

From: Catarina Gonzales

Date: March 17, 2021 at 9:51:56 PM CDT

To: Steven Schar

Cc: Sarah Hicks, Jeff Oldham, Paige McGhee, Sallie Bentley, Tabatha Vasquez, Brady Franks

Subject: RE: Winter Storm - Rule Suspension Request

Dear Mr. Schar:

The Office of the Governor is in receipt of your request to terminate the temporary suspension of the following laws, approved by the Office of the Governor on February 13, 2021, as amended on February 15, 2021 and February 19, 2021, in response to the Texas Commission on Environmental Quality's suspension requests relating to the severe winter weather disaster:

- 30 Texas Administrative Code (TAC) §§ 106.183, 106.492, 106.551, & 106.513;
- 30 TAC Chapter 111, Subchapter A;
- 30 TAC Chapter 115, Subchapters B, D; E, & H
- 30 TAC Chapter 115, Subchapter C, Divisions 1 & 2;
- 30 TAC Chapter 115, Subchapter F, Divisions 1, 2, & 3;
- 30 TAC Chapter 115, Subchapter G, Division 1;
- 30 TAC Chapter 117, Subchapter B, Divisions 1, 3, & 4;
- 30 TAC Chapter 117, Subchapter C, Divisions 1, 3, & 4;
- 30 TAC Chapter 117, Subchapter D, Divisions 1 & 2;
- 30 TAC Chapter 117, Subchapters E & F;
- 30 TAC Chapter 285, Subchapter A;
- 30 TAC § 285.35;
- 30 TAC §§ 290.42(d)(9)(B)(i), 290.42(d)(10)(C)(i)-(iii), 290.42(d)(11)(B)(i)-(iii), & 290.46(f)(3)(A)(i);
- 30 TAC §§ 290.110(c)(4)(A)-(C) & 290.110(c)(5);
- 30 TAC Chapter 305, Subchapter P;
- 30 TAC Chapter 309, Subchapters A & C;
- 30 TAC Chapter 312, Subchapter G;
- 30 TAC Chapter 319, Subchapter A;
- 30 TAC §§ 321.39(b)(1)-(3); 321.40(b), (d), (e), (f), & (k)(1); 321.42(c), (d), & (r);
- 30 TAC §§ 327.3 & 327.32;
- 30 TAC §§ 330.131, 330.133, 330.135, 330.139, 330.141(b), 330.143, 330.147(a), 330.151, 330.153, 330.159, 330.165(c), 330.165(e), 330.165(f), 330.167, 330.169, 330.171(c)-(d);
- 30 TAC § 330.331(a)(2)-(3);
- 30 TAC § 330.543(b);
- 30 TAC §§ 334.125 & 334.127;
- 30 TAC § 335.2(d)(5); and
- 30 TAC § 335.94.

TCEQ asserts that these suspensions will no longer be necessary as of March 15, 2021 in light of progress made in the severe winter weather disaster response efforts.

Based on TCEQ's assertions and our review, the Office of the Governor hereby grants the request to terminate, effective on March 17, 2021 at 11:59 p.m., the temporary suspension of the laws referenced above.

Thank you,

Catarina Gonzales
Budget and Policy Advisor

Office of Governor Greg Abbott

From: Steven Schar
Sent: Monday, March 15, 2021 12:52 PM
To: Catarina Gonzales
Subject: Winter Storm - Rule Suspension Request
Importance: High

Ms. Catarina Gonzales,

Consistent with the Governor's Disaster Proclamation of February 12, 2021 regarding severe winter weather in Texas, the Texas Commission on Environmental Quality (TCEQ) requested approval for suspension of certain of its rules because they potentially impeded response and recovery efforts. As set forth in the Request for Suspension of TCEQ Rules dated February 13, 2021, and two additional amended requests for suspension dated February 15, 2021 and February 19, 2021, each suspension was requested only to the extent that strict compliance with those identified TCEQ rules would prevent, hinder, or delay necessary action in coping with this severe weather event, and only in those counties identified in the Governor's Disaster Proclamation. TCEQ has determined that the suspension of certain rules is no longer necessary; therefore, TCEQ respectfully requests that you lift the suspension of the following rules:

- 30 Texas Administrative Code (TAC) §§ 106.183, 106.492, 106.551, & 106.513;
- 30 TAC Chapter 111, Subchapter A;
- 30 TAC Chapter 115, Subchapters B, D; E, & H
- 30 TAC Chapter 115, Subchapter C, Divisions 1 & 2;
- 30 TAC Chapter 115, Subchapter F, Divisions 1, 2, & 3;
- 30 TAC Chapter 115, Subchapter G, Division 1;
- 30 TAC Chapter 117, Subchapter B, Divisions 1, 3, & 4;
- 30 TAC Chapter 117, Subchapter C, Divisions 1, 3, & 4;

- 30 TAC Chapter 117, Subchapter D, Divisions 1 & 2;
- 30 TAC Chapter 117, Subchapters E & F;
- 30 TAC Chapter 285, Subchapter A;
- 30 TAC § 285.35;
- 30 TAC §§ 290.42(d)(9)(B)(i), 290.42(d)(10)(C)(i)-(iii), 290.42(d)(11)(B)(i)-(iii), & 290.46(f)(3)(A)(i);
- 30 TAC §§ 290.110(c)(4)(A)-(C) & 290.110(c)(5);
- 30 TAC Chapter 305, Subchapter P;
- 30 TAC Chapter 309, Subchapters A & C;
- 30 TAC Chapter 312, Subchapter G;
- 30 TAC Chapter 319, Subchapter A;
- 30 TAC §§ 321.39(b)(1)-(3); 321.40(b), (d), (e), (f), & (k)(1); 321.42(c), (d), & (r);
- 30 TAC §§ 327.3 & 327.32;
- 30 TAC §§ 330.131, 330.133, 330.135, 330.139, 330.141(b), 330.143, 330.147(a), 330.151, 330.153, 330.159, 330.165(c), 330.165(e), 330.165(f), 330.167, 330.169, 330.171(c)-(d);
- 30 TAC § 330.331(a)(2)-(3);
- 30 TAC § 330.543(b);
- 30 TAC §§ 334.125 & 334.127;
- 30 TAC § 335.2(d)(5); and
- 30 TAC § 335.94.

The remaining rules will remain suspended to the extent the rules actually prevent, hinder, or delay necessary action in coping with the disaster. Those rules are as follows, and:

- 30 TAC Chapter 101, Subchapter F;
- 30 TAC §§ 111.201, 111.203, & 111.217;
- 30 TAC Chapter 114, Subchapter H, Division 2;
- 30 TAC § 290.46(l); and
- 30 TAC §§ 335.5(b) & 335.6.

These changes are reflected in the attached Amended Request for Suspension of TCEQ Rules dated March 15, 2021. TCEQ will continue to evaluate activities related to ongoing and future recovery efforts and will utilize its enforcement discretion on a case-by-case basis, as appropriate.

We appreciate the consideration.

Steven Schar
Senior Advisor to the Executive Director
Texas Commission on Environmental Quality