



The Laws of Rain Harvesting

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We at Rainbees.com present free rain harvesting lectures to any group throughout the Hill Country and we are pleased to see so many Hill Country residents interested in harvesting this abundant natural resource. We'll present rain catchment and water conservation topics to your group, too—anywhere in or around Comal and surrounding counties.

At a recent presentation, we were asked whether there are any laws or rules governing installing rain harvesting systems. There are. Understandably, most of the regulations are in place to protect public water supplies from cross contamination rather than regulate rain harvesting. Additionally, Bulverde city residents are required to obtain a building permit prior to installing rain harvesting systems.

At present, there are no national standards or regulations for rain harvesting systems except that storage tanks intended for water storage must be constructed of food-safe materials. Tanks used to store water must also be opaque to prevent algae growth. Although not mandated per se, the industry readily complies with this opaque necessity. It is not against any law in Texas to harvest rain. On the contrary, several laws have been passed over the years, and they have supported harvesting rain.

In 2005, the 79th Texas Legislature established the Rainwater Harvesting Evaluation Committee (HB 2430) and directed the Texas Water Development Board (TWDB) and three other agencies to formulate recommendations for minimum water quality standards for potable and non-potable indoor use, treatment methods, conjunctive use with existing municipal water systems, and ways in which the state can further promote rain harvesting. The committee provided its report of recommendations to the Legislature on December 1, 2006, and some of the regulations below have evolved from that early work.

One other law that may be of interest to Hill Country homeowners interested in installing a rain harvesting system was passed by the Texas Legislature in 2003. This law prohibits homeowners' associations (HOAs) from implementing new covenants banning rain harvesting installations. However, the law grants HOAs the authority to develop and implement rules requiring homeowners to reasonably screen their systems from public views, usually hiding the tank so it isn't viewed from the street. This law also contained rules preventing HOAs from restricting composting or prohibiting some types of gardening and landscaping.

In 2011, the State Legislature passed several pieces of legislation that relate to installing rain harvesting systems—specifically their connection to municipal water systems. Some notable provisions require that:

- A rain harvesting system connected to a public water supply system used for potable indoor purposes is required to have cross-connection safeguards to ensure that harvested rainwater does not come into contact with the public water supply system's drinking water. This is easily accomplished by installing a backflow prevention device. In rain catchment systems, or those systems that are cross connected to a private well, no backflow prevention device is mandated; however, we urge using the backflow prevention devices any time a catchment system also connects to well water.
- A person intending to connect a rain harvesting system to a public water supply system for potable purposes must receive connection consent from the respective public water supplier.
- A person who installs the authorized backflow preventer connection to a public water supply system must be licensed by the Texas State Board of Plumbing Examiners as a master plumber or journeyman plumber and hold an endorsement issued by the board as a water supply protection specialist. Except on their own well system, do-it-yourselfers are not authorized to install their own backflow preventer.