

By: Zwiener

H.B. No. 4110

A BILL TO BE ENTITLED

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

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

6 SECTION 1. DEFINITIONS. In this Act:

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

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

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

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

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

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

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

24 (B) do not contribute to adverse toxic effects on

1 aquatic life in the Edwards Aquifer; and

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

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

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

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

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

24 (b) A rule proposed under Subsection (a) of this section  
25 applies only to an action, including a filing of an application for  
26 a permit or permit amendment, taken on or after the effective date  
27 of the rule. An action taken before the effective date of a rule

1 proposed under Subsection (a) of this section is governed by the law  
2 in effect at the time the action was taken, and an application for a  
3 permit or permit amendment must be approved or denied on the basis  
4 of the law in effect at the time the application is filed.

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

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

8 (2) December 1, 2021.

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