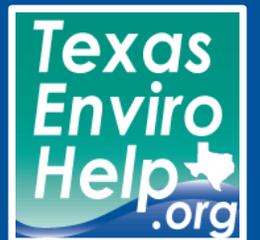




Senate Bill 3 - Emergency Preparedness Plans Webinar



Small Business & Local Government Assistance
1-800-447-2827 www.TexasEnviroHelp.org



SBLGA Programs Offer:

- ☑ Technical Assistance
with understanding the rules and meeting requirements
- ☑ One to One Help
- ☑ Compliance Tools
- ☑ Free & Confidential

SBLGA Customers



- Business & Industry
- Local Governments
- Associations
- Other Agencies

*Help For
Smaller Entities*

Small Business

Any independently owned and operated company with 100 or fewer employees across all locations



Small Local Government



- City of 50,000 or Fewer
- County of 100,000 or Fewer
- ISD with 100,000 or Fewer Students

SBLGA Programs

- Hotline
- EnviroMentor
- Regional Staff
- *The Advocate* Electronic Newsletter
- GovDelivery Groups

Getting Help

- Hotline
 - **1-800-447-2827**
 - M-F 8:00am-5:00pm
- www.TexasEnviroHelp.org
- Office & Site Visits

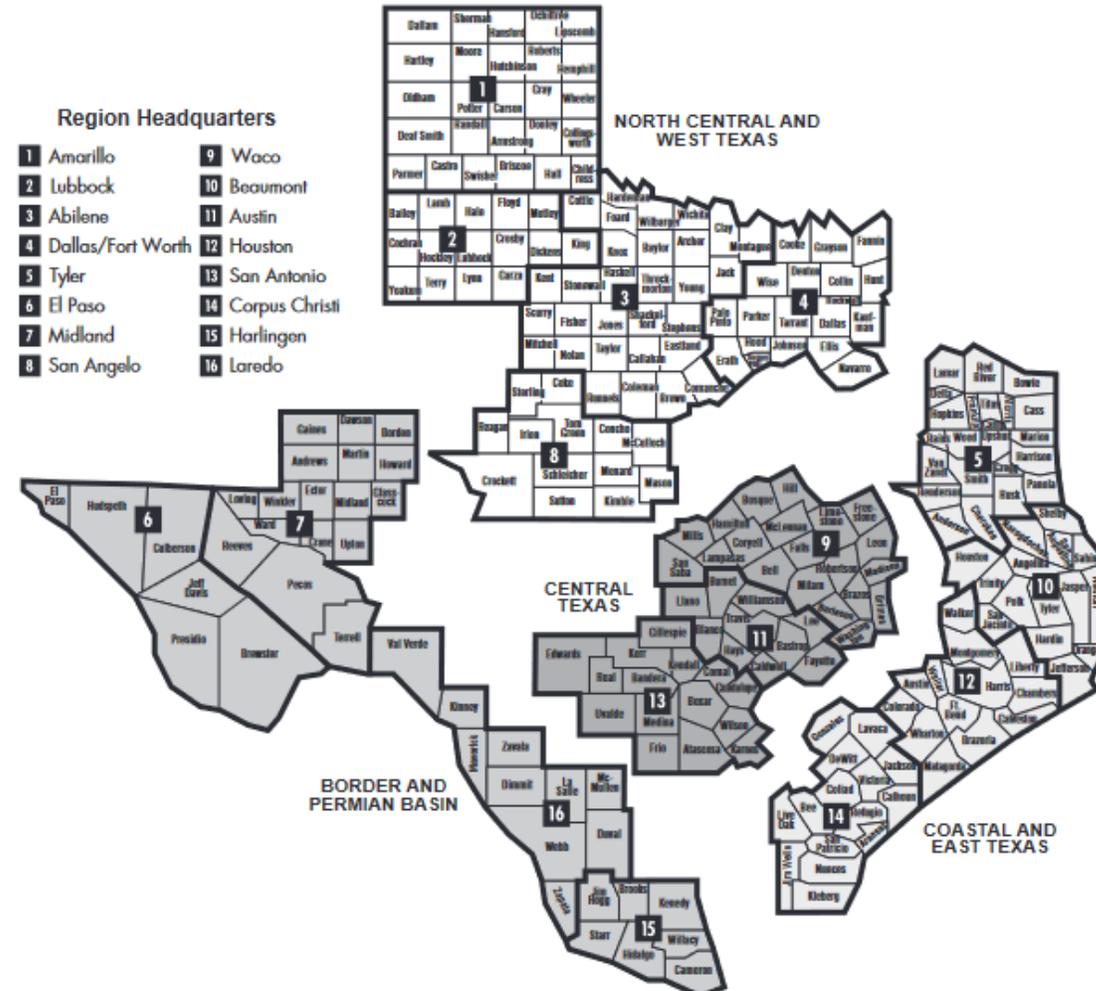
EnviroMentor Program

- Technical Assistance
- Volunteer Professionals
 - **Consultants**
 - **Engineers**
 - **Lawyers**
 - **Operators**



SBLGA: Local Staff Available

TCEQ Areas, Regions, and Compliance Assistance Team Members



Rural Ombudsman

- Liaison between TCEQ and Local Governments
- Outreach and education
- Partnership development
- Provides Local Government perspective on TCEQ Rules and policy
- **Jason Robinson 512-239-6710**

Advisory and Advocacy Groups

- Small Business Advisory (SBAC)
- Compliance Advisory Panel (CAP)
- Participate In:
 - *Regulatory Process*
 - *Public Comment*
 - *Local/State Planning*

GovDelivery Groups

- Stormwater
- Municipal Solid Waste
- Petroleum Storage Tank
- Public Water Systems
- On Site Sewage Facilities
- Wastewater
- Landscape Irrigator
- Oil & Gas Activity

Information Resources

★ *The Advocate*

★ ***1-800-447-2827 to Subscribe –
FREE!***

★ Rule Change Outreach

★ Compliance Initiatives

★ Workshops & Seminars

★ Online & Print Publications

Information Resources (cont.)

SBLGA Hotline
1-800-447-2827

www.TexasEnviroHelp.org

Questions?



Small Business and Local Government Assistance

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Senate Bill 3 (SB 3) and Emergency Preparedness Plans (EPP)

- Background and History
- Overview of SB 3 and EPP's
- Financial Waivers
- Resources

Background and History

- During Hurricane Ike a large number of people were without water service due to the loss of electricity.
- Texas Legislature in 2009 and 2011 created requirements for affected utilities in Harris and Fort Bend Counties to develop an EPP.
- The EPP consists of a packet of information that the water system submits to TCEQ for review. The plan contains information about the affected utility and how it operates under emergency conditions.

Senate Bill 3 - 87th Legislature

- Effective in June 2021
- Created Texas Water Code Section 13.1394
- A major component was creating Emergency Preparedness Plan (EPP) requirements for affected utilities in 252 counties in the state as a result of the winter storm in February 2021
- The EPP must demonstrate how the affected utility will operate at or above 20 psi during an extended power outage that lasts for more than 24 hours
- Ensure emergency operation as soon as safe and practicable following the occurrence of a natural disaster

Important Dates

- Affected utilities must submit their EPP to TCEQ by March 1, 2022
- Affected utilities must implement their EPP by July 1, 2022
- TCEQ must review and approve the EPPs to determine if the alternative power option selected will provide the system with electrical power necessary to pressurize their system during emergency situations

Senate Bill 3

- This webinar is not intended for affected utilities and EPP requirements for Harris and Fort Bend Counties
- Some requirements are different
 - Pressure requirements
 - Available EPP options

What is an Affected Utility?

- TWC Section 13.1394 defines an affected utility as a retail public utility, exempt utility, or provider or conveyor of potable or raw water service that furnishes water service to more than one customer.

And

- Is not an affected utility under TWC Section 13.1395 (applicable to Harris and Fort Bend Counties).

Affected Utilities

Water systems providing water to customers that are either full-time or temporary residents of their water system or another water system.

Examples include:

- Public Water Systems that ultimately serve residential customers
- Hospitals
- Assisted living homes & Nursing homes
- Prisons and Detainment Centers (overnight)
- Hotels, motels, resorts, universities or boarding schools with dorms, marinas with occupied houseboats, and 24-hour daycares
- Recovery Centers
- RV-Parks and recreation areas with overnight camping access

Non-Affected Utilities

If your water system is a non-community system without overnight accommodations, you will not be considered an affected utility.

Examples include:

- Schools (without dormitories)
- Daycare Centers
- Restaurants
- Industrial plants/complexes
- Office Buildings
- Banks
- Churches (without overnight accommodations)

Affected Utility

- Could apply to a system that does not meet the definition of a public water system
- If your system provides water to more than one customer (i.e. connection or have overnight accommodations) you are more than likely an affected utility
- Could apply to raw water providers

SB 3 Definitions

- "**Emergency operations**" means the operation of a water system during an extended power outage that impacts the operating affected utility.
- "**Extended power outage**" means a power outage lasting for more than 24 hours.
- "**Affected utility**" means a retail public utility, exempt utility, or provider or conveyor of potable or raw water service that:
 - furnishes water service to more than one customer; and
 - is not an affected utility under Section 13.1395

Emergency Operations

- An affected utility shall:
 - Ensure the emergency operation of its water system during an extended power outage at a minimum water pressure of 20 pounds per square inch, or at a water pressure level approved by the commission, as soon as safe and practicable following the occurrence of a natural disaster

SB 3

- An affected utility shall:
 - Adopt and submit to the commission for its approval an emergency preparedness plan that demonstrates the utility 's ability to provide the emergency operations
 - If the commission determines that the plan is not acceptable, the commission shall recommend changes to the plan. The commission must make its recommendations on or before the 90th day after the commission receives the plan

SB 3 EPP Options 1-3

- The maintenance of automatically starting auxiliary generators
- The sharing of auxiliary generator capacity with one or more affected utilities
- The negotiation of leasing and contracting agreements, including emergency mutual aid agreements with other retail public utilities, exempt utilities, or providers, or conveyors of potable or raw water service, if the agreements provide for coordination with the division of emergency management in the governor's office

SB 3 EPP Options 4-7

- The use of portable generators capable of serving multiple facilities equipped with quick-connect systems
- The use of on-site electrical generation or electrical distributed generation facilities
- Hardening of the electric transmission and electric distribution system against damage from natural disasters during an extended power outage
- For existing facilities, the maintenance of direct engine or right-angle drives

SB 3 EPP Options 8-14

- Designation of the water system as a critical load facility or redundant, isolated, or dedicated electrical feeds.
- Water storage capabilities.
- Water supplies delivered from outside the service area of the affected utility.
- The ability to provide water through artesian flows.
- Redundant interconnectivity between pressure zones.
- Emergency water demand rules to maintain emergency operations.
- Any other alternative determined by the commission to be acceptable.

Raw Surface Water

- Each affected utility that supplies, provides, or conveys raw surface water shall include in its emergency preparedness plan provisions for demonstrating the capability of each raw water intake pump station, pump station, and pressure facility to provide raw water service to its wholesale customers during emergencies. This subsection does not apply to raw water services that are unnecessary or otherwise subject to interruption or curtailment during emergencies under a contract

TCEQ

- The commission shall adopt rules to implement this section as an alternative to any rule requiring elevated storage.
- The commission shall provide an affected utility with access to the commission 's financial, managerial, and technical contractors to assist the utility in complying with the applicable emergency preparedness plan submission deadline.

TCEQ Continued

- An emergency generator used as part of an approved emergency preparedness plan must be operated and maintained according to the manufacturer 's specifications.
- The commission shall inspect each utility to ensure that the utility complies with the approved plan.
- The commission shall consider whether compliance with this section will cause a significant financial burden on customers of an affected utility.

Water Use and Confidentiality

- An affected utility may adopt and enforce limitations on water use while the utility is providing emergency operations.
- Except as specifically required by this section, information provided by an affected utility under this section is confidential and is not subject to disclosure under Chapter 552, Government Code.

Compliance with EPP Requirements

- Choose an appropriate option
- Complete the EPP template (Form TCEQ-20536B) and submit to the TCEQ Water Supply Division for review and approval
- Submit a waiver if compliance will cause a significant financial burden

Financial Waiver

- Regulatory Guidance (RG) 553 Emergency Preparedness Plan (EPP): Drinking Water Financial Waiver.
 - TCEQ may grant a waiver to the requirement to submit an EPP if it is determined that implementation of an EPP causes a significant financial burden on the utility's customers.
 - This financial waiver information is also applicable to affected utilities in Fort Bend and Harris Counties.

Affected Utility that Bills Customers

- Provide documents demonstrating how much customers are charged for water annually.
- Submit all necessary price quotes needed to provide emergency operations.

Annual Water Charges to Customers

- The average monthly water usage per connection. You may provide this information in the form of a spreadsheet containing 12 months of continuous data with:
 - One column containing the total amount of water sold from the system each month (in gallons).
 - One column containing how many connections are billed for water each month.

Annual Water Charges to Customers (cont.)

- The initial base water rate and the additional water rate after the base amounts are surpassed. For example, \$16 for the first 1,000 gallons of water and \$1.25 for every 1,000 gallons thereafter. This information can be provided in a statement from the system owner or in a copy of any document given to customers showing how the customers are charged for water.
- Any other customer charges used to subsidize the water system. For example, taxes, surcharges, or other fees. This information can be provided in a statement from the system owner or in a copy of any document given to customers showing how the customers are charged for water.

Cost Estimates or Price Quotes for Providing Emergency Operations

- Provide documentation estimating the total cost of implementing an EPP. The list below may not capture all costs. All costs associated with implementing an EPP must be documented through any of the following: engineering quotes, manufacture's quotes, or current published price information gathered from the internet. Some examples of potential expenses may include:

Generators

- Generator(s) must be capable of operating plant equipment necessary to provide potable water to your customers lasting more than 24 hours. This may include equipment such as a well, treatment units, air compressor for pressure tanks, and service pump(s).
- Installation of the generator(s) including both:
 - Concrete slab/pad for the generator(s) including leveling material and structural housing for the generator.
 - Protective fencing around the generator(s) to prevent intruders including fencing, razor wire, alarm system, security company, security lights, etc.

Spill Containment, Fuel Tanks and Electrical Work

- Secondary spill containment berm to capture accidental oil and fluid spillage from the generator(s).
- Auxiliary fuel tank for the generator(s); including sufficient fuel to operate for a 72-hour period.
- Site work, e.g. tree removal, installation of gas lines.
- Electrical work, e.g. installation of automatic transfer switch, electric service panel; upgrading to three phase electricity.

Construction and Other Costs

- Construction or other types of permits including:
 - Annual maintenance fee. Some water systems will need the installer/operator to service the generator annually or the warranty will be void.
 - Insurance fees.
 - Design and construction of a well, water tank and pump station. For systems without a water plant.

Financial Costs

- A description of how you plan to finance the costs associated with designing and implementing an EPP. For example, securing a 10-year loan, increasing rates over a 2-year period, etc.

Other Resources

- Texas Water Infrastructure Coordination Committee (TWICC)
- Financial, Managerial, and Technical Assistance (FMT)
- Texas Water/Wastewater Agency Response Network (TXWARN)
 - The mission of the TXWARN is to support and promote statewide emergency preparedness, disaster response, and mutual aid assistance for public and private water and wastewater utilities.

TWICC

- “ONE STOP SHOPPING”
- Voluntary participation
- State and Federal funding agencies
- Technical assistance providers
- Regulatory agencies
- www.twicc.org



Financial, Managerial and Technical Assistance (FMT)

FMT

512-239-4691

FMT@tceq.texas.gov

OR

Call our SBLGA Staff

1-800-447-2827

Additional Resources

- TCEQ EPP homepage
 - SB 3 link
 - New EPP template
 - Financial waiver RG

Questions?

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