

# Regulatory Guidance in Response to Hurricane Ike from the Executive Director of the Texas Commission on Environmental Quality: Wastewater

If you must act to mitigate or respond to damage from Hurricane Ike, use this document to understand relevant environmental rules. This document is intended to help you decide a reasonable course of action to follow. If you have any questions, please contact your TCEQ regional office. For your convenience, the table below lists TCEQ regions along the Texas coast and the counties each of these regional offices serves.

<b>In these counties:</b>	<b>Mail written notices to this TCEQ regional office:</b>	<b>Call or fax:</b>
Angelina, Hardin, Houston, Jasper, Jefferson, Nacogdoches, Newton, Orange, Polk, Sabine, San Augustine, San Jacinto, Shelby, Trinity, Tyler	TCEQ Region 10 3870 Eastex Fwy Beaumont TX 77703-1830	<b>Phone:</b> 409-898-3838 <b>Fax:</b> 409-892-2119
Austin, Brazoria, Chambers, Colorado, Fort Bend, Galveston, Harris, Liberty, Matagorda, Montgomery, Walker, Waller, Wharton	TCEQ Region 12 5425 Polk Ave. Ste. H Houston TX 77023-1452	<b>Phone:</b> 713-767-3500 <b>Faxes:</b> 713-767-3761 (Air) 713-767-3691 (Water) 713-767-3646 (Waste)
Aransas, Bee, Calhoun, DeWitt, Goliad, Gonzales, Jackson, Jim Wells, Kleberg, Lavaca, Live Oak, Nueces, Refugio, San Patricio, Victoria	TCEQ Region 14 NRC Bldg. Ste. 1200 6300 Ocean Dr. Unit 5839 Corpus Christi TX 78412-5839	<b>Phone:</b> 361-825-3100 <b>Fax:</b> 361-825-3101
Brooks, Cameron, Hidalgo, Jim Hogg, Kenedy, Starr, Willacy	TCEQ Region 15 1804 West Jefferson Ave. Harlingen TX 78550-5247	<b>Phone:</b> 956-425-6010 <b>Fax:</b> 956-412-5059

If you are affected by Hurricane Ike and your county does not appear in this table, find contact information for the regional office that serves you online at [www.tceq.state.tx.us/goto/region](http://www.tceq.state.tx.us/goto/region).

## **Q. If an unauthorized discharge to water in the state occurs due solely to flooding associated with Hurricane Ike, will I be in violation of my permit?**

A. Under Texas Water Code § 7.251, an event is not a violation of a permit if a person can establish that an event was caused solely by an act of God or other catastrophe. Discharges due to flooding from Hurricane Ike as well as discharges necessary to release water that accumulates in storage tanks, containers, or vessels as a result of Hurricane Ike should be handled as follows: As soon as practicable, permittees must review the conditions at the facility and take actions to minimize and eliminate the potential danger to human health and safety and the environment. To the extent practicable, discharges should not exceed effluent limitations.

## **Q. If I have an accidental discharge or spill as a result of Hurricane Ike, do I need to report it to the TCEQ within 24 hours?**

A. If circumstances prevent you from reporting within this timeframe due to the need to provide a prompt response to the threat posed by Hurricane Ike, report the incident no later than 72 hours after discovery. Permittees should keep records of the following: description of the

noncompliance; the known or potential danger to human health and the environment; period of noncompliance; if the noncompliance has not been corrected, the time it is expected to continue; and, the steps taken and planned to be taken to minimize the discharge and comply with the regulations.

**Q. Am I required to continue to comply with the effluent sampling requirements under my water quality permits following Hurricane Ike?**

A. People should not be put in danger. If meeting permit effluent sampling requirements would pose a threat to human health or safety, the permittee may interrupt any required sampling. The permittee should reinstate sampling as soon as it is safe to return to the facility.

**Q. If my wastewater treatment facility is damaged or destroyed as a result of Hurricane Ike, do I need a permit amendment or an authorization to construct?**

A. If the construction is to replace an existing damaged unit, or replace the entire plant and this construction is needed to protect human health and the environment, a permit amendment or authorization to construct is not required provided that the repair or replacement is in accordance with previous TCEQ-approved design specifications. Within 30 days of initiating such repairs or replacement, the owner or operator shall notify in writing the TCEQ regional office serving the county in which the facility is located ([see list on page 1](#)). Also notify the TCEQ Water Quality Division in writing at PO Box 13087, Austin TX 78711-3087. All notifications should describe the location and nature of the work and provide the name, address, and telephone number of the representative of the permittee to contact concerning the work.