



Filing Receipt

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12/01/2021

Texas Commission on Environmental Quality
Water Quality Division
Drinking Water Special Functions Section, MC 155
P.O. Box 13087
Austin, Texas 78711-3087

RE: Emergency Preparedness Plan
Request for Extension to Submit and Implement the Plan
(Barton Water Supply Corporation) (TX0720013)
Gordon, Texas

Dear TCEQ:

As you are aware, public water systems face many challenges in their routine, daily efforts to provide safe drinking water to the public. On occasion, regulatory mandates add an extra layer of complexity to these efforts. One of these mandates involves the recently passed Senate Bill (SB) 3 which contains several complex, often perplexing, and conflicting requirements.

One of SB3s requirements deals with filing documents with the Public Utility Commission (PUC) by November 1, 2021. To response to PUC allows for three options:

1. Submit a copy of a TCEQ approved EPP,
2. Submit a copy of a request for an exemption filed with TCEQ,
3. Submit a copy of a request for an extension filed with TCEQ.

Since only option #3 is feasible for most of our clients, we are requesting on the behalf of the Barton WSC that they be granted an extension for the submittal of their EPP until June 1, 2022 and a matching extension for the implementation of the EPP provisions until October 1, 2022.

We would contend, this extension is necessary for the following reasons:

1. The preparation of an accurate and functional EPP involves careful planning. The planning process will take several weeks to complete; therefore, we will be unable to submit the plan until January 2022, at the earliest. Please remember that haphazard planning always ends in disaster.



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TBAE Firm #: BR 2261

TBPLS Firm #: 10024300 – Abilene

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2. The proposed EPPs we are preparing for our clients will involve the participation, input, and buy-in of all levels of the local water system's governing body. This interaction is vital to the preparation of an EPP which will be approved by a City Council or Corporation/District Board. This process, controlled by long standing State and Federal laws, moves slowly. Once again, we believe this supports our request for an extension.
3. Once your agency approves the EPP, then the implementation phase begins. This phase will potentially involve significant cost and may result in a lengthy planning, funding acquisition, bidding, and construction process.

When it all said and done, then many public water systems will need to cover the cost of implementing this unfunded government mandate by raising water rates and other related fees.

We appreciate the diligent efforts of TCEQ has made and will make to prepare for the challenging process of reviewing and approving thousands of EPPs. To assist your efforts, we will prepare accurate documents for your review.

Your consideration on this request for an extension to submit and implement the EPP would be appreciated.

If you have any questions or need additional information, please feel free to contact Charles Keith at charles@jacobmartin.com or at 325-695-1070.

Sincerely,

Sarah Fernandez
JACOB | MARTIN



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Emergency Preparedness Plan (EPP)

This document is filed with the Public Utility Commission of Texas (PUC) pursuant to TWC §13.1396(c).

Contact Information

Name of Filing Party: Barton WSC

Name of Retail Public Utility: Barton WSC

Certificate of Convenience and Necessity (CCN)—if applicable: 10439

Type of Filing

Confidential through Standard PUC requirements in
<https://www.puc.texas.gov/industry/filings/Confidential.aspx>