



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 Wastes²**

¹30 TAC §335.1(160)

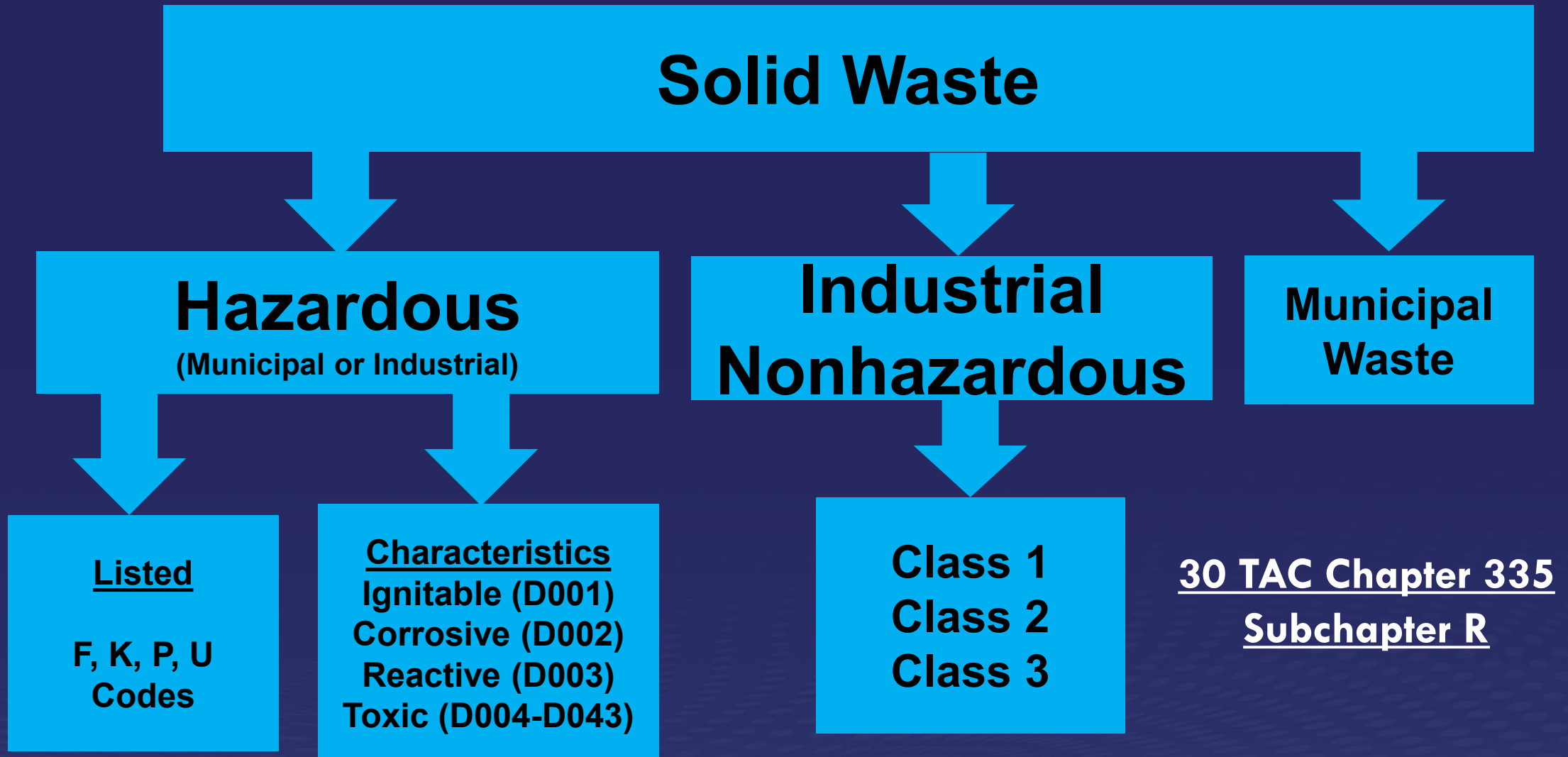
²40 CFR 261.4(a)(24)

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

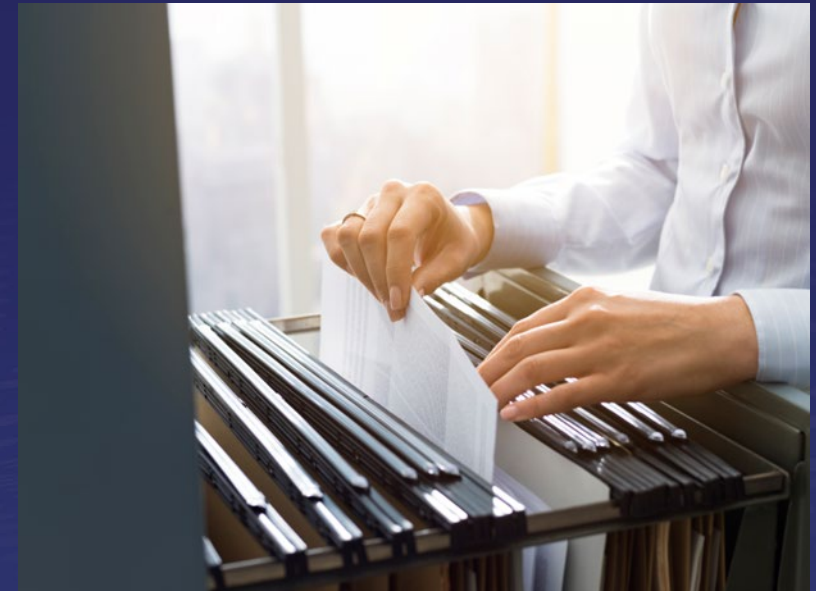
❑ Section II - Facility Citing Criteria

- Outdated floodplain map

¹40 CFR Part 270

¹40 CFR Parts 264 & 266

¹30 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?



Sign Up for GovDelivery

- Receive updates, notification of IHW forms, rule, guidance, and procedure changes
- <https://www.tceq.texas.gov/goto/ihwgovdev>



QUESTIONS/COMMENTS/FEEDBACK?



MORE INFORMATION

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