

1-1 By: Howard, et al. (Senate Sponsor - Zaffirini) H.B. No. 1902
1-2 (In the Senate - Received from the House April 29, 2015;
1-3 May 4, 2015, read first time and referred to Committee on
1-4 Agriculture, Water, and Rural Affairs; May 13, 2015, reported
1-5 adversely, with favorable Committee Substitute by the following
1-6 vote: Yeas 6, Nays 0; May 13, 2015, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13			X	
1-14	X			
1-15	X			

1-16 COMMITTEE SUBSTITUTE FOR H.B. No. 1902 By: Perry

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to the regulation and use of graywater and alternative
1-20 onsite water.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section 341.039, Health and Safety Code, is
1-23 amended to read as follows:

1-24 Sec. 341.039. [GRAYWATER] STANDARDS FOR GRAYWATER AND
1-25 ALTERNATIVE ONSITE WATER. (a) The commission by rule shall adopt
1-26 and implement minimum standards for the indoor and outdoor use and
1-27 reuse of treated graywater and alternative onsite water for:

- 1-28 (1) irrigation and other agricultural purposes;
1-29 (2) domestic use, to the extent consistent with
1-30 Subsection (c);
1-31 (3) commercial purposes; and
1-32 (4) industrial purposes.

1-33 (a-1) The standards adopted by the commission under
1-34 Subsection (a)(2) must allow the use of graywater and alternative
1-35 onsite water for toilet and urinal flushing.

1-36 (b) The standards adopted by the commission under
1-37 Subsection (a) must assure that the use of graywater or alternative
1-38 onsite water is not a nuisance and does not threaten human health or
1-39 damage the quality of surface water and groundwater in this state.

1-40 (b-1) The commission by rule may adopt and implement rules
1-41 providing for the inspection and annual testing of a graywater or
1-42 alternative onsite water system by the commission.

1-43 (b-2) The commission shall develop and make available to the
1-44 public a regulatory guidance manual to explain the rules adopted
1-45 under this section.

1-46 (c) The commission may not require a permit for the domestic
1-47 use of less than 400 gallons of graywater or alternative onsite
1-48 water each day if the water [graywater]:

- 1-49 (1) originates from a private residence;
1-50 (2) is used by the occupants of that residence for
1-51 gardening, composting, ~~or~~ landscaping, or indoor use as allowed
1-52 by rule, including toilet or urinal flushing, at the residence;
1-53 (3) is collected using a system that may be diverted
1-54 ~~[overflows]~~ into a sewage collection or on-site wastewater
1-55 treatment and disposal system;
1-56 (4) is, if required by rule, stored in surge tanks

1-57 that:

- 1-58 (A) are clearly labeled as nonpotable water;
1-59 (B) restrict access, especially to children; and
1-60 (C) eliminate habitat for mosquitoes and other

2-1 vectors;

2-2 (5) uses piping clearly identified as a nonpotable

2-3 water conduit, including identification through the use of purple

2-4 pipe, purple tape, or similar markings;

2-5 (6) is generated without the formation of ponds or

2-6 pools of graywater or alternative onsite water;

2-7 (7) does not create runoff across the property lines

2-8 or onto any paved surface; and

2-9 (8) is distributed by a surface or subsurface system

2-10 that does not spray into the air.

2-11 (d) Each builder is encouraged to:

2-12 (1) install plumbing in new housing in a manner that

2-13 provides the capacity to collect graywater or alternative onsite

2-14 water from all allowable sources; and

2-15 (2) design and install a subsurface graywater or

2-16 alternative onsite water system around the foundation of new

2-17 housing in a way that minimizes foundation movement or cracking.

2-18 (e) In this section:

2-19 (1) "Alternative onsite water" means rainwater,

2-20 air-conditioner condensate, foundation drain water, storm water,

2-21 cooling tower blowdown, swimming pool backwash and drain water,

2-22 reverse osmosis reject water, or any other source of water

2-23 considered appropriate by the commission.

2-24 (2) "Graywater" [~~,"graywater"~~] means wastewater from

2-25 clothes-washing machines, showers, bathtubs, hand-washing

2-26 lavatories, and sinks that are not used for disposal of hazardous or

2-27 toxic ingredients. The term does not include wastewater:

2-28 (A) [~~(1)~~] that has come in contact with toilet

2-29 waste;

2-30 (B) [~~(2)~~] from the washing of material,

2-31 including diapers, soiled with human excreta; or

2-32 (C) [~~(3)~~] from sinks used for food preparation or

2-33 disposal.

2-34 SECTION 2. Section 366.012(a), Health and Safety Code, is

2-35 amended to read as follows:

2-36 (a) To assure the effective and efficient administration of

2-37 this chapter, the commission shall:

2-38 (1) adopt rules governing the installation of on-site

2-39 sewage disposal systems, including rules concerning the:

2-40 (A) review and approval of on-site sewage

2-41 disposal systems; and

2-42 (B) temporary waiver of a permit for an emergency

2-43 repair; and

2-44 (2) adopt rules under this chapter that:

2-45 (A) encourage the use of economically feasible

2-46 alternative techniques and technologies for on-site sewage

2-47 disposal systems that can be used in soils not suitable for

2-48 conventional on-site sewage disposal;

2-49 (B) address the separation of graywater, as

2-50 defined by Section 341.039, in a residence served by an on-site

2-51 sewage disposal system; ~~and~~

2-52 (C) allow for an adjustment in the size required

2-53 of an on-site sewage disposal system if the system is used in

2-54 conjunction with a graywater system that complies with the rules

2-55 adopted under Section 341.039; and

2-56 (D) require on-site sewage disposal systems,

2-57 including risers and covers, installed after September 1, 2012, to

2-58 be designed to prevent access to the system by anyone other than:

2-59 (i) the owner of the system; or

2-60 (ii) a person described by Section

2-61 366.071(a) or (b).

2-62 SECTION 3. Section 26.0311, Water Code, is amended by

2-63 amending Subsection (a) and adding Subsection (b-1) to read as

2-64 follows:

2-65 (a) In this section, "graywater" has the meaning provided by

2-66 Section 341.039, Health and Safety Code [~~means wastewater from~~

2-67 clothes washing machines, showers, bathtubs, handwashing

2-68 lavatories, and sinks that are not used for disposal of hazardous or

2-69 toxic ingredients. The term does not include wastewater.

3-1 [~~(1) that has come in contact with toilet waste,~~
3-2 [~~(2) from the washing of material, including diapers,~~
3-3 ~~soiled with human excreta; or~~
3-4 [~~(3) from sinks used for food preparation or~~
3-5 ~~disposal].~~

3-6 (b-1) The standards adopted by the commission under
3-7 Subsection (b)(2) must allow the use of graywater for toilet and
3-8 urinal flushing.

3-9 SECTION 4. The Texas Commission on Environmental Quality
3-10 shall adopt the standards required by Sections 341.039 and 366.012,
3-11 Health and Safety Code, as amended by this Act, and Section 26.0311,
3-12 Water Code, as amended by this Act, not later than January 1, 2017.

3-13 SECTION 5. This Act takes effect immediately if it receives
3-14 a vote of two-thirds of all the members elected to each house, as
3-15 provided by Section 39, Article III, Texas Constitution. If this
3-16 Act does not receive the vote necessary for immediate effect, this
3-17 Act takes effect September 1, 2015.

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