

BILL ANALYSIS

Senate Research Center
88R10337 MP-F

S.B. 1091
By: Parker
Water, Agriculture & Rural Affairs
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In 2009, a toddler drowned in a septic tank by falling through a unsecured utility box cover that should never have been used as a septic tank riser and cover. This incident happened in the district of Representative Tan Parker, now a Texas state senator. He introduced legislation to require risers and covers be designed to prevent access by a child or anyone unauthorized by the Texas Commission on Environmental Quality (TCEQ) or the owner and it passed. This created rules within Chapter 285 that require risers and secondary restraints be installed on all on-site sewage facilities (OSSF) with risers to grade and in case the primary lid is damaged, with the requirement that OSSF be accessed only by a licensed or registered professional or the owner. Unfortunately, TCEQ excluded pumpers from being required to be licensed or registered. This leaves a section of the industry untrained and a threat to public safety.

As proposed, S.B. 1091 amends current law relating to the regulation of on-site sewage disposal systems, including requiring a license for on-site sewage disposal system pumping technicians.

[**Note:** While the statutory reference in this bill is to the Texas Natural Resource Conservation Commission, the following amendments affect the Texas Commission on Environmental Quality, as the successor agency to Texas Natural Resource Conservation Commission.]

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Commission on Environmental Quality in SECTION 5 of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 366.001, Health and Safety Code, as follows:

Sec. 366.001. **POLICY AND PURPOSE.** Provides that it is the public policy of this state and the purpose of Chapter 366 (On-Site Sewage Disposal Systems) to:

- (1) eliminate and prevent health hazards by regulating and properly planning certain aspects of on-site sewage disposal systems, including pumping;
- (2)-(5) makes no changes to these subdivisions.

SECTION 2. Amends Section 366.052(a), Health and Safety Code, as follows:

(a) Provides that Sections 366.051 (Permits), 366.053 (Permit Application), 366.054 (Notice from Installer), and 366.057 (Permit Issuance) do not apply to an on-site sewage disposal system of a single residence that is located on a land tract that is:

- (1) makes nonsubstantive changes to this subdivision; and
- (2) in a county with a population of less than 40,000.

SECTION 3. Amends Sections 366.071(a) and (d), Health and Safety Code, as follows:

(a) Requires a person who constructs, installs, alters, extends, services, maintains, pumps, or repairs an on-site sewage disposal system or any part of an on-site sewage disposal system for compensation to hold a license or registration issued by the Texas Natural Resource Conservation Commission (TNRCC) under Chapter 37 (Occupational Licensing and Registration), Water Code.

(d) Authorizes TNRCC to implement a program under Chapter 37, Water Code, to register persons who service, pump, or maintain on-site sewage disposal systems for compensation.

SECTION 4. Makes application of Section 366.052(a), Health and Safety Code, as amended by this Act, prospective.

SECTION 5. Requires the Texas Commission on Environmental Quality, not later than September 1, 2024, to adopt rules implementing Section 366.071(a), Health and Safety Code, as amended by this Act. Requires that the rules provide for the creation of an on-site sewage disposal system pumping technician license or registration and the requirements and qualifications to obtain the license or registration.

SECTION 6. Effective date, except as provided by Subsection (b) of this section: September 1, 2023.

(b) Effective date, Section 366.07(a), Health and Safety Code, as amended by this Act: September 1, 2024.