

BILL ANALYSIS

C.S.H.B. 1902
By: Howard
Natural Resources
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Graywater is a relatively clean form of wastewater from items such as baths, sinks, and washing machines. Interested parties note that provisions governing graywater disposal and reuse were developed over a decade ago and that since that time, new technologies and systems have been created, expanding the possibilities for safe reuse of graywater on commercial, industrial, and domestic properties. The parties contend that as Texans strive to more efficiently use increasingly scarce water resources, graywater reuse can contribute to meeting our water needs. C.S.H.B. 1902 seeks to expand the allowable uses of graywater and certain other water in order to help lessen Texas' demand for freshwater resources.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Commission on Environmental Quality in SECTION 1 of this bill.

ANALYSIS

C.S.H.B. 1902 amends the Health and Safety Code to specify that the minimum standards adopted and implemented by Texas Commission on Environmental Quality (TCEQ) rule for the use and reuse of graywater are for the indoor and outdoor use and reuse of treated graywater and to expand such standards to include minimum standards for the indoor and outdoor use and reuse of alternative onsite water. The bill defines "alternative onsite water" as rainwater, air-conditioner condensate, foundation drain water, storm water, cooling tower blowdown, swimming pool backwash and drain water, reverse osmosis reject water, or any other source of water considered appropriate by TCEQ.

C.S.H.B. 1902 requires the standards to assure that the use of graywater or alternative onsite water does not threaten human health and requires the standards relating to domestic use to allow the use of graywater and alternative onsite water for toilet and urinal flushing. The bill 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. The bill requires TCEQ to develop and make available to the public a regulatory guidance manual to explain applicable rules relating to standards for graywater and alternative onsite water.

C.S.H.B. 1902 expands the exemption from TCEQ permitting requirements for the domestic use of less than 400 gallons of graywater each day to include the use of alternative onsite water. The bill revises the conditions under which the exemption applies to provide for indoor use by the occupants of a private residence as allowed by rule, removes the requirement that the water be collected using a system that overflows into a sewage collection or on-site wastewater treatment and disposal system and instead requires the water to be collected using a system that may be

diverted into such a system, and specifies that the tanks the water is required to be stored in are surge tanks and that the water is required to be stored in such tanks only if required by rule.

C.S.H.B. 1902 amends the Water Code to require the standards adopted by TCEQ for the use of graywater for domestic use to allow the use of graywater for toilet and urinal flushing.

C.S.H.B. 1902 requires TCEQ to adopt the standards required by the bill's provisions not later than January 1, 2017.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1902 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 341.039, Health and Safety Code, is amended by amending Subsections (c) and (e) and adding Subsection (c-1) to read as follows:

(c) The commission may not require a

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 341.039, Health and Safety Code, is amended to read as follows:
Sec. 341.039. [GRAYWATER] STANDARDS FOR GRAYWATER AND ALTERNATIVE ONSITE WATER.

(a) The commission by rule shall 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) The standards adopted by the commission under Subsection (a)(2) must allow the use of graywater and alternative onsite water for toilet and urinal flushing.

(b) The standards adopted by the commission under Subsection (a) must 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) The commission by rule may adopt and implement rules providing for the inspection and annual testing of a graywater or alternative onsite water system by the commission.

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

(c) The commission may not require a

permit for the domestic use of less than 400 gallons of graywater each day if the graywater:

- (1) originates from a private residence;
- (2) is used at [by the occupants of] that residence for gardening, composting, [ø] landscaping, or other uses authorized by the commission under Subsection (c-1) [at the residence];
- (3) is collected using a system that overflows into a sewage collection or on-site wastewater treatment and disposal system;

(4) is stored in tanks that:

- (A) are clearly labeled as nonpotable water;
- (B) restrict access, especially to children; and
- (C) eliminate habitat for mosquitoes and other vectors;
- (5) uses piping clearly identified as a nonpotable water conduit, including identification through the use of purple pipe, purple tape, or similar markings;
- (6) is generated without the formation of ponds or pools of graywater;

(7) does not create runoff across the property lines or onto any paved surface; and

(8) is distributed by a surface or subsurface system that does not spray into the air.

(c-1) The commission by rule may adopt and implement minimum standards for additional domestic uses and reuses of graywater. Rules adopted under this section:

- (1) must prevent contamination of the potable water supply and protect human health;
- (2) may require the use of a backflow prevention device; and
- (3) may provide for the inspection and annual testing of a backflow prevention device by the commission.

(e) In this section,

permit for the domestic use of less than 400 gallons of graywater or alternative onsite water each day if the water [graywater]:

- (1) originates from a private residence;
- (2) is used by the occupants of that residence for gardening, composting, [ø] 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 [overflows] into a sewage collection or on-site wastewater treatment and disposal system;

(4) is, if required by rule, stored in surge tanks that:

- (A) are clearly labeled as nonpotable water;
- (B) restrict access, especially to children; and
- (C) eliminate habitat for mosquitoes and other vectors;
- (5) uses piping clearly identified as a nonpotable water conduit, including identification through the use of purple pipe, purple tape, or similar markings;

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

(7) does not create runoff across the property lines or onto any paved surface; and

(8) is distributed by a surface or subsurface system that does not spray into the air.

(d) 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) In this section:

(1) "Alternative onsite water" means

"graywater": (1) means:

(A) wastewater from clothes-washing machines, showers, bathtubs, hand-washing lavatories, and sinks that are not used for disposal of hazardous or toxic ingredients;

(B) air-conditioner condensate, foundation drain water, storm water, cooling tower blowdown, swimming pool backwash and drain water, and reverse osmosis reject water; and

(C) any other source deemed appropriate by the commission; and

(2) [~~—The term~~] does not include wastewater:

(A) [(4)] that has come in contact with toilet waste;

(B) [(2)] from the washing of material, including diapers, soiled with human excreta; or

(C) [(3)] from sinks used for food preparation or disposal, unless the wastewater has been treated in accordance with standards set by the commission.

SECTION 2. Section 26.0311(a), Water Code, is amended to read as follows:

(a) In this section, "graywater" has the meaning provided by Section 341.039, Health and Safety Code [~~means wastewater from clothes washing machines, showers, bathtubs, handwashing lavatories, and sinks that are not used for disposal of hazardous or toxic ingredients~~]. [~~The term does not include wastewater:~~

[(1) ~~that has come in contact with toilet waste;~~

[(2) ~~from the washing of material, including diapers, soiled with human excreta; or~~

[(3) ~~from sinks used for food preparation or disposal.~~]

No equivalent provision.

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rainwater, air-conditioner condensate, foundation drain water, storm water, cooling tower blowdown, swimming pool backwash and drain water, reverse osmosis reject water, or any other source of water considered appropriate by the commission.

(2) "Graywater" [~~,"graywater"~~] means wastewater from clothes-washing machines, showers, bathtubs, hand-washing lavatories, and sinks that are not used for disposal of hazardous or toxic ingredients.

The term does not include wastewater:

(A) [(4)] that has come in contact with toilet waste;

(B) [(2)] from the washing of material, including diapers, soiled with human excreta; or

(C) [(3)] from sinks used for food preparation or disposal.

SECTION 2. Section 26.0311, Water Code, is amended by amending Subsection (a) and adding Subsection (b-1) to read as follows:

(a) In this section, "graywater" has the meaning provided by Section 341.039, Health and Safety Code [~~means wastewater from clothes washing machines, showers, bathtubs, handwashing lavatories, and sinks that are not used for disposal of hazardous or toxic ingredients~~]. [~~The term does not include wastewater:~~

[(1) ~~that has come in contact with toilet waste;~~

[(2) ~~from the washing of material, including diapers, soiled with human excreta; or~~

[(3) ~~from sinks used for food preparation or disposal.~~]

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

SECTION 3. The Texas Commission on Environmental Quality shall adopt the standards required by Section 341.039,

15.107.1349

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 3. This Act takes effect September 1, 2015.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.