

## Amended Request for Suspension of TCEQ Rules

Date: April 9, 2021  
(updates highlighted)

Consistent with the Governor's Proclamation of February 12, 2021, the Executive Director (ED) of the Texas Commission on Environmental Quality (TCEQ) requests written approval for the suspension of the following rules because they may prevent, hinder, or delay necessary actions needed to respond to the severe winter weather event. **Such suspension is requested only to the extent the rules actually do prevent, hinder, or delay necessary action in coping with this disaster.** Any suspension is limited to the duration of the disaster and is restricted to those counties set forth in the Proclamation referenced above, including any amendments. **All regulated entities should take all available actions necessary to ensure compliance with environmental regulations and permit requirements to protect the health and safety of Texans and the environment, and regulated entities must prepare and maintain records related to the actions and suspended rules, as they bear the burden of demonstrating that noncompliance was necessary.** The delay of report submittals should be minimized and resume as soon as feasible. It should be noted that some of these rules may have federal counterparts in statute or regulation and this suspension would not apply to such federal counterparts.

*Note: TCEQ will exercise enforcement discretion and consider required reporting from public water systems to be timely received if submitted on or before March 31, 2021. The agency will consider additional enforcement discretion regarding deadlines as conditions warrant in response to this severe winter weather event.*

30 TAC Chapter	Title	Impediment to Disaster Response
101	<b>General Air Quality Rules</b>	
	<b>SUBCHAPTER F: Emissions Events and Scheduled Maintenance, Startup, and Shutdown Activities:</b> • <del>Entire subchapter.</del>	<del>Unauthorized emissions as a result of the severe winter weather event, such as wind, prolonged freezing temperatures, damage from heavy snow, or freezing rain, and power outages would meet the definition of an emissions event; therefore, allowing additional time for compliance with the reporting and recordkeeping requirements would remove a potential impediment to disaster response.</del>

30 TAC Chapter	Title	Impediment to Disaster Response
111	<b>Control of Air Pollution from Visible Emissions and Particulate Matter (PM)</b>	
	<p><b>SUBCHAPTER B: Outdoor Burning:</b></p> <ul style="list-style-type: none"> <li>• <del>§ 111.201</del> General Prohibition;</li> <li>• <del>§ 111.203</del> Definitions; and</li> <li>• <del>§ 111.217</del> Requirements for Certified and Insured Prescribed Burn Managers.</li> </ul>	<p>Activities in response to the disaster will require the disposal of waste and debris, which often may be accomplished through outdoor burning. Emissions from outdoor burning are regulated by these rules and suspending the rules would remove a potential impediment to expediting disaster response.</p>
114	<b>Control of Air Pollution from Motor Vehicles</b>	
	<p><b>SUBCHAPTER H: Low Emission Fuels.</b></p> <ul style="list-style-type: none"> <li>• <u>Division 2</u> - Low Emission Diesel.</li> </ul>	<p>Compliance with the low emission diesel requirements of Division 2 may not be possible during a disaster, potentially creating an impediment to disaster response.</p>
290	<b>Public Drinking Water</b>	
	<p><b>SUBCHAPTER D: Rules and Regulations for Public Water Systems:</b></p> <ul style="list-style-type: none"> <li>• <del>§ 290.46(l)</del> Minimum Acceptable Operating Practices for Public Drinking Water Systems - <i>Regarding flushing of mains.</i></li> </ul>	<p>Suspension of the dead-end flushing 30-day requirement in distribution systems may remove an impediment to disaster recovery.</p>
335	<b>Industrial Solid Waste and Municipal Hazardous Waste</b>	
	<p><b>SUBCHAPTER A: Industrial Solid Waste and Municipal Hazardous Waste in General.</b></p> <ul style="list-style-type: none"> <li>• <del>§ 335.5(b)</del> Deed Recordation of Waste Disposal; and</li> <li>• <del>§ 335.6</del> Notification Requirements.</li> </ul>	<p>By waiving deed recordation for disposal of animals if 10 or fewer carcasses are buried on one property with regional office notification (this is currently in guidance), then TCEQ can allow efficient burial of animal carcasses. Waive the requirement to provide notice to the ED in writing prior to the event. Waive requirement for notification 90 days prior to engaging in disposing, processing, or recycling of industrial solid waste on site to remove potential impediments to disaster recovery.</p>