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, Title of 30 Texas Administrative Code (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 certain 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 SCE, 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 requirements 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]](#footnote-1),[[2]](#footnote-2)
* Driller’s Geological Log1,2,[[3]](#footnote-3)
* Cementing Certificate (cement type and any additives used, number of sacks, and volume pumped)1,2,3
* Casing depth and material1,2,3

If you do not have a copy of the State of Texas Well Report (driller’s log), it may be available in one of the searchable resources for well logs:

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

http://www.twdb.texas.gov/groundwater/data/drillersdb.asp

<https://tceq.maps.arcgis.com/apps/webappviewer/index.html?id=aed10178f0434f2781daff19eb326fe2>

**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:
  1. Location and coordinates of the well.
  2. The area within a 150-foot radius around the well.
  3. 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 (CAD) website by performing an internet search using the county name and “CAD” as search terms. You may also use the following website:

<http://www.texascad.com/>

* A legible, official copy of recorded deed or deeds of all real property owned by the PWS within 150 feet of the well. If the PWS does not own property where the well is located, the PWS must provide a legal document stating the PWS has access to maintain and operate their 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, an exception to the well setback requirement will be needed.**

Any of the following within **50 feet** of the well:

* Sanitary or storm sewer[[4]](#footnote-4)
* Septic tank or other tanks used to hold or treat sewage
* Cemetery
* Livestock and feedlots

Any of the following within **150** feet of the well:

* Septic tank perforated drainfield
* Areas irrigated by low dosage, low-angle-spray on-site sewage facilities
* Absorption and/or evapotranspiration bed
* Improperly constructed water well[[5]](#footnote-5)
* Underground petroleum and chemical storage tank

Liquid petroleum or chemical transmission pipeline

Any of the following within **300** feet of the well:

* Sewage wet well
* Sewage pumping station
* Drainage ditch which contains industrial waste discharges or wastes from sewage treatment systems

Any of the following within **500** feet of the well:

* Sewage treatment plant
* Animal feed lots
* Solid waste disposal sites
* Lands on which sewage plant or septic tank sludge is applied
* Lands irrigated by sewage plant effluent

Any pollution hazards within **0.25-miles** of the well **including but not limited to**:

* Known abandoned or inoperative wells
* Landfills
* Dumpsites
* Animal feed lots
* Military facilities
* Industrial facilities
* Wood-treatment facilities
* Liquid petroleum and petrochemical production, storage and transmission facilities
* Class 1, 2, 3, 4, or 5 injection wells
* Pesticide storage and mixing facilities
* A copy of your correspondence[[6]](#footnote-6) with each adjacent land-owner for properties where sanitary control easements could not be obtained.Correspondence to adjacent land-owners must:

1. Include a 30-day review period for the easement request;
2. Be within one (1) year of the date of the exception request;
3. Be documented by a certified mail receipt; and
4. 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.

**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 (512) 239-4691 and ask to speak with 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:

https://www.tceq.texas.gov/assets/public/permitting/watersupply/ud/forms/TCEQ-20698\_Sanitary\_Control\_Easement\_Form(2-2019).pdf

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.

1. Lack of this information may require the submittal of a Well Completion Data and/or Record Keeping Exception request. [↑](#footnote-ref-1)
2. Lack of this information may require the submittal of a Pressure Cementing Exception request. [↑](#footnote-ref-2)
3. This information may be included on Well Driller’s Log or as a separate document. [↑](#footnote-ref-3)
4. 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. [↑](#footnote-ref-4)
5. An improperly constructed well includes all wells not constructed to public water well standards (e.g. residential wells, industrial wells, agricultural wells). [↑](#footnote-ref-5)
6. Correspondence with the landowner is not required if the property is public land (i.e., flood control district, military base, etc.), a public road, or railroad right-of-way. [↑](#footnote-ref-6)