By Brown S.B. No. 1300

A BILL TO BE ENTITLED

AN ACT

relating to the permitting of discharges from certain on-site sewage disposal systems in certain counties.

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

SECTION 1. Subchapter B, Chapter 26, Water Code, is amended by adding Section 26.050 to read as follows:

Sec. 26.050. ON-SITE SEWAGE DISPOSAL SYSTEM. (a) To the extent not in conflict with federal law, the commission by rule shall authorize the issuance of a permit by a County for the discharge of treated sewage into or adjacent to water in this state by an on-site sewage disposal system if:

(1) the system is in a county with a population of 2.8 million or more that is an authorized agent under Chapter 366, Health and Safety Code;

(2) the system serves a single-family residence and is on a property that was subdivided and developed before January 1, 1979; and the property is of insufficient size to accommodate disposal of all wastewater on site;

(3) a county order or resolution has authorized the discharge; and to the extent possible, the discharge amount is limited by all reasonable means and meets the standards as established in the order or resolution; and

(4) the commission has approved the county order or resolution authorizing the discharge.

(b) for purposes of this section, on-site sewage disposal system shall mean one or more systems of treatment devices and disposal of sewage on or off site except that incidental discharge of treated wastewater offsite is authorized.

replaced by Sub

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

BILL ANALYSIS

Senate Research Center

S.B. 1300
By: Brown
Natural Resources
3/29/1999
As Filed

DIGEST

A number of older residential subdivisions in Harris County were developed with lots insufficient in size to accommodate individual water and wastewater disposal facilities. These subdivisions are mostly in areas where septic systems are not feasible and a public sewer is unavailable. Households within these subdivisions are currently discharging their untreated sewage into roadside ditches or culverts, causing a public health hazard to the community. This bill would allow a county with a population of 2.8 million or more to permit the use of land aerobic, on-site sewage facilities for certain residential structures with properly treated discharge into state ditches.

PURPOSE

As proposed, S.B. 1300 allows a county with a population of 2.8 million or more to permit the use of land aerobic, on-site sewage facilities for certain residential structures with discharge into state ditches.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the Texas Natural Resource Conservation Commission (TNRCC) in SECTION 1 (Section 26.050(a), Water Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 26B, Water Code, by adding Section 26.050, as follows:

> Sec. 26.050. ON-SITE SEWAGE DISPOSAL SYSTEM. Requires the Texas Natural Resource Conservation Commission (TNRCC), by rule to authorize the issuance of a permit by a county for the discharge of treated sewage into or adjacent to water in this state by an on-site sewage disposal system, to the extent not in conflict with federal law, if certain conditions exist. Defines "on-site sewage disposal system."

SECTION 2. Emergency clause.
Effective date: upon passage.

By: Brown S.B. No. 1300

(In the Senate - Filed March 11, 1999; March 15, 1999, read first time and referred to Committee on Natural Resources; April 9, 1999, reported adversely, with favorable Committee Substitute by the following vote: Yeas 4, Nays 0; April 9, 1999, sent to printer.)

COMMITTEE SUBSTITUTE FOR S.B. No. 1300 By: Brown

A BILL TO BE ENTITLED
AN ACT

relating to the permitting of discharges from certain sewage treatment and disposal systems in certain counties.

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

SECTION 1. Subchapter B, Chapter 26, Water Code, is amended by adding Section 26.0405 to read as follows:

Sec. 26.0405. GENERAL PERMITS FOR CERTAIN SEWAGE TREATMENT AND DISPOSAL SYSTEMS. (a) To the extent not in conflict with state water quality standards or federal law, the commission shall issue one or more general permits for the discharge of treated sewage into or adjacent to water in this state by a sewage treatment and disposal system if the system:

(1) produces not more than 5,000 gallons of waste each day;

(2) is in a county with a population of 2.8 million or more that is an authorized agent under Chapter 366, Health and Safety Code, and that has:

(A) adopted a resolution under Section 7.352 that authorizes the county to exercise enforcement power under Subchapter H, Chapter 7; and

(B) entered into an agreement with the commission to inspect, investigate, and otherwise monitor compliance with the permit;

(3) provides sewage treatment and disposal for a single-family residence for which the commission determines a connection to an existing or proposed area-wide or regional waste collection, treatment, and disposal system is not feasible; and

(4) is on a property that:

(A) was subdivided and developed before January 1, 1979; and

(B) is of insufficient size to accommodate on-site disposal of all wastewater in compliance with Chapter 366, Health and Safety Code.

(b) A person who discharges under a permit issued under this section is not required to hold a certificate of competency issued under Section 26.0301.

(c) For a permit issued under this section, the commission shall for each system:

(1) specify the design, operation, and maintenance requirements; and

(2) establish the primary and secondary treatment requirements.

(d) A system for which a permit is issued under this section is subject to design criteria established under Chapter 366, Health and Safety Code, and is not subject to design criteria established under Section 26.034.

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

* * * * *

FAVORABLY AS SUBSTITUTED
SENATE COMMITTEE REPORT ON

(SB) SCR SJR SR HB HCR HJR 1300

By Brown
(Author/Senate Sponsor)

4-9-97
(date)

We, your Committee on NATURAL RESOURCES, to which was referred the attached measure, have on 4-6-97 (date of hearing), had the same under consideration and I am instructed to report it back with the recommendation (s) that it:

(X) do pass as substituted, and be printed
() the caption remained the same as original measure
() the caption changed with adoption of the substitute

() do pass as substituted, and be ordered not printed

(X) and is recommended for placement on the Local and Uncontested Bills Calendar.

A fiscal note was requested. (X) yes () no

A revised fiscal note was requested. (X) yes () no

An actuarial analysis was requested. () yes (X) no

Considered by subcommittee. () yes (X) no

The measure was reported from Committee by the following vote:

	YEA	NAY	ABSENT	PNV
Senator Brown, Chairman	X			
Senator Armbrister, Vice-Chairman	X			
Senator Barrientos			X	
Senator Bivins	X			
Senator Haywood			X	
Senator Lucio	X			
Senator Ratliff			X	
TOTAL VOTES	4		3	

COMMITTEE ACTION

S260 Considered in public hearing
S270 Testimony taken

Carolyn McGarah
COMMITTEE CLERK

Brown
CHAIRMAN

Paper clip the original and one copy of this signed form to the original bill along with TWO copies of the Committee Substitute
Retain one copy of this form for Committee files

WITNESS LIST

SB 1300
SENATE COMMITTEE REPORT
Natural Resources Committee

March 30, 1999 - 2:00P
THIS LIST HAS NO WITNESSES.

BILL ANALYSIS

Senate Research Center
76R10978 MXM-F

C.S.S.B. 1300
By: Brown
Natural Resources
4/8/1999
Committee Report (Substituted)

DIGEST

A number of older residential subdivisions in Harris County were developed with lots insufficient in size to accommodate individual water and wastewater disposal facilities. These subdivisions are mostly in areas where septic systems are not feasible and a public sewer is unavailable. Households within these subdivisions are currently discharging their untreated sewage into roadside ditches or culverts, causing a public health hazard to the community. This bill would allow a county with a population of 2.8 million or more to permit the use of certain sewage treatment and disposal systems.

PURPOSE

As proposed, C.S.S.B. 1300 allows a county with a population of 2.8 million or more to permit the use of certain sewage treatment and disposal systems.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 26B, Water Code, by adding Section 26.0405, as follows:

> Sec. 26.0405. GENERAL PERMITS FOR CERTAIN SEWAGE TREATMENT AND DISPOSAL SYSTEMS. Requires the Texas Natural Resource Conservation Commission (TNRCC) to issue one or more general permits for the discharge of treated sewage into or adjacent to water in this state by certain sewage treatment and disposal systems, to the extent not in conflict with state water quality standards or federal law. Provides that a person who discharges under a permit issued under this section is not required to hold a certificate of competency issued under Section 26.0301. Requires TNRCC to specify the design, operation, and maintenance requirements and establish the primary and secondary treatment requirements for each system, for a permit issued under this section. Provides that a system for which a permit is issued under this section is subject to design criteria established under Chapter 366, Health and Safety Code, and is not subject to design criteria established under Section 26.034.

SECTION 2. Emergency clause.
Effective date: upon passage.

SUMMARY OF COMMITTEE CHANGES

Relating clause.

> Amends the relating clause to state that the bill relates to the permitting of discharges from certain sewage treatment and disposal systems in certain counties, rather than permitting discharges from on-site sewage disposal systems.

SECTION 1.

> Amends Chapter 26B, Water Code, by adding Section 26.0405 concerning general permits for certain sewage treatment and disposal systems. Deletes proposed SECTION 1.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 76th Regular Session

April 8, 1999

TO: Honorable J.E. "Buster" Brown, Chair, Senate Committee on Natural Resources

FROM: John Keel, Director, Legislative Budget Board

IN RE: **SB 1300** by Brown, J. E. "Buster" (relating to the permitting of discharges from certain sewage treatment and disposal systems in certain counties), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated. Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

Source Agencies:
LBB Staff: JK, DE

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 76th Regular Session

March 25, 1999

TO: Honorable J.E. "Buster" Brown, Chair, Senate Committee on Natural Resources

FROM: John Keel, Director, Legislative Budget Board

IN RE: **SB1300** by Brown, J. E. "Buster" (Relating to the permitting of discharges from certain on-site sewage disposal systems in certain counties.), **As Introduced**

No significant fiscal implication to the State is anticipated. Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

Source Agencies: 582 Natural Resource Conservation Commission
LBB Staff: JK, DE, DM

REQUEST FOR LOCAL & UNCONTESTED CALENDAR PLACEMENT

SENATOR CHRIS HARRIS, CHAIRMAN
SENATE COMMITTEE ON ADMINISTRATION

Notice is hereby given that CSSB 1800 (Bill No.), by: Brown (Author/Sponsor),

was heard by the Nat. Res. Committee on 4-6, 1999,

and reported out with the recommendation that it be placed on the Local and Uncontested Calendar.

Carolyn M Jarl
(Clerk of the reporting committee)

IMPORTANT: THE YELLOW COPY OF THIS FORM AND **(1)** COPY OF YOUR BILL OR RESOLUTION **(COMMITTEE PRINTED VERSION)** MUST BE DELIVERED TO THE ADMINISTRATION OFFICE, E1.714. DEADLINES FOR SUBMITTING BILLS WILL BE ANNOUNCED ON A REGULAR BASIS.

Committee Clerks: Original to Calendar Clerk. Pink copy for committee files. Green and yellow copies to bill author/sponsor.
Author/Sponsor: Green copy for office files. Submit yellow copy to Administration with your bill.

By: Moncrief S.B. No. 1300

Substitute the following for S.B. No. 1300:

By: Moncrief C.S.S.B. No. 1300

A BILL TO BE ENTITLED

AN ACT

relating to the permitting of discharges from certain sewage treatment and disposal systems in certain counties.

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SECTION 1. Subchapter B, Chapter 26, Water Code, is amended by adding Section 26.0405 to read as follows:

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(1) produces not more than 5,000 gallons of waste each day;

(2) is in a county with a population of 2.8 million or more that is an authorized agent under Chapter 366, Health and Safety Code, and that has:

(A) adopted a resolution under Section 7.352 that authorizes the county to exercise enforcement power under Subchapter H, Chapter 7; and

(B) entered into an agreement with the commission to inspect, investigate, and otherwise monitor compliance with the permit;

(3) provides sewage treatment and disposal for a

4-9-99

4-16-99

single-family residence for which the commission determines a connection to an existing or proposed area-wide or regional waste collection, treatment, and disposal system is not feasible; and

(4) is on a property that:

(A) was subdivided and developed before January 1, 1979; and

(B) is of insufficient size to accommodate on-site disposal of all wastewater in compliance with Chapter 366, Health and Safety Code.

(b) A person who discharges under a permit issued under this section is not required to hold a certificate of competency issued under Section 26.0301.

(c) For a permit issued under this section, the commission shall for each system:

(1) specify the design, operation, and maintenance requirements; and

(2) establish the primary and secondary treatment requirements.

(d) A system for which a permit is issued under this section is subject to design criteria established under Chapter 366, Health and Safety Code, and is not subject to design criteria established under Section 26.034.

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended,

and that this Act take effect and be in force from and after its passage, and it is so enacted.

April 19 1999 Engrossed

Engrossing Clerk

By: Brown S.B. No. 1300

A BILL TO BE ENTITLED

AN ACT

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(A) adopted a resolution under Section 7.352 that authorizes the county to exercise enforcement power under Subchapter H, Chapter 7; and

(B) entered into an agreement with the commission to inspect, investigate, and otherwise monitor compliance with the permit;

(3) provides sewage treatment and disposal for a single-family residence for which the commission determines a

connection to an existing or proposed area-wide or regional waste collection, treatment, and disposal system is not feasible; and

(4) is on a property that:

(A) was subdivided and developed before January 1, 1979; and

(B) is of insufficient size to accommodate on-site disposal of all wastewater in compliance with Chapter 366, Health and Safety Code.

(b) A person who discharges under a permit issued under this section is not required to hold a certificate of competency issued under Section 26.0301.

(c) For a permit issued under this section, the commission shall for each system:

(1) specify the design, operation, and maintenance requirements; and

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SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended,

and that this Act take effect and be in force from and after its passage, and it is so enacted.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 76th Regular Session

April 8, 1999

TO: Honorable J.E. "Buster" Brown, Chair, Senate Committee on Natural Resources

FROM: John Keel, Director, Legislative Budget Board

IN RE: **SB 1300** by Brown, J. E. "Buster" (relating to the permitting of discharges from certain sewage treatment and disposal systems in certain counties), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated. Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

Source Agencies:
LBB Staff: JK, DE

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 76th Regular Session

March 25, 1999

TO: Honorable J.E. "Buster" Brown, Chair, Senate Committee on Natural Resources

FROM: John Keel, Director, Legislative Budget Board

IN RE: **SB1300** by Brown, J. E. "Buster" (Relating to the permitting of discharges from certain on-site sewage disposal systems in certain counties.), **As Introduced**

No significant fiscal implication to the State is anticipated. Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

Source Agencies: 582 Natural Resource Conservation Commission
LBB Staff: JK, DE, DM

S.B. No. 1300 By BROWN

A BILL TO BE ENTITLED

AN ACT: Relating to the permitting of discharges from certain on-site sewage disposal systems in certain counties.

3-11-99 Filed with the Secretary of the Senate

MAR 15 1999 Read and referred to Committee on NATURAL RESOURCES

Reported favorably

APR 09 1999 Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

Ordered not printed

APR 19 1999 Laid before the Senate

Senate and Constitutional Rules to permit consideration suspended by: { unanimous consent / ____ yeas, ____ nays

APR 19 1999 Read second time, _____, and ordered engrossed by: { unanimous consent / a ~~viva voce vote~~ / ~~____ yeas, ____ nays~~

APR 19 1999 Senate and Constitutional 3 Day Rule suspended by a vote of 30 yeas, 0 nays.

APR 19 1999 Read third time, _____, and passed by: { ~~A viva voce vote.~~ / 30 yeas, 0 nays

Betty King

SECRETARY OF THE SENATE

OTHER ACTION:

April 19, 1999 Engrossed

April 19, 1999 Sent to House

Engrossing Clerk Betsy Spaw

APR 19 1999 Received from the Senate

APR 21 1999 Read first time and referred to Committee on Natural Resources

Reported ____favorably (as amended) (as substituted)

Sent to Committee on (Calendars) (Local & Consent Calendars)

Read second time (comm. subst.) (amended); passed to third reading (failed) by a (non-record vote) (record vote of _____ yeas, _____ nays, _____ present, not voting)

Constitutional rule requiring bills to be read on three several days suspended (failed to suspend) by a vote of _____ yeas, _____ nays, _____ present, not voting.

Read third time (amended); finally passed (failed to pass) by a (non-record vote) (record vote of _____ yeas, _____ nays, _____ present, not voting)

Returned to Senate.

CHIEF CLERK OF THE HOUSE

Returned from House without amendment.

Returned from House with _____ amendments.

Concurred in House amendments by a viva voce vote _____ yeas, _____ nays.

_____ Refused to concur in House amendments and requested the appointment of a Conference Committee to adjust the differences.

_____ Senate conferees instructed.

_____ Senate conferees appointed: _____, Chairman; _____

_____, _____, and _____

_____ House granted Senate request. House conferees appointed: _____ , Chairman;

_____ , _____ , _____ .

_____ Conference Committee Report read and filed with the Secretary of the Senate.

_____ Conference Committee Report adopted on the part of the House by: _____

{ a viva voce vote
{ _____ yeas, _____ nays

_____ Conference Committee Report adopted on the part of the Senate by:

{ a viva voce vote
{ _____ yeas, _____ nays

OTHER ACTION:

_____ Recommitted to Conference Committee

_____ Conferees discharged.

_____ Conference Committee Report failed of adoption by: _____

{ a viva voce vote
{ _____ yeas, _____ nays