

**House Bill 4087**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SECTION 1. Section 366.012(a), Health and Safety Code, is amended to read as follows:

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

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

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

(B) temporary waiver of a permit for an emergency repair; and

(2) adopt rules under this chapter that:

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

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

(C) allow for an adjustment 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; ~~and~~

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

(i) the owner of the system; or

(ii) a person described by Section 366.071(a) or (b); and

(E) for a county with a population of at least 350,000 and not more than 370,000 that is adjacent to the Gulf of Mexico and adjacent to a county with a population of at least 3.3 million, allow for the installation of aerobic drip emitter systems on subdivided or platted properties less than one-half acre in size

SENATE VERSION (IE)

SECTION 1. Section 366.012(a), Health and Safety Code, is amended to read as follows:

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

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

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

(B) temporary waiver of a permit for an emergency repair; and

(2) adopt rules under this chapter that:

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

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

(C) allow for an adjustment 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; ~~and~~

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

(i) the owner of the system; or

(ii) a person described by Section 366.071(a) or (b); and

(E) for a county with a population of at least 350,000 and not more than 370,000 that is adjacent to the Gulf of Mexico and adjacent to a county with a population of at least 3.3 million, allow for the installation of aerobic drip emitter systems on subdivided or platted properties less than one-half acre in size

CONFERENCE

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HOUSE VERSION

serving single-family residences supplied by a public drinking water system if site-specific planning materials have been:  
(i) submitted by a licensed engineer or registered sanitarian;  
and  
(ii) approved by the appropriate authorized agent.

SECTION 2. Subchapter D, Chapter 366, Health and Safety 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:

SENATE VERSION (IE)

serving single-family residences supplied by a public drinking water system if site-specific planning materials have been:  
(i) submitted by a licensed engineer or registered sanitarian;  
and  
(ii) approved by the appropriate authorized agent.  
(F) for a county with a population of more than 40,000 and less than 50,000 that borders the Red River along the Oklahoma State Line and has a major interstate road running through it, allow for the installation of aerobic drip emitter systems on subdivided or platted properties less than one-half acre in size, serving single-family residences supplied by a public drinking water system if site-specific planning materials have been:  
(i) submitted by a licensed engineer or registered sanitarian;  
and  
(ii) approved by the appropriate authorize agent. [FA1]

SECTION 2. Same as House version.

CONFERENCE

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HOUSE VERSION	SENATE VERSION (IE)	CONFERENCE
<p><u>(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</u></p> <p><u>(2) may not be renewed.</u></p>		
<p>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.</p>	<p>SECTION 3. Same as House version.</p>	
<p>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.</p>	<p>SECTION 4. Same as House version.</p>	
<p>SECTION 5. This Act takes effect September 1, 2023.</p>	<p>SECTION 5. Same as House version.</p>	