

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 land-owners refuse to grant the easement, an exception to TCEQ's sanitary control easement 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:

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

The following information must accompany the exception request:

<ul style="list-style-type: none"> <input type="checkbox"/> State of Texas Well Report (Driller's Log) ¹ <input type="checkbox"/> Driller's Geological Log ^{1,2} <input type="checkbox"/> Cementing Certificate (Cement type and any additives used, No. of sacks, and volume pumped) ^{1,2} <input type="checkbox"/> Casing depth and material ^{1,2} <input type="checkbox"/> Date well was drilled <input type="checkbox"/> Property Owner name at the time the well was drilled <input type="checkbox"/> Well driller's name <p>1. Lack of this information may require the submittal of a Well Construction Exception request</p> <p>2. This information may be included on Well Drillers Log or as a separate document</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Legible, official copy of recorded deed or deeds of all real property owned by the PWS within 150-feet of the well <input type="checkbox"/> Legible, official copy of the recorded sanitary control easement(s) for all property not owned by the PWS, other than the property that is the subject of the SCE exception <input type="checkbox"/> Documentation regarding compliance with setback requirements between the well and certain pollution hazards ³ <p>3. Lack of this information may require submittal of a Well Setback Exception request</p>
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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. Available state well databases are located at the following websites:

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

<http://www.twdb.texas.gov/mapping/index.asp>

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. For each property, include:
 - 1) Name of property owner
 - 2) US Postal System address of property owner
 - 3) Legal description of property (e.g., subdivision name, block number, lot number)

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

<http://www.texascad.com>

- 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 is to be submitted with the Exception request.**

<p>Any of the following within 50 feet of the well:</p> <ul style="list-style-type: none"> • Sanitary or storm sewer ¹ • Septic tank or other tanks used to hold or treat sewage • Cemetery • Livestock and feedlots <p>1. Sanitary or storm sewers constructed of ductile iron or PVC pipe with a working pressure of at least 150 pounds per square inch and meeting American Water Works Association standards, and with pressure type joints may be located at a distance of less than 50-feet, but no closer than 10-feet to the well. Note that building drain lines must comply with this setback requirement.</p>	<p>Any of the following within 150 feet of the well:</p> <ul style="list-style-type: none"> • Aboveground or below ground sanitary wastewater disposal areas including but not limited to septic tank drainfields, drip irrigation drainfields, or spray irrigation areas • Improperly constructed ², abandoned, or inoperable Water well • Underground petroleum or chemical storage tank • Liquid petroleum or chemical transmission pipeline • Landfill and dump sites • Military and industrial facilities • Sewage treatment plant or sewage wet well • Drainage ditch containing industrial or municipal waste discharges • Solid waste disposal sites • Area where sewage plant or septic tank sludge or effluent is applied • Any other potential hazards or contamination sources <p>2. Improperly constructed wells include all wells not constructed to public water well standards (e.g. residential wells, industrial wells, agricultural wells).</p>
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- 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, when the property is a road or railroad right-of-way, is not required.**

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.

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.