

CHAPTER 397

H.B. No. 1326

AN ACT

relating to jurisdiction of the Texas Water Commission and Texas Department of Health over plans and specifications for certain sewage disposal systems.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Section 26.034(a), Water Code, is amended to read as follows:

(a) The commission shall review and approve plans and specifications for *all treatment facilities, sewer systems, and disposal systems that transport, treat, or dispose of primarily domestic wastes* ~~[treatment works for which financial assistance is provided in any amount from water quality enhancement funds or funds granted under the Federal Water Pollution Control Act, as amended. To avoid duplicate review and approval by two or more state agencies, review and approval of plans and specifications under this subsection by the Texas Department of Health is not required].~~

SECTION 2. Section 12, Chapter 178, Acts of the 49th Legislature, Regular Session, 1945 (Article 4477-1, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 12. APPROVED PLANS REQUIRED FOR PUBLIC WATER SUPPLIES ~~[AND SEWERAGE SYSTEMS]~~. (a) Every person, firm, corporation, public or private, contemplating the establishment of any drinking water supply ~~[or sewage disposal]~~ system for public use shall, previous to construction thereof, submit completed plans and specifications therefor to the *Texas [State]* Department of Health and the said Department shall approve same; provided said plans conform to the water safety ~~[and stream pollution]~~ laws of this state. The said water supply ~~[or sewage disposal]~~ system shall be established only after approval has been given by the *Texas [State]* Department of Health. To avoid duplication of review by state agencies, the *Texas [State]* Department of Health approval is not required for drinking water supply ~~[or sewage disposal]~~ systems for public use if the plans and specifications are required by law to be approved by the Texas Water Commission.

(b) Any governing body of any municipality or any other agency supplying drinking water ~~[or sewage disposal]~~ service to the public desiring to make any material or major

changes in any water [~~or sewerage~~] system that may affect the sanitary features of such utility shall, before making such changes, give written notice of such intentions to the *Texas [State]* Department of Health.

(c) No water supply owner, manager, operator or agent thereof shall advertise or announce any water supply as being of any quality other than is disclosed by the latest rating by the *Texas [State]* Department of Health. It shall be the duty of the *Texas [State]* Department of Health to assemble and tabulate all necessary data relative to public drinking water supplies, which shall form the basis of an official comparative rating of all public drinking water supply systems, at least once each year and as often during the year as conditions may demand or justify. All supply systems attaining an approved rating shall have the privilege of erecting signs of a design approved by the *Texas [State]* Department of Health on highways approaching the city of such supply; and these signs shall be immediately removed upon due notice from the *Texas [State]* Department of Health in the event the supply system fails to continue to meet the specified standards.

SECTION 3. Plans for sewage disposal systems submitted to the Texas Department of Health for review before the effective date of this Act but not approved before the effective date are subject to approval by the Texas Department of Health as provided by Chapter 178, Acts of the 49th Legislature, Regular Session, 1945 (Article 4477-1, Vernon's Texas Civil Statutes), before it was amended by this Act, and the prior law is continued in effect for that purpose.

SECTION 4. This Act takes effect September 1, 1987.

SECTION 5. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on May 5, 1987, by a non-record vote. Passed by the Senate on May 20, 1987, by a viva-voce vote.

Approved June 17, 1987.

Effective Sept. 1, 1987.