

1-1 By: Puentes (Senate Sponsor - Armbrister) H.B. No. 2661  
1-2 (In the Senate - Received from the House May 5, 2003;  
1-3 May 7, 2003, read first time and referred to Committee on Natural  
1-4 Resources; May 23, 2003, reported favorably by the following vote:  
1-5 Yeas 9, Nays 0; May 23, 2003, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to the use of graywater.

1-9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-10 SECTION 1. Section 26.0311, Water Code, is amended to read  
1-11 as follows:

1-12 Sec. 26.0311. STANDARDS FOR CONTROL OF GRAYWATER  
1-13 [~~GREYWATER~~]. (a) In this section, "graywater" [~~"greywater"~~] means  
1-14 wastewater from clothes washing machines, showers, bathtubs,  
1-15 handwashing lavatories, and sinks that are not used for disposal of  
1-16 hazardous or toxic ingredients. The term does not include  
1-17 wastewater:

1-18 (1) that has come in contact with toilet waste;  
1-19 (2) from the washing of material, including diapers,  
1-20 soiled with human excreta; or

1-21 (3) from sinks used for food preparation or disposal.

1-22 (b) The commission by rule shall adopt and implement minimum  
1-23 standards for the use of graywater for:

1-24 (1) [~~greywater in~~] irrigation and [~~for~~] other  
1-25 agricultural purposes;

1-26 (2) [] domestic use, to the extent consistent with  
1-27 Section 341.039, Health and Safety Code;

1-28 (3) [] commercial purposes; [] and

1-29 (4) industrial purposes.

1-30 (c) The standards adopted by the commission under  
1-31 Subsection (b) must [~~that will~~] assure that the use of graywater is  
1-32 [~~greywater will~~] not [~~be~~] a nuisance and does not [~~or~~] damage the  
1-33 quality of surface water and groundwater in this state.

1-34 SECTION 2. Section 341.039, Health and Safety Code, is  
1-35 amended to read as follows:

1-36 Sec. 341.039. GRAYWATER STANDARDS. (a) The commission  
1-37 [~~and the Texas State Board of Plumbing Examiners~~] by rule shall  
1-38 adopt and implement minimum standards for the use and reuse of  
1-39 graywater for:

1-40 (1) [~~in~~] irrigation and [~~for~~] other agricultural  
1-41 purposes;

1-42 (2) [] domestic use, to the extent consistent with  
1-43 Subsection (c);

1-44 (3) [] commercial purposes; [] and

1-45 (4) industrial purposes.

1-46 (b) The standards adopted by the commission under  
1-47 Subsection (a) must [~~to~~] assure that the use of graywater is not a  
1-48 nuisance and does not damage the quality of surface water and  
1-49 groundwater in this state.

1-50 (c) The commission may not require a permit for the domestic  
1-51 use of less than 400 gallons of graywater each day if the graywater:

1-52 (1) originates from a private residence;

1-53 (2) is used by the occupants of that residence for  
1-54 gardening, composting, or landscaping at the residence;

1-55 (3) is collected using a system that overflows into a  
1-56 sewage collection or on-site wastewater treatment and disposal  
1-57 system;

1-58 (4) is stored in tanks that:

1-59 (A) are clearly labeled as nonpotable water;

1-60 (B) restrict access, especially to children; and

1-61 (C) eliminate habitat for mosquitoes and other  
1-62 vectors;

1-63 (5) uses piping clearly identified as a nonpotable  
1-64 water conduit, including identification through the use of purple

2-1 pipe, purple tape, or similar markings;  
2-2 (6) is generated without the formation of ponds or  
2-3 pools of graywater;  
2-4 (7) does not create runoff across the property lines  
2-5 or onto any paved surface; and  
2-6 (8) is distributed by a surface or subsurface system  
2-7 that does not spray into the air.

2-8 (d) Each builder is encouraged to:  
2-9 (1) install plumbing in new housing in a manner that  
2-10 provides the capacity to collect graywater from all allowable  
2-11 sources; and  
2-12 (2) design and install a subsurface graywater system  
2-13 around the foundation of new housing in a way that minimizes  
2-14 foundation movement or cracking.

2-15 (e) [~~(b)~~] In this section, "graywater" means wastewater  
2-16 from clothes-washing machines, showers, bathtubs, hand-washing  
2-17 lavatories, and sinks that are not used for disposal of hazardous or  
2-18 toxic ingredients. The term does not include wastewater:

- 2-19 (1) that has come in contact with toilet waste;
- 2-20 (2) from the washing of material, including diapers,
- 2-21 soiled with human excreta; or
- 2-22 (3) from sinks used for food preparation or disposal.

2-23 SECTION 3. Section 366.012(a), Health and Safety Code, is  
2-24 amended to read as follows:

2-25 (a) To assure the effective and efficient administration of  
2-26 this chapter, the commission shall:

2-27 (1) adopt rules governing the installation of on-site  
2-28 sewage disposal systems, including rules concerning the:

- 2-29 (A) review and approval of on-site sewage
- 2-30 disposal systems; and
- 2-31 (B) temporary waiver of a permit for an emergency

2-32 repair; and

2-33 (2) adopt rules under this chapter that:

2-34 (A) encourage the use of economically feasible  
2-35 alternative techniques and technologies for on-site sewage  
2-36 disposal systems that can be used in soils not suitable for  
2-37 conventional on-site sewage disposal; and

2-38 (B) address the separation of graywater, as  
2-39 defined by Section 341.039, in a residence served by an on-site  
2-40 sewage disposal system.

2-41 SECTION 4. Not later than June 1, 2004, the Texas Commission  
2-42 on Environmental Quality by rule shall:

2-43 (1) adopt and implement minimum standards for the use  
2-44 of graywater under Section 26.0311, Water Code, as amended by this  
2-45 Act; and

2-46 (2) address the separation of graywater in a residence  
2-47 served by an on-site sewage disposal system under Section  
2-48 366.012(a), Health and Safety Code, as amended by this Act.

2-49 SECTION 5. This Act takes effect September 1, 2003.

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