



Texas AWWA
American Water Works Association

Emergency Preparedness Plans Update

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Emergency Preparedness Plans

Objectives

Overview of Emergency Preparedness Plan
Requirements

Basic Understanding of Requirements for
Emergency Preparedness Plan



Texas AWWA
American Water Works Association

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87th Texas Legislature Session
January 12, 2021 - May 31, 2021

By: Schwertner, et al. S.B. No. 3

A BILL TO BE ENTITLED
AN ACT
relating to preparing for, preventing, and responding to weather
emergencies and power outages; increasing the amount of
administrative and civil penalties.
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
SECTION 1. Chapter 411, Government Code, is amended by



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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).



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Affected Systems

PWS serving residential customers

Hospitals

Assisted Living facilities

Prisons

Hotels, motels, resorts, and other places with overnight accommodations



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Affected Systems

Raw water wholesalers

- Each affected utility that supplies, provides, or conveys raw surface water
- Does not apply to raw water services that are unnecessary or otherwise subject to interruption or curtailment during emergencies under a contract



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Non-Affected Systems

Systems Not Affected:

Schools (without dormitories)

Daycare Centers (without overnight care)

Restaurants

Industrial Facilities

Office Buildings

Banks

Churches

Water systems without overnight accommodations



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Additional SB 3 Terms

- **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.



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Emergency Preparedness Plan (EPP)

EPP demonstrates how system will provide
Emergency Operations:

- Operation of a water system during an extended power
- Extended Power Outage lasting > 24 hours
- Maintain 20 psi in distribution or TCEQ approved pressure level



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Emergency Preparedness Plan Template

For All Affected Utilities Except Fort Bend and Harris Counties

Assistance
If you need assistance with the EPP template please fill out the EPP Help Form at www.tceq.texas.gov/spo/epg-help and TCEQ will contact you via email or phone to work with you.

General Information

Water System Name:	
PWS ID No. (if applicable):	
District No. (if applicable):	
County:	
CCN No. (if applicable):	
Owner:	
Prepared by:	
Preparer's Phone No.:	
Preparer's Email:	
Preparer's Mailing Address:	
Preparer Title:	
Preparer's Organization:	
Expected Completion Date:	

Option(s) Chosen:

1. Refer to Section III-ALTERNATE POWER OPTIONS OVERVIEW.
Circle all Option(s) that will provide emergency operations during extended power outages lasting more than 24 hours for this affected utility.

1 2A 2B 3A 3B 4 5 6 7 8A 8B 9 10A 10B 11 12 13 14

2. Short Explanation of Proposed Emergency Preparedness Plan (i.e. Using portable generator to power 2 out of 3 wells):

3. Will this plan provide for 20 pounds per square inch (psi) of pressure to all your direct customers during a power outage lasting more than 24 hours caused by a natural disaster?

I certify, under penalty of law, that all the information provided herein is true and accurate to the best of my knowledge.

Signature: _____ Title: _____ Date: _____

UPDATES TO EMERGENCY PREPAREDNESS PLAN (EPP)
The EPP is updated as changes occur such as dictated by personnel, phone numbers, water plant additions, modifications, and serving additional water systems.
Record updates below.

Last Updated By	Title	Purpose (page #s)	On (Date)

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Option 1 -
Permanently
installed auxiliary
generator(s)

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Section IV- Alternate Power Options Details
OPTION 1: PERMANENTLY INSTALLED AUXILIARY GENERATOR(S)

A. Generator Specifications.

Please list all the generators, all equipment to be powered, and the power needs for each piece of equipment.

Generator Brand & Model	Max Power (KW)*	Phase	Fuel Type	Automatic Switch Gear?	Facility Staffed 24 hours a day, 7 days a week?	List all Facilities and Treatment Units That Will Be Powered During an Emergency	Power Requirements for Each Facility and Treatment Unit
		1 ☐		YES ☐	YES ☐	Well pump 1	☐ KW
		2 ☐		NO ☐	NO ☐	Well pump 2	☐ KW
		3 ☐				Well pump 3	☐ KW
						Booster pump 1	☐ KW
						Booster pump 2	☐ KW
						Booster pump 3	☐ KW
						Disinfection Equipment	☐ KW
						Treatment Equipment	☐ KW
						Compressor(s)	☐ KW
							☐ KW
		1 ☐		YES ☐	YES ☐		☐ KW
		2 ☐		NO ☐	NO ☐		☐ KW
		3 ☐					☐ KW
		1 ☐		YES ☐	YES ☐		☐ KW
		2 ☐		NO ☐	NO ☐		☐ KW
		3 ☐					☐ KW

*The generator's total KWs cannot be less than the KWs listed under the power requirements for each facility and treatment unit that will be provided power. The generator must be able to power the equipment listed by the water system --

B. Fuel Location

i. Physical Location of Fuel Supply (GPS or "911" address): _____

C. Fuel Re-supply. Must have sufficient fuel to provide emergency power for a minimum of 48 hours or more if needed.

i. How much fuel is stored on site? _____

ii. How much fuel does the generator use per hour? (Attachment C may assist in determining that amount) _____

iii. Does the water system have access to diesel additive to prevent fuel from freezing? _____

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OPTION 2A: YOUR
SYSTEM WILL RELY
ON YOUR PROVIDER
DURING AN
EXTENDED POWER
OUTAGE

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OPTION 2A: YOUR SYSTEM WILL RELY ON YOUR PROVIDER DURING AN EXTENDED POWER OUTAGE

Choose only if you will rely on purchased water during an extended power outage. Your current contract and/or provider agree to provide you with water during an extended water outage at a pressure of 20 psi in distribution.

Provider Name	PWS ID	PRESSURE PLANE	Will you rely on this provider for water to a tank during an emergency?	Will you rely on this provider for pressure at YOUR customer's connections during an emergency?
			YES ☐ NO ☐	YES ☐ NO ☐
			YES ☐ NO ☐	YES ☐ NO ☐
			YES ☐ NO ☐	YES ☐ NO ☐

A. Is your water system solely relying on a provider(s) for emergency operations? (This means, the provider's water flows directly into your distribution system, and not into a tank, and you have no tanks or pumps)

☐ YES (If yes, you must submit documentation under 2A.i. listed below.)

☐ NO (Please fill out the pages for the alternative power option that will power the equipment)

i. Please provide one or more of the following:

☐ A copy of the contract(s) with your provider(s) that includes language guaranteeing 20 psi throughout your distribution system or specific pressure plane. Please tab the page and highlight the section in the contract guaranteeing pressure.

☐ A letter from the provider(s) including language guaranteeing 20 psi throughout your distribution system or specific pressure plane.

☐ Page(s) from the provider's EPF which includes the connection count for your system (or pressure plane) in the provider's connection count.

☐ An engineering study (hydraulic analysis) sealed by a Texas Licensed Professional Engineer demonstrating that the provider is capable, of providing your entire distribution system with water services at a minimum of 20 psi.

ii. Does your water system operate any equipment such as booster disinfection that will need power during an emergency?

☐ YES (Please fill out the pages for the alternative power option that will power the equipment)

☐ NO

B. Does your water system re-pressurize the water received from the provider? (Does the water from the provider flow into a tank which is then pumped out into the distribution system by your own pumps?)

☐ YES (Please fill out the pages for the alternative power option that will power the equipment)

☐ NO

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OPTION 2B: CONTRIBUTING MEMBER OF TXWARN

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OPTION 2B: CONTRIBUTING MEMBER OF TXWARN
Member has identified needed resource(s) to the TXWARN system. Installation of a quick connect system is required with this option. A "distribution only" system may not use this option to maintain 20psi in distribution.

A. Please provide ALL of the following items

- ☐ A copy of the TXWARN membership profile page.
- ☐ A copy of the mutual aid agreement with TXWARN (Applicable to Investor/Private Owned Water systems)
- ☐ A local government entity is covered by the Texas Statewide Mutual Aid System as stated in the Texas Government Code Section 418.111 Subchapter E (Applicable to Cities, Counties, and Districts)

B. Generator specifications

Please list the items hoped to be obtained from TXWARN. List all equipment to be powered, and the power needs for each piece of equipment.

Generator	Power (KW)	Quick Connect Installed?	Phase	List all Facilities and Treatment Units That Will Be Powered During an Emergency	Power Requirements of Each Facility and Treatment Unit Powered
		YES ☐	1 ☐	Well pump 1	xKW
		NO ☐	2 ☐	Well pump 2	xKW
		Date to be installed	3 ☐	Well pump 3	xKW
				Booster pump 1	xKW
				Booster pump 2	xKW
				Booster pump 3	xKW
				Disinfection Equipment	xKW
				Treatment Equipment	xKW
				Compressor(s)	xKW
					xKW
		YES ☐	1 ☐		xKW
		NO ☐	2 ☐		xKW
		Date to be installed	3 ☐		xKW
					xKW
					xKW
					xKW
					xKW
					xKW
					xKW

**The generator's total KWs cannot be less than the KWs listed under the power requirements for each facility and treatment unit that will be provided power. The generator must be able to power the equipment listed by the water system. **

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OPTION 3B: MUTUAL AID AGREEMENT WITH ANOTHER WATER PROVIDER(S)

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OPTION 3B: MUTUAL AID AGREEMENT WITH ANOTHER WATER PROVIDER(S)

Member has identified needed resource(s) to another water provider as part of a mutual aid agreement. Installation of a quick connect system is required with this option. A "distribution only" system may not use this option to maintain 20psi. Please note that the agreement must provide for coordination with the Texas Division of Emergency Management.

A. Please provide ALL of the following items:

- ☐ Name of water system(s) or group that you have a mutual aid agreement with.
- ☐ A copy of the mutual aid agreement from each water provider.
- ☐ Highlight the area in the agreement that lists the resource(s) to be provided by the water system(s).

B. Generator specifications

Please list the items that are anticipated to be obtained through a mutual-aid agreement. List all equipment to be powered, and the power needs for each piece of equipment.

Generator Brand & Model	Max Power (KW)	Phase	Quick Connect Installed?	Fuel Type	List all Facilities and Treatment Units That Will Be Powered During an Emergency	Power Requirements for Each Facility and Treatment Unit Powered
		1 ☐	YES ☐		Well pump 1	xKW
		2 ☐	NO ☐		Well pump 2	xKW
		3 ☐	Date to be installed		Well pump 3	xKW
					Booster pump 1	xKW
					Booster pump 2	xKW
					Booster pump 3	xKW
					Disinfection Equipment	xKW
					Treatment Equipment	xKW
					Compressor(s)	xKW
						xKW
		1 ☐	YES ☐			xKW
		2 ☐	NO ☐			xKW
		3 ☐	Date to be installed			xKW
						xKW
		1 ☐	YES ☐			xKW
		2 ☐	NO ☐			xKW
		3 ☐	Date to be installed			xKW
						xKW

**The generator's total KWs cannot be less than the KWs listed under the power requirements for each facility and treatment unit that will be provided power. The generator must be able to power the equipment listed by the water system. **

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OPTION 8A: DESIGNATION OF THE WATER SYSTEM AS A CRITICAL LOAD FACILITY

Your water system is registered with your electric provider as a critical load facility. This will require more than one option, because designation of critical load does not guarantee an uninterrupted supply of electricity. It is the responsibility of the water system to plan for alternative sources of electric power should a localized outage or load shed event occur. The water system is required to provide 20 psi throughout the distribution system.

A. Provide ALL of the following items for designation of Critical Load Facility.

☐ Name of electric provider(s)

☐ A copy of the letter or email from your electric provider(s) designating your water system as having critical load status.

☐ Submit a diagram of your water system that includes all equipment listed in Section II DESCRIPTION OF THE WATER SYSTEM.

☐ Please choose other option(s) to ensure your utility can maintain 20psi if your electrical provider fails to provide your facility with power during an outage lasting longer than 24 hours.

Please provide other option(s) _____ then complete that section of the EPP.

B. Indicate all facilities that are included in critical load status (please refer to the facilities listed for the PWS in Section II – Description of the Water System) and use the exact same naming convention.

Name of Plant	Address to Electric Meter Providing Power to Plant	List all Facilities and Treatment Units that have Critical Load Status by Plant
		Source Water ID: TX
		Booster pump 1
		Booster pump 2
		Booster pump 3
		Disinfection Equipment
		Treatment Equipment
		Air Compressor(s)
		☐

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Name of Plant	Address to Electric Meter Providing Power to Plant	List all Facilities and Treatment Units that have Critical Load Status by Plant
		Source Water ID: TX
		Booster pump 1
		Booster pump 2
		Booster pump 3
		Disinfection Equipment
		Treatment Equipment
		Air Compressor(s)
		☐

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OPTION 8B: DESIGNATION OF THE WATER SYSTEM AS HAVING REDUNDANT, ISOLATED, OR DEDICATED ELECTRICAL FEEDS

Your water system has redundant, isolated, or dedicated electrical feeds. This will require more than one option, because having redundant, isolated, or dedicated electrical feeds does not guarantee an uninterrupted supply of electricity. It is the responsibility of the water system to plan for alternative sources of electric power should a localized outage or load shed event occur. The water system is required to provide 20 psi throughout the distribution system.

A. Provide the following if facility has redundant, isolated, or dedicated electrical feeds

☐ Name of electric provider(s) that will provide redundant, isolated, or dedicated electrical feeds.

☐ A copy of the letter or email from your electric provider(s) that designates your water system as having redundant, isolated, or dedicated electrical feeds.

☐ Submit a diagram of your water system that includes all equipment listed in Section II DESCRIPTION OF THE WATER SYSTEM.

☐ Please choose other option(s) to ensure your utility can maintain 20psi if your electrical provider fails to provide your facility with power during an outage lasting longer than 24 hours.

Please provide other option(s) _____ then complete that section of the EPP.

B. Indicate all facilities that are included in having redundant, isolated, or dedicated electrical feeds:

Name of Plant	Address to Facility Meter with Dedicated Electrical Feeds	List all Facilities and Treatment Units that have redundant, isolated, or dedicated electrical feeds
		Source Water ID: TX
		Booster pump 1
		Booster pump 2
		Booster pump 3
		Disinfection Equipment
		Treatment Equipment
		Air Compressor(s)
		☐

OPTION 8B: DESIGNATION OF THE WATER SYSTEM AS HAVING REDUNDANT, ISOLATED, OR DEDICATED ELECTRICAL FEEDS

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OPTION 9: PROVIDE WATER STORAGE CAPABILITIES

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OPTION 9: PROVIDE WATER STORAGE CAPABILITIES
Your water system has sufficient ground, elevated, or standpipe storage to provide your entire distribution system with water at 20 psi during an extended power outage lasting more than 24 hours. This option may need to be combined with another option if the water system does not have sufficient, useful storage during a power outage lasting longer than 24 hours. It is the responsibility of the water system to plan for alternative sources of electric power should the water system not have sufficient storage to last for greater than 24 hours.

A. Explain how the water in storage will flow to customers, and how it will be replenished (with or without electricity)?

B. Does the water system have an existing, valid exception or alternative capacity requirement (ACR) for elevated or ground storage capacity? [30 TAC §290.45(g) and/or 30 TAC §290.39(i)]

☐ YES **
☐ NO

** Water systems with an exception or alternative capacity requirement that is less than, the required minimum capacity requirements for storage, will be required to choose a different option. A different option is required because an exception or alternative capacity requirement reduces the water system's minimum required treatment capacity and consequently reduces the system's ability to provide useful water storage capacity during an outage lasting more than 24 hours.

Use the diagram on the next page to assist you in answering questions C and D.

C. What is the useful storage ¹ capacity of all storage tanks that maintain distribution pressures above 20 psi (46 feet of residual hydraulic head above the highest connection)?
Note: If you have dedicated fire storage, do not include it in the number above.

Useful storage capacity of all storage tanks: _____

D. Using the water systems Maximum Daily Demand (MDD) listed in question 5 under **Section II – Description of the Water System**, divide the useful storage volume (million gallons) for maintaining distribution pressures above 20 psi by the MDD under emergencies. This is the amount of days water can be provided if storage was full before the start of the emergency.

Number of days water can be provided before a state of emergency arises: _____

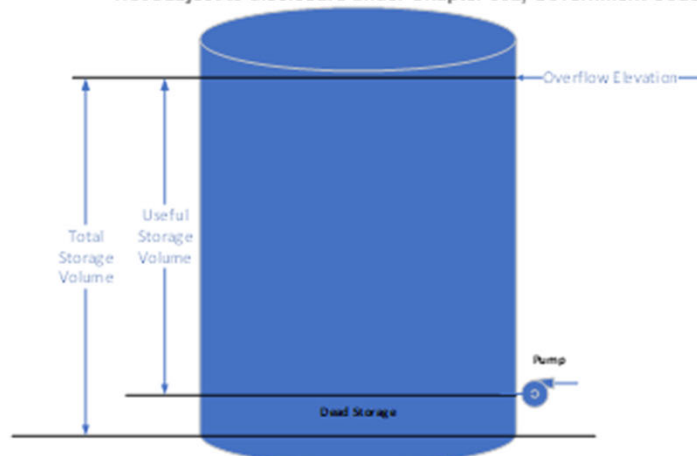
E. Please choose other option(s) to ensure your utility can maintain 20 psi if your electrical provider fails to provide your facility with power during an outage lasting longer than 24 hours.

Please provide other option(s) _____ then complete that section of the EPP.

¹ The AWWA Drinking Water Dictionary defines useful storage as "water storage that is readily available for discharge into a distribution system, such as water in an elevated storage tank or in a ground storage tank that can be pumped into the system. Water in a ground storage tank below the suction level of the pump would be storage, but not useful storage."
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OPTION 10A: WATER IS DELIVERED TO YOUR DISTRIBUTION SYSTEM FROM OUTSIDE YOUR SERVICE AREA USING EMERGENCY INTERCONNECTIONS
The affected utility would be receiving water temporarily until natural disaster has passed.

Water is delivered from outside your service area in such a manner that you can provide water at 20 psi to your distribution system during an extended power outage lasting more than 24 hours. This option may need to be combined with another option depending if the entire water system will be receiving water from the interconnection. An affected utility opens one or more emergency interconnections with other water systems that can provide water into different pressure zones of the affected utility requesting to use this option.

If Using Emergency Interconnections (normally closed) to provide water to your service area:

A. List water system(s) that will be providing your connections with water during an emergency, where the providing system obtains its water, and the number of connections that will be provided water.

PWS ID Number and Name	Where does this system obtain its water?	Connections Served

B. Provide the following information:

- A map of your distribution system and highlight the area that will be provided water by a different water system.
- Is the interconnect under direct pressure or is it an air gap into a storage tank? _____
- Provide a copy of an agreement or contract that clearly states the providing system agrees to provide and maintain water to your distribution system at 20psi.
List storage tank(s) that have an air gapped interconnect?

Plant Name (Needs to match with listing under Section II of EPP)	Storage Tank(s)

C. Will both water systems be using the same type of disinfection? ☐ YES ☐ NO

If you answered NO and the emergency source contains a different disinfectant than what the water system distributes under normal operations, provide the following information:

☐ YES ☐ NO Will the water system use only the emergency source during an emergency?

☐ YES ☐ NO Will the water system modify their distribution system to ensure areas with different disinfectants will be isolated from each other?

☐ YES ☐ NO Does the water system currently have a valid exception to blend chlorine and chloramines in an emergency?

D. If the disinfection used is not the same for both water systems, explain how the water system will notify customers of the change for health purposes? [30 TAC §290.47(h)]

E. If only part of your system will have service maintained by interconnection, please provide information on what option applies to the rest of the system. Option ☐ and complete that section of the EPP.

F. If water is delivered into a storage tank, please choose other option to ensure your utility can maintain 20 psi if your electrical provider fails to provide your facility with power during an outage lasting longer than 24 hours.
Please provide other option(s) ☐ then complete that section of the EPP.

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OPTION 10B: WATER IS DELIVERED TO YOUR DISTRIBUTION SYSTEM FROM OUTSIDE YOUR SERVICE AREA USING WATER HAULER(S)

The affected utility would be receiving water temporarily until natural disaster has passed. Water is delivered to your service area using a water hauler and, you can provide water at 20 psi to your distribution system during an extended power outage lasting more than 24 hours. This option may need to be combined with another option if the water system cannot deliver water pressurized to 20 psi to the distribution system.

If using Water Hauler(s) to provide water to your service area:

A. Provide documentation that the water hauler is approved and registered to haul water by the TCEQ.

Approved Water Hauler ID (Can be verified in Texas Drinking Water Watch)

B. List all water providers utilized by the water hauler and the type of disinfection used by each provider to ensure compatibility with disinfection protocols

Water Provider ID	Type of Disinfection Used

C. Explain how the water will be pumped from the water hauler into the storage tank?

D. Which storage tanks will be filled by the water hauler?

Plant Name (Needs to match with listing under Section II of EPP)	Storage Tank(s)

E. Explain how the water will be pumped from the storage tank into the distribution system?

F. Will the water hauler be able to supply enough water to the distribution system in a timely manner?

☐ YES ☐ NO

G. If only part of your system will have service maintained by water hauling, please provide information on what option applies to the rest of the system.

Please provide option(s) ☐ and complete that section of the EPP.

H. If water is delivered into a storage tank, please choose another option(s) to ensure your utility can maintain 20 psi if your electrical provider fails to provide your facility with power during an outage lasting longer than 24 hours.

Please provide another option(s) ☐ then complete that section of the EPP.

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OPTION 12: REDUNDANT INTERCONNECTIVITY BETWEEN PRESSURE ZONES An affected utility opens valves in one or more of their pressure zones to provide water at 20 psi throughout its distribution system during an extended power outage lasting more than 24 hours. This option may need to be combined with another option to ensure the system can provide 20 psi throughout its distribution system. A. Explain how the water will flow to customers within one or more pressure zones, and how it will be replenished (with or without electricity)? B. Please provide the following: ☐ A map of your system delineating pressure planes, and show elevated tanks, elevation contours of each zone and isolation valves. ☐ Provide useful storage of each elevated storage tank, see (Option 9 Question C-D and Diagram page 25). ☐ A capacity report with details that show each pressure plane can provide 0.35 gpm per connection. ☐ Are there areas that will need inline booster pumps? If so, how will they be powered? ☐ C. Please choose other option(s) ☐ to ensure your utility can continuously treat, disinfect, and pressurize your system to 20 psi, if your electrical provider fails to provide your facility with power during an outage lasting longer than 24 hours. Please provide your other option(s) ☐ then complete that section of the EPP. D. A hydraulic study will be required if you are unable to demonstrate that your water system can maintain a minimum of 20 psi in distribution based on the information provided in Items A and B. For example, if elevation contour difference exceeds feet of useful storage or if water supply does not appear adequate for an electrical outage lasting more than 24 hours.	OPTION 13: USE EMERGENCY WATER DEMAND RULES TO MAINTAIN EMERGENCY OPERATIONS An affected utility will provide a minimum of 0.35 gallons per minute (gpm) per connection to the distribution system while maintaining distribution pressures of at least 20 psi in the event of the loss of normal power supply. This option will need to be combined with another option to ensure 20 psi during a water outage lasting more than 24 hours since just reducing water demand will not be adequate to provide water during an extended power outage. A. How will you communicate with your customers that you have instituted your Drought Contingency Plan during an extended power outage? (e.g. Utility website, Social Media, Radio, TV, reverse 911, door tags, signs posted at subdivision entrances) B. Please choose additional option to ensure your utility can maintain 20 psi if your electrical provider fails to provide your facility with power during an outage lasting longer than 24 hours. Please provide other option(s) ☐ then complete that section of the EPP. C. Explanation and Authority During periods of drought, a major leak, a system failure, or excessive consumption beyond the capacity of the system, etc. the ☐ (e.g. PWS name, owner name, owner representative, Operator, etc.) has the capability to conserve and restrict water use based upon the local water system regulations found in ☐ (Drought contingency plan, rental agreement, city ordinance, etc.). During times of drought or other problems that limit the availability of water, public notice of water use restrictions will be issued by: ☐ (e.g. PWS name, owner name, owner representative, operator, etc.). D. WATER RESTRICTION STAGES N/A ☐ Fill in the levels or stages of restrictions that will be applied, the conditions that generally will trigger them and the types of restrictions that will be applied. The conditions that trigger various restriction stages could be based upon critical source water levels and other conditions such as imminent loss of water or pressure. <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 10%;">Restriction Stage</th> <th style="width: 40%;">Stage Trigger(s)</th> <th style="width: 50%;">Restrictions</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">I</td> <td>☐</td> <td>☐</td> </tr> <tr> <td style="text-align: center;">II</td> <td>☐</td> <td>☐</td> </tr> <tr> <td style="text-align: center;">III</td> <td>☐</td> <td>☐</td> </tr> </tbody> </table>	Restriction Stage	Stage Trigger(s)	Restrictions	I	☐	☐	II	☐	☐	III	☐	☐
Restriction Stage	Stage Trigger(s)	Restrictions											
I	☐	☐											
II	☐	☐											
III	☐	☐											
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Affected Utility Actions

- Develop a EPP to maintain 20 psi during an extended power outage (> 24 hours)
 - Ensure emergency operation as soon as safe and practicable following the occurrence of a natural disaster
- Submit EPP no later than March 1, 2022
- Implement EPP no later than July 1, 2022



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TCEQ Actions

- Adopt Rules to implement bill
- Develop a Template
- Provide Technical Assistance
- Review EPPs within 90 days of submission
- Inspect each utility to ensure compliance with the plan
- Consider financial burden to utility customers



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Can the Requirement to Submit an EPP be Waived?

Yes. An affected utility may apply for a financial waiver to the EPP requirement if the affected utility can show that implementing an EPP will cause a significant financial burden to its customers. To obtain a waiver, an affected utility must submit documentation showing the actual costs of running the water system and anticipated cost of implementing an EPP. Then must show how the combined costs would be a significant burden on to its customers.

RG-553 is a guidance provides information on documentation required to request a waiver to the requirement for an emergency preparedness plan, if it is determined that implementing an EPP causes a significant financial burden on customers of the affected utility.

Note that submitting a waiver request will not extend the deadline to submit your EPP.

The waiver needs to be submitted with enough time for TCEQ to review it, and if denied, would allow you time to complete an EPP and submit it **BEFORE** the submission deadline.

To request a waiver email a letter with all the required documentation to: PDWEPP@tceq.texas.gov



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QUESTIONS?

[Emergency Preparedness Plan Homepage - Texas Commission on Environmental Quality - www.tceq.texas.gov](http://www.tceq.texas.gov)

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Texas AWWA

Water Retail Public Utilities: Senate Bill (SB) 3 Compliance

**DIVISION OF UTILITY OUTREACH
PUBLIC UTILITY COMMISSION OF TEXAS**



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Topics of Discussion

This presentation will briefly cover:

- **Coordination with TCEQ on emergency preparedness of retail water utilities**
- **Projects Open at PUC for Water and Sewer Utilities to comply with SB 3 requirements**
- **Discuss critical facilities**



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87th Legislature Water Retail Public Utility Legislation

Senate Bill 3

- Added additional the definition of “affected utility”
- Requires PUC and TCEQ to coordinate on emergency preparedness
- Requires affected utilities to file emergency preparedness information relating to electric service at water infrastructure facilities by November 1, 2021 – Project 52299



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87th Legislature Water Retail Public Utility Legislation

Senate Bill 3 – Section 26 – TWC §13.1934

- Created new Texas Water Code (TWC) § 13.1394 regarding standards of emergency operation.
- Added a new definition for “affected utility” for TWC §13.1394 (Note: a different definition of “affected utility” exists in TWC §13.1395)
- Defined “emergency operations” and “extended power outage”



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87th Legislature Water Retail Public Utility Legislation

Senate Bill 3 – Section 26 – TWC §13.1934

- Requires affected utilities to submit an emergency preparedness plan (EPP) to TCEQ for review and approval – March 1, 2022
- Requires approved EPPs to be filed confidentially with PUC – Project 52272
- PUC created a cover sheet with for use with approved EPP confidential filing.
- PUC to confirm applicants for a Certificate of Convenience and Necessity (CCN) or Sale/Transfer/Merger (STM) have an approved EPP before recommending approval of an CCN or STM application effective March 2022



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87th Legislature Water Retail Public Utility Legislation

Senate Bill 3 – Sections 27 and 28 – TWC §13.1935

- Changed title of section to “Standards of Operations in Certain Counties”
- Requires wholesale utilities that provide, supply, or convey surface water to include language in their EPP to demonstrate their capability to provide water to wholesale customers during emergencies through alternative means acceptable to TCEQ



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87th Legislature Water Retail Public Utility Legislation

Senate Bill 3 – Section 29 – TWC §13.1936

- By November 1, 2021, - “affected utilities” must file the following:
 - Information identifying the location and a general description of all water and sewer facilities that qualify for critical load status; and
 - Emergency contact information for the affected utility.



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87th Legislature Water Retail Public Utility Legislation

Senate Bill 3 – Section 29 – TWC §13.1936

This information must be filed with:

- PUC,
- Each utility that provides transmission and distribution services to the water or sewer utility,
- The office of emergency management of each county in which the water or sewer utility has facilities that qualify for critical load status, and
- The division of emergency management of the governor.



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87th Legislature Water Retail Public Utility Legislation

Senate Bill 3 – Section 30 – TWC §13.151

- Defined “extreme weather emergency”
- Requires each retail public utility that is required to hold a CCN, affected county, or a district to not impose late fees or disconnect service for nonpayment
- Requires these entities to work with customers that request to establish payment schedules for unpaid bills uncured during the extreme weather emergency



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87th Legislature Water Retail Public Utility Legislation

Senate Bill 3 – Section 31 – TWC §13.414

- Requires PUC to establish a classification system for use by a court for retail public utilities or affiliated interests that charge a late fee or disconnect a customer for nonpayment during an extreme weather event.
- Rule project to be open at a later date by PUC.



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87th Legislature Electric Utility Legislation

Senate Bill 3 – Section 8

- Added definition of “critical care residential customer” to Utilities Code §17.002(3-a)
- Added definition of “critical load industrial customer” to Utilities Code §17.002(3-b)
- See Project 52345 – questions regarding critical facility designation, load shedding and power restoration to gas utilities (similar project to be forthcoming for water)



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QUESTIONS?



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Control No. 52272

Cover Letter – Emergency Preparedness Plan (EPP)

Instructions

This cover letter must be completed by each Public Water System and filed with the Public Utility Commission of Texas (PUC) pursuant to [TWC §13.1396\(b\)](#).

Contact Information

Name of Filing Party:

Name of Retail Public Utility:

Certificate of Convenience and Necessity (CCN) – if applicable:

Point of Contact Name:

Email Address:

Phone Number:

Type of Filing

Please Select One of the Following:

1. ☐ Submit a Copy of Approved Confidential Emergency Preparedness Plan (EPP)
 - File this Cover Letter as a regular filing. Then file a copy of the EPP **approved by the Texas Commission on Environmental Quality (TCEQ)** separately as a **Confidential filing**. You will find instructions for filing below.
2. ☐ Submit Copy of Request for an Exemption filed with the TCEQ
 - Include a copy of the documentation filed with the TCEQ seeking an exemption to the EPP requirement, and file this Cover Letter with the additional documentation attached.
3. ☐ Submit a Copy of Request for an Extension filed with the TCEQ
 - Include a copy of the documentation filed with the TCEQ seeking an extension to filing the EPP, and file this Cover Letter with the additional documentation attached.

Filing Instructions

E-Filing instructions – <http://www.puc.texas.gov/industry/filings/E-Filing%20Instructions.pdf>

Confidential filing instructions – <https://www.puc.texas.gov/industry/filings/Confidential.aspx>

Questions?

EPP Questions – duo@puc.texas.gov

Filing Questions – centralrecords@puc.texas.gov

UTILI-FACTS

Project 52299

Senate Bill 3, 87th Legislature, Regular Session

Compliance Guidance - Texas Water Code (TWC) § 13.1396

By **November 1, 2021**, “affected utilities” must file specific information with the Public Utility Commission of Texas (PUC) in Project 52299. This information must also be filed with each transmission and distribution service provider, each retail electric provider, and the office of emergency management of each county where the utility has water or sewer facilities that qualify for critical load status.

Q: Am I an “affected utility”?

A: TWC § 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 Section 13.1395.

TWC § 13.1395 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:

- In a county with a population of 3.3 million or more; or
- In a county with a population of 550,000 or more adjacent to a county with a population of 3.3 million or more.

Q: Who is required to file this information with the PUC?

A: All entities that meet one or both of the definitions for an “affected utility” are required to file this information with the PUC.

Q: What information must be filed to meet this requirement?

A: You must file a letter identifying the name of your water or sewer utility. Please also include the names of any affiliates and assumed names, if any. In addition, include a list of all the public water systems and sewer systems owned by your utility for which you are filing the information.

- Identify the location and provide a written, general description of all water and sewer facilities that qualify for critical load status (may include maps if this would help you identify the location of your facilities); and

- Emergency contact information for the affected utility, including:
 - The name of the person who will serve as a point of contact and the person’s telephone number;
 - The person who will serve as an alternative point of contact and the person’s telephone number; and
 - The affected utility’s mailing address.

Q: Where must this information be filed?

A: This information must be filed with each of the following:

- 1) the PUC,
- 2) each electric utility that provides transmission and distribution services to you. Your transmission and distribution utility is known as your TDU. A TDU is the company that distributes electricity from power generation to homes and businesses in Texas. To find out who your TDU is, please review the map at: <https://www.puc.texas.gov/industry/maps/maps/tdumap.pdf>,
- 3) each retail electric provider that sells electric power to you,
- 4) the office of emergency management of each county in which the utility has water and wastewater facilities that qualify for critical load status, and
- 5) the division of emergency management of the governor at: Texas Division of Emergency Management, Texas Department of Public Safety, P.O. Box 4087, Austin, TX 78773-0220.

Please file this information in Central Records, Project 52299. You may request that the information be filed confidentially if you feel that publicly filing facility location and possibly maps will make your water or wastewater utilities more vulnerable. For instructions on the PUC’s filing requirements and on how to file with the PUC, please click on the link below. Instructions on how to file confidentially are also located at this link.

<https://www.puc.texas.gov/industry/filings/FilingProceed.aspx>

For instructions on how to file with your electric providers and the office of emergency management of each county in which you have water or wastewater facilities, please contact them directly.

Q: Is there a deadline?

A: Yes, the deadline to comply with this new requirement is November 1, 2021.