



Air Quality for Permitted Facilities: Responding to Hurricanes

If you must respond to damage from a hurricane, this information will help you understand relevant environmental rules and decide on a reasonable course of action to follow. If you have any questions, please contact your TCEQ regional office.

You can find contact information online for the regional office that serves you at <www.tceq.texas.gov/goto/region>. Or call 512-239-1000.

Owners and operators performing activities described in this document must take all necessary steps to prevent or minimize any increased risk to human health and safety and to the environment. In addition, they must at all times apply best engineering and air pollution control practices as required by applicable standards to minimize emissions associated with any activities described by this document.

Facilities should follow their standard operating procedures as well as startup, shutdown, and maintenance activities, requirements and plans, to the extent feasible, even during emergency events.

Disaster Declarations

Sites of significant disasters are often declared disaster areas either by the governor or the president. Among other considerations, the declaration will be specific to certain counties and may enable them to receive additional financial and technical assistance for managing the debris.

Be sure to learn what requirements you need to fulfill to obtain your funding. To qualify for assistance, refer to the Federal Emergency Management Agency (FEMA) website at <www.fema.gov>, or call 800-621-FEMA (3362) (TTY: 800-462-7585).

Outdoor Burning:

What outdoor burning is allowed to address a facility's hurricane debris?

NOTE: Find information about how to manage debris that is the result of a wildfire at <www.tceq.texas.gov/goto/wildfire-debris>.

While outdoor burning in general is prohibited in Texas, there are exceptions that may apply to some situations.

If vegetative debris—for example, downed trees, branch trimmings, leaves, grass—causes a detrimental public health and safety condition, the county or municipal government may seek authorization from the TCEQ if there is no practical alternative for disposal. The standards for private landowners vary depending on the ozone designation status of the county where the burn is located. Regardless, burning must not cause or contribute to a nuisance and must not cause a traffic hazard, for example, by obstructing visibility.

- Attainment counties: Burning of the waste above is allowed, under certain conditions.
- Nonattainment counties: Outdoor burning is permitted only when there are no other practical alternatives.

Local ordinances or other prohibitions may prohibit outdoor burning in your area. Find detailed information in *Outdoor Burning in Texas* (TCEQ publication RG-49) at <www.tceq.texas.gov/goto/rg-049>.

If I am going to burn storm debris, do I need to provide notice to anyone?

Yes. Give notice of burning activities at least 24 hours before burning. Call the TCEQ regional office serving the county where the burning is to occur and give the following information:

- the general nature of the materials to be burned;
- the location of the burn site;
- the name, address, and telephone number of a representative we should contact concerning the work; and
- the anticipated duration of the burning event.

Approval of temporary debris management sites for debris resulting from declared state or federal disasters will require additional coordination with the TCEQ. Contact your TCEQ regional office for additional assistance.

May I operate a trench burner or air curtain incinerator for disaster recovery?

Yes, as outlined below under federal rules. Disposing of vegetative debris in trench burners or aboveground air curtain incinerators is not considered “outdoor burning” under TCEQ rules. Air curtain incinerators are usually authorized under the permit by rule (PBR) in Title 30, Texas Administrative Code, Section 106.496 (30 TAC 106.496) and a Title V General Operating Permit. However, you can operate an air curtain incinerator located in disaster-declared counties in Texas for eight weeks under the exemption for temporary-use air curtain incinerators used in disaster recovery listed in Title 40, Code of Federal Regulations 60.2887(o). Please notify your TCEQ regional office prior to or upon beginning your use of an air curtain incinerator operating under this exemption.

Extensions beyond eight weeks require TCEQ approval in accordance with 40 CFR 60.2969.

When using an air curtain incinerator in disaster recovery, follow the operational limits as stated in the Texas rule for PBRs, such as establishing at least a 300-foot distance to the nearest property line, conducting burning only during daylight hours, and properly disposing of ash. If trench burners or above-ground air curtain incinerators are not available, you may use open burning.

Facility Repairs:

Can I make minor repairs to facilities because of hurricane damage?

Yes. The owner or operator of any previously authorized stationary source of air pollution that was damaged by a hurricane may conduct minor repairs to restore the source to its previously permitted condition. You must restore or replace with equipment that is identical or functionally equivalent to meet permit conditions.

If I need to make minor repairs to facilities because of hurricane damage, do I need to provide notice to anyone?

Yes. Prior notice is not required, but within 30 days of commencing such repairs, the owner or operator must notify in writing the TCEQ regional office that serves the facility's county. The notification should describe the location and nature of the work and include the name, address, and telephone number of the permittee representative we should contact concerning the work.

What if I need to make major repairs to facilities because of hurricane damage?

Follow non-disaster authorization procedures and coordinate with the TCEQ Air Permits Division (512-239-1250) if you need to make repairs that

- would constitute construction, reconstruction, or modification under any state or federal requirement within 40 CFR, Parts 60, 61 or 63, or 30 TAC 116, Subchapter G
- could affect the potential to emit any unauthorized pollutant **or could result in a net emissions increase of any authorized pollutant.**

Allowable Temporary Modifications:

What should I do if I need to temporarily exceed the maximum allowable emission rates or temporarily increase the production, capacity, or throughput stated in my authorization?

If the exceedance or increase is directly related to disaster prevention or response, you don't need prior approval. The TCEQ has the discretion to not

pursue enforcement in the event of a disaster and exercises it as necessary and reasonable.

The owner or operator must keep records of the activity, including the quantity, type, and times of excess emissions. These records must be submitted as soon as it is safe and feasible for you to do so after discovery of the exceedances, to the TCEQ regional office that serves your facility's county.

You should take all possible measures at your facility to avoid creating a nuisance, exceeding the allowable limit for any air contaminant, or exceeding the National Ambient Air Quality Standards.

Can I install a generator for temporary power generation?

You may install generators for temporary power generation that meet the requirements of 30 TAC 106.511. Use of the generator that is necessary to supply power for facility operations until the normal source of power is restored will not be counted against the operating hour limitation in 30 TAC 106.511.

Can I install a temporary boiler or operate a mothballed boiler?

If the boiler is integral to the operation of a facility that provides needed and necessary public services, such as electrical power or fuels, contact the TCEQ Air Permits Division (512-239-1250) for temporary or conditional approval. Please request an expedited approval process when making the request.

Emission Reporting:

Do I still need to submit the initial electronic notification required by the emissions event rules if an emission occurred as a result of damage to facilities caused by the hurricane?

Yes. Submit the notification as soon as it is safe and feasible to do so after the discovery of the emissions event. The TCEQ may exercise enforcement discretion in the event of a hurricane or other major natural disaster with respect to the 24-hour notice requirement. If the owner or operator is unable to submit the notification electronically, it may be submitted by telephone, fax, or hand delivery.

Facility Maintenance, Startup, or Shutdown:

Do I have to submit prior notification of maintenance, startup, or shutdown activities related to hurricane preparation and recovery?

Prior notification (10 days before startup or as soon as feasible) is required for startup activities. You will not be required to notify the TCEQ

in advance of shutdown or maintenance related to a hurricane or other similar event.

However, within 30 days of beginning maintenance activities, owners or operators must notify in writing the TCEQ regional office that serves the facility's county. The notification should:

- describe the location and nature of the work,
- provide the type and quantity of emissions, and
- include a contact name, address, and telephone number.

What notifications are required upon completion of any maintenance, startup or shutdown activities?

Owners or operators must provide the final report through STEERS or to their TCEQ regional office, as required by 30 TAC Chapter 101, within two weeks after the end of the activity.

Do I still need to submit the final report required by the emissions event rules within two weeks after the initial report is submitted?

Yes. If you are unable to submit notification electronically, you may submit it by telephone, fax, or hand delivery.

If I have shut down or idled my facility due solely to a hurricane, do I still have to meet all of the fugitive emission "delay of repair" requirements associated with a shutdown?

If meeting the "delay of repair" requirements would delay restarting your facility, the TCEQ may exercise enforcement discretion following a hurricane or other major natural disaster. For example, if parts are not readily available to perform the repairs necessary, the plant may delay those repairs until the next shutdown.

Enforcement discretion will not apply to a facility that was shut down or idled for reasons other than those resulting from a hurricane or similar event. A plant should comply with the requirements that can be met promptly without delaying the restart.

An owner or operator using a report-suspension date must report in writing all requirements that are not met, the reason the requirement could not be met, and the date of the next planned shutdown.

Allowable Extensions:

Can compliance test dates be waived or extended?

Possibly, depending on the regulatory program requiring the compliance test. Requests for waivers or extensions must be coordinated with your TCEQ regional office prior to the deadline. Test dates will typically be extended 30 days from the due date when they occur while the regulated entity is required to be closed to

protect employee safety and company infrastructure. If additional time is required, contact your regional office to obtain an extension.

Can I get an extension of Title V permit reporting and certification deadlines for a site or a reporting entity impacted by the hurricane?

No, however, the TCEQ may exercise enforcement discretion on some or all reporting deadlines for those directly or indirectly affected by a hurricane. The owner or operator should keep records, which may be requested in order to grant enforcement discretion for reporting deadlines. We may use enforcement discretion for permitted sites outside the event's range if reports for those facilities are generated from corporate headquarters or consultant offices impacted by the hurricane. Our discretion may be applied to the actual late reporting or certification submission and will not affect the report or certification period itself.