

BILL ANALYSIS

Senate Research Center

H.B. 1902
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Agriculture, Water & Rural Affairs
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 1902 seeks to expand the allowable uses of graywater and other recycled water to help lessen Texas' demand for freshwater resources. Statutory provisions governing graywater disposal and reuse were developed over a decade ago and since that time, new technologies and systems have been created, expanding the possibilities for safe reuse of graywater on commercial, industrial, and domestic properties. As Texans strive to more efficiently use increasingly scarce water resources, graywater reuse can contribute to meeting our water needs.

H.B. 1902 achieves four primary objectives by altering the standards that govern the Texas Commission on Environmental Quality's rulemaking authority regarding graywater use. First, it would expand the sources from which graywater may originate by defining "alternative onsite water" and including it in relevant statutory language governing graywater. Second, it would expand the allowable uses for graywater and alternative onsite water. Third, it would allow for greater clarity in the rules regarding the storage of graywater. Finally, it would clarify the existing Health and Safety Code regarding graywater and alternative onsite water, and it would ensure that the Water Code conforms to these changes.

These statutory changes would ideally result in less demand for freshwater resources for water needs that do not require freshwater standards. By clarifying the existing standards and expanding the scope and uses of graywater and alternative onsite water, H.B. 1902 could act as another part of the solution to Texas's water challenges.

H.B. 1902 amends current law relating to the regulation and use of graywater and alternative onsite water.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Commission on Environmental Quality in SECTION 1 (Sections 341.039 and 366.012, Health and Safety Code) of this bill.

Rulemaking authority previously granted to the Texas Commission on Environmental Quality is modified in SECTION 1 (Section 341.039, Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 341.039, Health and Safety Code, as follows:

Sec. 341.039. New heading: STANDARDS FOR GRAYWATER AND ALTERNATIVE ONSITE WATER. (a) Requires the Texas Commission on Environmental Quality (TCEQ) by rule to adopt and implement minimum standards for the indoor and outdoor use and reuse of treated graywater and alternative onsite water for:

- (1) irrigation and other agricultural purposes;
- (2) domestic use, to the extent consistent with Subsection (c);
- (3) commercial purposes; and

(4) industrial purposes.

(a-1) Requires the standards adopted by TCEQ under Subsection (a)(2) to allow the use of graywater and alternative onsite water for toilet and urinal flushing.

(b) Requires the standards adopted by TCEQ under Subsection (a) to assure that the use of graywater or alternative onsite water is not a nuisance and does not threaten human health or damage the quality of surface water and groundwater in this state.

(b-1) Authorizes TCEQ by rule to adopt and implement rules providing for the inspection and annual testing of a graywater or alternative onsite water system by TCEQ.

(b-2) Requires TCEQ to develop and make available to the public a regulatory guidance manual to explain the rules adopted under this section.

(c) Prohibits TCEQ from requiring a permit for the domestic use of less than 400 gallons of graywater or alternative onsite water each day if the water, rather than graywater:

(1) originates from a private residence;

(2) is used by the occupants of that residence for gardening, composting, landscaping, or indoor use as allowed by rule, including toilet or urinal flushing, at the residence;

(3) is collected using a system that may be diverted, rather than overflows, into a sewage collection or on-site wastewater treatment and disposal system;

(4) is, if required by rule, stored in surge tanks that are clearly labeled as nonpotable water, restrict access, especially to children, and eliminate habitat for mosquitoes and other vectors;

(5) makes no change to this subdivision;

(6) is generated without the formation of ponds or pools of graywater or alternative onsite water;

(7) and (8) makes no change to these subdivisions.

(d) Provides that each builder is encouraged to:

(1) install plumbing in new housing in a manner that provides the capacity to collect graywater or alternative onsite water from all allowable sources; and

(2) design and install a subsurface graywater or alternative onsite water system around the foundation of new housing in a way that minimizes foundation movement or cracking.

(e) Defines "alternative onsite water" and makes nonsubstantive changes.

SECTION 2. Amends Section 366.012(a), Health and Safety Code, as follows:

(a) Requires TCEQ, to assure the effective and efficient administration of this chapter, to:

(1) makes no change to this subdivision; and

(2) adopt rules under this chapter that:

(A) and (B) makes a nonsubstantive change;

(C) allow for a reduction in the size required of an on-site sewage disposal system if the system is used in conjunction with a graywater system that complies with the rules adopted under Section 341.039 (Graywater Standards); and

(D) creates this paragraph from existing text and makes no further change.

SECTION 3. Amends Section 26.0311, Water Code, by amending Subsection (a) and adding Subsection (b-1), as follows:

(a) Redefines "graywater" to have the meaning provided by Section 341.039, Health and Safety Code. Deletes existing text defining "graywater" to mean wastewater from clothes washing machines, showers, bathtubs, handwashing lavatories, and sinks that are not used for disposal of hazardous or toxic ingredients. Deletes existing text providing that the term does not include wastewater that has come in contact with toilet waste, from the washing of material, including diapers, soiled with human excreta, or from sinks used for food preparation or disposal.

(b-1) Requires that the standards adopted by TCEQ under Subsection (b)(2) allow the use of graywater for toilet and urinal flushing.

SECTION 4. Requires TCEQ to adopt the standards required by Sections 341.039 and 366.012, Health and Safety Code, as amended by this Act, and Section 26.0311, Water Code, as amended by this Act, not later than January 1, 2017.

SECTION 5. Effective date: upon passage or September 1, 2015.