

Submittal for a New Proposed Public Water System Checklist

Texas Commission on Environmental Quality
Water Supply Division
Plan Review Team MC-159
P.O. Box 13087, Austin, Texas 78711-3087

The following list is a brief outline of the "Rules for Public Water Systems" (30 TAC Chapter 290), regarding the Plan Review Team's administrative review of submittals for creation of a new public water system. Sealed plans, operational records, and specifications meeting, but not limited to, the minimum requirements cited here shall be prepared under the supervision of a Texas licensed professional engineer and submitted to TCEQ for approval. **This list is not a substitute for the rules and this checklist cannot be accepted in lieu of the required engineering submittals.** Failure to submit the following items may delay project approval. Copies of the rules may be obtained from Texas Register, 1019 Brazos St, Austin, TX, 78701-2413, Phone: (512) 463-5561 or downloaded from the website: <http://www.tceq.texas.gov/rules/indxpdf.html>

The engineer must submit each item listed below:

1. Submit all materials in electronic form (PDF-Please flatten - no CAD layers) to the PTRS@TCEQ.Texas.Gov email box. Please note that a follow-up hard copy is not required if submitted electronically unless the reviewer request a hard copy. Submit two (2) complete copies of the submittal if you provide hard copies.
2. Cover letter with explanation of project. If the cover letter includes engineering information such as calculations it must be signed and sealed.
3. Plan Submittal Form (Form 10233) properly filled out and signed and sealed by engineer of record (the plan review response letter will be addressed to this engineer).
4. Core Data Form: You must use the latest form and it must be properly filled out (must include location of project given by latitude and longitude coordinates - please plot coordinates and confirm they match the proper location and legal entity name).
5. **Final ready for construction plans and specification** properly signed, sealed, and dated by a Texas registered professional engineer. **The engineering firm name and registration number should be with the engineer's seal in accordance with Texas Board of Professional Engineers rules:**
 - I. Engineering Report signed and sealed on title page.
 - II. Each engineering drawing, sketch and figure signed and sealed separately even if they are inside the engineering report. **Drawings must not be marked Preliminary, For Review or For Bid. Drawings must be final for construction.**
 - III. Calculations signed and sealed on each page of the calculations.
 - IV. Each specification or specifications title page must be signed and sealed.
6. Requests for water service:
 - I. Use the Water Service Boundary Viewer Nearby water system boundaries at: <https://www3.twdb.texas.gov/apps/WaterServiceBoundaries>
 - II. Use the Public Utility Commission Water and Sewer CCN Viewer <https://www.puc.texas.gov/industry/water/utilities/map.aspx>
 - III. Use the TCEQ District boundary Viewer at: <https://tceq.maps.arcgis.com/apps/webappviewer/index.html?id=04bbf8b322b34d8abaea7b06996d3775>
 - IV. If you discover that the proposed public drinking water system is within the extraterritorial jurisdiction of a municipality; or within 1/2-mile of the corporate boundaries of a district or other political subdivision providing the same service; or CCN within ½ mile of the proposed transient noncommunity (TNC) or

Admin Review Checklist

nontransient noncommunity (NTNC) water system or **two miles for the proposed community systems**, ensure that the engineer has contacted that water system, submitted an application for service including all application requirements of the service provider were satisfied, including the payment of related fees, and that the water system has denied them water service. Please provide copies of the mailing receipts with the mailing date indicated on them, allowing 30 days after receipt for a response, and provide any response from the service provider.

- V. If no response is received after 30 days of receipt or all responses are denials, nothing else is required. If a water provider states they can provide service, the proposed system must successfully demonstrate, based on costs, affordable rates, and financial, managerial, and technical capabilities of the system, that a new system should be allowed. If the proposed system is inside a water provider's CCN boundary, this must be demonstrated through the exception process.
7. Business Plans - A business plan **is not required when**:
- I. the entity is a county;
 - II. the entity is a retail public utility as defined by TWC §13.002, unless that person is a utility as defined by that section (i.e. an Investor Owned Utility (IOU) or Water Supply Corporation (WSC));
 - III. the entity has executed an agreement with a political subdivision to transfer the ownership and operation of the water supply system to the political subdivision;
 - IV. the entity is a nontransient noncommunity water system and the person has demonstrated financial assurance under THSC Chapter 361 or Chapter 382 or TWC Chapter 26.
 - V. The plan submittal is for a system already assigned a PWS ID No. and this plan submittal will be included under that PWS ID No.
8. Financial Documents
- I. Financial Ability TCEQ Form 20841 (required for all submittals- Only item required for transient noncommunity systems). Ensure that this form is correctly filled out, signed and notarized. Both boxes must be checked.
 - II. Financial ledger of documents showing capital available to construct the system. (In the order of best supporting evidence):
 - a. Preferably audited financial statements or CPA compilation report;
 - b. Internally produced financial statements or income tax statements or letter of credit or a loan commitment letter from a financial institution;
 - c. Bank statements or personal statements of net worth.
 - III. Business plans for community systems, if required.
9. Business Plans - A business plan is required for all community systems that are not included in the criteria of number 7 above. The business plan must include:
- I. description of areas and population to be served by the potential system;
 - II. description of drinking water supply systems within a two-mile radius of the proposed system, copies of written requests seeking to obtain service from each of those drinking water supply systems, and copies of the responses to the written requests;
 - III. timeline for construction of the system and commencement of operations;
 - IV. identification of and costs of alternative sources of supply;
 - V. selection of the alternative to be used and the basis for that selection;
 - VI. identification of the person or entity which owns or will own the drinking water system and any identifiable future owners of the drinking water system;
 - VII. identification of any other businesses and public drinking water system(s) owned or operated by the applicant, owner(s), parent organization, and affiliated organization(s);
 - VIII. an operations and maintenance plan which includes sufficient detail to

Admin Review Checklist

- support the budget estimate for operation and maintenance of the facilities;
- IX. assurances that the commitments and resources needed for proper operation and maintenance of the system are, and will continue to be, available, including the qualifications of the organization and each individual associated with the proposed system;
 - X. For retail public utilities as defined by TWC §13.002:
 - a. projected rate revenue from residential, commercial, and industrial customers; and
 - b. pro forma income, expense, and cash flow statements;
 - XI. identification of any appropriate financial assurance, including those being offered to capital providers;
 - XII. a notarized statement signed by the owner or responsible person that the business plan has been prepared under his/her direction and that s/he is responsible for the accuracy of the information;
 - XIII. other information as required by the TCEQ executive director to determine the adequacy of the business plan or financial assurance.
10. A **Certificate of Convenience and Necessity (CCN)** is required when the submittal indicates that the project is for an investor-owned utility and/or for a water supply corporation and is intended to provide retail water service to its customers. Please provide documentary evidence that the CCN application to obtain/amend a CCN has been filed with the Public Utility Commission of Texas. Include a copy of the acceptance letter or an application number with the filing date.