

Response to "Request for Suspension of TCEQ Rules" (Aug. 28, 2017).

30 TAC Chapter	Title	Impediment to Disaster Response	Response
101	<p><b>General Air Quality Rules</b></p> <p>SUBCHAPTER F (Divisions 1 and 2): Emissions Events and Scheduled Maintenance, Startup, and Shutdown Activities</p> <p>§101.201 Emissions Event Reporting and Recordkeeping Requirements</p> <p>§101.211 Scheduled Maintenance, Startup, and Shutdown Reporting and Recordkeeping Requirements</p>	<p>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.</p>	<p>None of the listed hurricane effects, including "lightning, floods, fires, wind or wind-blown damage, and power outages" are still present in Texas, nor have they been since at least October 2017.</p> <p>TCEQ's own analysis of emissions events related to Hurricane Harvey covers the period Aug. 21 - Sept. 30, 2017 (See "Facilities Reporting Emissions During Hurricane Harvey: Number of Emission Events Reported from August 21 to September 30, 2017," map created by TCEQ Toxicology Division, 03/02/18).</p> <p>The suspension of this rule dated 03/16/18 is not reasonable, as none of the listed impediments to disaster response could occur after that date as the result of hurricane effects.</p>
111	<p><b>Control of Air Pollution From Visible Emissions and Particulate Matter</b></p>		
	<p>SUBCHAPTER A: Visible Emissions And Particulate Matter</p> <p>Division 1 - Visible Emissions</p>	<p>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.</p>	<p><i>See reply to 30 TAC Ch. 101.</i></p>

Response to "Request for Suspension of TCEQ Rules" (Aug. 28, 2017).

30 TAC Chapter	Title	Impediment to Disaster Response	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.	<i>See reply to 30 TAC Ch. 101.</i>
	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.	<i>See reply to 30 TAC Ch. 101.</i>

Response to "Request for Suspension of TCEQ Rules" (Aug. 28, 2017).

30 TAC Chapter	Title	Impediment to Disaster Response	Response
	<p>SUBCHAPTER B: Outdoor Burning            §111.201 General Prohibition            §111.203 Definitions            §111.217 Requirements for Certified and Insured Prescribed Burn Managers</p>	<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.</p>	<p>More than six months have passed since Hurricane Harvey; any urgent need to dispose of waste or debris that would justify suspending outdoor burning rules has already occurred.</p> <p>If TCEQ believes that outdoor burning is still justified, it should provide a rationale to the public. The agency should also make public information about where and when burning is still occurring. If burning is not still occurring, then the rule suspension dated 03/16/18 is not reasonable.</p>
<b>114</b>	<p><b>Control of Air Pollution from Motor Vehicles</b>  <b>SUBCHAPTER H: Low Emission Fuels</b></p>		
	<p>Division 1 – Gasoline Volatility            §114.301 Control Requirements for Reid Vapor Pressure</p>	<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>	<p>EPA has not had a fuel waiver in effect for Texas since Oct. 1, 2017. See <a href="https://www.epa.gov/enforcement/fuel-waivers">https://www.epa.gov/enforcement/fuel-waivers</a>. There is no justification for the suspension of this rule date 03/16/18.</p>
	<p>Division 2 – Low Emission Diesel            §114.312 Low Emission Diesel Standards</p>	<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>	<p><i>See reply to 30 TAC 114.</i></p>

Response to "Request for Suspension of TCEQ Rules" (Aug. 28, 2017).

30 TAC Chapter	Title	Impediment to Disaster Response	Response
115	Control Of Air Pollution From Volatile Organic Compounds		
	SUBCHAPTER B: General Volatile Organic Compound Sources		
	Division 1 - Storage Of Volatile Organic Compounds	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.	None of the listed hurricane effects, including "lightning, floods, fires, wind or wind-blown damage, and power outages" are still present in Texas, nor have they been since at least October 2017. The suspension of this rule dated 03/16/18 is not reasonable, as none of the listed impediments to disaster response could occur after that date as the result of hurricane effects.
	Division 4 - Industrial Wastewater	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.	<i>See reply to 30 TAC 115.</i>

Response to "Request for Suspension of TCEQ Rules" (Aug. 28, 2017).

30 TAC Chapter	Title	Impediment to Disaster Response	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.	<i>See reply to 30 TAC 115.</i>
	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.	<i>See reply to 30 TAC 115.</i>

Response to "Request for Suspension of TCEQ Rules" (Aug. 28, 2017).

30 TAC Chapter	Title	Impediment to Disaster Response	Response
	<p>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</p>	<p>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.</p>	<p><i>See reply to 30 TAC 115.</i></p>
	<p>SUBCHAPTER F:                      Miscellaneous Industrial Sources</p>		
	<p>Division 1 - Cutback Asphalt</p>	<p>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.</p>	<p><i>See reply to 30 TAC 115.</i></p>

Response to "Request for Suspension of TCEQ Rules" (Aug. 28, 2017).

30 TAC Chapter	Title	Impediment to Disaster Response	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.	<i>See reply to 30 TAC 115.</i>
<b>117</b>	<b>Control Of Air Pollution From Nitrogen Compounds</b>		
	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.	<i>See reply to 30 TAC 115.</i>

Response to "Request for Suspension of TCEQ Rules" (Aug. 28, 2017).

30 TAC Chapter	Title	Impediment to Disaster Response	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><i>See reply to 30 TAC 115.</i></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>	<p><i>See reply to 30 TAC 115.</i></p>
285	On-Site Sewage Facilities		

Response to "Request for Suspension of TCEQ Rules" (Aug. 28, 2017).

30 TAC Chapter	Title	Impediment to Disaster Response	Response
	SUBCHAPTER A: General Provisions	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.	If construction, repair or operation of on-site sewage facilities is still impacted by Hurricane Harvey, TCEQ should make public information about when and where such actions are occurring. If no actions are still occurring as a result of Hurricane Harvey, then the suspension of this rule dated 03/16/18 is not reasonable.
	SUBCHAPTER D: Planning, Construction and Installation Standards for OSSFs §285.35 Emergency Repairs	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.	If emergency repair of on-site sewage facilities is still occurring in response to Hurricane Harvey, TCEQ should make public information about when and where repairs are occurring. If no emergency repairs are still occurring, then the suspension of this rule dated 03/16/18 is not reasonable.
<b>293</b>	<b>Water Districts</b>		
	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	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.	TCEQ has not explained how these statutory requirements present an impediment to disaster recovery more than six months after Hurricane Harvey. TCEQ should explain how these requirements are a continuing impediment to recovery. TCEQ should provide public information about ongoing instances of these requirements being ignored as part of a recovery effort. If no such instances are occurring, then the suspension of the rule dates 03/16/18 is not reasonable.

Response to "Request for Suspension of TCEQ Rules" (Aug. 28, 2017).

30 TAC Chapter	Title	Impediment to Disaster Response	Response
	<p>SUBCHAPTER G: Other Actions Requiring Commission Consideration for Approval</p> <p>§293.83 District Use of Surplus Funds for Any Purpose and Use of Maintenance Tax Revenue for Certain Purposes</p> <p>§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>	<p><i>See reply to 30 TAC 293.</i></p>
<b>304</b>	<b>Watermaster Operations</b>		
	<p>SUBCHAPTER B: Regulation of the Use of State Water or Watercourses</p> <p>§304.13. Requirement for Measuring Devices</p> <p>§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>	<p>"Flooding and other storm components" are no longer present as a result of Hurricane Harvey and have not been since at least October 2017. If measuring devices are still not in use as a result of Hurricane Harvey, TCEQ should make public all ongoing instances of such devices not in use and provide justification for why use cannot be resumed more than six months after the storm. If no such instances still exist, then the rule suspension dated 03/16/18 is not reasonable.</p>
<b>305</b>	<b>Consolidated Permits</b>		

Response to "Request for Suspension of TCEQ Rules" (Aug. 28, 2017).

30 TAC Chapter	Title	Impediment to Disaster Response	Response
	SUBCHAPTER P: Effluent Guidelines and Standards for Texas Pollutant Discharge Elimination System(TPDES) Permits	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.	The Impediment to Disaster Response states that facilities "may temporarily not be able to comply" with these provisions. TCEQ must provide an explanation why this temporary condition would still be present more than six months after Hurricane Harvey. TCEQ should make public information about all facilities that still cannot comply as a result of Hurricane Harvey. If no such facilities exist, then the rule suspension dated 03/16/18 is not reasonable.
307	Texas Surface Water Quality Standards	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.	<i>See reply to 30 TAC 305.</i>
309	Domestic Wastewater Effluent Limitation and Plant Siting		

Response to "Request for Suspension of TCEQ Rules" (Aug. 28, 2017).

30 TAC Chapter	Title	Impediment to Disaster Response	Response
	SUBCHAPTER A: Effluent Limitations	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.	<i>See reply to 30 TAC 305.</i>
	SUBCHAPTER C: Land Disposal of Sewage Effluent	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.	<i>See reply to 30 TAC 305.</i>
<b>312</b>	<b>Sludge Use, Disposal, and Transportation</b>		
	SUBCHAPTER F: Disposal of Water Treatment Sludge	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.	TCEQ has not provided evidence that disposal of water treatment sludge is still impacted by Hurricane Harvey more than six months after the storm. TCEQ should make public information about all additional entities still disposing of water treatment sludge as a result of Hurricane Harvey. If no such entities exist, then the rule suspension dated 03/16/18 is not reasonable.

Response to "Request for Suspension of TCEQ Rules" (Aug. 28, 2017).

30 TAC Chapter	Title	Impediment to Disaster Response	Response
	SUBCHAPTER G: Transporters and Temporary Storage Provisions	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.	TCEQ has not provided evidence that sludge transport is still impacted by Hurricane Harvey more than six months after the storm. TCEQ should make public information about any sludge transport still impacted by Hurricane Harvey. If no instances exist, then the rule suspension dated 03/16/18 is not reasonable.
<b>314</b>	<b>Toxic Pollutant Effluent Standards</b>		
	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.	The Impediment to Disaster Response states that facilities "may temporarily not be able to comply" with these provisions. TCEQ must provide an explanation why this temporary condition would still be present more than six months after Hurricane Harvey. TCEQ should make public information about all facilities that still cannot comply as a result of Hurricane Harvey. If no such facilities exist, then the rule suspension dated 03/16/18 is not reasonable.
<b>321</b>	<b>Control of Certain Activities by Rule</b>		

Response to "Request for Suspension of TCEQ Rules" (Aug. 28, 2017).

30 TAC Chapter	Title	Impediment to Disaster Response	Response
	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.	<i>See reply to 30 TAC 314.</i>
327	<b>Spill Prevention and Control</b>	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.	TCEQ has not provided explanation why spill reporting is still impacted by Hurricane Harvey more than six months after the storm. No discharges or spills could reasonably be said to still be related to Hurricane Harvey or its effects. Without an explanation of how spill reporting is still impacted by the storm or an impediment to disaster recovery, the rule suspension dated 03/16/18 is not reasonable.
330	<b>Municipal Solid Waste</b>		

Response to "Request for Suspension of TCEQ Rules" (Aug. 28, 2017).

30 TAC Chapter	Title	Impediment to Disaster Response	Response
	<p>SUBCHAPTER A: General Information</p> <p>§330.1 Purpose and Applicability</p> <p>§330.3 Definitions</p> <p>§330.5 Classification of Municipal Solid Waste Facilities</p> <p>§330.7 Permit Required</p> <p>§330.9 Registration Required</p> <p>§330.11 Notification Required</p> <p>§330.13 Waste Management Activities Exempt from Permitting, Registration, or Notification</p> <p>§330.15 General Prohibitions</p> <p>§330.17 Technical Guidelines</p> <p>§330.23 Relationships with Other Governmental Entities</p> <p>§330.25 Relationship with County Licensing System</p>	<p>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.</p>	<p>TCEQ should make public information about solid waste storage, processing, removal, or disposal that is still impacted by Hurricane Harvey. If no instances exist, then the rule suspension dated 03/16/18 is not reasonable.</p>
	<p>SUBCHAPTER C: Municipal Solid Waste Collection and Transportation</p>	<p>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.</p>	<p>The Impediment to Disaster Response states that facilities "may temporarily not be able to comply" with these provisions. TCEQ must provide an explanation why this temporary condition would still be present more than six months after Hurricane Harvey. TCEQ should make public information about all facilities that still cannot comply as a result of Hurricane Harvey. If no such facilities exist, then the rule suspension dated 03/16/18 is not reasonable.</p>

Response to "Request for Suspension of TCEQ Rules" (Aug. 28, 2017).

30 TAC Chapter	Title	Impediment to Disaster Response	Response
	<p>SUBCHAPTER D: Operational Standards for Municipal Solid Waste Landfill Facilities</p> <p>§330.133 Unloading of Waste (for unloading, processing, and storage in buffer zones)</p> <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 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.</p>	<p><i>See reply to 30 TAC 330, Subchapter C.</i></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><i>See reply to 30 TAC 330, Subchapter C.</i></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>TCEQ should make public any instances of storage and processing that are still impacted by the storm. If no such instances still exist, then the rule suspension dated 03/16/18 is not reasonable.</p>

Response to "Request for Suspension of TCEQ Rules" (Aug. 28, 2017).

30 TAC Chapter	Title	Impediment to Disaster Response	Response
	SUBCHAPTER T: Use of Land Over Closed MSW Landfills	Subchapter T is should be suspended to allow storage and processing over closed MSW landfills, but not for the disposal of waste.	TCEQ should make public any instances of storage and processing over closed MSW landfills. If no such instances still exist, then the rule suspension dated 03/16/18 is not reasonable.
<b>331</b>	<b>Underground Injection Control</b>		
	SUBCHAPTER D: Standards for Class I Wells Other than Salt Cavern Disposal Wells §331.64 Monitoring and Testing Requirements	The operational requirements regarding continuous monitoring and immediate investigation of alarms could be impeded by Hurricane Harvey.	Hurricane Harvey concluded more than six months ago. TCEQ has not explained how continuous monitoring and immediate investigation of alarms could still be impeded by the storm. TCEQ should make public all instances of these requirements still being impacted by teh storm. If no such instances exist, the rule suspension dated 03/16/18 is not reasonable.
<b>334</b>	<b>Underground and Aboveground Storage Tanks</b>		
	SUBCHAPTER A: General Provisions §334.5 General Prohibitions for Underground Storage Tanks (USTs) and UST Systems	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.	The flow of fuel to the public has not been affected since at least October 2017. See <a href="https://www.epa.gov/enforcement/fuel-waivers">https://www.epa.gov/enforcement/fuel-waivers</a> . The rule suspension dated 03/16/18 is not reasonable.

Response to "Request for Suspension of TCEQ Rules" (Aug. 28, 2017).

30 TAC Chapter	Title	Impediment to Disaster Response	Response
	<p>SUBCHAPTER D:                      Underground and Aboveground Storage Tanks                      §334.72 Reporting of Special Releases                      §334.75 Reporting and Cleanup of Surface Spills and Overfills                      §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>	<p>TCEQ has not explained why, more than six months after the storm, a "disaster situation" that impacted reporting requirements and response actions could still be present, or how such requirements are still an impediment to disaster recovery. The Impediment to Disaster Response contemplates "temporarily suspending the rules." TCEQ should explain why this temporary suspension is still necessary.</p>
	<p>SUBCHAPTER F: Aboveground Storage Tanks                      §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>	<p>The flow of fuel to the public has not been affected since at least October 2017. See <a href="https://www.epa.gov/enforcement/fuel-waivers">https://www.epa.gov/enforcement/fuel-waivers</a>. The rule suspension dated 03/16/18 is not reasonable.</p>
335	<p><b>Industrial Solid Waste and Municipal Hazardous Waste</b></p>		

Response to "Request for Suspension of TCEQ Rules" (Aug. 28, 2017).

30 TAC Chapter	Title	Impediment to Disaster Response	Response
	<p>SUBCHAPTER A: Industrial Solid Waste and Municipal Hazardous Waste in General            §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.            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.            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>TCEQ has not explained why notice or deed recordation requirements present an impediment to disaster recovery more than six months after Hurricane Harvey. TCEQ should make public any instances of carcass or industrial solid waste removal still being impacted by Hurricane Harvey, more than six months after the storm. If no such instances still exist, then the rule suspension dated 03/16/18 is not reasonable.</p>
	<p>SUBCHAPTER C: Standards Applicable to Generators of Hazardous Waste            §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>TCEQ should make public any instances of hazardous waste storage still being impacted by Hurricane Harvey, more than six months after the storm. If no such instances still exist, then the rule suspension dated 03/16/18 is not reasonable.</p>
	<p>SUBCHAPTER D: Standards Applicable to Transporters of Hazardous Waste            §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><i>See reply to 30 TAC 335, Subchapter C.</i></p>

Response to "Request for Suspension of TCEQ Rules" (Aug. 28, 2017).

30 TAC Chapter	Title	Impediment to Disaster Response	Response
	<p>SUBCHAPTER K:                      Hazardous Substance Facilities Assessment and Remediation                      §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>The Impediment to Disaster Response contemplates "emergency removal actions to protect human health." Such emergency actions should not still be occurring more than six months after Hurricane Harvey. TCEQ should make public any instances of such actions still occurring. If no such actions are occurring, then the rule suspension dated 03/16/18 is not reasonable.</p>
	<p>SUBCHAPTER N:                      Household Hazardous Wastes                      §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>	<p>TCEQ has not explained why a notification requirement for collection of household hazardous waste could present an impediment to disaster recovery more than six months after Hurricane Harvey. TCEQ should make public any instances of household hazardous waste collection still being impacted by Hurricane Harvey. If no instances exist, then the rule suspension dated 03/16/18 is not reasonable.</p>

*If you wish to discuss these issue further, please contact Adrian Shelley with Public Citizen at [ashelley@citizen.org](mailto:ashelley@citizen.org), 512-477-1155.*