

# Environmental Permitting and Funds Distribution

## House Bill 2340

State of Texas

May 2020

## Executive Summary

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The Environmental Permitting Task Force (EPTF) under House Bill 2340, consisted of eight agencies who all share a role in environmental permitting or has a role in funding recovery projects after a disaster. The members of the EPTF provided a summary on their agency's role in environmental permitting and their role in federal funding after a disaster. Furthermore, each agency task force member provided recommendations to expedite funding after a disaster.

Each EPTF member provided a brief background on how their agency impacts environmental permitting which could affect federal funding. Each EPTF member also provided recommendations on how to expedite federal funding regarding environmental permitting. It appears most of the state laws and regulations have a process to waive permitting requirements or expediate the funding process to ensure federal funds are quickly sent to local jurisdictions to aid in their recovery.

Many environmental permitting laws that have the potential to slow down federal funding are at the federal level, along with other recommendations by each participating agency that are detailed in this report. Along with other recommendation that are outlined in this document, the EPTF recommends expanding the EPTF to include our federal partners, this would allow full collaboration between the state and federal agencies.

## Table of Contents

Overview .....	4
Authority .....	5
Stakeholders .....	6
Recovery Task Force Advisory Committee .....	8
Background.....	10
Recommendations .....	21

## Overview

**This section provides an overview of the project topic.**

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### Goal

The task force will form and provide recommendations on how to access federal disaster relief funds following a disaster. The task force will also provide recommendation on how to expedite the evaluation of environmental permits during disaster recovery.

### Objectives

- Develop foundation plan for project.
- Identify milestones
- Identify recommendations
- Submit recommendations to the Legislative body

### Audience

- TDEM Leadership
- Texas State legislature

# Authority

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## HB 2340

SECTION 3. Subchapter C, Chapter 418, Government Code, is amended by adding Section 418.056 to read as follows:

Sec. 418.056. PERMITTING TASK FORCE. (a) The division shall form a task force with representatives from the General Land Office, Texas Commission on Environmental Quality, Parks and Wildlife Department, Texas Water Development Board, Texas A&M AgriLife Extension Service, Department of State Health Services, Public Utility Commission of Texas, and Texas Historical Commission to be activated if a state of disaster is declared under Section 418.014 because of weather conditions to expedite:

(1) environmental permitting; and

(2) access to funds from federal disaster relief programs following the disaster.

(b) The task force formed under this section shall develop recommendations for expediting the evaluation of environmental permits during disaster recovery in order for local entities to demonstrate compliance with regulations and access federal disaster relief programs and funding.

(c) In performing its duties under this section, the task force may use resources of agencies participating in the task force.

SECTION 4. Subchapter A, Chapter 751, Government Code, is amended by adding Section 751.017 to read as follows:

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### For more information:

Texas Legislature Online

<https://capitol.texas.gov/tlodocs/86R/amendments/pdf/HB02340H21.PDF>

## Stakeholders

Members are identified in the chart below.

Agent	Summary
Texas Division of Emergency Management (TDEM)	The Texas Division of Emergency Management is charged with carrying out a comprehensive all-hazard emergency management program for the state and for assisting cities, counties, and state agencies in planning and implementing their emergency management programs.
Texas Commission on Environmental Quality (TCEQ)	The Texas Commission on Environmental Quality strives to protect our state's public health and natural resources consistent with sustainable economic development. Our goal is clean air, clean water, and the safe management of waste.
Texas General Land Office (GLO)	<p>The Texas General Land Office primarily serves the schoolchildren, veterans, and the environment of Texas. The agency does so by preserving our history, maximizing state revenue through innovative administration, and through the prudent stewardship of state lands and natural resources.</p> <p>The GLO's Community Development and Revitalization Program (GLO - CDR), works to rebuild Texas communities by putting Texans back in their homes, restoring critical infrastructure and mitigating future damage through resilient community planning. Since 2011, the GLO has been the lead agency for administering over \$13 billion in HUD Community Development Block Grant Disaster Recovery (CDBG-DR) funds on behalf of the state of Texas.</p>
Texas Parks and Wildlife Department (TPWD)	Texas Parks and Wildlife Department is charged with the responsibility of managing and conserving the natural and cultural resources of Texas and to provide hunting, fishing and outdoor recreation opportunities for the use and enjoyment of present and future generations.
Texas Water Development Board (TWDB)	<p>The Texas Water Development Board plans for the state's water resources, provides financial assistance for affordable water and wastewater services, and supports water-related data collection and dissemination.</p> <p>TWDB's disaster-related roles primarily include funding for mitigation activities, and TWDB staff participate on this task force as a resource.</p>

Texas A&M AgriLife Extension Service	The Texas A&M AgriLife Extension Service provides educational outreach and onsite demonstration of best management practices in agriculture and natural resources, family and community health, youth and leadership development, and community and economic development.
Department of State Health Services (DSHS)	DSHS is responsible for promoting health, preventing disease and injury, protecting, and effectively responding to all types of health emergencies, including bioterrorism, infectious disease outbreaks, and natural disasters.
Public Utility Commission of Texas (PUC)	The Public Utility Commission of Texas regulates the state's electric, telecommunication, and water and sewer utilities, implements respective legislation, and offers customer assistance in resolving consumer complaints.
Texas Historical Commission (THC)	The Texas Historical Commission (THC) is the state agency for historic preservation. THC serves as the State Historic Preservation Office (SHPO) in the review of federal undertakings under Section 106 of the National Historic Preservation Act. THC also administers the Antiquities Code of Texas, which protects archeological sites and historic properties on public land.

# Recovery Task Force Advisory Committee

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Agency	Title	Name	Email
DSHS	Emergency Preparedness Consumer Protection Division	Kevin Veal	<a href="mailto:Kevin.veal@dshs.texas.gov">Kevin.veal@dshs.texas.gov</a>
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## Background

Agent	Background Summary
<a href="#">Texas Division of Emergency Management (TDEM)</a>	<p>TDEM is the recipient of FEMA federal Public Assistance funds, these funds are then passed through to our sub-recipients, local jurisdictions, other state agencies and public non-profits. The public assistance program is a cost share program typically FEMA will pay 75% of the total project cost. The public assistance program is designed to help eligible sub-recipients rebuild their public infrastructure and recoup their cost share for their emergency protective measures and debris removal.</p>
General Land Office (GLO)	<p>Although not required for federal funds, the appropriate citation for passing emergency rules for the temporary removal of certain local and state permitting requirements for construction on the barrier islands is Texas Government Code, Section 2001.034. For purposes of Emergency Orders by the Land Commissioner for alternative permitting requirements, refer to 31 Texas Administrative Code 15.11- 15.13.</p> <p>In managing coastal resources on the barrier islands of the state, the GLO works to implement and enforce the Open Beaches Act (TNRC Ch 61) and Dune Protection Act (TNRC Ch 63) in partnership with local governments along the coast, as well as promulgating rules for beachfront construction and dune protection in Title 31 Chapter 15 of the Texas Administrative Code.</p> <p>The citation under the Open Beaches Act for GLO debris removal from the public beach and the potential FEMA reimbursement for that debris removal is Texas Natural Resources Code Chapter 61.067. The GLO is required to clean, maintain, and clear debris from a public beach that is located in an area designated as a threatened area in a declaration of a state of disaster issued under Section <a href="#">418.014</a>, Government Code. The duty of the land office under this subsection is</p>

limited to debris related to the event that is the subject of the disaster declaration.

Texas Natural Resources Code §51.3021 authorizes the Land Commissioner to remove and dispose of a facility or structure on land owned by the state if the commissioner finds the facility or structure to be an imminent and unreasonable threat to public health, safety, or welfare. This applies to most tidally influenced areas, but not excavated areas or port areas.

Texas Natural Resources Code §40.254 authorizes the removal or disposal of derelict structures or vessels by the GLO on state owned submerged land.

TNRC §11.012 says that the state has full sovereignty over the water, beds and shores of the Gulf of Mexico and the arms of the Gulf of Mexico. GLO-CDR environmental reviews for CDBG-DR projects are bound by federal regulations set forth in 24 CFR 58, titled "Environmental Review Procedures for Entities Assuming HUD Environmental Responsibilities". Not every project is subject to a full environmental review (i.e., every project's environmental impact must be examined, but the extent of this examination varies), but every project must comply with the National Environmental Policy Act (NEPA), and other related Federal and state environmental laws. Specific regulations include but are not limited to:

- Air Quality (40 CFR Parts 6, 51 and 93)
- Airport Hazards (24 CFR 51, Subpart D)
- Coastal Barrier Resources (16 USC 3501)
- Coastal Zone Management (15 CFR Part 930)
- Endangered Species (50 CFR Part 402)
- Environmental Justice (EO 12898)
- Explosive/Flammable Facilities (24 CFR Part 51, Subpart C)
- Farmlands Protection (7 USC 4201 et seq and 7 CFR Part 658)
- Flood Insurance (42 USC 4106)
- Floodplain Management (EO 11988, 24 CFR Part 55)
- Historic Preservation (36 CFR Part 800)
- Noise Abatement and Control (24 CFR Part 51, Subpart B)
- Site Contamination (24 CFR Part 50.3(i) and 24 CFR 58.5(i)(2))
- Sole Source Aquifer (40 CFR Part 149)
- Wetlands Protection (EO 11990)

	<ul style="list-style-type: none"> <li>• Wild and Scenic Rivers (16 USC 1271-1287)</li> </ul>
<p>Texas Commission on Environmental Quality (TCEQ)</p>	<p><b>Drinking water</b> -- repair or replacement of treatment plant and/ or distribution system (i.e. plans and specifications).</p> <p><b>30 TAC Chapter 290, Subchapter D, Public Drinking Water (§290.38-290.47)</b></p> <p>When a public water system (PWS) is impacted by a disaster, the TCEQ’s Water Supply Division has processes in place to expedite the review of submittals in order to allow the PWS to return to normal operations as quickly as possible. All facilities which meet the definition of a public water system must be approved by the TCEQ for compliance with the rules for water treatment, quality, source approval, disinfection, pressure maintenance, distribution, storage, and capacity. An engineering report including plans and specifications for changes to a PWS must be submitted to the TCEQ for review and approval. The engineering report must be signed by a Professional Engineer (P.E.) licensed in Texas. Securing approval of a water source includes, but is not limited to, the use of an existing well, drilling a new well using plans and specifications approved by the TCEQ, connecting to a neighboring retail public utility, utilizing a surface water source, or constructing an approved purchase-water system that contains a holding tank for potable water. The TCEQ’s plans and specifications process timeline for review and approval is generally 60 days but this timeframe is significantly accelerated to address emergency situations.</p> <p>Additionally, the TCEQ has an exceptions process which allows flexibility for public water systems to propose an alternative to what is required by TCEQ’s regulations. The PWS must demonstrate that the exception will not compromise public health or result in a degradation of service or water quality. The TCEQ’s rules generally require exception requests to be reviewed and approved by TCEQ before submittal of engineering plans and specifications because approval of an exception(s) may require additional conditions for the public water system that must be reflected in the plans and specifications submittal. The TCEQ’s exceptions process timeline for review and approval is generally 100 days but this timeframe is also significantly accelerated to address emergency situations. To further expedite recovery, the TCEQ may review plans and exception requests concurrently in emergency situations.</p>

- **Wastewater** – repair or replace treatment plant and/ or collections system (i.e. plans and specifications).

TCEQ can expedite the review and processing of permit applications. Federal procedural requirements for permits are required to be met however, enforcement discretion can be used. The types of permits, registrations, and authorizations issued by Water Quality Division are as follows:

- Texas Pollutant Discharge Elimination System Permits – TPDES Permits authorize the discharge of wastewater into or adjacent to waters in the state. Permit types include industrial, municipal, stormwater, and Confined Animal Feeding Operations.
- Texas Land Application Permits (TLAP) – TLAPs authorize wastewater to be irrigated or evaporated in such a manner that the wastewater will not discharge to waters in the state.
- Land application of domestic septage and sewage sludge- Land application permits allow permittees to dispose of domestic septage or sewage sludge.
- Plans and Specifications Engineering Review – Water Quality Division engineers review plans and specifications for wastewater treatment plants, sewage lift stations, and other wastewater infrastructure. WQD can grant variances for temporary measures in an emergency.
- Beneficial Use of Wastewater – **30 TAC Chapter 210** allows for the beneficial use of domestic and industrial wastewater.
- **30 TAC Chapter 307**, Texas Surface Water Quality Standards, is used and implemented by the TPDES permitting process to ensure any discharges to waters in the state meet requirements to protect designated uses.
- **Debris** – authorization to temporarily store or dispose of storm debris

**Health & Safety Code 361.061 and 30 TAC 330.7** require a person to obtain a permit or other authorization for any activity relating to the storage, processing, or disposal of any solid wastes unless specifically exempted. A permitted MSW landfill may establish a debris area under a Temporary Authorization per **30 TAC 305.70** and an unpermitted temporary debris

management site (TDMS) may be established under the Governor's Disaster Declaration which allows the suspension of rules including 330.7 and related provisions in the chapter. Authorization for a TDMS is needed during a declared disaster to stage, stockpile, chip, mulch, grind, recycle, and/or burn. Debris may include vegetative wastes, C&D wastes, white goods, and/or household hazardous wastes. Recommend local jurisdictions pre-identify potential debris sites that meet the application criteria.

- Outdoor burning –approval of outdoor burning of storm debris
- **30 TAC 111.201** General Provisions, **30 TAC 111.203** Definitions, **30 TAC 111.215** Executive Director Approval of Otherwise Prohibited Outdoor Burning, **30 TAC 111.217** Requirements for Certified and Insured Prescribed Burn Managers. **Air Curtain Incinerator** – TDMS authorization during a declared disaster, also must follow any limitations TCEQ has directed. Operation of portable facilities temporarily located at a site may be conducted for up to 180 consecutive calendar days or 600 hours, which ever ends first. However, the notification requirements under **40 CFR 60.2969** begin to apply at eight weeks of use. If the owner or operator does not adhere to the notification requirements, then a Title V permit will be required. If the notification requirements are met, the incinerator could operate up to 16 weeks after start of operation without the need for obtaining a Title V permit.
- **Dredging – Clean Water Act - Section 401** state certification of water quality.

**401 Water Quality Certifications** – TCEQ provides state water quality certifications for U.S. Army Corps of Engineer projects related to dredge and fill activities.

- **401 Certification may be required** - If the activity will involve dredging of or discharging fill material in waters of the U.S., a U.S. Army Corps of Engineers 404 permit may be required. Depending on the type and magnitude of these impacts, an individual state 401 certification may be required for the 404 permits. Determinations of jurisdictional status of wetlands and other waters, and therefore the need for a 404 permit, are made exclusively

by the U.S. Army Corps of Engineers. If an individual 401 certification review is needed, the certification process runs parallel with the 404 permitting process and is completed prior to issuance of the 404 permits.

- **30 Texas Administrative Code Chapter 307**, Texas Surface Water Quality Standards, is used during the 401 water quality certification process to ensure any discharges to waters in the state meet requirements to protect designated uses.
- **Landfill** – approval to store or dispose of storm debris at a permitted landfill

**Health & Safety Code 361.061 and 30 TAC 330.7** require a person to obtain a permit or other authorization for any activity relating to the storage, processing, or disposal of any solid wastes unless specifically exempted. Depending on the scope of request, a permitted MSW landfill may apply for a temporary authorization or amendment per **30 TAC 305.62\*** or permit modification per **30 TAC 305.70\*\***. However, a new cell or expansion of an existing cell may be considered as a major amendment.

In addition to Temporary Authorizations, the Commission may issue an Emergency or Temporary Order to a person or entity to authorize the storage, processing, and/or disposal of solid wastes under its broad authority in **Water Code Chapter 5**. If an EO is issued without a hearing, the Commission would be required to hold a hearing as soon as practicable to affirm, modify, or set aside the EO

**\*30 TAC 305.62(k)** applies only to temporary authorizations made to existing MSW permits or registrations. In order to obtain a temporary authorization, a permittee or registrant shall request a temporary authorization and include in the application a specific description of the activities to be conducted, an explanation of why the authorization is necessary, and how long the authorization is needed. The executive director may approve a temporary authorization for a term of not more than 180 days and may reissue the temporary authorization once for an additional 180 days if circumstances warrant the extension. Temporary authorizations for MSW facilities may include actions that would be considered either a major or minor change to a permit or registration. Temporary authorizations apply to changes to an MSW facility or its operation that do not reduce

the capability of the facility to protect human health and the environment. **Note - In the event of a disaster situation where select rules are suspended, temporary authorizations for a suspended rule are not required unless the authorization is to outlast the rule suspension.**

Examples of temporary authorizations necessary to address disaster situations include temporary changes to:

- operating hours/waste acceptance hours
- daily acceptance limit (for transfer stations)
- operation of landfill gas collection and control system
- odor control measures
- fire requirements
- recordkeeping
- cover requirements
- cover inspection
- leachate levels in sumps
- erosion repair
- access control
- markers and signs
- buffer zones
- storage roll-offs
- new entrance
- ponded water
- tire storage limits at landfills
- tire processing timeframes.

**\*\*30 TAC 305.70** includes a long list of various permit modifications. **Water Right Permitting** - Temporary Water Rights Permits

- Watermasters and TCEQ Regional Offices may issue temporary water rights for one year for up to 10 acre-feet. Other temporary permits are issued out of the Water Rights Permitting Section in Central Office. Although the processing of these applications may be expedited, they would still be subject to notice and contested case hearing, which could lengthen the permitting process.
- **Generators** -- Air authorization for emergency generator engines is covered under Permit By Rule, specifically **30 TAC 106.511**.
- **Boilers, Heaters, and Other Combustion Devices** – Air authorizations from boilers and heaters under Permit by Rule, specifically **30 TAC 106.183**.



- **Start of Construction** requirements under **30 TAC 116** – Air authorizations are needed prior to the start of construction. At times permitting might be needed to expedite the construction of new tanks, control devices, etc. or authorization sought after the construction is completed due to being unable to wait to obtain authorization.
- **Occupational Licensing- Approve new or renewed licenses or registrations for various occupations that facilitate disaster recovery**

**Not Suspended During Harvey but required Permitting Registration Support (PRS) action 30 TAC 30 §30.5, Occupational Licenses and Registrations, General Provisions**

- PRS implemented an emergency Disaster Relief Policy to assist TCEQ occupational licensees and registrants in affected counties. This policy allowed licensing staff to extend the individuals license or registration up to 120 days from the original date of expiration for licensees/registrants requesting assistance. This allowed additional time for these individuals to submit their renewals and or complete any required continuing education.
- Enforcement discretion and expedited reciprocity licenses for specified out-of-state licensees were made available, upon request, to licensed individuals willing to assist in Texas within impacted counties with specific tasks related to recovery and cleanup from the disaster.
- **Registration & Reporting**

**Hurricane Harvey Suspended Rules**

- Sludge Transporter Registration – **30 TAC 312, Subchapter G** – details registration requirements for transporters of sewage sludge, water treatment plan sludge, grease & grit trap waste, chemical toilet waste and/or septage.

- Enclosed Containers/Stationary Compactors **30 TAC 330.7** is authorizes via permits by rule compactors or transporters of waste in enclosed containers or enclosed transportation units to Type IV landfills. Type IV landfills are limited to accepting brush, construction, or demolition waste and/or rubbish.
- Aboveground Storage Tank (AST) Registration – **30 TAC 334.127** – details the registration requirements for AST. Movable or Mobile ASTs (e.g. skid tanks) which are moved from one location to another on a regular basis are exempt from notification requirements in **30 TAC 334.126**, but still subject to registration in **30 TAC 334.127 (f)**.
- Underground Storage Tank (UST) General Prohibitions – **30 TAC 334.5** prohibits a common carrier from delivering a regulated substance (fuel) to a facility that does not have a current delivery certificate.

**Not Suspended During Harvey but required PRS action**

- Underground Storage Tank (UST) Registration Annual Self Certification – **30 TAC 334.8** requires owner/operators of USTs to self-certify compliance and demonstrate financial assurance annually in order to be issued a delivery certificate so they may receive fuel deliveries.
- Industrial Hazardous Waste Transporter Notification - **30 TAC 335.6(d)** requires transporters of hazardous or Class I waste to notify the commission. **30 TAC 335.92** requires transporters of hazardous waste to obtain and EPA ID number.
- One Time Shipment Program – designed for generators who do not have an active Solid Waste Registration (SWR) and normally would not require an SWR. TCEQ will issue a temporary Texas registration number, temporary Texas waste codes, and, if necessary, a temporary EPA ID number.

PRS Staff was authorized to reprioritize and expedite registrations, notifications and/or renewals received from owner/operators from within the disaster declared counties. Staff also provided expedited services such as email and alternate

	communication methods to ensure customers had required documentation.
Texas Parks and Wildlife Department (TPWD)	<p>Parks and Wildlife Code: Sec. 1.011 - Property of the State, Sec. 11.301- Easements, Sec. 12.0011 - Resource Protection, Sec. 12.024 – Water Permit Responsibilities, Sec. 12.027 - Adoption of Emergency Rules, Sec. 12.301 – Liability for Value of Fish, Shellfish, Reptile, Amphibian, Bird, or Animal.</p> <p>Texas Administrative Code: Rule 69.19 – Fish and Wildlife Values</p>
Texas Water Development Board (TWDB)	<p>The TWDB is not a regulatory agency and does not have a direct role in the state’s environmental permitting process, nor does it administer federal disaster relief funding programs.</p> <p>The TWDB does have the ability to finance the repair of water-related infrastructure damaged or destroyed by a recent disaster through the Clean Water and Drinking Water State Revolving Funds. These projects receive state funding and are subject to procedural requirements that ensure the TWDB’s processes comply with federal and state regulations. The TWDB has already developed and implemented an expedited environmental review process for emergency relief projects receiving funding from the Drinking Water State Revolving Fund.</p>
Texas A&M AgriLife Extension Service	Texas A&M AgriLife Extension Service is an educational agency with no state or federal regulatory authority.
Department of State Health Services (DSHS)	DSHS is responsible for Radiation, Food Safety, Environmental Hazards (i.e. mold, asbestos, etc.) as they relate to public health. DSHS is also responsible for licensing Emergency Medical Services (EMS) personnel and providers. Multiple statutes provide authority for the licensing and regulation of these activities which may be impacted and/or waived during emergency response or recovery.

	(The Texas Health and Safety Code, in its entirety amongst others)
Public Utility Commission of Texas (PUC)	<p>Public Utility Regulatory Act, Tex. Util. Code Ann. § 17.010 (PURA).</p> <p>PURA § 38.073</p> <p>Both deal with agency action during disaster, but neither involve federal funding. The PUC has no issues with direct ties to federal funding, instead, information we collect during emergencies is routinely provided to Federal Agencies.</p>

<p>Texas Historical Commission (THC)</p>	<p><b>Section 106 of the National Historic Preservation Act</b> requires federal agencies to take into account the potential effect of their undertakings on historic properties. Any project utilizing federal funds (in whole or in part, including pass-through funds), requiring a federal approval, requiring a federal license or permit, or occurring on federal land, and that has the potential to cause effects to historic properties is subject to Section 106. As the State Historic Preservation Office (SHPO), the THC is a required consulting party in the Section 106 review process. The text of the National Historic Preservation Act can be found at <a href="#">54 U.S.C. §306108</a> and its implementing regulations are at <a href="#">36 C.F.R. Part 800</a>.</p> <p><b>The Antiquities Code of Texas</b> requires that state agencies and political subdivisions of the state notify the THC of ground-disturbing activity on public land and of work affecting state-owned historic buildings. For projects occurring on non-federal public land, state agencies must send THC advance notification at least 30 days prior to any groundbreaking, or at least 60 days prior to altering, renovating, or demolishing a building that is 50 years old. Political subdivisions must send THC advance notification at least 30 days prior to any project that may affect potential or designated archeological sites if the project affects a cumulative area larger than five acres or disturbs a cumulative area of more than 5,000 cubic yards, whichever measure is triggered first, or if the project is inside a recorded archeological site or designated historic district.</p> <p>The Antiquities Code of Texas also establishes the <b>State Antiquities Landmark</b> (SAL) historic designation. For properties designated as a SAL, the property cannot be removed, altered, damaged, salvaged, or excavated without a permit from the THC. The Antiquities Code was established in Texas Natural Resource Code, Title 9, Chapter 191, and the accompanying Rules of Practice and Procedure can be found at Texas Administrative Code, Title 13, Chapter 26.</p> <p>A person may not damage the historical or architectural integrity of a structure the commission has designated as a <b>Recorded Texas Historic Landmark</b> (RTHL) without first notifying the THC at least 60 days prior to the proposed work. Rules governing RTHL review can be found in Texas Administrative Code, Title 13, Chapter 21, Rule 21.11.</p>
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	<p>Most of the Texas laws regarding cemeteries are in Texas Health and Safety Code, Chapters 711–715; Texas Administrative Code, Title 13, Part 2, Chapter 22; and, sections of the Penal Code. However, the THC does not enforce cemetery laws; this responsibility belongs to county and municipal law enforcement.</p>
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## Recommendations

<b>Agent</b>	<b>Recommendations</b>
<p>Texas Division of Emergency Management (TDEM)</p>	<p>TDEM supports and will facilitate coordination between all state and federal agencies to expedite project funding.</p>
<p>General Land Office (GLO)</p>	<p>Recommendations to expedite federal disaster funds: The GLO recommends that the federal permits required for the repair of federally funded projects such as beach nourishment, marsh restoration templates, and other engineered designs are already finalized and in place with the US Army Corps of Engineers prior to a disaster, so that in a post-disaster environment those repairs can be expedited.</p> <p>The GLO recommends securing a Programmatic Agreement between the USACE and GLO-CDR, which allows the Secretary of the Army to accept and expend funds contributed by a non-federal public entity to expedite the evaluation of a permit and expedite environmental reviews under the following authorities: Section 214 of the Water Resources Development Act (WRDA) of 2000, as amended (33 U.S.C. 2352); Title 23 of the U.S. Code, Section 139(j); and Title 49 of the U.S. Code, Section 307. This is commonly referred to as a Section 214 Agreement.</p>
<p>Texas Commission on Environmental Quality (TCEQ)</p>	<p>The TCEQ has a process for expediting environmental permitting for agency regulated activities during disasters and emergencies that has been utilized during and improved after previous disaster events (noted in the above Background Summary). The process includes the suspension of certain rules and regulations and the use of enforcement discretion as appropriate. The agency has the capability to reprioritize applications to expedite the permitting process in response to emergencies, as necessary.</p> <p>TCEQ does not have any additional recommendations at this time. However, TCEQ will continue to assess its process (through</p>

	after-action reviews) and modify accordingly to ensure that permitting is conducted in an expedited time frame and to ensure the protection of human health and the environment.
Texas Parks and Wildlife Department (TPWD)	Dewatering, maintenance, and construction related activities in rivers, creeks, streams, lakes, sloughs, reservoirs, bays, estuaries, stilling basins, and other flood control structures may negatively impact fish, shellfish, and other aquatic resources. The Texas Administrative Code requires the department to actively seek full restitution for and/or restoration of fish, wildlife, and habitat loss occurring as a result of human activities. In order to avoid adverse impacts to aquatic resources and potential civil and criminal liability, the department recommends entities coordinate with the department to develop a plan to avoid impacts to aquatic resources and, in some instances, relocate aquatic resources outside the project area.
Texas Water Development Board (TWDB) Continued	<p>The TWDB does not have specific recommendations regarding how to expedite the evaluation of environmental permits during disaster recovery in order for local entities to demonstrate compliance with regulations and access federal disaster relief programs and funding.</p> <p>To access state funding for disaster recovery through the State Revolving Fund programs, applicants begin by submitting a Project Information Form. To receive an expedited review of a project with Emergency Relief or Urgent Need Status, applicants should include an affidavit or sealed engineer's statement that discusses the emergency/disaster conditions.</p>
Texas A&M AgriLife Extension Service	Add a representative from the Texas Department of Agriculture. TDA has regulatory authority over crop protection chemicals.
Department of State Health Services (DSHS)	No recommendations at this time.
Public Utility Commission of Texas (PUC)	No recommendations at this time.

<p>Texas Historical Commission (THC)</p>	<p>Section 106 of the National Historic Preservation Act is a procedural law, and THC does not issue permits pursuant to Section 106. However, to expedite consultation under Section 106, THC recommends continuing to operate under the existing Programmatic Agreements (PA) regarding disaster recovery, amending and extending them as needed. The PA with the Texas General Land Office (GLO) covers the administration of the U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant Disaster Recovery (CDBG-DR) and is in place until October 2023. The PA with the Federal Emergency Management Agency (FEMA) covers multiple disaster recovery programs, including the Individuals and Households Grant, Pre-Disaster Mitigation (PDM), Public Assistance (PA) Grant, and Hazard Mitigation Grant Programs (HMGP), and is in place until September 2021. Both PAs permit programmatic allowances and exempt activities for project activities with no or limited potential to affect historic properties, require the THC to conduct reviews within expedited time periods, and provide for standard treatment measures to resolve any adverse effects to historic properties.</p> <p>THC will continue to pre-clear potential debris disposal sites for local governments in advance of a natural disaster so that such sites may be operational as soon as possible.</p> <p>In general, THC recommends identifying and evaluating historic properties early in the disaster planning and recovery process.</p>
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# Steps to Development and Implementation

This section provides a summary of next steps.

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## Detailed next steps

Due Date	Objectives	Team Assignments	Status
11/30/19	Complete the Project Management Plan	POC from each agency	On-going
12/16/19	Met to discuss recommendations	POC from each agency	Completed
2/28/20	Met to finalize recommendations	POC from each agency	Completed
5/31/20	Finalize Project Management Plan	POC from each agency	Completed

