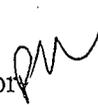
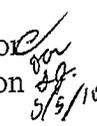


# Texas Commission on Environmental Quality

## INTEROFFICE MEMORANDUM

**To:** Commissioners **Date:** May 3, 2010

**Thru:** LaDonna Castañuela, Chief Clerk  
Richard A. Hyde, P.E., Deputy Director   
Office of Permitting & Registration

**From:** Earl Lott, Director  5/10/10  
Waste Permits Division  
Susan Jablonski, P.E., Director  5/3/10  
Radioactive Materials Division

**Subject:** Update on Waste Permits Division Issues

At the May 14, 2010, Commissioners' Work Session, a Waste Permits Division (WPD) update will be presented on the following topics:

- Update on WPD Organizational Changes
- Update on Federal Coal Combustion By-Products (CCB) Rule and the Potential Impact on Texas
- Update on Division Efforts to Focus Greater Attention on Pending Uranium Mining Projects
- Senate Bill 1387 Update
- Update on the Surface Casing Program
- Update on U.S. Environmental Protection Agency Revisions to the Definition of Solid Waste

This presentation will incorporate the attached slides.



# **Commissioners' Work Session**

## **May 14, 2010**

### **Update on Waste Permits Division Issues**

Earl Lott, Division Director  
Waste Permits Division  
Susan Jablonski, P.E., Director  
Radioactive Materials Division



# Update on WPD Organizational Changes

- Recent organizational changes
- Update from audit
- Audit Corrective Action Plan
- Ongoing effort to shift resources within the division to the areas of greatest priority



# Update on Federal Coal Combustion By-Products (CCB) Rule and the Potential Impact on Texas

- CCB not considered hazardous waste under current regulations.
- CCB considered product if recycled in Texas
- Texas has highest recycling rate in nation



# Update on Federal Coal Combustion By-Products (CCB) Rule and the Potential Impact on Texas

- TVA incident brought renewed focus
- EPA considering regulating under RCRA Subtitle C



# Update on Federal Coal Combustion By-Products (CCB) Rule and the Potential Impact on Texas

- Regulation under RCRA Subtitle C would:
  - Negatively impact recycling rates
  - Increase disposal costs
  - Require increased landfill space
- TCEQ's ED has provided comments to EPA



# Update on Division Efforts to Focus Greater Attention on Pending Uranium Mining Projects

- New emphasis has been committed on closing pending uranium recovery actions
  - Total review of processing of both radioactive materials licensing actions and underground injection control permits and authorization over the past year.
  - Focused on finding efficiencies, cutting out unnecessary steps, and better communication



# SB 1387 Update

- Requires TCEQ to issue an advisory letter for CO<sub>2</sub>-Geologic storage
- Requires TCEQ-RRC develop a joint technical report to the Legislature by December 2010



# SB 1387 Update

- TCEQ's ED proposed rules on March 30, 2010
- Public Hearing on proposed rules is scheduled for May 12, 2010
- Scheduled for Adoption on August 25, 2010

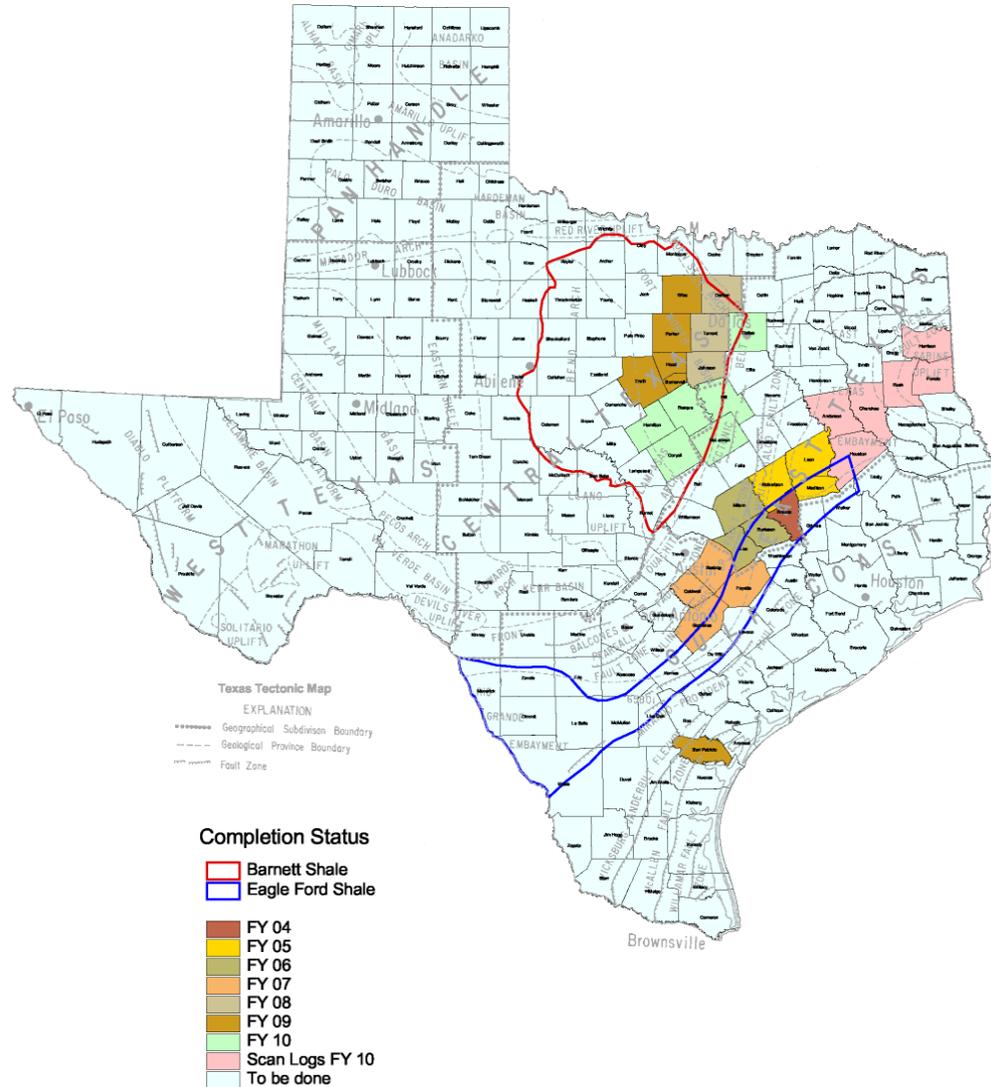


# Update on the Surface Casing Program

- Purpose: To provide recommendations for groundwater protection during oil and gas drilling and production
- Typical number of applications received per month: 1,400
- Average number of applications received month in 2010: 1,945



# Eagle Ford Shale: Increased Activity



# Update on EPA Revisions to the Definition of Solid Waste

- EPA revised definition for solid waste in Oct. 2008
- Excludes certain material as hazardous waste if legitimately recycled
- Revision intended to promote recycling
- EPA reviewing petition to repeal rule
- TCEQ held off on rulemaking due to uncertainty

