

**UPPER LEON RIVER MUNICIPAL WATER DISTRICT—  
PRIVATE SEWAGE FACILITIES****CHAPTER 210**

H. B. No. 1137

An Act relating to the regulation of certain private sewage facilities by the Upper Leon River Municipal Water District; amending Chapter 405, Acts of the 57th Legislature, Regular Session, 1961, as amended (Article 8280—257, Vernon's Texas Civil Statutes) by adding Section 7A; and declaring an emergency.

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

Section 1. Chapter 405, Acts of the 57th Legislature, Regular Session, 1961, as amended (Article 8280—257, Vernon's Texas Civil Statutes), is amended by adding<sup>30</sup> Section 7A to read as follows:

"Sec. 7A. (a) In this section:

"(1) 'Private sewage facilities' means septic tanks, pit privies, cesspools, sewage holding tanks, injection wells used to dispose of sewage, chemical toilets, treatment tanks, and all other facilities, systems, and methods used for the disposal of sewage other than disposal systems operated under a permit issued by the Texas Water Quality Board.

"(2) 'Pollution' means the alteration of the physical, thermal, chemical, or biological quality of, or the contamination of, any water in the state that renders the water harmful, detrimental, or injurious to humans, animal life, vegetation, or property or to public health, safety, or welfare, or impairs the usefulness or the public enjoyment of the water for any lawful or reasonable purpose.

"(b)(1) Whenever it appears that the use of private sewage facilities in the area within three (3) miles of the shoreline surrounding Procter Dam and Reservoir which shoreline is at the elevation of one thousand, one hundred seventy-two (1,172) feet above mean sea level is causing or may cause pollution of water in the Procter Reservoir or is injuring or may injure the public health, the District may hold a public hearing to determine whether or not an order should be issued controlling or prohibiting the installation or use of private sewage facilities in that area.

"(2) If the District issues an order controlling or prohibiting the installation or use of private sewage facilities, as permitted herein, it may also, if it elects to do so, include within such order controls or prohibition concerning the installation or use of public water facilities within the same area.

"(c) Before entering such an order, the District shall consult with the State Commissioner of Health for recommendations concerning the impact of the use of private sewage facilities in the area on public health.

"(d) If the District finds after the hearing that the use of private sewage facilities in the area is causing or may cause pollution of the water in Procter Reservoir or is injuring or may injure the public health, the District may enter an order adopting such regulations on

<sup>30</sup> V.A.T.S. Water Auxiliary Laws, Table  
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private sewage facilities as it may consider appropriate to abate or prevent pollution or injury to public health.

“(e) The regulations may, without limitation, do one or more of the following:

“(1) limit the number and kind of private sewage facilities which may be used in the area;

“(2) prohibit the installation and use of additional private sewage facilities or kinds of private sewage facilities in the area;

“(3) require modifications or improvements to existing private sewage facilities or impose limitations on their use;

“(4) provide for a gradual and systematic reduction of the number or kinds of private sewage facilities in the area; and

“(5) require that public water facilities be of such design, installation, operation, and maintenance that the water intended for human consumption shall meet all state and federal governments' minimum purity requirements.

“(f) The District may provide in the regulations for a system of licensing of private sewage facilities in the area, including procedures for cancellation of a license for violation of this Act, the license, or the orders or regulations of the District. The District may also provide in the system of licensing for periodic renewal of the licenses, but this may not be required more frequently than once a year.

“(g) The District also may prescribe and require the payment of reasonable license fees by an applicant for a license, including fees for periodic renewal of a license. The District may change the amount of the license fees from time to time. The amount of the fees shall be based on the reasonable cost of performing the licensing function and administering the licensing system, including, where applicable, costs of soil percolation and other tests to determine the suitability of using a particular type or types of private sewage facilities in the area or at any location within the area, field inspections, travel, and other costs directly attributable to performing the licensing function and administering the licensing system.

“(h) Fees paid to the District may be used by the District to meet expenses incurred in the administration of this Act.”

Sec. 2. 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, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on April 10, 1975: Yeas 141, Nays 0; and that the House concurred in Senate amendments to H. B. No. 1137 on May 8, 1975, by a non-record vote; passed by the Senate, with amendments, on May 8, 1975: Yeas 29, Nays 0.

Approved May 15, 1975.

Effective Sept. 1, 1975, 90 days after date of adjournment.