

SUBCHAPTER I : STORAGE TANK EMERGENCY ORDERS

§35.601

Effective December 10, 1998

§35.601. Emergency Order Concerning Underground or Aboveground Storage Tanks.

(a) The commission or executive director may issue orders under Texas Water Code, §5.510, to the owner or operator of an underground storage tank (UST) regulated under Texas Water Code, Chapter 26, and Chapter 334 of this title (relating to Underground and Aboveground Storage Tanks), if it finds that:

(1) there is an actual or threatened release of a regulated substance from a UST; and

(2) more expeditious corrective action than is otherwise provided for under Texas Water Code, Chapter 26 is necessary to protect the public health and safety or the environment.

(b) An order issued under subsection (a) of this section may prohibit a person from allowing or continuing a release or threatened release and may require the person to take the actions necessary to eliminate the release or threatened release.

(c) An emergency order issued under this section must be:

(1) mailed by certified mail, return receipt requested, to each person identified in the order;

(2) hand delivered to each person identified in the order; or

(3) on failure of service by certified mail or hand delivery, published one time in the *Texas Register*, and one time in a newspaper with general circulation in each county in which any of the persons identified in the order had a last known address.

Adopted November 18, 1998

Effective December 10, 1998