

1-1 By: Kuempel (Senate Sponsor - Zaffirini) H.B. No. 4087
1-2 (In the Senate - Received from the House May 15, 2023;
1-3 May 17, 2023, read first time and referred to Committee on Water,
1-4 Agriculture & Rural Affairs; May 19, 2023, reported favorably by
1-5 the following vote: Yeas 6, Nays 1; May 19, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	Perry	X		
1-9	Hancock	X		
1-10	Blanco	X		
1-11	Flores	X		
1-12	Gutierrez		X	
1-13	Johnson	X		
1-14	Kolkhorst		X	
1-15	Sparks	X		
1-16	Springer	X		

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

1-19 relating to the use of certain on-site sewage disposal systems.
1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-21 SECTION 1. Section 366.012(a), Health and Safety Code, is
1-22 amended to read as follows:

1-23 (a) To assure the effective and efficient administration of
1-24 this chapter, the commission shall:

1-25 (1) adopt rules governing the installation of on-site
1-26 sewage disposal systems, including rules concerning the:

1-27 (A) review and approval of on-site sewage
1-28 disposal systems; and

1-29 (B) temporary waiver of a permit for an emergency
1-30 repair; and

1-31 (2) adopt rules under this chapter that:

1-32 (A) encourage the use of economically feasible
1-33 alternative techniques and technologies for on-site sewage
1-34 disposal systems that can be used in soils not suitable for
1-35 conventional on-site sewage disposal;

1-36 (B) address the separation of graywater, as
1-37 defined by Section 341.039, in a residence served by an on-site
1-38 sewage disposal system;

1-39 (C) allow for an adjustment in the size required
1-40 of an on-site sewage disposal system if the system is used in
1-41 conjunction with a graywater system that complies with the rules
1-42 adopted under Section 341.039; ~~and~~

1-43 (D) require on-site sewage disposal systems,
1-44 including risers and covers, installed after September 1, 2012, to
1-45 be designed to prevent access to the system by anyone other than:

1-46 (i) the owner of the system; or

1-47 (ii) a person described by Section
1-48 366.071(a) or (b); and

1-49 (E) for a county with a population of at least
1-50 350,000 and not more than 370,000 that is adjacent to the Gulf of
1-51 Mexico and adjacent to a county with a population of at least 3.3
1-52 million, allow for the installation of aerobic drip emitter systems
1-53 on subdivided or platted properties less than one-half acre in size
1-54 serving single-family residences supplied by a public drinking
1-55 water system if site-specific planning materials have been:

1-56 (i) submitted by a licensed engineer or
1-57 registered sanitarian; and

1-58 (ii) approved by the appropriate authorized
1-59 agent.

1-60 SECTION 2. Subchapter D, Chapter 366, Health and Safety
1-61 Code, is amended by adding Section 366.0513 to read as follows:

Sec. 366.0513. PERMITS FOR CERTAIN TEMPORARY SYSTEMS. (a)
An authorized agent may issue a permit to authorize the use of a
temporary on-site sewage disposal system that:

(1) operates in conjunction with the pumping and
hauling of wastewater produced by the system; and

(2) serves a property that:

(A) has been subdivided for residential use; and

(B) is of insufficient size to accommodate
on-site disposal of all wastewater in compliance with this chapter.

(b) A permit issued under this section:

(1) may authorize the use of a system and the
associated pumping and hauling activities described by Subsection
(a) for not more than six months from the date of issuance; and

(2) may not be renewed.

SECTION 3. As soon as practicable after the effective date
of this Act, the Texas Commission on Environmental Quality shall
adopt rules in accordance with Section 366.012(a), Health and
Safety Code, as amended by this Act.

SECTION 4. Section 366.0513, Health and Safety Code, as
added by this Act, applies only to an application for the issuance
of a permit for an on-site sewage facility submitted on or after the
effective date of this Act. An application submitted before the
effective date of this Act is governed by the law in effect on the
date that application was submitted, and the former law is
continued in effect for that purpose.

SECTION 5. This Act takes effect September 1, 2023.

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