Ordinance/Land-Use Restriction in Lieu of Sanitary Control Easement Checklist

Title 30 of Texas Administrative Code (30 TAC) §290.41(c)(1)(F)(iv)(III) allows political subdivisions which have adopted and enforced equivalent ordinances or land-use restrictions to use these documents in lieu of sanitary control easements from adjacent property owners and deed documents for the property owned by the public water system. These documents may be used as a substitute for obtaining, recording, and submitting copies of recorded sanitary control easements with the approval of the Texas Commission on Environmental Quality (TCEQ). To request approval, submit documents 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. 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) through (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, and 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; and
6. Information regarding whether any state or county roads fall within 150 feet of public water supply well(s).