

HEALTH & SAFETY CODE

CHAPTER 367. ON-SITE WASTEWATER TREATMENT RESEARCH COUNCIL

Sec. 367.001. DEFINITIONS. In this chapter:

(1) "Commission" means the Texas Natural Resource Conservation Commission.

(2) "Council" means the On-site Wastewater Treatment Research Council.

(3) "On-site wastewater treatment system" means a system of treatment devices or disposal facilities that:

(A) is used for the disposal of domestic sewage, excluding liquid waste resulting from the processes used in industrial and commercial establishments;

(B) is located on the site where the sewage is produced; and

(C) produces not more than 5,000 gallons of waste a day.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Amended by Acts 1991, 72nd Leg., 1st C.S., ch. 3, Sec. 1.039, eff. Aug. 12, 1991; Acts 1995, 74th Leg., ch. 76, Sec. 11.116, eff. Sept. 1, 1995; Acts 1995, 74th Leg., ch. 347, Sec. 1, eff. Aug. 28, 1995.

Sec. 367.002. COMPOSITION OF COUNCIL. The On-site Wastewater Treatment Research Council is composed of the following 11 members appointed by the governor:

(1) two builders of housing constructed on-site in this state;

(2) one residential real estate developer;

(3) one professional engaged in municipal or county regulation of on-site wastewater treatment in this state;

(4) one practicing engineer with significant experience designing on-site wastewater treatment systems;

(5) two employees of the commission;

(6) one representative of an industry using on-site wastewater treatment in this state as part of its commercial or manufacturing process;

(7) one person employed in the field of rural water quality in this state;

(8) one soils scientist who is involved in and familiar with innovative on-site wastewater disposal techniques; and

(9) one representative of the public with a demonstrated involvement in efforts to safeguard the environment.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Amended by Acts 1991, 72nd Leg., ch. 14, Sec. 128, eff. Sept. 1, 1991; Acts 1991, 72nd Leg., 1st C.S., ch. 3, Sec. 1.040, eff. Aug. 12, 1991; Acts 1995, 74th Leg., ch. 76, Sec. 11.117, eff. Sept. 1, 1995.

Sec. 367.003. APPLICATION OF SUNSET ACT. (a) The council is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the council is abolished and this chapter expires September 1, 2013.

(b) If this chapter expires under Subsection (a), uncommitted money in the on-site wastewater treatment research account shall be deposited to the credit of the general revenue fund.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Amended by Acts 1991, 72nd Leg., ch. 14, Sec. 129, eff. Sept. 1, 1991; Acts 2001, 77th Leg., ch. 1481, Sec. 2.05, eff. Sept. 1, 2001; Acts 2003, 78th Leg., ch. 1112, Sec. 5.01, eff. Sept. 1, 2003.

Sec. 367.004. TERMS. Council members serve for staggered two-year terms, with the terms of five members expiring September 1 of each even-numbered year and the terms of six members expiring September 1 of each odd-numbered year.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989.

Sec. 367.005. OFFICERS; MEETINGS. (a) Each year the council shall elect one of its members as chairman.

(b) The council shall meet quarterly as designated by the chairman or may meet in an emergency as determined by the chairman or a majority of the members.

(c) The vote of a majority, but not fewer than four, of the council members present at a meeting or the written approval of a majority of the council members is required for any council action, including the approval of a grant request.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989.

Sec. 367.006. COMPENSATION; EXPENSES. A council member is entitled to receive:

(1) the amount provided by legislative appropriation

for the member's services; and

(2) reimbursement for travel expenses and other necessary expenses as provided by law.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989.

Sec. 367.007. ADMINISTRATION. (a) The council is not an advisory body to the commission. The commission, at the direction of the council, shall implement council decisions.

(b) The council may enter into an interagency contract with the commission to provide staff and other administrative support as required to improve the quality of wastewater treatment and reduce the cost of providing wastewater treatment to consumers.

(c) The council may accept grants and donations from other sources to supplement the fees collected under Section 367.010. Grants and donations shall be deposited to the credit of the on-site wastewater treatment research account and may be disbursed as the council directs and in accordance with Section 367.008.

(d) Administrative and facilities support costs are payable from the on-site wastewater treatment research account.

(e) The council may award grants and enter into contracts in its own name and on its own behalf.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Amended by Acts 1991, 72nd Leg., 1st C.S., ch. 3, Sec. 1.041, eff. Dec. 1, 1991; Acts 1995, 74th Leg., ch. 76, Sec. 11.118, eff. Sept. 1, 1995; Acts 1995, 74th Leg., ch. 347, Sec. 2, eff. Aug. 28, 1995.

Sec. 367.008. AWARD OF COMPETITIVE GRANTS. (a) The council shall establish procedures for awarding competitive grants and disbursing grant money.

(b) The council may award competitive grants to:

(1) support applied research and demonstration projects by accredited colleges and universities in this state, by other governmental entities, or by acceptable public or private research centers regarding on-site wastewater treatment technology and systems applicable to this state that are directed toward improving the quality of wastewater treatment and reducing the cost of providing wastewater treatment to consumers; and

(2) enhance technology transfer regarding on-site wastewater treatment by using educational courses, seminars, symposia, publications, and other forms of information dissemination.

(c) The council may award grants or make other expenditures authorized under this chapter only after the comptroller certifies that the on-site wastewater treatment research account contains enough money to pay for those expenditures.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Amended by Acts 1991, 72nd Leg., 1st C.S., ch. 3, Sec. 1.042, eff. Dec. 1, 1991.

Sec. 367.009. APPROPRIATIONS. Money appropriated for the purposes of this chapter shall be disbursed as the council directs and in accordance with Section 367.008.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989.

Sec. 367.010. FEES. (a) The commission and each county, municipality, public health department, and river authority shall collect a \$10 fee for each on-site wastewater treatment permit application processed.

(b) A county, municipality, public health department, or river authority that collects a fee shall forward the fee to the commission.

(c) The commission shall enforce the collection and forwarding of the fee.

(d) The fee proceeds shall be deposited to the credit of the on-site wastewater treatment research account.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Amended by Acts 1995, 74th Leg., ch. 76, Sec. 11.119, eff. Sept. 1, 1995; Acts 1995, 74th Leg., ch. 347, Sec. 3, eff. Aug. 27 1995.

Sec. 367.011. ON-SITE WASTEWATER TREATMENT RESEARCH ACCOUNT. The on-site wastewater treatment research account is an account in the general revenue fund.

Added by Acts 1995, 74th Leg., ch. 347, Sec. 4, eff. Aug. 28, 1995.