative onsite water use.

The bill would also provide that rules adopted by TCEQ could to allow for a reduction in size of an on-site sewage disposal system if the system is used in conjunction with a graywater system that complies with certain other agency rules.

No significant fiscal implications are anticipated for the TCEQ.

Local Government Impact

There could be some costs to local governmental entities who chose to implement backflow prevention testing or permitting and reporting requirements. Such costs would depend on the number of households that would implement the use of graywater and/or alternative onsite water.

Source Agencies: 582 Commission on Environmental Quality

LBB Staff: UP, SZ, TL

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

April 17, 2015

TO: Honorable Jim Keffer, Chair, House Committee on Natural Resources

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1902 by Howard (relating to the regulation and use of graywater and alternative onsite water.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would to expand the uses of graywater and alternative onsite water at a private residence authorized by the Texas Commission on Environmental Quality (TCEQ). The TCEQ would be authorized to adopt minimum standards by rule for additional indoor and outdoor uses and reuses of treated graywater and alternative onsite water. The bill would require TCEQ to develop and make available a regulatory manual to explain rules associated with graywater and alternative onsite water use.

No significant fiscal implications are anticipated for the TCEQ.

Local Government Impact

There could be some costs to local governmental entities who chose to implement backflow prevention testing or permitting and reporting requirements. Such costs would depend on the number of households that would implement the use of graywater and/or alternative onsite water.

Source Agencies: 582 Commission on Environmental Quality

LBB Staff: UP, SZ, TL

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

April 3, 2015

TO: Honorable Jim Keffer, Chair, House Committee on Natural Resources

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1902 by Howard (Relating to the regulation and use of graywater.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would to expand the uses of graywater at a private residence authorized by the Texas Commission on Environmental Quality (TCEQ). The TCEQ would be authorized to adopt minimum standards by rule for additional uses and reuses of graywater, and the bill would expand the current definition of graywater to include various other sources of water generated at private residences.

No significant fiscal implications are anticipated for the TCEQ.

Local Government Impact

There could be some costs to local governmental entities who chose to implement backflow prevention testing or permitting and reporting requirements. Such costs are not expected to be significant.

Source Agencies: 582 Commission on Environmental Quality

LBB Staff: UP, SZ, TL