Sanitary Control Easement Exception Checklist

If a public water system (PWS) does not own all of the property within a 150-foot radius for a given public water well in its system, 30 TAC §290.41(c)(1)(F) requires that the PWS attempt to acquire a 150-foot sanitary control easement (SCE) from the adjacent land-owners in order to isolate the well from potential pollution hazards. The SCE protects the well by prohibiting some types of future site uses or the future installation or construction of some types of site improvements on the portions of the adjoining property within 150 feet of its well. Note that if potential pollution hazards are known or suspected to exist within 150 feet of the PWS well, a request for a Well Setback Distance Exception may need to be made in addition to the SCE request.

If the landowners refuse to grant the easement, an exception to TCEQ's SCE requirements may be requested. Note that if a portion of the right-of-way for a road, highway, and/or railroad is within the 150-foot radius of the PWS well, this portion of the right-of-way will need to be included as a part of the SCE exception. Exceptions to the SCE requirement may be made by providing the following information for each well to the following address:

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

Please provide as much of the documentation below as possible:

- State of Texas Well Report (Driller’s Log) ¹, ³
- Driller’s Geological Log ¹, ², ³
- Cementing Certificate (cement type and any additives used, number of sacks, and volume pumped) ¹, ², ³
- Casing depth and material ¹, ², ³

1. Lack of this information may require the submittal of a Well Completion Data and/or Record Keeping Exception request.
2. This information may be included on Well Driller’s Log or as a separate document.
3. Lack of this information may require the submittal of a Pressure Cementing Exception request.

If you do not have a copy of the State of Texas Well Report (well driller’s log), it may be available in the State database. In order to perform a search of the state well database please view the information at the following webpage:

http://www.tceq.texas.gov/drinkingwater/SWAP/wells.html

Other searchable resources for well logs include:

http://www2.twdb.texas.gov/apps/waterdatainteractive/groundwaterdataviewer

https://gisweb.tceq.texas.gov/waterwellpublic/

Additionally, the following information must accompany the exception request:

- A general location map and a detailed site map (include a scale and north arrow) or plat of the well site and surrounding affected properties identifying:
  a. Location of the well.
  b. The area within a 150-foot radius around the well.
  c. Property boundaries for all properties within 150 feet of the well. Identify the property by the name of the property owner and legal description.

Information about property owners, legal descriptions of properties, and boundaries may be found at the appropriate county appraisal district website:

http://www.texascad.com/

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A legible, official copy of recorded deed or deeds of all real property owned by the PWS within 150 feet of the well.

Provide a statement confirming the actual or suspected presence, or absence of the following hazards. Note that if a hazard is present or suspected to be present, include its location on the map that will be submitted with the Exception request.

<table>
<thead>
<tr>
<th>Any of the following within 50 feet of the well:</th>
<th>Any of the following within 150 feet of the well:</th>
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<tbody>
<tr>
<td>• Sanitary or storm sewer ¹</td>
<td>• Aboveground or below ground sanitary wastewater disposal areas including but not limited to septic tank</td>
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<tr>
<td>• Septic tank or other tanks used to hold or treat sewage</td>
<td>drainfields, drip irrigation drainfields, or spray irrigation areas</td>
</tr>
<tr>
<td>• Cemetery</td>
<td>• Improperly constructed ², abandoned, or inoperable Water well</td>
</tr>
<tr>
<td>• Livestock and feedlots</td>
<td>• Underground petroleum or chemical storage tank</td>
</tr>
<tr>
<td>1. Sanitary or storm sewers constructed of ductile iron or PVC pipe with a working pressure of at least 150 pounds</td>
<td>• Liquid petroleum or chemical transmission pipeline</td>
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<tr>
<td>per square inch and meeting American Water Works Association standards, and with pressure type joints may be</td>
<td>• Landfill and dump sites</td>
</tr>
<tr>
<td>located at a distance of less than 50-feet, but no closer than 10-feet to the well. Note that building drain</td>
<td>• Military and industrial facilities</td>
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<td>lines must comply with this setback requirement.</td>
<td>• Sewage treatment plant or sewage wet well</td>
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<td>2. Improperly constructed wells include all wells not constructed to public water well standards (e.g. residential</td>
<td>• Drainage ditch containing industrial or municipal waste discharges</td>
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<td>wells, industrial wells, agricultural wells).</td>
<td>• Solid waste disposal sites</td>
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<td></td>
<td>• Area where sewage plant or septic tank sludge or effluent is applied</td>
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<tr>
<td></td>
<td>• Any other potential hazards or contamination sources</td>
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</tbody>
</table>

A copy of your correspondence with each adjacent land-owner for properties where sanitary control easements could not be obtained. Correspondence to adjacent land-owners must:

a. Include a 30-day review period for the easement request;
b. Be within one (1) year of the date of the exception request;
c. Be documented by a certified mail receipt; and
d. Include a copy of the sanitary control easement with a completed legal description of the property for each of the adjacent landowners within 150 feet of the well.

*Correspondence with the landowner is not required if the property is public land (i.e., flood control district, military base, etc.), a road, or railroad right-of-way.

If a PWS is a political subdivision, it may adopt an enforceable ordinance in lieu of obtaining sanitary control easements. For a copy of a sample ordinance, call the TCEQ’s Plan and Technical Review Section at (512) 239-4691 to contact a member of the Technical Review and Oversight Team.

If a PWS owns all land within 150-foot radius of the well, no exception is necessary. The water system must keep on file a copy of the recorded deed and map demonstrating such ownership and make it available to TCEQ staff upon request.

Blank sanitary control easements can be downloaded at the following website:


For assistance in completing an exception request, you may call 512-239-4691 and ask to speak to a member of the Technical Review and Oversight Team.

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