

Senate Bill 3 Actions Summary

Overview

In response to winter storm Uri in early 2021, the State Senate issued a mandate that all Public Water Systems in the State of Texas be equipped to operate in an extended emergency situation. This mandate resulted in the passing of Senate Bill 3 (SB 3) by the State Congress on June 8, 2021. Applicable regulatory and industry standards resulting from SB 3 are summarized below:

- New Senate Bill No. 3, June 8, 2021 (SB 3)
 - Requires raw water and potable water providers to comply with the new Texas Water Code (TWC) requirements including but not limited to the following: Section 13.1394 Standards of Emergency Operations; Section 13.1396 Coordination of Emergency Operations; Section 13.151 Billing for Services Provided during Extreme Weather Emergency, amended Section 13.414; and the compliance timelines defined in SB 3 Section 36.
 - SB 3 Section 13.1394(b) requires each affected utility during a power outage lasting for more than 24 hours to ensure the operation of its water system at a minimum water pressure of 20 pounds per square inch (psi) as soon as safe and practicable following the occurrence of a natural disaster.
 - Per SB Section 13.1394(c), the affected utility must provide for one or more of 14 preparedness options to show that its water system will meet the requirements of 13.1394(b).
 - Section 13.1396 requires coordination with local and state emergency planners.
 - Per Section 13.151, during an extreme weather emergency (when temperatures are below 28°F for 3 days or more), the utility may not impose late fees or disconnect service for nonpayment of bills that are due until after the emergency is over and will work with customers to establish a payment schedule for unpaid bills due to the extreme weather emergency.
 - Section 13.414 is amended to add civil penalties for violations of Section 13.151.
 - SB 3 Section 36 states:
 - * No later than November 1, 2021, submit the location and general description of the critical load facilities with point of contact information as required by TWC Section 13.1396(c) to the specified list of entities.
 - * No later than March 1, 2022, submit to the Texas Commission on Environmental Quality (TCEQ) an Emergency Preparedness Plan (EPP) required by TWC Section 13.1394. The TCEQ has prepared an EPP template. The template leads most facilities to plan for emergency power (temporary or stationary) at its critical water system facilities.
 - * No later than July 1, 2022, or upon final TCEQ approval, implement the EPP.

Specific SB 3 Actions Required

▪ Critical Load Notifications

- As referenced, one of the provisions of SB 3 is that each public water system must complete critical load notifications as described below no later than November 1, 2021:
 - * The name of your water or sewer utility, including the names of any affiliates and assumed names, along with a list of all the public water systems and sewer systems owned by your utility.
 - * The location and a general description of all water and sewer facilities that you believe would qualify to be designated as critical load.
 - It is recommended to include the facility name (i.e., Groundwater Well, Raw Water Intake Pump Station, Water Treatment Plant, Pump Station, Elevated Storage Tank, Wastewater Treatment Plant, Lift Station, etc.), address and/or GPS coordinates, County in which the facility is located, and 17-digit electric meter ESI ID # for each.
 - * 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.
 - * Submit notification to the following entities:
 - Each electric utility that provides transmission and distribution service (i.e., AEP, Oncor, electric coop, etc.)
 - Each retail electric provider that sells electric power to the utility (applies only in competitive areas of ERCOT) (i.e., Gexa, Pulse Power, Reliant, TXU, etc.)
 - The Public Utility Commission
 - ❖ See the attached PUC Utili-Facts Document Project 52299
 - ❖ Determine if the filing should be Confidential.
 - ✓ See attached PUC Filing Information which is also available at: <https://www.puc.texas.gov/industry/filings/FilingProceed.aspx>
 - ✓ See attached PUC Confidential Filings information which is also available at: <https://www.puc.texas.gov/industry/filings/Confidential.aspx>
 - Each County Emergency Management office which the utility has water and wastewater facilities that qualify for critical load
 - The Texas Department of Emergency Management (TDEM) (1033 La Posada Ste 300, Austin, TX 78752)

▪ Emergency Preparedness Plan (EPP):

- As referenced, one of the provisions of SB 3 is that each public water system must develop an EPP outlining how the system will maintain the ability to provide a minimum of 20 pounds per square inch (PSI) of pressure to each customer in the event of an emergency lasting

longer than 24-hours.

- * The Texas Commission on Environmental Quality (TCEQ) has developed an Emergency Preparedness Plan Template for all affected utilities outlining the key components of the EPP. A copy of this Template is attached and is also available from TCEQ at:
https://www.tceq.texas.gov/drinkingwater/homeland_security/disasterprep/epp

➤ EPP Submittal Deadline to TCEQ is March 1, 2022

➤ A summary of each of the options available to affected utilities are provided below.

- * Option 1: Water system utilizes permanently installed automatic starting auxiliary generators.
- * Option 2A: Water system is distribution only and will rely on treated water and pressure provider during an extended power outage.
- * Option 2B: Water system is distribution only and is a member of TxWarn.
- * Option 3A: Water system has obtained a leasing or contract agreement for emergency power equipment and fuel that is coordinated with Texas Division of Emergency Management.
- * Option 3B: Water system has an agreement and is a member of a mutual aid provider.
- * Option 4: Water system uses portable generators capable of serving multiple facilities equipped with quick connect system.
- * Option 5: Water system uses on-site electrical generation or distribution generation facilities.
- * Option 6: Water system has hardened the electrical transmission and distribution system service that powers the water system.
- * Option 7: Water system uses and maintains direct engine or right-angle drives.
- * Option 8A: Water system has been designated as a critical load facility.
- * Option 8B: Water system is recognized as having redundant, isolated, or dedicated electrical feeds.
- * Option 9: Water system can provide extended service utilizing water storage capability.
- * Option 10A: Water is delivered to your distribution system from outside your service area using an emergency interconnection.

- * Option 10B: Water is delivered to your distribution system from outside your service areas using a water hauler.
 - * Option 11: Water system has the ability to provide water through artesian flows.
 - * Option 12: Water system has redundant interconnectivity between pressure zones.
 - * Option 13: Water system uses emergency water demand rules to maintain emergency operations.
 - * Option 14: Water system uses any other alternatives determined by the TCEQ to be acceptable.
- As noted in the TCEQ EPP template, each water system must select at least one of these options for utilization and should Options 7-13 be utilized, the water system will be required to select more than one option presented.
 - Implement the EPP no later than July 1, 2022, or upon final TCEQ approval.
 - * Submit the approved EPP and the TCEQ's approval letter to
 - ❖ The Public Utility Commission
 - Use the PUC Control No. 52272 Cover Letter Template as shown in the PUC attachment
 - ❖ Each County Emergency Management office which the utility has water and wastewater facilities that qualify for critical load
 - ❖ The TDEM

Attachments TCEQ SB 3 EPP Template
 PUC Guidance
 Utili-Fact Sheet - Project 52299
 PUC Filing Information
 PUC Confidential Filing Information
 PUC Control No. 52272 Cover Letter Template