

Ordinance/Land-Use Restriction Checklist

Title 30 of Texas Administrative Code (30 TAC) §290.41(c)(1)(F)(iv)(III) allows political subdivisions which have adopted and enforce equivalent ordinances or land-use restrictions to submit a copy of these documents to the Texas Commission on Environmental Quality (TCEQ) for review in lieu of sanitary control easements from adjacent property owners and deed documents for the property owned by the public water system. These types of documents need to be submitted to the following address for review:

Technical Review and Oversight Team MC-159
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

TCEQ staff is available to review unofficial/proposed documents. However, in order to be considered as a substitute for sanitary control easements, a copy of the adopted, signed and recorded version of the ordinance/land-use restrictions must be provided. The submitted document must contain all of the following items for consideration of approval by the TCEQ:

1. All of the restrictions specified in 30 TAC §290.41(c)(1)(A) - (E).
2. Provisions for the political subdivision's representatives to enter all properties within a 150-foot radius of any public water supply well for the purpose of inspection, to verify that no potential sources of pollution prohibited by the adopted ordinance/land use restrictions exist.
3. Provisions for enforcement of any violations of the adopted ordinance/land use restrictions, which include penalties for noted violations and removal of any prohibited construction or potential source of contamination.
4. A section pertaining to superseding regulations or statutes, such that the stricter requirement holds precedence.
5. A section pertaining to severability of the ordinance/land use restriction documents.
6. Information regarding whether any state or county roads fall within 150 feet of public water supply well(s).