

Guidance Document for Designated Representatives

Effects of HB 2482

During the 2007 legislative session, HB 2482 was passed. The legislation amended and repealed certain sections of Chapter 366 of the Health and Safety Code covering maintenance, gave new directives regarding homeowner maintenance, and allowed the TCEQ to implement licensing and training requirements for those who maintain on-site sewage disposal systems for compensation.

The important effects of the legislation are as follows:

Homeowner Maintenance

- As of September 1, 2007, *all homeowners will be allowed to maintain their own system, with no required training, unless the local order/ordinance prohibits homeowner maintenance. Additionally, these homeowners are neither required to report testing results to the permitting authority nor required to notify the permitting authority if they decide to maintain their own system.*
- *In a county with population of at least 40,000 people, homeowners maintaining their own system who violate any rule, statute or permit, must correct the violation within 10 days of notification by the permitting authority. If they do not correct the violation within 10 days, then they must enter into a contract for maintenance of the system. If the same owner commits another violation within three years of the first violation, then they must enter into a contract for maintenance within 10 days of notice of the violation.*
- *In a county with population of less than 40,000 people, homeowners will be allowed to maintain their own system, even if the homeowners violate a rule, statute, or permit. If homeowners violate the rules, they are subject to the normal enforcement process, but they cannot be required to enter into a contract for maintenance of their system.*
- *Designated Representatives may inspect any system at any time. Effective September 1, 2007, inspections can be required more than once every five years.*

Maintenance Providers and Maintenance Companies

- *The rules regarding maintenance providers and maintenance companies will not change on September 1, 2007. The TCEQ will evaluate and potentially revise the rules where there are issues of maintenance licensing and training. Should the rules be revised, the changes would not become effective until the rules are adopted and become effective.*

In summary, the legislation means that on September 1, 2007, all single-family homeowners will be allowed to maintain their own system, without training, unless they live in an area where the Authorized Agent's order prohibits the practice. In counties with a population of 40,000 or more, homeowners who elect to maintain their own system may lose that right if they violate the rules. Under this legislation, homeowners in counties with a population less than 40,000 do not lose their right to maintain their system but are still subject to the TCEQ's enforcement process. Finally, there will be no changes on September 1, 2007 regarding license requirements for maintenance companies and maintenance providers.