



TCEQ REGULATORY GUIDANCE

Critical Infrastructure Division
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Air Quality for Permitted Facilities: Responding to a Declared Disaster

If you must respond to damage from a hurricane, flood, tornado, fire, or other emergency 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.

To find contact information for the office that serves you see our [regions directory](#).¹ 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.

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 website](#)² or call 800-621-FEMA (3362) (TTY: 800-462-7585).

¹ www.tceq.texas.gov/goto/region

² www.fema.gov

Facility Repairs:

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

Follow non-disaster authorization procedures 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 40 CFR, Parts 60, 61 or 63, or 30 TAC 116, Subchapters E, B, G or K.
- Could affect the potential to emit any unauthorized pollutant **or could result in a net emissions-increase of any authorized pollutant.**

Can I make minor repairs to facilities because of damage related to a disaster?

Yes. The owner or operator of any previously authorized stationary source of air pollution that was damaged by a disaster 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 damage from a disaster, do I need to provide notice?

Yes. Prior notice is not required, but within 30 days of commencing such repairs, send written notice to your TCEQ regional office. In the notice 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.

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 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 emissions events via STEERS, and other increases or 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 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 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 for the 24-hour notice requirement in the event of a hurricane or other disaster. If you are unable to submit the notification electronically, you may do so 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 disaster preparation and recovery?

Prior notification (10 days before startup or as soon as feasible) is required for startup activities. Enforcement discretion may be granted if you are unable to notify TCEQ in advance of shutdown or maintenance related to a disaster.

However, as soon as is practicable after beginning maintenance activities, owners or operators must report the event in STEERS. The notification should do all of the following:

- Describe the location and nature of the work.
- Provide the type and quantity of emissions.
- Include a contact name, address, and telephone number.

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

You must provide the final report via STEERS or to your TCEQ regional office, as required by 30 TAC Chapter 101, within 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 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 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 disaster. For example, if parts are not readily available to perform the repairs necessary, the plant 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.

Enforcement discretion will not apply to a facility that was shut down or idled for reasons other than those resulting from a disaster. A plant 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 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 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 disaster. Keep all records as we may request them to grant enforcement discretion for reporting deadlines.

TCEQ may grant 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 disaster. Report or certification periods will not change as a result of enforcement discretion. If any enforcement discretion is granted it is limited to TCEQ and does not limit EPA's ability to enforce federal regulations.