



SUBMITTING A COMPLETE APPLICATION FOR A HAZARDOUS WASTE PERMIT

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PRESENTATION OUTLINE

- What is solid waste and how is it classified?
- What solid waste management activities require a permit?
- How to submit a permit application?
- How is a permit application processed and permits issued?
- Common application deficiencies
- Questions/Answers/Feedback?



WHAT IS SOLID WASTE?

- Solid Waste is discarded materials, or materials intended to be discarded¹
 - Solid, Semisolid, Liquid, Containerized gas
- Materials in **Table 11** with an asterisk (*) **ARE Solid Wastes** when recycled (i.e., used, reused, reclaimed)
- Hazardous Secondary Materials (HSMs)
 - **HSMs ARE Hazardous Wastes** when discarded
 - **HSMs used for the purpose of reclamation ARE NOT Solid Wastes**²

¹30 TAC §335.1(160)

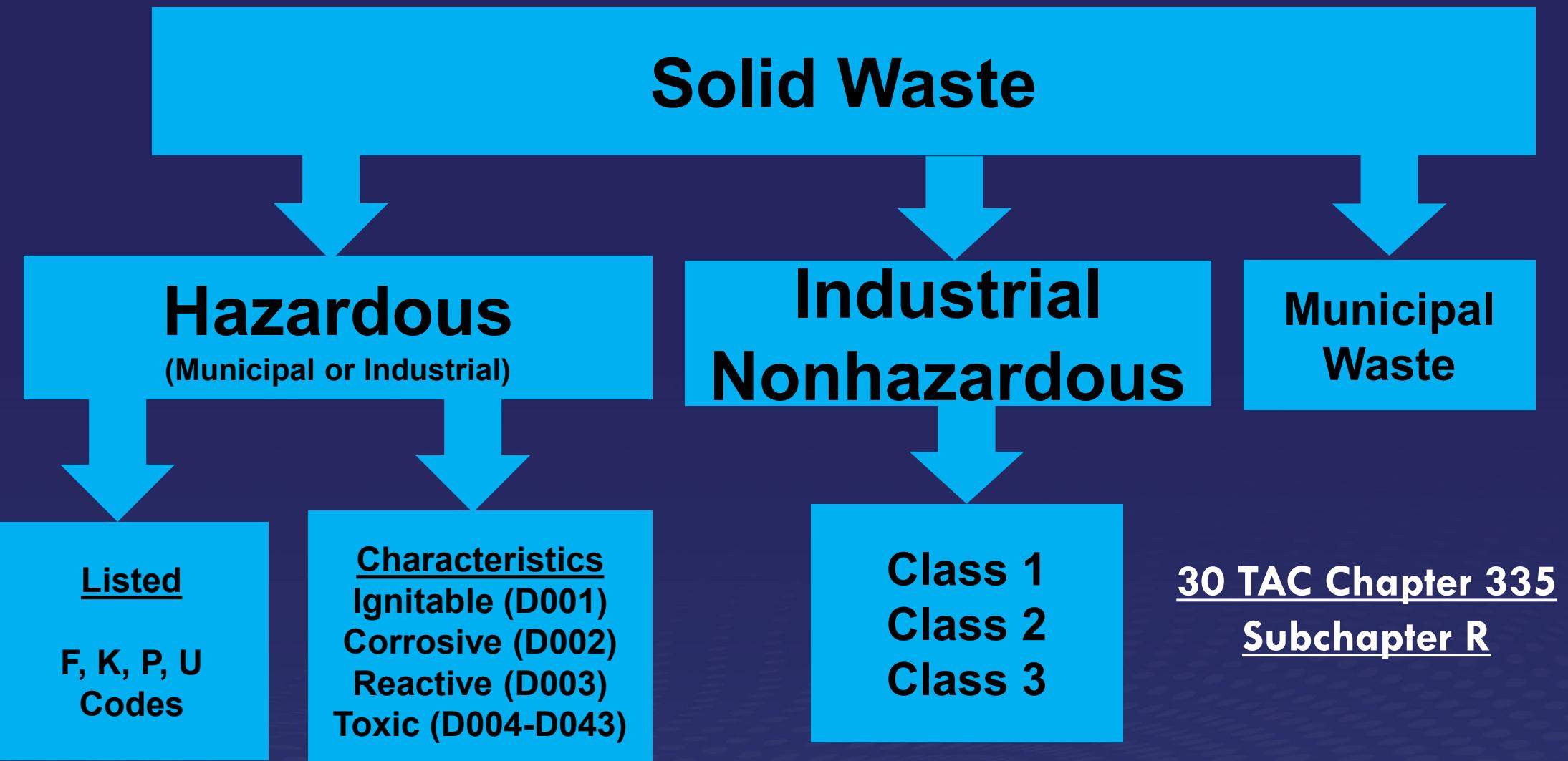
²40 CFR 261.4(a)(24)

WHAT IS SOLID WASTE? (CONT.)

Table 1 :30 TAC §335.1(160)

Material Type	Use Constituting Disposal	Energy Recovery/ Fuel	Reclamation	Speculative Accumulation
Spent (hazardous)	*	*	*	*
Spent (nonhazardous)	*	*	*	*
F and K listed sludges	*	*	*	*
Hazardous Sludges (not listed)	*	*		*
Sludges (nonhazardous)	*	*		*

HOW IS SOLID WASTE CLASSIFIED?



WHAT FACILITIES REQUIRE A SOLID WASTE PERMIT?

- ❑ Commercial or Noncommercial?
- ❑ Managing On-site or Off-site Wastes?
- ❑ Managing Hazardous or Nonhazardous Wastes?
- ❑ Types of Waste Management Units:
 - Tanks and Containers
 - Land-based Units
 - Combustion Units
 - Miscellaneous Units



WHAT TYPES OF APPLICATIONS ARE SUBMITTED?

- Hazardous Waste Application (Part A and Part B)
- Commercial Industrial Nonhazardous Waste Application
- Application Forms are posted on the [TCEQ webpage](#)

WHAT TYPES OF APPLICATIONS ARE SUBMITTED? (CONT.)

- **New Permit**
- **Permit Renewal (every 10 years)**
- **Permit Modification and Amendment**
- **Class 1, 1¹, 2, & 3**
- **Minor and Major Amendment**



HAZARDOUS WASTE APPLICATION SUBMITTAL AND REVIEW PROCESS

- Pre-application Meeting
- Part A & B Application Submittal and
Review Process
- Draft Permit Preparation
- Public Notice
- Permit Issuance

TAKEAWAYS

- ❑ Complete and correct application
- As of 9/1/2024 submittal of Part B application w/screening tools not allowed
- ❑ Dynamic communication
- ❑ Faster review turnaround time



PRE-APPLICATION MEETING

- **Applicant Held Pre-application Public Meeting Required for Hazardous Waste Applications:**
 - New Applications
 - Renewal Applications with Major Amendments or Class 3 Modifications (Mods)
 - except Post-Closure or Corrective Action permits only
 - Major Amendments
- Pre-application meeting with IHW Permits Section – highly recommended for:
 - New permits
 - Renewals
 - Class 3 Mods
 - Major Amendments



APPLICATION REVIEW PROCESS¹

- **Administrative Review – Business and Program Services (BPS) Section**
 - BPS identifies administrative deficiencies in Part A and B application
- **Technical Review – Industrial and Hazardous Wastes (IHW) Permits Section**
 - IHW identifies technical deficiencies in Part A and B
 - IHW works with other TCEQ Divisions & EPA for parallel review

130 TAC Chapter 281

Initial Review Process

- Parallel review – Both IHW & BPS
- High-level technical review – IHW
- Administrative Notice of Deficiency (NOD) – BPS
- Technical deficiencies – IHW



DRAFT PERMIT AND PERMIT ISSUANCE

- Initial Draft Permit (IDP)
 - Applicant, Regional Office, EPA Comments
- Final Draft Permit (FDP) Incorporating IDP Comments
 - Applicant and Office of the Chief Clerk (OCC)
- Public Comments/Hearing Requests Sent to OCC
- Permit Issuance

PUBLIC NOTICE PROCESS¹

Published Notices

- Published Notice
 - Applicant publishes Notice of Receipt of Application and Intent to Obtain Permit (NORI)
 - Applicant publishes Notice of Application and Preliminary Decision (NAPD)

130 TAC Chapter 39



PUBLIC NOTICE PROCESS¹

Notice By Mail and Radio Broadcast

- Notice By Mail
 - OCC mails Notice to persons on 39.413¹
- Radio Broadcast
 - Required for hazardous waste applications other than Class 3 mods

130 TAC 39.413



COMMENT PERIOD

- Comment Period begins when NORI is published and ends for:
 - Hazardous Waste Applications – 45 days after NAPD is published
 - Nonhazardous Waste Applications – 30 days after NAPD is published

MAILED NOTICES

Timing, type, and content vary by level of application or modification

Application Type	Type of Notice	Timing	Content
New, Renewal, Class 3	NORI and NAPD	See next slide	Use Notice text provided by TCEQ
Class 2	Template provided	See next slide	Use Notice text provided by TCEQ
Class 1-1	Follow rule requirement	w/in 90 days of approval	Applicant writes Notice text
Class 1	Follow rule requirement	w/in 90 days of change	Applicant writes Notice text

PUBLISHED NOTICE

	MAJOR LOCAL NEWSPAPER	ALTERNATIVE LANGUAGE	TIMING
Class 2	Yes	NO (Optional)	7 days before or after application submittal
New, Renewal, Class 3, Major Amendment Applications -- NORI	Yes	Yes	Within 30 days of admin. compete
New, Renewal, Class 3, Major Amendment Applications -- NAPD	Same as NORI	Yes	Within 45 days after FDP issued

TCEQ PENDING APPLICATION WEBPAGE

INITIAL APPLICATION AND REVISIONS

- For administratively complete applications on or after June 1, 2024:
 - Administrative Complete Application
 - Technical NOD Response(s) w/ Signature Page(s)
 - Technically Complete Application

TCEQ PENDING APPLICATION WEBPAGE

APPLICATION SUMMARY AND PUBLIC NOTICES

- Plain Language Summary Form TCEQ-20591¹ applies to administratively complete applications on or after May 1, 2022
- Public Involvement Plan Form TCEQ-20960
- NORI & NAPD

¹30 TAC 39.405(k)

APPLICABILITY OF PUBLIC INVOLVEMENT PLAN

- New Permit Applications
- New Activity
 - Type of waste management unit not currently permitted
 - New waste stream requiring new waste management practices
 - Addition of a Compliance Plan or Corrective Action Program

COMMON ADMINISTRATIVE DEFICIENCIES

- Inadequate public notice information
- Charter Number Missing or Incorrect
- Missing application contents
- Wrong signatory

COMMON ADMINISTRATIVE DEFICIENCIES (CONT.)

- Inconsistency in facility and operator name

Regulated Entity Number (RN) or Customer Number (CN)

- Outdated information in Core Data Form (CDF)
- Not following the application's instructions

DYNAMIC TECHNICAL REVIEW

- Virtual meetings
- Emailed application deficiencies and informal deficiencies responses
- Fewer signature pages
- Quicker turnaround times



COMMON HIGH-LEVEL DEFICIENCIES

- Incorrect application format
- Incomplete application tables and attachments
- Missing PE/PG seals
- Missing engineering firm registration number

COMMON PART A DEFICIENCIES¹

□ Section I - General Information

- Regulated Entity Name
- Site owner or operator does not match with previous mods

□ Section II - Facility Background Information

- Discrepancy in latitude/longitude coordinates
- Survey plat and facility plan drawing

[140 CFR Part 270](#)

[140 CFR Parts 264 & 266](#)

[130 TAC Chapters 305 & 335](#)

COMMON PART A DEFICIENCIES (CONT.)

- Section III - Wastes and Waste Management
 - Discrepancy with Part B Info
 - Location of Waste Management Units (WMUs)
- Section IV - Index of Attachments
 - Incomplete tables

COMMON PART B DEFICIENCIES¹

❑ Section I - General Information

- Incomplete information on application type and facility status
- Regulatory citations for requested modifications

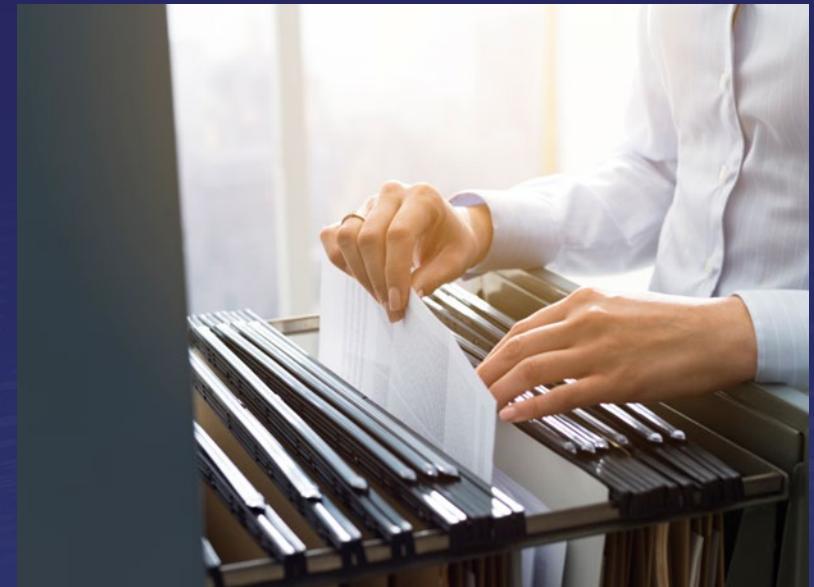
❑ Section II - Facility Citing Criteria

- Outdated floodplain map

¹[40 CFR Part 270](#)

¹[40 CFR Parts 264 & 266](#)

¹[30 TAC Chapters 305 & 335](#)



COMMON PART B DEFICIENCIES (CONT.)

❑Section III - Facility Management

- Incomplete personnel training plan
- Incomplete information on security
- Incomplete information on inspection schedule

Section IV - Wastes and Waste Analysis

- Information on waste managed in permitted units

COMMON PART B DEFICIENCIES - ENGINEERING

❑Section V - Engineering Reports

- Incomplete information on facility units
- PE sign and seal
- Drawings not to scale
- Discrepancy in the design information - Report vs Table
- Miscalculations of secondary containment



COMMON PART B DEFICIENCIES - GEOLOGY

- ❑ Section VI - Geology Report
 - Geology report not signed and sealed by PG
 - Discrepancy in monitoring well information
 - Outdated Groundwater Monitoring Plan
 - Outdated analytical methods



COMMON PART B DEFICIENCIES – CLOSURE AND POST CLOSURE

- Section VII - Closure and Post-Closure Plans
 - Texas Risk Reduction Program requirements
 - Detailed explanation on derivation of closure cost estimate
 - Third party bids/costs for closure estimates
 - Miscalculation of post-closure care cost estimates

COMMON PART B DEFICIENCIES – FINANCIAL ASSURANCE

- ❑ Section VIII - Financial Assurance
 - Financial mechanism language
 - Financial capability documentation

COMMON PART B DEFICIENCIES – SOLID WASTE MANAGEMENT UNITS

- ❑ Section IX - Releases from Solid Waste Units and Corrective Action
 - Incomplete preliminary review unit checklist
 - Inconsistent format of Part B checklist
 - Not providing provide copies “No Further Action” letters approved by TCEQ

COMMON PART B DEFICIENCIES – AIR EMISSION STANDARDS

❑Section X - Air Emission Standards

- Not submitting certification requirements complying with applicable air emission standards
- Incomplete information for claiming exclusions



COMMON PART B DEFICIENCIES – COMPLIANCE PLAN

- ❑ Section XI - Compliance Plan (CP)
 - Financial assurance calculations
 - Mismatched information on Regulated Units
 - Discrepancy in information compared to Section IX
 - Outdated Groundwater Protection Standards
 - Outdated quantitation limits for constituents of concern

COMMON PART B DEFICIENCIES – COMPLIANCE PLAN (CONT.)

- ❑ Section XI - Compliance Plan (continued)
 - Type of wells
 - Miscalculation of compliance period
 - Site-specific geology for uppermost aquifer
 - Site maps
 - Sampling and analysis plan

MORE COMMON PART B DEFICIENCIES

- ❑ Section XII - Hazardous Waste Permit Application Fee
 - Fee calculation not following instructions
- ❑ Section XIII - Confidential Material
 - Missing statement for confidentiality

CLOSING SUMMARY

- ❑ What is solid waste and how is it classified?
- ❑ What solid waste management activities require a permit?
- ❑ How to submit a permit application?
- ❑ How is a permit application processed and permits issued?



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QUESTIONS/COMMENTS/FEEDBACK?

MORE INFORMATION CONTACT AT:



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https://www.tceq.texas.gov/permitting/waste_permits/ihw_permits/ihw.html