TCEQ Enforcement Discretion Requests

January 23, 2026

During declared disasters, requests for enforcement discretion should be submitted online through the TCEQ Enforcement Discretion Request Form.

The Procedure for Requesting TCEQ Enforcement Discretion Relating to a Declaration of State of Disaster by the Governor provides the framework for enforcement discretion and should be reviewed prior to submitting an enforcement discretion request.

This form is only for requests for enforcement discretion for actual noncompliances or violations of environmental rules and regulations as a result of a declared disaster. Enforcement discretion cannot be requested for anticipated or predicted violations. Enforcement discretion may be granted on a violation-by-violation basis and each request will be considered individually.

The form will be available upon declaration of a disaster and will remain open for a reasonable time after the declaration. This will generally be 60 days but may be longer for extended events to ensure there is adequate time to assess the potential violations or noncompliances and submit the enforcement discretion request.

Exceptions

The enforcement discretion request form should not be used for:

- Emissions Events – Notification of applicable emissions events, scheduled maintenance/startup/shutdown events, and excess opacity events must be submitted through the State of Texas Environmental Electronic Reporting System (STEERS) as required under 30 Tex. Admin. Code (TAC) Chapter 101 and recorded in Title V deviation reports as required under 30 TAC Chapter 122. Enforcement discretion may be requested for reporting requirements only related to emissions events to allow additional time to report. Emissions from unplanned events will be evaluated utilizing the demonstration criteria in 30 TAC 101.222 as appropriate.
- Power Emergencies – The procedure for a Power Emergency in Texas for ERCOT, MISO, or SPP Regions is available at https://www.tceq.texas.gov/downloads/response/enforcement-discretion.pdf

Instructions

After submission of this form a confirmation email will be sent to the email addresses that was provided when completing the form. If additional supporting documentation is needed a request will be sent and any responsive information should be returned as a direct response to the request e-mail.

Information provided should not include confidential information. Information related to the specific request, including "Specific Request" and "Mitigating Actions" is subject to disclosure under the Public Information Act.

General Information

1. Emergency/Disaster Event Name – enforcement discretion requests are only accepted for the events listed. The enforcement discretion request form will only be made available in the event of a declared disaster and all requests must be directly tied to that event.

2. Regulated Entity Name (RN Name) – a separate form is required for each regulated entity (site). Up to 10 specific requests can be included in a single submission. If there are more than 10 specific requests, an additional form is required.
3. RN Number – provide the RN number associated with the regulated entity name. The RN can be found through the Central Registry query on the TCEQ website: https://www15.tceq.texas.gov/crpub/. If there is no RN number associated with the facility, enter "none."
4. Entity Contact Person – provide the primary contact person for any follow-up questions related to the request. Additional contact names can be provided prior to submission and after the event. The entity contact person will be included on correspondence related to the request(s).
5. Entity Contact Email
6. County where facility is located – if facility crosses county lines, include the county associated with the RN in Central Registry.

Violation Specific Information

The following information must be provided for each violation or noncompliance reported. Each specific noncompliance or violation should be reported separately. The enforcement discretion request form expands to allow for up to 10 violations within the one submittal.

7. Location Descriptor – for the first violation or noncompliance reported, indicate the specific location within the facility where this occurred. This could be a process unit, outfall, or general location within the facility.
8. State Permit Number and Special Condition – if the violation or noncompliance is related to a state permit (e.g., Air New Source Review, TPDES, etc.), include both the permit number and the condition number (e.g., Special Condition, General Condition, MAERT).
9. Federal Permit Number and Special Condition – if the violation or noncompliance is related to a federal permit (e.g., Title V, NPDES, etc.), include both the permit number and the condition number.
10. State or Federal Rule Citation – if the violation or noncompliance is related to a state or federal rule, include the specific rule citation.
11. Was rule suspended – during certain declared disasters, there may be rule suspensions. These will be available through the TCEQ website (https://www.tceq.texas.gov/). Violations or noncompliances that may be covered by a rule suspension can be included in the request if it is unclear if the rule suspension applies and TCEQ will evaluate this as part of the review.
12. Start date – indicate the date that the violation or noncompliance is estimated to have started. This date may be before the disaster declaration was made.
13. Start time – approximate start time for the date that the violation or noncompliance started, if known.
14. End date – indicate the data that the violation or noncompliance is estimated to end. This date may be in the future. This future date is not binding but indicates a general estimate of the duration of the violation or noncompliance.

15. End time - approximate end time for the date that the violation or noncompliance ended, if known.
16. Specific request – provide a description of the violation or noncompliance. This should include cause, if known. Where relevant to determining compliance, provide quantities such as gallons, pounds or volumes related to any potential violation, numbers of missed samples, etc. This description should be sufficiently detailed to identify what happened, why it is noncompliant, and the severity of the noncompliance.
17. Mitigation actions – describe the actions taken to stop the violation or noncompliance or to mitigate the duration, severity, or impact of the violation or noncompliance. This can include planned actions that have not commenced at the time of submittal but should include a tentative planned schedule for implementation.
18. Add another request – if multiple requests are submitted for the same facility/site/RN, selecting "yes" will repeat questions 7 through 17. Up to 10 requests can be submitted in a single form.

General Information

19. Additional information (optional) – provide any additional information to support or explain the request(s). This can include references to previous or similar requests, or any details not provided in the previous questions.
20. Would you like to add an additional contact person – provide additional contacts for the general facility request. These contacts will be included in correspondence related to the request.

Confirmation

Once the request is successfully submitted, you will see a confirmation screen. In addition, you will receive an email to the address identified in #5 above. The email will be sent from OCERequest@tceq.texas.gov. The subject line of the email will include a reference number for the request which is the RN number for the facility plus a number. **Please use this reference number in all correspondence related to the request.**

The confirmation email will summarize each of the requests. Please review this carefully for accuracy. If there are any needed corrections, respond to the OCERequest@tceq.texas.gov email box with the corrections, including the reference number in the subject line.

TCEQ Review and Approval

After successful submission of the request, an email will be sent to the Area Director and Regional Director of the region associated with the county in #6 above with the details of the request. The directors will coordinate the review and response to the request. Each specific request will be evaluated separately, and it is possible for some, but not all, of the requests to be granted.

During a declared disaster, TCEQ staff are focused on urgent disaster related issues and review of enforcement discretion requests will be addressed as soon as possible at the conclusion of the event. Typically, TCEQ staff will not initiate enforcement for violations or noncompliances that were submitted as an enforcement discretion request until the Area Director and Regional Director conclude their enforcement discretion review.

The results of the enforcement discretion review will be one of the following:

- Request is approved – adequate information was provided to support the use of enforcement discretion. Documentation of approval should be maintained by the regulated entity and provided to TCEQ investigators (or TCEQ-contracted investigators) during an investigation, as part of a Title V deviation report, with a Discharge Monitoring Report (DMR), or upon request.
- Request is denied – indicates that (a) information provided was not adequate to support enforcement discretion, (b) reported noncompliance or violation was not directly related to the declared disaster, (c) noncompliance or violation was covered under a rule suspension, (d) there was not a violation or noncompliance based on a review of the information provided, or (e) TCEQ determined that mitigation actions were not adequate.
- Request will be addressed at next investigation – information provided was not adequate to support enforcement discretion at the time of submittal and additional review is needed. This review will generally occur at the next investigation (onsite or record review, announced or unannounced). The regulated entity should maintain all information related to the original request, subsequent information submittals, and all responses.

A denial of the enforcement discretion request will not automatically result in enforcement actions. Any issues will be reviewed during the next regularly scheduled investigation or focused investigation to determine if a violation or noncompliance occurred, and to assess the regulated entity's efforts to comply.