



TEXAS BRACKISH GROUNDWATER DESALINATION FACILITIES

BUILDING PERMITS

Most of the permits that a municipality or municipal agency would need to begin to build a desalination plant are specific permits from local authorities, like city and county-level. However, there are some federal threshold requirements that can be determinate of eligibility to proceed with such a project.

FEDERAL CONSIDERATIONS

Antenna Permit: If the antenna is higher than the average height of the terrain, then the antenna needs height authorization from the FAA.

Clean Water Act Section 404 Permit: This permit issued by the United States Army Corps of Engineers is required for activities that might discharge dredged or fill material into Waters of the United States.

Endangered Species Act Take Permit: If the Environmental Assessment reveals that there are endangered species or endangered species habitat on the project site, then a permit is required from the U.S. Fish and Wildlife Service to proceed with construction on the site

Federal Emergency Management Agency (FEMA): If a proposed construction project is in the floodplain or requires changing the floodplain it requires permission from FEMA first.

STATE CONSIDERATIONS

Clean Water Act § 401 Water Quality Certification: If the pipeline crosses waterways or wetlands, a Section 401 permit is needed from TCEQ.

Public Water System Plan Review: Several project components must be pre-approved by TCEQ and/or TWBD before construction can begin. Examples include but are not limited to: (1) well-drilling, (2) access roads to the site, and (3) ground storage tank placement.

Texas Antiquities Permit: This permit is required from the Texas Historical Commission for any activity causing a disturbance on public land.

National Historic Preservation Act: Federal agencies must take into account the effects of their undertakings on historic properties.

Marl, Sand, Gravel, Shell, or Mudshell Permit from Texas Parks & Wildlife Department: This permit is required if digging in a stream bed.

TPDES General Stormwater Construction Permit: This permit is required if a construction site will discharge stormwater associated with the construction activity and that disturbs more than one acre of land.

Phase II, Small MS4 permit: This regulates requirements related to water quality permitting for stormwater runoff from construction sites, industrial facilities, and publicly owned and operated storm sewers.

Public Water System Plan Review: TCEQ must approve wells prior to drilling them.

Register Above Ground Storage Tanks: Above ground storage tanks with petroleum products over a certain capacity have to be registered.

Elimination of Architectural Barriers Law from Texas Department of Licensing and Regulation to ensure facility is accessible to those with disabilities.

Environmental Assessment: This assesement is required if the project receives funding from TWDB.

Utility Installation Permit: Texas Department of Transporation (TxDOT) requires this permit if the utilities will cross roads in TxDOT's Right of Way (ROW).

LOCAL CONSIDERATIONS

Similar to other public utility construction projects, cities and counties will have additional permitting requirements unique to the locality. Municipalities should consult with the local building and construction experts to better understand what is required to construct the facility.

