

## Amended Request for Suspension of TCEQ Rules

Date: February 19, 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	General Air Quality Rules	
	<b>SUBCHAPTER F: Emissions Events and Scheduled Maintenance, Startup, and Shutdown Activities.</b> <ul style="list-style-type: none"><li>• <u>Entire subchapter.</u></li></ul>	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.

30 TAC Chapter	Title	Impediment to Disaster Response
106	Permits by Rule	
	<p><b>SUBCHAPTER G: Combustion.</b></p> <ul style="list-style-type: none"> <li>• <u>§ 106.183</u> Boilers, Heaters, and Other Combustion Devices.</li> </ul>	<p>Boilers, heaters, drying or curing ovens, furnaces, or other combustion units are limited to 40 MMbtu, and use of distillate fuel oil is limited to 720 hours per year. Removing the size of the boiler and distillate fuel oil usage limitations would remove potential impediments to disaster response.</p>
	<p><b>SUBCHAPTER V: Thermal Control Devices.</b></p> <ul style="list-style-type: none"> <li>• <u>§ 106.492</u> Flares.</li> </ul>	<p>Flaring during a disaster may be needed for specific areas. Removing registration requirements for flares burning more than 24 parts per million (ppm) of sulfur or chlorine would remove a potential impediment to disaster response.</p>
	<p><b>SUBCHAPTER W: Turbines and Engines.</b></p> <ul style="list-style-type: none"> <li>• <u>§ 106.511</u> Portable and Emergency Engines and Turbines.</li> <li>• <u>§ 106.513</u> Natural Gas-Fired Combined Heat and Power Units.</li> </ul>	<p>Internal combustion engine and gas turbine driven compressors, electric generator sets, and water pumps, used only for portable, emergency and/or standby services are limited to 876 hours per year of operation. Waiving this requirement would remove a potential impediment to disaster response. Removing registration requirements for combined heat and power units would remove a potential impediment to disaster response.</p>
111	<b>Control of Air Pollution from Visible Emissions and Particulate Matter (PM)</b>	
	<p><b>SUBCHAPTER A: Visible Emissions and Particulate Matter.</b></p> <ul style="list-style-type: none"> <li>• <u>Entire subchapter.</u></li> </ul>	<p>Compliance with the specified source visible emissions requirements, opacity limits, and PM control requirements may not be possible during a disaster, potentially creating an impediment to disaster response.</p>

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	<p><b>SUBCHAPTER B: Outdoor Burning.</b></p> <ul style="list-style-type: none"> <li>• <u>§ 111.201</u> General Prohibition;</li> <li>• <u>§ 111.203</u> Definitions; and</li> <li>• <u>§ 111.217</u> 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>
115	<b>Control of Air Pollution from Volatile Organic Compounds (VOC)</b>	
	<p><b>SUBCHAPTER B: General Volatile Organic Compound Sources.</b></p> <ul style="list-style-type: none"> <li>• <u>Entire subchapter.</u></li> </ul>	<p>Compliance with the emission control, monitoring, testing, and other requirements at VOC sources in the affected counties may not be possible during a disaster. As a result of the disaster, unauthorized emissions may occur due to improper storage of VOC material or an affected source category not complying with the industrial wastewater rules and suspending the requirements would remove a potential impediment to disaster response. Operation of a municipal solid waste landfill in compliance with the nonmethane organic compounds emission rate for the landfill may not be possible as a result of the disaster and suspending these requirements would remove a potential impediment to disaster response.</p>

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	<p><b>SUBCHAPTER C:</b> Volatile Organic Compound Transfer Operations.</p> <ul style="list-style-type: none"> <li>• <u>Division 1</u> - Loading and Unloading of Volatile Organic Compounds.</li> <li>• <u>Division 2</u> - Filling of Gasoline Storage Vessels (Stage I) for Motor Vehicle Fuel Dispensing Facilities.</li> </ul>	<p>Compliance with the emission control, monitoring, testing, and other requirements at VOC sources in the affected counties may not be possible during a disaster. Unauthorized emissions may occur due to VOC transfer operations as a result of the disaster and suspending these requirements would remove a potential impediment to disaster response.</p>
	<p><b>SUBCHAPTER D:</b> Petroleum Refining, Natural Gas Processing, And Petrochemical Processes.</p> <ul style="list-style-type: none"> <li>• <u>Entire subchapter.</u></li> </ul>	<p>Compliance with the emission control, monitoring, testing, and other requirements at VOC sources in the affected counties may not be possible during a disaster, potentially creating an impediment to disaster response.</p>
	<p><b>SUBCHAPTER E:</b> Solvent-Using Processes.</p> <ul style="list-style-type: none"> <li>• <u>Entire subchapter.</u></li> </ul>	<p>Compliance with the emission control, monitoring, testing, and other requirements at VOC sources in the affected counties may not be possible during a disaster, potentially creating an impediment to disaster response.</p>
	<p><b>SUBCHAPTER F:</b> Miscellaneous Industrial Sources.</p> <ul style="list-style-type: none"> <li>• <u>Division 1</u> - Cutback Asphalt.</li> <li>• <u>Division 2</u> - Pharmaceutical Manufacturing Facilities.</li> <li>• <u>Division 3</u> - Degassing of Storage Tanks, Transport Vessels, and Marine Vessels.</li> </ul>	<p>Compliance with the emission control, monitoring, testing, and other requirements at VOC sources in the affected counties may not be possible during a disaster, potentially creating an impediment to disaster response.</p>
	<p><b>SUBCHAPTER G:</b> Consumer-Related Sources.</p> <ul style="list-style-type: none"> <li>• <u>Division 1</u> - Automotive Windshield Wiper Fluid.</li> </ul>	<p>Compliance with the VOC content requirements for windshield washer fluid may not be possible during a severe winter weather event.</p>
	<p><b>SUBCHAPTER H:</b> Highly-Reactive Volatile Organic Compounds.</p> <ul style="list-style-type: none"> <li>• <u>Entire subchapter.</u></li> </ul>	<p>Compliance with HRVOC emission control, monitoring, testing, and other requirements at sources in HGB ozone nonattainment areas may not be possible during a disaster, potentially creating an impediment to disaster response.</p>

30 TAC Chapter	Title	Impediment to Disaster Response
117	<b>Control of Air Pollution from Nitrogen Compounds</b>	
	<b>SUBCHAPTER B: Combustion Control at Major Industrial, Commercial, and Institutional Sources in Ozone Nonattainment Areas.</b> <ul style="list-style-type: none"> <li>• <u>Division 1</u> - Beaumont-Port Arthur (BPA) ozone nonattainment area.</li> <li>• <u>Division 3</u> - Houston-Galveston-Brazoria (HGB) ozone nonattainment area.</li> <li>• <u>Division 4</u> - Dallas-Fort Worth (DFW) eight-hour ozone nonattainment area.</li> </ul>	Compliance with the emission control, monitoring, testing, and other requirements at major sources of nitrogen oxides in the BPA, HGB, and DFW ozone nonattainment areas may not be possible during a disaster, potentially creating an impediment to disaster response.
	<b>SUBCHAPTER C: Combustion Control at Major Utility Electric Generation Sources in Ozone Nonattainment Areas.</b> <ul style="list-style-type: none"> <li>• <u>Division 1</u> - Beaumont-Port Arthur (BPA) ozone nonattainment area.</li> <li>• <u>Division 3</u> - Houston-Galveston-Brazoria (HGB) ozone nonattainment area.</li> <li>• <u>Division 4</u> - Dallas-Fort Worth (DFW) eight-hour ozone nonattainment area.</li> </ul>	Compliance with the emission control, monitoring, testing, and other requirements at major sources of nitrogen oxides in the BPA, HGB, and DFW ozone nonattainment areas may not be possible during a disaster, potentially creating an impediment to disaster response.
	<b>SUBCHAPTER D: Combustion Control at Minor Sources in Ozone Nonattainment Areas.</b> <ul style="list-style-type: none"> <li>• <u>Division 1</u> - Houston-Galveston-Brazoria (HGB) ozone nonattainment area.</li> <li>• <u>Division 2</u> - Dallas-Fort Worth (DFW) eight-hour ozone nonattainment area.</li> </ul>	Compliance with the emission control, monitoring, testing, and other requirements at minor sources of nitrogen oxides in HGB and DFW ozone nonattainment areas may not be possible during a disaster, potentially creating an impediment to disaster response.
	<b>SUBCHAPTER E: Multi-Region Combustion Control.</b> <ul style="list-style-type: none"> <li>• <u>Entire subchapter.</u></li> </ul>	Compliance with emission control, monitoring, testing, and other requirements at: utility electric generation in East & Central TX; cement kilns; water heaters, small boilers, and process heaters; and stationary gas-fired reciprocating internal combustion engines at any stationary source of nitrogen oxides may not be possible during a disaster, potentially creating an impediment to disaster response.
	<b>SUBCHAPTER F: Acid Manufacturing.</b> <ul style="list-style-type: none"> <li>• <u>Entire subchapter.</u></li> </ul>	Compliance with the emission control requirements for nitrogen compounds at adipic and nitric acid production units may not be possible during a disaster, potentially creating an impediment to disaster response.

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285	<b>On-Site Sewage Facilities</b>	
	<p><b>SUBCHAPTER A:</b> General Provisions.</p> <ul style="list-style-type: none"> <li>• <u>Entire subchapter.</u></li> </ul>	<p>Suspending the rules for the repair and operation of on-site sewage facilities will allow expedited construction and repair of on-site facilities and may remove a potential impediment to disaster recovery.</p>
	<p><b>SUBCHAPTER D:</b> Planning, Construction, and Installation Standards for OSSFS.</p> <ul style="list-style-type: none"> <li>• <u>§ 285.35</u> Emergency Repairs.</li> </ul>	<p>Suspending the rules for notification requirements related to the emergency repair of on-site sewage facilities may remove a potential impediment to disaster recovery.</p>
290	<b>Public Drinking Water</b>	
	<p><b>SUBCHAPTER D:</b> Rules and Regulations for Public Water Systems.</p> <ul style="list-style-type: none"> <li>• <u>§ 290.42(d)(9)(B)(i)</u> Water Treatment - <i>Regarding flocculation facilities for straight-flow and up-flow sedimentation basins.</i></li> <li>• <u>§ 290.42(d)(10)(C)(i)-(iii)</u> Water Treatment - <i>Regarding clarification facilities and flocculated particles.</i></li> <li>• <u>§ 290.42(d)(11)(B)(i)-(iii)</u> Water Treatment - <i>Regarding filtration facilities.</i></li> <li>• <u>§ 290.46(f)(3)(A)(i)</u> Minimum Acceptable Operating Practices for Public Drinking Water Systems - <i>Regarding maintenance of certain daily records.</i></li> <li>• <u>§ 290.46(l)</u> Minimum Acceptable Operating Practices for Public Drinking Water Systems - <i>Regarding flushing of mains.</i></li> </ul>	<ul style="list-style-type: none"> <li>• Suspension of the 20-minute detention time for flocculation may remove an impediment to disaster recovery, but turbidity requirements must be met.</li> <li>• Suspension of certain surface overflow rates for the sedimentation basins may remove an impediment to disaster recovery, but turbidity requirements must be met.</li> <li>• Suspension of certain filter loading rates may remove an impediment to disaster recovery, but turbidity requirements must be met.</li> <li>• Suspension of the recording of amount of chemicals used daily for water treatment may remove an impediment to disaster recovery.</li> <li>• Suspension of the dead-end flushing 30-day requirement in distribution systems may remove an impediment to disaster recovery.</li> </ul>
	<p><b>SUBCHAPTER F:</b> Drinking Water Standards Governing Drinking Water Quality and Reporting Requirements for Public Water Systems.</p> <ul style="list-style-type: none"> <li>• <u>§ 290.110(c)(4)(A)-(C)</u> Disinfectant Residuals - <i>Regarding distribution system compliance monitoring.</i></li> <li>• <u>§ 290.110(c)(5)</u> Disinfectant Residuals - <i>Chloramine effectiveness sampling.</i></li> </ul>	<ul style="list-style-type: none"> <li>• While a BWN is in effect, suspension of the rule for daily chlorine distribution sampling in a distribution system may remove an impediment to disaster recovery.</li> <li>• Suspension of the rule for daily and weekly chloramine effectiveness sampling may remove an impediment to disaster recovery.</li> </ul>

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305	<b>Consolidated Permits</b>	
	<b>SUBCHAPTER P: Effluent Guidelines and Standards for Texas Pollutant Discharge Elimination System (TPDES) Permits.</b> <ul style="list-style-type: none"> <li>• <u>Entire subchapter.</u></li> </ul>	Wastewater treatment facilities in impacted areas may be temporarily unable to comply with TPDES permit standards and suspension may remove a potential impediment to disaster recovery.
309	<b>Domestic Wastewater Effluent Limitation and Plant Siting</b>	
	<b>SUBCHAPTER A: Effluent Limitations.</b> <ul style="list-style-type: none"> <li>• <u>Entire subchapter.</u></li> </ul>	Wastewater treatment facilities in impacted areas temporarily may not be able to comply with the effluent quality limitation standards for treated domestic sewage which will be required of permittees as appropriate to maintain water quality in accordance with the commission's surface water quality standards, thereby potentially impeding disaster recovery.
	<b>SUBCHAPTER C: Land Disposal of Sewage Effluent.</b> <ul style="list-style-type: none"> <li>• <u>Entire subchapter.</u></li> </ul>	Land disposal activities in impacted areas may temporarily not be able to comply with these standards and suspending the rules may remove a potential impediment to disaster recovery.
312	<b>Sludge Use, Disposal, and Transportation</b>	
	<b>SUBCHAPTER G: Transporters and Temporary Storage Provisions.</b> <ul style="list-style-type: none"> <li>• <u>Entire subchapter.</u></li> </ul>	Suspending the requirement that sludge transporters register with the TCEQ will allow additional transporters to transport sludge and may remove a potential impediment to disaster recovery.
319	<b>General Regulations Incorporated into Permits</b>	
	<b>SUBCHAPTER A: Monitoring and Reporting System.</b> <ul style="list-style-type: none"> <li>• <u>Entire subchapter.</u></li> </ul>	Wastewater treatment facilities in impacted areas may be temporarily unable to comply with TPDES permit standards and suspension may remove a potential impediment to disaster recovery.
321	<b>Control of Certain Activities by Rule</b>	

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	<p><b>SUBCHAPTER B: Concentrated Animal Feeding Operations.</b></p> <ul style="list-style-type: none"> <li>• <u>§ 321.39(b)(1)-(3)</u> Operations Requirements Applicable to Concentrated Animal Feeding Operations (CAFO);</li> <li>• <u>§ 321.40(b), (d), (e), (f), &amp; (k)(1)</u> Concentrated Animal Feeding Operations (CAFO) Land Application Requirements; and</li> <li>• <u>§ 321.42(c), (d), &amp; (r)</u> Requirements Applicable to the Major Sole-Source Impairment Zone.</li> </ul>	<p>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.</p>
327	<b>Spill Prevention and Control</b>	
	<ul style="list-style-type: none"> <li>• <u>§ 327.3</u> Notification Requirements; and</li> <li>• <u>§ 327.32</u> Reporting Requirements for Certain Accidental Discharges or Spills of Treated or Untreated Wastewater at Wastewater Treatment Facilities or Collection Systems.</li> </ul>	<p>The requirement to report all accidental discharges or spills of treated or untreated wastewater within 24 hours of the occurrence may impede disaster recovery.</p>
330	<b>Municipal Solid Waste</b>	
	<p><b>SUBCHAPTER D: Operational Standards for Municipal Solid Waste Landfill Facilities.</b></p> <ul style="list-style-type: none"> <li>• <u>§ 330.131</u> Access Control;</li> <li>• <u>§ 330.133</u> Unloading of Waste (for unloading, processing, and storage in buffer zones);</li> <li>• <u>§ 330.135</u> Facility Operating Hours;</li> <li>• <u>§ 330.139</u> Control of Windblown Solid Waste and Litter;</li> <li>• <u>§ 330.141(b)</u> Easements and Buffer Zones (for unloading, processing, and storage in buffer zones only);</li> <li>• <u>§ 330.143</u> Landfill Markers and Benchmark;</li> <li>• <u>§ 330.147(a)</u> Disposal of Large Items;</li> <li>• <u>§ 330.151</u> Disease Vector Control;</li> <li>• <u>§ 330.153</u> Site Access Roads;</li> <li>• <u>§ 330.159</u> Landfill Gas Control;</li> <li>• <u>§ 330.165(c), (e), &amp; (f)</u> Landfill Cover;</li> <li>• <u>§ 330.167</u> Poned Water (suspend 7-day repair timeframe during this event);</li> <li>• <u>§ 330.169</u> Waste in Enclosed Containers or Enclosed Vehicles Accepted at Type IV Landfills; and</li> <li>• <u>§ 330.171(c)-(d)</u> Disposal of Special Wastes.</li> </ul>	<p>Operations at MSW landfill facilities in impacted areas may temporarily not be able to comply with these standards and suspending the rules may remove a potential impediment to disaster recovery.</p>



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	<p><b>SUBCHAPTER H: Liner System Design and Operation.</b></p> <ul style="list-style-type: none"> <li>• <u>§ 330.331(a)(2) &amp; (3)</u> Leachate head limit.</li> </ul>	<p>Suspension of this rule allows a larger depth of leachate over the liner during an emergency event as operations of leachate collection systems in disaster areas may not be able to comply with this requirement.</p>
	<p><b>SUBCHAPTER M: Location Restrictions.</b></p> <ul style="list-style-type: none"> <li>• <u>§ 330.543(b)</u> Buffer Zones.</li> </ul>	<p>Due to a disaster, storage and processing could occur in buffer areas but not easements.</p>
334	<p><b>Underground and Aboveground Storage Tanks (and Tex. Water Code § 26.351(b))</b></p>	
	<p><b>SUBCHAPTER F: Aboveground Storage Tanks.</b></p> <ul style="list-style-type: none"> <li>• <u>§ 334.125</u> General Prohibitions &amp; Requirements for Aboveground Storage Tanks (ASTs); and</li> <li>• <u>§ 334.127</u> Registration for Aboveground Storage Tanks (ASTs).</li> </ul>	<p>Suspension of these rules could enable TxDOT and others to stage AST and receive fuel deliveries for the public and for emergency responders.</p>
335	<p><b>Industrial Solid Waste and Municipal Hazardous Waste</b></p>	
	<p><b>SUBCHAPTER A: Industrial Solid Waste and Municipal Hazardous Waste in General.</b></p> <ul style="list-style-type: none"> <li>• <u>§ 335.2(d)(5)</u> Permit Not Required for Nonhazardous Industrial Solid Waste (NHISW) Transfer Facility;</li> <li>• <u>§ 335.5(b)</u> Deed Recordation of Waste Disposal; and</li> <li>• <u>§ 335.6</u> 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. Transfer station storage of NHISW for more than 10 days allows operators to safely access the site and assess disposal options. 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>
	<p><b>SUBCHAPTER D: Standards Applicable to Transporters of Hazardous Waste.</b></p> <ul style="list-style-type: none"> <li>• <u>§ 335.94</u> Transfer Facility Requirements.</li> </ul>	<p>Hazardous waste transfer facilities may store hazardous waste for 10 days, which can be difficult to meet and impede facilities' responses to the severe winter weather event and storage and transportation of wastes.</p>