Sept. 2, 2017

Hurricane Harvey Disaster and Public Water System Requirements

The TCEQ has provided assistance to water systems in need during emergency response situations in the past and will continue to provide assistance during the Hurricane Harvey disaster recovery. The agency recognizes that some requirements may be difficult to meet in the face of such a disaster and that strict application of certain rules could impede the recovery.

Therefore, the TCEQ is not pursuing formal enforcement against a public water system for not meeting the rule requirements set forth below if such action would hinder, prevent, or delay necessary action in coping with Hurricane Harvey.

Please note:

- These procedures are for emergency situations only. Once the Governor's Hurricane Harvey disaster proclamation expires, normal rule requirements will apply.
- **Safe drinking water must be provided under any of these procedures and is of primary importance in evaluating the application of enforcement discretion to the rule requirements.**
- Systems must document and maintain records of any actions that fall within the flexibility provided below.

Also note that the TCEQ does not have authority to grant relief from any federal requirements.

Drinking water requirements for which the TCEQ will not pursue formal enforcement if the requirement is not met pursuant to the qualifications below:

1. **Emergency Use of Newly Constructed Public Water System Wells:**
   - Requirements in 30 TAC §290.41(c)(3)(G) for complete chemical and bacteriological analyses prior to using, **except** for total nitrate, nitrite, and bacteriological analysis from the raw water.

     These contaminants have acute health risks and are federal requirements. Complete chemical and bacteriological analyses will be required at a later date.

     - An alternative to providing total nitrate, nitrite, and bacteriological analyses prior to placing a well in service is to issue a boil water notice. Bottled water should be provided for drinking purposes. Please note that laboratories can usually produce results for total nitrate, nitrite, and bacteriological analyses within 24 to 48 hours.
   - The requirement found in 30 TAC §290.41(c)(3)(G) for a 36-hour pump test, as long as the well is pumped for 4 hours and has a stable production.
   - Instead of the TCEQ reviewing exceptions and then plans, as required by 30 TAC §290.39(l), entities can make a single submittal and the TCEQ can review both exceptions and plans at the same time.

2. **Temporary Emergency Use of Existing, Non-Public Water System Well Sources:**

   - Requirements in 30 TAC §290.41(c)(3)(G) for complete chemical and bacteriological analyses prior to using a non-public water system, with the **exception** of total nitrate, nitrite, and bacteriological analyses.

     Complete chemical and bacteriological analyses will be required at a later date.

     - An alternative to providing total nitrate, nitrite and bacteriological analyses prior to placing a well in service is to issue a boil water notice. Bottled water should be provided for drinking purposes.

   - Requirements in 30 TAC §290.41(c)(1)(F)(i) through (iii) to obtain a sanitary control easement for land within 150 feet of the well for the temporary emergency use of an existing well.

     In lieu of securing an easement, disinfection with a concentration of at least 2 mg/L free chlorine will be required to attain a 4-log viral inactivation. After the non-public water system well is put into service, the water system must make a submittal to the TCEQ's Technical Review and Oversight Team to document 4-log viral inactivation. Please call 512-239-4691 and ask to speak to a member of this team for guidance on this process.

   - Requirements in 30 TAC §290.41(c)(3)(A), (B)(C)(D)(E) and (H) through (Q) for obtaining well logs, a stringent cementation procedure, proper well construction, etc., for the temporary use of an existing well, except as noted above for (F) and (G).

     The system must provide chlorine disinfection with a concentration of at least 2 mg/L free chlorine to attain a 4-log viral inactivation. After the non-public water system well is put into service, the water system must make a submittal to the TCEQ's Technical Review and Oversight Team to document 4-log viral inactivation. Please call 512-239-4691 and ask to speak to a member of this team for guidance on this process. As an alternative, bottled water can be provided.

   - Requirements in 30 TAC §290.39(l) for reviewing exceptions and then plans.

     Entities can make a single submittal and the TCEQ can review both exceptions and plans at the same time.

3. **Intakes:**

   - Requirements in 30 TAC §290.41(e)(2)(D) and (E) for an onsite evaluation by TCEQ staff and submittal of a 7.5-minute topographic quadrangle map for requests to relocate or modify an existing raw water intake due to hurricane or flooding damage.

     The map can be submitted at a later date. If the intake change becomes permanent, source water analysis and engineering plans and specifications need to be submitted for approval at a later date.

4. **Emergency Interconnections Between Public Water Systems:**

   - The requirement in 30 TAC §290.47(h) and 110(g)(6)(B) concerning 14-day public notice to all customers prior to changing from free chlorine to chloramines.

     For interconnections between water systems that are using different disinfection protocols (for example, chlorine and chloramines), the systems can start using the

interconnection right away if the system **hand delivers** the public notice before opening the interconnection. A copy of the notice should be retained by the system and made available to TCEQ staff upon request.

- The requirement in 30 TAC §290.44(g)(2), which requires 0.35 gallons per minute per connection if the utility has implemented mandatory water use restrictions consistent with the utility's drought contingency plan.

5. **Pipes:**

   - The condition in 30 TAC §290.44(a)(4) requiring that all waterlines be at least 24 inches below ground service.

     This will allow the temporary use of pipes laid on top of the ground.

   - The requirements in 30 TAC §290.44(f) for the disinfection and bacteriological analysis of temporary waterlines prior to use if a boil water notice is issued.

   - The requirements in 30 TAC §290.44(h) to allow the use of fire plug to fire plug connections with acceptable piping if both fire plugs can be flushed.

6. **Ground Storage Tanks:**

   - The potable water storage tank construction requirements in 30 TAC §290.43(c) to allow the use of new tanks or relocation of tanks that do not meet rule requirements on a temporary basis.

     Only tanks that have been used in a public water system can be used. If the water system decides to keep the tanks on a permanent basis, a request for an exception or removal of the tank will be required. All new or relocated tanks must be disinfected and flushed prior to being placed in service, or a boil water notice must be issued. A disinfection concentration of at least 2.0 mg/L free chlorine must be maintained in a temporary, potable water storage tank.

7. **Dead-End Main Flushing:**

   - If water supply is limited, the requirement in 30 TAC §290.46(l) to flush dead-end mains on a monthly basis provided that the public water system monitors the disinfectant residual at the dead-end main and it meets minimum residual requirements (0.2 mg/L free chlorine or 0.5 mg/L chloramines).

8. **Water Hauling:**

   - The requirements in 30 TAC §290.39(d) for plan approval of water haulers for temporary emergency tanks with food grade equipment previously used for hauling other consumable beverages such as juice or milk.

     The approval process is described in a separate document titled "Emergency Temporary Water Haulers," which is available on the TCEQ's Hurricane Harvey Response webpage at <www.tceq.texas.gov/response/hurricanes>