

Government Announcements and Resources Related to Hurricane Harvey

September 5, 2017

As business resumes following Hurricane Harvey, we are monitoring and providing updates on the resources and statements provided by government and other agencies with an aim at helping companies rebound. We will continue to add documents to these pages as they are released. We will also provide substantive analysis and information on the Energy Legal Blog. Please check back here for updates and don't hesitate to reach out to us if there is anything we can help with.

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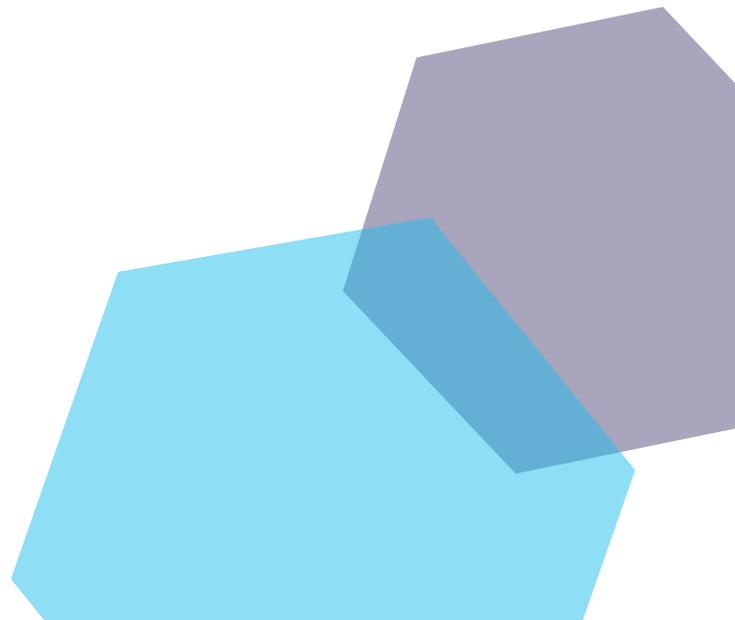
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SAFETY ALERT



U.S. Chemical Safety and Hazard Investigation Board

AFTER HARVEY: Precautions Needed During Oil and Chemical Facility Startup



Photo courtesy of NOAA's GOES East satellite on Aug. 25 at 10:07 a.m. EDT

Introduction

The startup of major processes is a hazardous phase in the operation of oil refineries and chemical plants. Hurricane Harvey has now disrupted production at numerous petrochemical facilities in the Gulf Coast region and caused extensive water and wind damage to facilities in hard-hit areas.

Over the coming weeks and months, these facilities will be restarting. This is a time to make sure no lives are needlessly claimed by this tragedy and no further delays occur in the production of essential transportation fuels and chemicals. Facilities should pay particular attention to process safety requirements during this critical period to assure a safe and expeditious return to operation.

As the industry recognizes, starting up a complex petrochemical process requires establishing stable flows, levels, temperatures, and pressures within large-scale equipment. Startup requires and receives a higher level of attention and care than normal processing, because numerous activities are occurring simultaneously and many automatic systems are run under manual control.

CSB accident investigations underscore the hazards of startup even under "normal" conditions. In the wake of the hurricane, adhering

"We urge facilities to follow established procedures and checklists prior to restarting. This is a time for diligence, so that no lives are claimed by fires and explosions at refineries and ensure the production of essential transportation fuels and chemicals."

– Chairperson Vanessa Allen Sutherland

to appropriate safety management systems can mean the difference between a safe and uneventful startup and a serious incident.

Rely on Established Safety Systems

As facilities resume operations, it is important to follow established startup procedures and checklists and carefully perform pre-startup safety reviews. In addition, facilities should remember to:

- Use appropriate management-of-change (MOC) processes before modifying any startup procedures, equipment, or staffing arrangements due to the impact of the hurricane.
- Make sure that adequate staffing and expertise are available before starting up, recognizing that human performance may be compromised due to crisis conditions.
- Use up-to-date startup procedures and ensure that the available staff are trained in how to execute them.
- Evacuate nonessential personnel (including personnel in trailers) from the vicinity of process units that are starting up.

Check Process Equipment Thoroughly

Equipment, tanks, and instrumentation should be thoroughly evaluated for damage prior to startup. In particular, facilities should remember to:

Examine large bulk storage tanks for evidence of floating displacement or damage

- ✓ Foundation, chime ring, undertank voids
- ✓ Overturning, shell shifting

SAFETY ALERT



U.S. Chemical Safety and Hazard Investigation Board

- ✓ Floodwater leakage into tanks
- ✓ Piping connections distortion or damage
- ✓ Piping and component support displacement or damage
- ✓ Ladder support displacement or damage
- ✓ Floating roof submersion or damage
- ✓ Fixed roof distortion from support damage
- ✓ Debris impact damage
- ✓ Test grounding integrity

Examine pressure vessels and small storage tanks for evidence of floating displacement or damage

- ✓ Support structure or foundation damage
- ✓ Floodwater leakage into vessels or tanks
- ✓ Piping connections distortion or damage
- ✓ Debris impact damage

Examine insulation systems for piping, vessels, and tanks

- ✓ Floodwater trapped in insulation
- ✓ Damaged or missing insulation

Examine sewers and drains

- ✓ Debris and silt obstruction

Examine furnace systems

- ✓ Damaged or missing refractory
- ✓ Damaged or missing insulation

- ✓ Floodwater trapped in refractory or insulation
- ✓ Debris impact damage
- ✓ Fuel system and control damage
- ✓ Debris in firebox

Examine electric motors and drives

- ✓ Floodwater leakage into housing
- ✓ Drive component damage
- ✓ Debris impact damage
- ✓ Test motors for ground faults (megohmmeter testing)
- ✓ Verify lubrication systems are functional on associated equipment

Examine switchgear, conduit, electrical boxes, electronic and pneumatic instrumentation, emergency warning systems, emergency equipment (e.g. eyewash stations, fire detection and suppression systems)

- ✓ Floodwater leakage into devices and conduit
- ✓ Debris impact damage
- ✓ Conduct infrared scans to detect hot-spots in equipment upon energizing.

This list is not exhaustive and is not intended to substitute for any other procedures or checklists regularly used or developed in response to Hurricane Harvey. For further information on CSB investigations and safety recommendations, visit www.csb.gov.



CSB Safety Alerts offer advisory information on good practices for managing chemical process hazards.

The U.S. Chemical Safety and Hazard Investigation Board (CSB) is an independent Federal agency whose mission is to ensure the safety of workers, the public, and the environment by investigating and preventing chemical incidents. CSB is a scientific investigative organization; it is not an enforcement or regulatory body. Established by the Clean Air Act Amendments of 1990, CSB is responsible for determining the root and contributing

causes of accidents, issuing safety recommendations, studying chemical safety issues, and evaluating the effectiveness of other government agencies involved in chemical safety.

No part of the conclusions, findings, or recommendations of CSB relating to any chemical incident may be admitted as evidence or used in any action or suit for damages arising out of any matter mentioned in an investigation report (see 42 U.S.C. § 7412(r)(6)(G)).

**U.S. Chemical Safety and Hazard Investigation Board
Office of Congressional, Public and Board Affairs**
1750 Pennsylvania Ave, NW, Suite 910
Washington, DC 20006 | 202-261-7600 | www.csb.gov

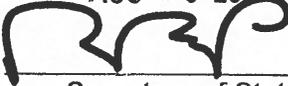


GOVERNOR GREG ABBOTT

August 28, 2017

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
5:20 PM CLOCK

The Honorable Rolando B. Pablos
Secretary of State
State Capitol Room 1E.8
Austin, Texas 78701

AUG 28 2017

Secretary of State

Dear Mr. Secretary:

Pursuant to his powers as Governor of the State of Texas, Greg Abbott has issued the following:

A proclamation amending the disaster proclamation issued prior to the arrival to Hurricane Harvey to declare a disaster in these additional counties: Angelina, Orange, Sabine and Trinity.

The original proclamation is attached to this letter of transmittal.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "GSD", with a long horizontal flourish extending to the right.

Gregory S. Davidson
Executive Clerk to the Governor

GSD/gsd

Attachment

PROCLAMATION

BY THE

Governor of the State of Texas

TO ALL TO WHOM THESE PRESENTS SHALL COME:

I, GREG ABBOTT, Governor of the State of Texas, issued a disaster proclamation on August 23, 2017, certifying that Hurricane Harvey posed a threat of imminent disaster, including severe flooding, storm surge and damaging winds, for Aransas, Atascosa, Austin, Bastrop, Bee, Bexar, Brazoria, Brazos, Burleson, Caldwell, Calhoun, Cameron, Chambers, Colorado, Comal, DeWitt, Fayette, Fort Bend, Galveston, Goliad, Gonzales, Grimes, Guadalupe, Hardin, Harris, Jackson, Jasper, Jefferson, Jim Wells, Karnes, Kerr, Kleberg, Lavaca, Lee, Leon, Liberty, Live Oak, Madison, Matagorda, Montgomery, Newton, Nueces, Polk, Refugio, San Jacinto, San Patricio, Tyler, Victoria, Walker, Waller, Washington, Wharton, Willacy and Wilson counties. Those same conditions continue to exist in these and other counties in Texas.

THEREFORE, in accordance with the authority vested in me by Section 418.014 of the Texas Government Code, I do hereby amend the aforementioned proclamation and declare a disaster in Angelina, Orange, Sabine and Trinity counties in the state of Texas.

Pursuant to Section 418.017 of the code, I authorize the use of all available resources of state government and of political subdivisions that are reasonably necessary to cope with this disaster.

Pursuant to Section 418.016 of the code, any regulatory statute prescribing the procedures for conduct of state business or any order or rule of a state agency that would in any way prevent, hinder or delay necessary action in coping with this disaster shall be suspended upon written approval of the Office of the Governor. However, to the extent that the enforcement of any state statute or administrative rule regarding contracting or procurement would impede any state agency's emergency response that is necessary to protect life or property threatened by this declared disaster, I hereby authorize the suspension of such statutes and rules for the duration of this declared disaster.

In accordance with the statutory requirements, copies of this proclamation shall be filed with the applicable authorities.



IN TESTIMONY WHEREOF, I have hereunto signed my name and have officially caused the Seal of State to be affixed at my office in the City of Austin, Texas, this the 28th day of August, 2017.


GREG ABBOTT
Governor

ATTESTED BY:


ROLANDO B. PABLOS
Secretary of State

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
5:20PM O'CLOCK
AUG 28 2017

For Hurricane Suspension of Rules

Dear Richard Hyde, Executive Director, TCEQ:

The Office of the Governor is in receipt of TCEQ'S request to temporarily suspend all or parts of the following rule chapters in 30 Texas Administrative Code (as detailed in the submittal): 101, 111, 114, 115, 117, 285, 293, 304, 305, 307, 309, 312, 314, 321, 327, 330, 331, 334, and 335. TCEQ asserts these laws could prevent, hinder or delay entities regulated by the TCEQ in relation to the Tropical Depression Harvey disaster response operations.

In accordance with section 418.016 of the Texas Government Code, the Office of the Governor grants the Texas Commission on Environmental Quality's request to suspend the rules as set forth in the attached document.

This suspension is in effect until terminated by the Office of the Governor or until the Tropical Depression Harvey disaster declaration is lifted or expires.

Thank you,

Steven Schar, Policy Advisor
Office of Governor Greg Abbott

Request for Suspension of TCEQ Rules

Date: August 28, 2017

Consistent with the Governor’s Proclamation of August 23, 2017 and the amendment to the Proclamation dated August 27, 2017, the Executive Director of the Texas Commission on Environmental Quality requests written approval for the suspension of the following rules because they prevent, hinder or delay necessary action in coping with Hurricane Harvey. 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. Regulated entities must prepare and maintain records related to the actions and suspended rules. 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. More information on the specifics of hurricane response for regulated entities is available at:

<https://www.tceq.texas.gov/response/hurricanes>.

30 TAC Chapter	Title	Impediment to Disaster Response
101	General Air Quality Rules	
	SUBCHAPTER F (Divisions 1 and 2): Emissions Events and Scheduled Maintenance, Startup, and Shutdown Activities §101.201 Emissions Event Reporting and Recordkeeping Requirements §101.211 Scheduled Maintenance, Startup, and Shutdown Reporting and Recordkeeping Requirements	Unauthorized emissions as a result of hurricane effects, such as lightning, floods, fires, wind or wind-blown damage, and power outages would meet the definition of an emissions event, therefore, suspending the reporting and recordkeeping requirements would remove a potential impediment to disaster response.
111	Control of Air Pollution From Visible Emissions and Particulate Matter	
	SUBCHAPTER A: Visible Emissions And Particulate Matter	
	Division 1 - Visible Emissions	Compliance with the specified source visible emissions requirements, or alternate opacity limits, for particulate matter may not be possible as a result of hurricane effects, such as lightning, floods, fires, wind or wind-blown damage, and power outages and suspending these requirements would remove a potential impediment to disaster response.
	Division 4 - Materials Handling, Construction, Roads, Streets, Alleys, And Parking Lots	Compliance with the requirements for the control of air pollution from visible emissions and particulate matter from materials handling, construction, roads, streets, alleys, and parking lots may not be possible as a result of hurricane effects, such as lightning, floods, fires, wind or wind-blown damage, and power outages and suspending these requirements would remove a potential impediment to disaster response.

30 TAC Chapter	Title	Impediment to Disaster Response
	Division 5 - Emissions Limits On Nonagricultural Processes	Compliance with the emissions limits on nonagricultural processes for the control of air pollution from visible emissions and particulate matter may not be possible as a result of hurricane effects, such as lightning, floods, fires, wind or wind-blown damage, and power outages and suspending these requirements would remove a potential impediment to disaster response.
	<p>SUBCHAPTER B: Outdoor Burning</p> <p>§111.201 General Prohibition §111.203 Definitions §111.217 Requirements for Certified and Insured Prescribed Burn Managers</p>	Activities in response to hurricane effects, such as lightning, floods, fires, wind or wind-blown damage, and power outages will require the disposal of waste and debris, which often may be accomplished through outdoor burning. Emissions from outdoor burning are regulated by the above rules, and suspending the rules would remove a potential impediment to disaster response, specifically related to expediency of a response.
114	<p>Control of Air Pollution from Motor Vehicles SUBCHAPTER H: Low Emission Fuels</p>	
	<p>Division 1 – Gasoline Volatility</p> <p>§114.301 Control Requirements for Reid Vapor Pressure</p>	Suspension is requested to the extent of the terms of any fuel waivers issued by EPA in response to TCEQ requests. To date, EPA has issued fuel waivers on August 25 and 26, 2017. The suspension and waiver would assist in the effort to have adequate fuel supplies in the region.
	<p>Division 2 – Low Emission Diesel</p> <p>§114.312 Low Emission Diesel Standards</p>	Suspension is requested to the extent of the terms of any fuel waivers issued by EPA in response to TCEQ requests. To date, EPA has issued fuel waivers on August 25 and 26, 2017. The suspension and waiver would assist in the effort to have adequate fuel supplies in the region.
115	<p>Control Of Air Pollution From Volatile Organic Compounds</p>	
	<p>SUBCHAPTER B: General Volatile Organic Compound Sources</p>	
	<p>Division 1 - Storage Of Volatile Organic Compounds</p>	Unauthorized emissions may occur due to improper storage of VOC material as a result of hurricane effects, such as lightning, floods, fires, wind or wind-blown damage, and power outages and suspending the VOC storage requirements would remove a potential impediment to disaster response.
	<p>Division 4 - Industrial Wastewater</p>	Unauthorized emissions may occur due to an affected source category not complying with the industrial wastewater rules as a result of hurricane effects, such as lightning, floods, fires, wind or wind-blown damage, and power outages and suspending these requirements would remove a potential impediment to disaster response.

30 TAC Chapter	Title	Impediment to Disaster Response
	Division 5 - Municipal Solid Waste Landfills	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 hurricane effects, such as lightning, floods, fires, wind or wind-blown damage, and power outages and suspending these requirements would remove a potential impediment to disaster response.
	SUBCHAPTER C: Volatile Organic Compound Transfer Operations Division 1 - Loading And Unloading Of Volatile Organic Compounds Division 3 - Control Of Volatile Organic Compound Leaks From Transport Vessels	Unauthorized emissions may occur due to VOC transfer operations as a result of hurricane effects, such as lightning, floods, fires, wind or wind-blown damage, and power outages and suspending these requirements would remove a potential impediment to disaster response.
	SUBCHAPTER D: Petroleum Refining, Natural Gas Processing, And Petrochemical Processes Division 1 - Process Unit Turnaround And Vacuum-Producing Systems In Petroleum Refineries Division 2 - Fugitive Emission Control In Petroleum Refineries In Gregg, Nueces, And Victoria Counties Division 3 - Fugitive Emission Control In Petroleum Refining, Natural Gas/Gasoline Processing, And Petrochemical Processes In Ozone Nonattainment Areas	Unauthorized emissions may occur due to various petroleum refining, natural gas processing, or petrochemical processes not complying with the industrial wastewater rules as a result of hurricane effects, such as lightning, floods, fires, wind or wind-blown damage, and power outages and suspending these requirements would remove a potential impediment to disaster response.
	SUBCHAPTER F: Miscellaneous Industrial Sources	
	Division 1 - Cutback Asphalt	Unauthorized emissions may occur due to use of conventional cutback asphalt not in compliance with VOC solvent content requirement as a result of hurricane effects, such as lightning, floods, fires, wind or wind-blown damage, and power outages and suspending these requirements would remove a potential impediment to disaster response.
	Division 3 - Degassing Of Storage Tanks, Transport Vessels, And Marine Vessels	Unauthorized emissions of VOCs may occur as a result of hurricane effects, such as lightning, floods, fires, wind or wind-blown damage, and power outages and suspending these requirements would remove a potential impediment to disaster response.
117	Control Of Air Pollution From Nitrogen Compounds	
	SUBCHAPTER D: COMBUSTION CONTROL AT MINOR SOURCES IN OZONE NONATTAINMENT AREAS Division 1 - Houston-Galveston-Brazoria Ozone Nonattainment Area Minor Sources	Compliance with the combustion control requirements for nitrogen compounds at minor sources in the Houston-Galveston-Brazoria ozone nonattainment area may not be possible as a result of hurricane effects, such as lightning, floods, fires, wind or wind-blown damage, and power outages and suspending these requirements would remove a potential impediment to disaster response.

30 TAC Chapter	Title	Impediment to Disaster Response
	<p>SUBCHAPTER E: MULTI-REGION COMBUSTION CONTROL Division 1 - Utility Electric Generation In East And Central Texas Division 2 - Cement Kilns Division 3 - Water Heaters, Small Boilers, And Process Heaters Division 4 - East Texas Combustion</p>	<p>Compliance with the combustion control requirements for nitrogen compounds at: utility electric generation in East and Central Texas; cement kilns; water heaters, small boilers, and process heaters; and stationary gas-fired reciprocating internal combustion engines at any stationary source of nitrogen oxides in a county covered by the proclamation may not be possible as a result of hurricane effects, such as lightning, floods, fires, wind or wind-blown damage, and power outages and suspending these requirements would remove a potential impediment to disaster response.</p>
	<p>SUBCHAPTER F: ACID MANUFACTURING Division 1 - Adipic Acid Manufacturing Division 2 - Nitric Acid Manufacturing--Ozone Nonattainment Areas Division 3 - Nitric Acid Manufacturing--General</p>	<p>Compliance with the combustion control requirements for nitrogen compounds at adipic and nitric acid production units may not be possible as a result of hurricane effects, such as lightning, floods, fires, wind or wind-blown damage, and power outages and suspending these requirements would remove a potential impediment to disaster response.</p>
285	On-Site Sewage Facilities	
	<p>SUBCHAPTER A: General Provisions</p>	<p>Subchapter A contains requirements for the construction, repair, and operation of on-site sewage facilities. Suspending the rules will allow expedited construction and repair of on-site facilities and may remove a potential impediment to disaster recovery.</p>
	<p>SUBCHAPTER D: Planning, Construction and Installation Standards for OSSFs §285.35 Emergency Repairs</p>	<p>Subchapter D contains notification requirements related to the emergency repair of on-site sewage facilities. Suspending the rules may remove a potential impediment to disaster recovery.</p>
293	Water Districts	
	<p>SUBCHAPTER F: Actions Relating to Construction Projects and Purchase of Facilities §293.62 Construction Related Documents To Be Submitted to the Agency §293.63 Contract Documents for Water District Projects</p>	<p>Section 293.62 contains requirements for submitting specific documents and reports to the executive director for approval during the construction of district facilities financed with bond proceeds. Section 293.63 requires districts to solicit bids for construction projects. Suspending these rules may remove a potential impediment to disaster recovery.</p>
	<p>SUBCHAPTER G: Other Actions Requiring Commission Consideration for Approval §293.83 District Use of Surplus Funds for Any Purpose and Use of Maintenance Tax Revenue for Certain Purposes §293.84 District Use of Escrowed Funds</p>	<p>Section 293.83 requires districts to obtain executive director approval prior to using surplus funds from a bond issuance. Section 293.84 requires executive director approval prior to a district using bond funds that have been placed in escrow. Suspending these rules may remove a potential impediment to disaster recovery.</p>

30 TAC Chapter	Title	Impediment to Disaster Response
304	Watermaster Operations	
	<p>SUBCHAPTER B: Regulation of the Use of State Water or Watercourses</p> <p>§304.13. Requirement for Measuring Devices §304.15. Declarations of Intent to Divert, Transport, or Release Water</p>	<p>Section 304.13 requires diverters in watermaster areas to install and maintain measuring devices. Measuring devices can be impacted by flooding and other storm components and suspending rules will allow facilities to replace measuring devices when conditions stabilize and are safe. Section 304.15 requires diverters in watermaster areas to notify the TCEQ in advance of diverting. Suspending this requirement will allow facilities to focus on other disaster recovery activities.</p>
305	Consolidated Permits	
	<p>SUBCHAPTER P: Effluent Guidelines and Standards for Texas Pollutant Discharge Elimination System (TPDES) Permits</p>	<p>Subchapter P adopts federal regulations for TPDES permits. Wastewater treatment facilities in storm damaged areas may temporarily not be able to comply with these standards and suspending the rules may remove a potential impediment to disaster recovery.</p>
307	Texas Surface Water Quality Standards	<p>Chapter 307 sets forth general criteria that apply to surface water in the state and specifically apply to substances attributed to waste discharges or human activities. Wastewater treatment facilities in storm damaged areas may temporarily not be able to comply with these standards and suspending the rules may remove a potential impediment to disaster recovery.</p>
309	Domestic Wastewater Effluent Limitation and Plant Siting	
	<p>SUBCHAPTER A: Effluent Limitations</p>	<p>Subchapter A establishes effluent quality limitations 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. Wastewater treatment facilities in storm damaged areas may temporarily not be able to comply with these standards and suspending the rules may remove a potential impediment to disaster recovery.</p>
	<p>SUBCHAPTER C: Land Disposal of Sewage Effluent</p>	<p>Subchapter C contains requirements for the land disposal of sewage effluent. Land disposal activities in storm damaged areas may temporarily not be able to comply with these standards and suspending the rules may remove a potential impediment to disaster recovery.</p>
312	Sludge Use, Disposal, and Transportation	
	<p>SUBCHAPTER F: Disposal of Water Treatment Sludge</p>	<p>Subchapter F requires a permit to dispose of water treatment sludge. Suspending the rules will allow additional entities to dispose of water treatment sludge and may remove a potential impediment to disaster recovery.</p>
	<p>SUBCHAPTER G: Transporters and Temporary Storage Provisions</p>	<p>Subchapter G requires sludge transporters to register with the TCEQ. Suspending the rules will allow additional transporters to transport sludge and may remove a potential impediment to disaster recovery.</p>

30 TAC Chapter	Title	Impediment to Disaster Response
314	Toxic Pollutant Effluent Standards	
	SUBCHAPTER A: Toxic Pollutant Effluent Standards and Prohibitions	Chapter 314 adopts by reference 40 Code of Federal Regulations, Part 129, Subpart A, concerning toxic pollutant effluent standards and prohibitions. Wastewater treatment facilities in storm damaged areas may temporarily not be able to comply with these standards and suspending the rules may remove a potential impediment to disaster recovery.
321	Control of Certain Activities by Rule	
	SUBCHAPTER B: Concentrated Animal Feeding Operations	Subchapter B contains requirements for the land application of manure, sludge, or wastewater resulting from concentrated animal feeding operations. Operations in storm damaged areas may temporarily not be able to comply with these standards and suspending the rules may remove a potential impediment to disaster recovery.
327	Spill Prevention and Control	Chapter 327 applies to discharges or spills that result in a release to the environment within the territorial limits of the State of Texas, including the coastal waters of this state and requires all accidental discharges or spills of treated or untreated wastewater shall be reported within 24 hours of the occurrence. Suspending the rules may remove a potential impediment to disaster recovery.
330	Municipal Solid Waste	
	SUBCHAPTER A: General Information §330.1 Purpose and Applicability §330.3 Definitions §330.5 Classification of Municipal Solid Waste Facilities §330.7 Permit Required §330.9 Registration Required §330.11 Notification Required §330.13 Waste Management Activities Exempt from Permitting, Registration, or Notification §330.15 General Prohibitions §330.17 Technical Guidelines §330.23 Relationships with Other Governmental Entities §330.25 Relationship with County Licensing System	These rules provide the requirements for authorizations and prohibitions applicable for storage, processing, removal, or disposal of any solid waste. These provisions could impede a facility's responses to Hurricane Harvey, especially in regard to debris removal and storage.
	SUBCHAPTER C: Municipal Solid Waste Collection and Transportation	Subchapter C contains rules for public and private waste collection and transportation systems. Operations in storm damaged areas may temporarily not be able to comply with these standards and suspending the rules may remove a potential impediment to disaster recovery.
	SUBCHAPTER D: Operational Standards for Municipal Solid Waste Landfill Facilities §330.133 Unloading of Waste (for unloading, processing, and storage in buffer zones)	Subchapter D contains rules on the operational standards for MSW landfills facilities. Operations in storm damaged areas may temporarily not be able to comply with these standards and suspending the rules may remove a potential impediment to disaster recovery.

30 TAC Chapter	Title	Impediment to Disaster Response
	<p>§330.141(b) Easements and Buffer Zones (for unloading, processing, and storage in buffer zones only)</p> <p>§330.147 Disposal of Large Items</p> <p>§330.167 Poned Water (suspend 7-day repair timeframe during this event)</p> <p>§330.169 Waste in Enclosed Containers or Enclosed Vehicles Accepted at Type IV Landfills</p> <p>§330.171 Disposal of Special Wastes</p>	
	<p>SUBCHAPTER E: Operational Standards for Municipal Solid Waste Storage and Processing Units</p> <p>§330.211 Approved Containers</p>	<p>Subchapter E contains rules for the operational standards of MSW storage and processing units. Operations in storm damaged areas may temporarily not be able to comply with these standards and suspending the rules may remove a potential impediment to disaster recovery.</p>
	<p>SUBCHAPTER M: Location Restrictions</p> <p>§330.543(b) Buffer Zones</p>	<p>Subchapter M describes what activities can occur in easements and buffer zones. Due to the disaster, storage and processing could occur in buffer areas but not easements.</p>
	<p>SUBCHAPTER T: Use of Land Over Closed MSW Landfills</p>	<p>Subchapter T is should be suspended to allow storage and processing over closed MSW landfills, but not for the disposal of waste.</p>
331	Underground Injection Control	
	<p>SUBCHAPTER D: Standards for Class I Wells Other than Salt Cavern Disposal Wells</p> <p>§331.64 Monitoring and Testing Requirements</p>	<p>The operational requirements regarding continuous monitoring and immediate investigation of alarms could be impeded by Hurricane Harvey.</p>
334	Underground and Aboveground Storage Tanks	
	<p>SUBCHAPTER A: General Provisions</p> <p>§334.5 General Prohibitions for Underground Storage Tanks (USTs) and UST Systems</p>	<p>This rule prohibits the delivery of fuel/gasoline to an underground storage tank (UST) without a valid delivery certificate. Suspension of this requirement for UST operators that have certificates that are scheduled to expire could help maintain the flow of fuel to the public.</p>
	<p>SUBCHAPTER D: Underground and Aboveground Storage Tanks</p> <p>§334.72 Reporting of Special Releases</p> <p>§334.75 Reporting and Cleanup of Surface Spills and Overfills</p> <p>§334.76 Initial Response to Releases</p>	<p>These rules require certain reporting requirements and certain response actions be completed within 24 hours of a release which may not be possible in a disaster situation. Temporarily suspending the rules may remove an impediment to disaster recovery.</p>

30 TAC Chapter	Title	Impediment to Disaster Response
	<p>SUBCHAPTER F: Aboveground Storage Tanks</p> <p>§334.125 General Prohibitions and Requirements for Aboveground Storage Tanks (ASTs) §334.127 Registration for Aboveground Storage Tanks (ASTs)</p>	<p>The first rule prohibits the delivery of fuel/gasoline to an above ground storage tank (AST) without a valid delivery certificate. The second rule requires registration of an AST. 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	Industrial Solid Waste and Municipal Hazardous Waste	
	<p>SUBCHAPTER A: Industrial Solid Waste and Municipal Hazardous Waste in General</p> <p>§335.2(d)(5) Permit Not Required for Nonhazardous Industrial Solid Waste (NHISW) Transfer Facility §335.5 Deed Recordation of Waste Disposal §335.6. Notification Requirements.</p>	<p>If waste stored for less ten days in containers a permit is not required for a (NHISW) transfer facility. TCEQ could allow for storage of (NHISW) for more than ten days.</p> <p>Recommend waiving deed recordation for disposal of animals if 10 or fewer carcasses are buried on one property and the regional office is notified (this is currently in guidance). Waive the requirement to provide notice to the executive director in writing prior to the event.</p> <p>Recommend waiving requirement for notification 90 days prior to engaging in disposing, processing, or recycling of industrial solid waste on site. This will remove potential impediments to disaster recovery.</p>
	<p>SUBCHAPTER C: Standards Applicable to Generators of Hazardous Waste</p> <p>§335.69 Accumulation Time</p>	<p>Certain hazardous waste generators are allowed to store hazardous waste for a 90-day time period. These timeframes may be difficult to meet and impede facilities' responses to Hurricane Harvey and storage and transportation of wastes.</p>
	<p>SUBCHAPTER D: Standards Applicable to Transporters of Hazardous Waste</p> <p>§335.94 Transfer Facility Requirements</p>	<p>Hazardous waste transfer facilities may store hazardous waste for 10 days. These timeframes may be difficult to meet and impede facilities' responses to Hurricane Harvey and storage and transportation of wastes.</p>
	<p>SUBCHAPTER K: Hazardous Substance Facilities Assessment and Remediation</p> <p>§335.346 Removals and Preliminary Site Investigations</p>	<p>This rule regards the steps that are required to perform partial or total removals at facilities that are either listed on the Registry or proposed for listing on the Registry. There are likely situations where the impacts of the storm will necessitate emergency removal actions to protect human health and these removal actions will need to occur before or concurrent with potentially responsible party notification or comment.</p>
	<p>SUBCHAPTER N: Household Hazardous Wastes</p> <p>§335.403 General Requirements for Household Hazardous Waste Collections</p>	<p>This rule requires operators to notify the executive director before collecting household hazardous waste. Operations in storm-damaged areas may not be able to immediately comply with these standards. Suspending the rules may remove a potential impediment to disaster recovery.</p>



Air Quality for Permitted Facilities: Responding to Hurricanes

If you must respond to damage from a hurricane, 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.

You may find contact information for the regional office that serves you online at www.tceq.texas.gov/goto/region.

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.

Outdoor Burning:

What outdoor burning is allowed to address hurricane debris?

NOTE: Find information about how to manage debris that is the result of a wildfire at www.tceq.texas.gov/goto/wildfire-debris.

While outdoor burning in general is prohibited in Texas, the following exceptions may apply to outdoor burning of trees, brush, grass, leaves, branch trimmings, or other plant growth on the property where the material originated.

- Attainment counties: Burning of the waste above is allowed, provided the burning will not cause or contribute to a nuisance and does not cause a traffic hazard, for example, by obstructing visibility.
- Nonattainment counties: Outdoor burning is permitted when there are no other practical alternatives.

Local ordinances or other prohibitions may prohibit outdoor burning in your area. Find detailed information in *Outdoor Burning in Texas* (TCEQ publication RG-49) at tceq.texas.gov/publications/rg/rg-049.html.

If I am going to burn storm debris, do I need to provide notice to anyone?

Yes. Give notice of burning activities at least 24 hours before burning. Call the TCEQ regional office serving the county where the burning is to occur and give the following information:

- the general nature of the materials burned,
- the location of the burn site,
- the name, address, and telephone number of a representative we should contact concerning the work;
- the anticipated duration of the burning event.

Do all references to outdoor burning of debris include burning in trench burners or above-ground air curtain incinerators?

Yes. The preferred method of burning debris is in trench burners or aboveground air curtain incinerators, which are usually authorized under the permit by rule in Title 30, Texas Administrative Code, Section 106.496 (30 TAC 106.496) or a standard permit.

Follow the operational limits as stated in the rule, such as establishing a 300 foot perimeter from the nearest property line, conducting burning only during daylight hours, and properly disposing of ash. If trench burners or above-ground curtain incinerators are not available, you may use open burning.

Facility Repairs:

Can I make minor repairs to facilities because of hurricane damage?

Yes. The owner or operator of any previously authorized stationary source of air pollution that was damaged by a hurricane may conduct minor repairs to restore the source to its previously permitted condition. It must be restored or replaced with equipment that is identical or the functional equivalent to meet permit conditions.

If I need to make minor repairs to facilities because of hurricane damage, do I need to provide notice to anyone?

Yes. Prior notice is not required, but within 30 days of commencing such repairs, the owner or operator must notify in writing the TCEQ regional office that serves the facility's county. The notification should 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.

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

Follow non-disaster authorization procedures and coordinate with the TCEQ Air Permits Division if you need to make repairs that would constitute reconstruction under any definition of the code of Federal Regulations, 40 CFR Part 60, 61 or 63, or repairs that could affect the potential to emit any unauthorized pollutant **or could result in a significant net emissions increase of any authorized pollutant.**

Emission Reporting:

Do I still need to submit the initial electronic notification required by the emissions event rules if an emission occurred as a result of damage to facilities during the hurricane?

Yes. Submit the notification as soon as it is safe and feasible after discovery of the emissions. The TCEQ exercises enforcement discretion in the event of a hurricane or other major natural disaster and can waive the 24-hour notice requirement. If the owner or operator is unable to submit the notification electronically, it may be submitted 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 hurricane preparation and recovery?

Prior notification (10 days before startup or as soon as feasible) is required for startup activities. You will not be required to notify the TCEQ in advance of shutdown or maintenance related to a hurricane or other similar event.

However, within 30 days of beginning maintenance activities, owners or operators must notify in writing the TCEQ regional office that serves the facility's county. The notification should describe the location and nature of the work and include a contact name, address, and telephone number.

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

Owners or operators must provide the final report as required by 30 TAC Chapter 101 within two weeks after the end of the activity.

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 hurricane, 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, the TCEQ will generally not enforce those requirements following a hurricane or other major natural disaster. For example, if parts are not readily available to perform the repairs necessary, the plant may delay those repairs until the next shutdown.

This suspension of the requirements does not apply to a facility that was shut down or idled for reasons other than those resulting from a hurricane or similar event. A plant should comply with the requirements that can be met promptly without delaying the restart.

An owner or operator using a report-suspension date must report in writing all requirements that are not met, the reason the requirement could not be met, and the date of the next planned shutdown.

Allowable Temporary Modifications:

What should I do if I need to temporarily exceed the maximum allowable emission rates or temporarily increase the production, capacity, or throughput stated in my authorization?

If the exceedance or increase is directly related to disaster prevention or response, you don't need prior approval. The TCEQ has the discretion to waive enforcement in the event of a disaster and exercises it as necessary and reasonable.

The owner or operator must keep records of the activity including the amount and times of emissions, and submit those records as soon as feasible, not to exceed 14 days after discovery of the exceedances, to the TCEQ regional office that serves the facility's county.

The facility should take all possible measures to avoid creating a nuisance, exceeding the allowable limit for any air contaminant, and exceeding the National Ambient Air Quality Standards.

Can I install a generator for temporary power generation?

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 hour limitation in 30 TAC 106.511.

If a refinery's existing bulk gasoline loading rack is not in service, can I add more piping to receive more gasoline from the remote bulk gasoline terminal on the Houston Ship Channel?

Yes, temporarily, until normal operations are restored.

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 agency for temporary or conditional approval. Please request an expedited approval process when making the request.

Allowable Extensions:

Can compliance test dates be waived or extended?

Yes, 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 the TCEQ to obtain an extension.

Can I get an extension to Title V permit reporting and certification deadlines for a site or a reporting entity impacted by the hurricane?

The TCEQ may exercise enforcement discretion on some or all reporting deadlines for those directly or indirectly affected by a hurricane. We may use 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 hurricane. The discretion will be applied to the actual late reporting or certification submission and will not affect the report or certification period itself.



Wastewater-Treatment Plants: Responding to Disasters

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

Find contact information for the regional office that serves you online at www.tceq.texas.gov/goto/region.

If an unauthorized discharge to Texas waters occurs due solely to flooding associated with a disaster, will I be in violation of my permit?

According to the Texas Water Code, you will not be in violation of your permit if you can demonstrate that an event was caused solely by an act of God or other catastrophe. If your facility causes unauthorized discharges or exceeds permitted effluent limitations due to flooding from a hurricane or other disaster, or if discharges are necessary to release accumulated water in storage tanks, containers, or vessels as a result of a disaster you must:

- As soon as feasible, review the conditions at the facility.
- Take actions to minimize and eliminate the potential danger to human health and safety and the environment.
- To the extent feasible, limit discharges that may exceed effluent limitations.

If I have an accidental discharge or spill as a result of a disaster, do I need to report it to the TCEQ within 24 hours?

Submit the notification as soon as is it is safe and feasible after discovery. The TCEQ will generally not cite a violation if a facility is unable to notify the agency within 24 hours in the event of a hurricane or other major natural disaster.

Permittees should include the following:

- a description of the noncompliance (including estimated volume)
- the known or potential danger to human health and the environment
- the period of noncompliance

- if the noncompliance has not been corrected, the time it is expected to continue
- the steps taken and planned to minimize the discharge and comply with the regulations

Am I required to continue to comply with the effluent-sampling requirements under my water-quality permits after a disaster?

If meeting permit effluent sampling requirements would threaten human health or safety, the permittee may interrupt any required sampling. The TCEQ will generally not cite a violation if a facility is unable to meet its sampling requirements in the event of a hurricane or other major natural disaster. You should reinstate sampling as soon as it is safe and feasible.

If my wastewater-treatment facility suffers damage from a hurricane, tornado, flood or other disaster do I need to contact the TCEQ?

Notify your local TCEQ office immediately if the wastewater system sustains major damage or if you need assistance. Report minor damage as soon as feasible after a disaster.

If my facility is damaged or destroyed as a result of a disaster, do I need a permit amendment or an authorization to construct?

You don't need a permit amendment or authorization to construct if you must replace an existing damaged unit or the entire plant to protect human health and the environment, as long as the repair or replacement is in accordance with previous TCEQ-approved design specifications.

However, if the plant's normal operations will be affected for more than 30 days, notify, in writing, the TCEQ regional office serving the facility's county. You must also notify the TCEQ Water Quality Division in writing at:

Water Quality Division, MC-148
Texas Commission on Environmental Quality
PO Box 13087
Austin TX 78711-3087

All notifications should describe the location and nature of the work and include the name, address, and telephone number of the permittee's representative.



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