

From: Sarah Hicks
Sent: Monday, February 15, 2021 3:10 PM
To: Steven Schar, Catarina Gonzales; Toby Baker
Subject: RE: TCEQ Amended Rule Suspension Request

Mr. Schar,

The Office of the Governor is in receipt of the Texas Commission on Environmental Quality's (TCEQ's) request to temporarily suspend certain specified provisions in 30 TAC 321.39, 321.40, and 321.42. TCEQ asserts that strict compliance with these laws could prevent, hinder, or delay necessary state efforts to respond to the severe winter weather event and efforts to cope with the declared disaster.

In accordance with section 418.016 of the Texas Government Code, the Office of the Governor grants TCEQ's request to temporarily suspend the specified provisions in 30 TAC 321.39, 321.40, and 321.42, as set forth in TCEQ's request, to the extent that these provisions actually do prevent, hinder, or delay necessary state efforts to respond to the severe winter weather event and efforts to cope with the declared disaster.

This suspension is in effect until terminated by the Office of the Governor or until the February 12, 2021 disaster declaration is lifted or expires.

Thank you,

Sarah

Sarah Hicks
Director of Budget & Policy
Office of the Governor
Governor Greg Abbott

From: Steven Schar
Sent: Monday, February 15, 2021 2:12 PM
To: Catarina Gonzales
Subject: TCEQ Amended Rule Suspension Request
Importance: High

Ms. Catarina Gonzales,

Consistent with the Governor's Proclamation on February 12, 2021, the Texas Commission on Environmental Quality (TCEQ) previously requested and received approval for specific rule suspensions as far as they may prevent, hinder, or delay necessary actions needed to respond to the severe winter weather event. In addition to that February 13, 2021 request, I am requesting written approval for an additional rule suspension:

30 Texas Administrative Code Chapter 321, Subchapter B: Controlled Animal Feeding Operations.

- § 321.39(b)(1)-(3) Operations Requirements Applicable to Controlled Animal Feeding Operations (CAFO);
- § 321.40(b), (d), (e), (f), & (k)(1) Controlled Animal Feeding Operations (CAFO) Land Application Requirements; and
- § 321.42(c), (d), & (r) Requirements Applicable to the Major Sole-Source Impairment Zone.

Suspending specific land application CAFO requirements related to dairy operations will allow those facilities to safely continue operations during this severe winter weather event and remove a potential impediment to disaster recovery.

The attached amended rule suspension document includes the previous approved suspensions as well as the new request (see page 6).

Thank you for the consideration.

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