86R13299 JAM-D

By:  Zwiener H.B. No. 4110

A BILL TO BE ENTITLED

AN ACT

relating to a study evaluating and making recommendations for the regulation of on-site sewage disposal systems in the recharge zone of the Edwards Aquifer.

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

SECTION 1.  DEFINITIONS. In this Act:

(1)  "Commission" means the Texas Commission on Environmental Quality.

(2)  "On-site sewage disposal system" has the meaning assigned by Section 366.002, Health and Safety Code.

SECTION 2.  STUDY. (a) The commission shall conduct a study to evaluate:

(1)  the regulation of on-site sewage disposal systems in the recharge zone of the Edwards Aquifer;

(2)  the effects of on-site sewage disposal systems on the recharge zone of the Edwards Aquifer and the Edwards Aquifer; and

(3)  best management practices for the regulation of on-site sewage disposal systems in the recharge zone of the Edwards Aquifer that:

(A)  protect the supply of water, including potable water, to users of groundwater from the Edwards Aquifer through more restrictive regulations;

(B)  do not contribute to adverse toxic effects on aquatic life in the Edwards Aquifer; and

(C)  do not contribute to adverse toxic effects on human health resulting from the consumption of water from the Edwards Aquifer.

(b)  In conducting the study, the commission shall solicit and consider information from the scientific and engineering community and other stakeholders.

(c)  The commission may contract with any appropriate person to assist in conducting the study.

SECTION 3.  REPORT. Not later than March 1, 2020, the commission shall make publicly available on its Internet website a report of the findings and recommendations of the study conducted under this Act. In the report, the commission must include findings that address the study objectives described in Section 2(a)(3) of this Act. The commission must include in the report recommendations, based on the findings, for on-site sewage disposal regulatory practices that can be used to achieve the objectives of Section 2(a)(3) of this Act.

SECTION 4.  RULES TO IMPLEMENT. (a) Not later than September 1, 2020, the commission shall develop proposed rules the commission considers appropriate to implement the findings and recommendations of the report and shall file notice of the proposed rules as provided by Section 2001.023, Government Code.

(b)  A rule proposed under Subsection (a) of this section applies only to an action, including a filing of an application for a permit or permit amendment, taken on or after the effective date of the rule. An action taken before the effective date of a rule proposed under Subsection (a) of this section is governed by the law in effect at the time the action was taken, and an application for a permit or permit amendment must be approved or denied on the basis of the law in effect at the time the application is filed.

SECTION 5.  EXPIRATION. This Act expires on the earlier of:

(1)  the date the commission adopts rules proposed under Section 4 of this Act; or

(2)  December 1, 2021.

SECTION 6.  EFFECTIVE DATE. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.