

AN ACT

relating to the use of graywater.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 26.0311, Water Code, is amended to read as follows:

Sec. 26.0311. STANDARDS FOR CONTROL OF GRAYWATER [~~GREYWATER~~]. (a) In this section, "graywater" [~~"greywater"~~] 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) The commission by rule shall adopt and implement minimum standards for the use of graywater for:

(1) [~~greywater—in~~] irrigation and [~~for~~] other agricultural purposes;

(2) [~~✓~~] domestic use, to the extent consistent with Section 341.039, Health and Safety Code;

(3) [~~✓~~] commercial purposes; [~~✓~~] and

(4) industrial purposes.

(c) The standards adopted by the commission under

1 Subsection (b) must ~~[that will]~~ assure that the use of graywater is
 2 ~~[greywater will]~~ not ~~[be]~~ a nuisance and does not ~~[ex]~~ damage the
 3 quality of surface water and groundwater in this state.

4 SECTION 2. Section 341.039, Health and Safety Code, is
 5 amended to read as follows:

6 Sec. 341.039. GRAYWATER STANDARDS. (a) The commission
 7 ~~[and the Texas State Board of Plumbing Examiners]~~ by rule shall
 8 adopt and implement minimum standards for the use and reuse of
 9 graywater for:

10 (1) ~~[in]~~ irrigation and ~~[for]~~ other agricultural
 11 purposes;

12 (2) ~~[7]~~ domestic use, to the extent consistent with
 13 Subsection (c);

14 (3) ~~[7]~~ commercial purposes; ~~[7]~~ and

15 (4) industrial purposes.

16 (b) The standards adopted by the commission under
 17 Subsection (a) must ~~[to]~~ assure that the use of graywater is not a
 18 nuisance and does not damage the quality of surface water and
 19 groundwater in this state.

20 (c) The commission may not require a permit for the domestic
 21 use of less than 400 gallons of graywater each day if the graywater:

22 (1) originates from a private residence;

23 (2) is used by the occupants of that residence for
 24 gardening, composting, or landscaping at the residence;

25 (3) is collected using a system that overflows into a
 26 sewage collection or on-site wastewater treatment and disposal
 27 system;

1 (4) is stored in tanks that:

2 (A) are clearly labeled as nonpotable water;

3 (B) restrict access, especially to children; and

4 (C) eliminate habitat for mosquitoes and other
5 vectors;

6 (5) uses piping clearly identified as a nonpotable
7 water conduit, including identification through the use of purple
8 pipe, purple tape, or similar markings;

9 (6) is generated without the formation of ponds or
10 pools of graywater;

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

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

15 (d) Each builder is encouraged to:

16 (1) install plumbing in new housing in a manner that
17 provides the capacity to collect graywater from all allowable
18 sources; and

19 (2) design and install a subsurface graywater system
20 around the foundation of new housing in a way that minimizes
21 foundation movement or cracking.

22 (e) [~~b~~] In this section, "graywater" means wastewater
23 from clothes-washing machines, showers, bathtubs, hand-washing
24 lavatories, and sinks that are not used for disposal of hazardous or
25 toxic ingredients. The term does not include wastewater:

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

27 (2) from the washing of material, including diapers,

1 soiled with human excreta; or

2 (3) from sinks used for food preparation or disposal.

3 SECTION 3. Section 366.012(a), Health and Safety Code, is
4 amended to read as follows:

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

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

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

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

13 (2) adopt rules under this chapter that:

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

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

21 SECTION 4. Not later than June 1, 2004, the Texas Commission
22 on Environmental Quality by rule shall:

23 (1) adopt and implement minimum standards for the use
24 of graywater under Section 26.0311, Water Code, as amended by this
25 Act; and

26 (2) address the separation of graywater in a residence
27 served by an on-site sewage disposal system under Section

1 366.012(a), Health and Safety Code, as amended by this Act.

2 SECTION 5. This Act takes effect September 1, 2003.

David Swihart

President of the Senate

Jim Caddick

Speaker of the House

I certify that H.B. No. 2661 was passed by the House on May 2, 2003, by a non-record vote.

Robert Hamer
Chief Clerk of the House

I certify that H.B. No. 2661 was passed by the Senate on May 28, 2003, by the following vote: Yeas 31, Nays 0.

Daisy Spaw
Secretary of the Senate

APPROVED: 20 JUN '03

Date

Rick Perry
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
10:30 AM O'CLOCK

Heup Shea
Secretary of State