



## TCEQ REGULATORY GUIDANCE

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Critical Infrastructure Division  
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# Responding to a Declared Disaster: Air Facilities

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

To find contact information for the regional office that serves you see our [Region Directory](#).<sup>1</sup> 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.

Owners and operators should follow their standard operating procedures as well as conduct startup, shutdown, and maintenance activities in accordance with 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 typically be specific to certain counties and may enable impacted entities to receive financial and technical assistance.

You may be eligible for financial assistance from the Federal Emergency Management Agency (FEMA) if you meet eligibility requirements. For more information, [see the FEMA website](#)<sup>2</sup> or call 800-621-FEMA (3362) (TTY: 800-462-7585).

## Facility Repairs

### ***What if I need to make repairs to facilities because of disaster related damage?***

The owner or operator of any previously authorized stationary source of air pollution that was damaged by a disaster may conduct repairs to restore the source to its previously permitted condition. Coordinate with the TCEQ Air Permits Division if the repairs constitute a modification of existing facilities as defined in 30 TAC Section

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<sup>1</sup> [www.tceq.texas.gov/goto/region](http://www.tceq.texas.gov/goto/region)

<sup>2</sup> [www.fema.gov](http://www.fema.gov)

116.10(9). Follow authorization requirements and coordinate with the TCEQ Air Permits Division (512-239-1250) if you need to make repairs that:

- May constitute construction, reconstruction, or modification under any state or federal requirement within Title 40, Code of Federal Regulations (40 CFR) Parts 60, 61 or 63, or Title 30, Texas Administrative Code (30 TAC) Chapters 106 or 116.
- Could result in the emission of an unauthorized pollutant, a net emissions increase of any authorized pollutant, or a change in character of emissions.

## **Allowable Temporary Modifications**

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

If the exceedance or increase is directly related to disaster prevention or response, you don't need prior approval. TCEQ may exercise enforcement discretion for certain requirements or upon request in the event of a declared disaster.

The owner or operator must keep records of the activity, including the quantity, type, and times of excess emissions. As soon as it is safe and feasible after discovery you must report applicable emissions events via the State of Texas Environmental Electronic Reporting System (STEERS), and other exceedances to your TCEQ regional office.

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 to provide temporary power?***

You may install generators for temporary power generation that meet the requirements of 30 TAC Section 106.511.

### ***Can I install a temporary facility or control device?***

If the temporary facility or control device 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 notification required by emissions event rules if an emission occurred as a result of damage to facilities caused by the disaster?***

Yes. Submit the notification as soon as it is safe and feasible to do so after the discovery of the emissions event. TCEQ may exercise enforcement discretion allowing

additional time for compliance with the 24-hour reporting requirement in the event of a declared disaster. If you are unable to submit the notification electronically, you may do so by telephone at (512) 239-1520, fax at (512) 239-0404, or email at [EE@tceq.texas.gov](mailto:EE@tceq.texas.gov).

You can find the Air Emissions and Maintenance Events Report Form and additional contact information on our [Emissions Events webpage](#).<sup>3</sup>

## **Facility Maintenance, Startup, or Shutdown**

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

Prior notification (10 days before startup or as soon as feasible) is required for startup activities that are expected to cause an unauthorized emission that equals or exceeds a reportable quantity (see 30 TAC Section 101.211). Enforcement discretion may be granted if you are unable to notify TCEQ in advance of shutdown or maintenance related to a declared disaster. However, as soon as is practicable after beginning maintenance activities, owners or operators must report the event in STEERS if unauthorized emissions are at or above a reportable quantity. The notification should comply with 30 TAC Section 101.211.

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

For events subject to 30 TAC 101, you must provide the final report via STEERS or to the TCEQ Emissions Event Review Section no later than two weeks after the activity ends.

### ***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 the notification electronically, you may submit it by telephone at (512) 239-1520, fax at (512) 239-0404, or email at [EE@tceq.texas.gov](mailto:EE@tceq.texas.gov).

### ***If I have shut down or idled my facility due solely to a disaster, 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, TCEQ may exercise enforcement discretion following a declared disaster. For example, if parts are not readily available to perform the repairs necessary, the owner/operator may delay those repairs until the next shutdown.

If you are requesting enforcement discretion you must report in writing all requirements that are not met and why they aren't, and the date of the next planned shutdown. For declared disasters, follow any TCEQ guidance or procedures related to these requests.

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<sup>3</sup> [www.tceq.texas.gov/airquality/emission-events](http://www.tceq.texas.gov/airquality/emission-events)

Enforcement discretion will not apply to a facility that was shut down or idled for reasons other than those resulting from a disaster. Owners/operators should comply with the requirements that can be met promptly without delaying the restart.

## **Allowable Extensions**

### ***Can compliance test dates be waived or extended?***

Possibly, depending on the regulatory program requiring the compliance test. You must coordinate requests for waivers or extensions with your TCEQ regional office prior to the deadline. Test dates will typically be extended 30 days from the due date 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 for 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 disaster?***

No, however, TCEQ may exercise enforcement discretion on some or all reporting deadlines if you are directly or indirectly affected by a declared disaster. Keep all records as we may request them to evaluate enforcement discretion for reporting deadlines.