

SCS TECHNICAL BULLETIN

TCEQ'S NEW RULES IMPLEMENTING COMPLIANCE AND REGISTRATION REQUIREMENTS FOR COAL COMBUSTION RESIDUALS (CCR) MANAGEMENT

Registration applications are due January 24, 2022

July 20, 2021

Federal Regulation of CCR:

On April 17, 2015, the United States Environmental Protection Agency (EPA) promulgated standards to regulate coal combustion residuals (CCR) under the Resource Conservation Recovery Act (RCRA), Subtitle D at 40 Code of Federal Regulations (CFR) Part 257, Subpart D, which became effective October 19, 2015.

Texas' CCR Regulatory Program:

On May 28, 2020, the Texas Commission on Environmental Quality (TCEQ) issued final rules (30 TAC, Chapter 352) establishing a state CCR management program that "...would be at least as protective as the requirements of the self-implementing federal CCR rules." The new Chapter 352 includes requirements for owners and operators to obtain a registration, to establish compliance monitoring, and to maintain compliance with the standards listed under Chapter 352 for landfills and surface impoundments used to dispose of or manage CCR. The TCEQ's rules and draft guidelines provide an important distinction regarding which rules apply to existing units vs. new units or lateral expansions.

Due Date for Submittal of Registration Applications for CCR Sites:

As noted in 30 TAC §352.101, owners and operators of CCR landfills and surface impoundments will be required to file a registration application within 180 days of EPA's approval of TCEQ's CCR program. In view of EPA's notice in the Federal Register on June 28, 2021, the due date for registration applications is established as January 24, 2022. To assist our CCR clients with this significant new TCEQ regulatory program, SCS will stay in communication with the TCEQ to advise clients as further details of the TCEQ's implementation of the CCR rules evolve.

EPA Requirements vs. TCEQ Requirements:

As noted above, in implementing the EPA's federal requirements for CCR sites, TCEQ's CCR program needs to be at least as protective as the requirements of the self-implementing federal CCR rules. However, the TCEQ also is charged with making the Texas CCR program consistent with other TCEQ regulatory programs. As such, the TCEQ incorporated various provisions of state permitting programs and procedures into Chapter 352. Whereas many of the EPA's federal requirements are adopted directly by reference to the federal CCR rules (40 Code of

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Federal Regulations, as amended through the April 17, 2015, issue of the Federal Register (80 FR 21301)), other requirements were tailored and, or expanded to be consistent with TCEQ programs. As we are preparing CCR registration applications for our clients, we are making particular notes of these TCEQ-specific aspects and the five provisions of the federal CCR regulations that the TCEQ did not include in its permit program. If you would like further information on these or other aspects of this new TCEQ program, please contact us.

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About SCS Engineers

SCS Engineers is a full-service environmental engineering, construction, and operations and maintenance firm with extensive experience working with clients to address CCR issues.
<http://www.scsengineers.com>

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