

The Texas Commission on Environmental Quality (commission) adopts amendments to §305.53 and §305.127. Section 305.127 is adopted *with change* to the proposed text as published in the August 22, 2003 issue of the *Texas Register* (28 TexReg 6722). Section 305.53 is adopted *without change* to the proposed text and will not be republished.

BACKGROUND AND SUMMARY OF THE FACTUAL BASIS FOR THE ADOPTED RULES

The changes adopted in this chapter are part of a larger rulemaking action to revise the commission's radiation control rules. The primary purpose of the rule amendments is to implement House Bill (HB) 1567, 78th Legislature, 2003, and its amendments to Texas Health and Safety Code, Chapter 401.

Some additional changes outside the scope of the bill implementation are adopted to correct citations to federal statutes, provide corrections to rule section titles, improve grammar, and reflect the commission's name change.

SECTION BY SECTION DISCUSSION

SUBCHAPTER C: APPLICATION FOR PERMIT OR POST-CLOSURE ORDER

Section 305.53, Application Fee

An amendment to §305.53(a)(7) reflects the name change from the Texas Natural Resource Conservation Commission to the Texas Commission on Environmental Quality to implement HB 2912, §18.01, 77th Legislature, 2001. The phrase "pursuant to" was changed to "in accordance with" to incorporate plain language into the rule.

SUBCHAPTER F: PERMIT CHARACTERISTICS AND CONDITIONS

Section 305.127, Conditions to be Determined for Individual Permits

The amendment to the first sentence of §305.127 replaces the phrase “set forth herein” with “specified in this section” to incorporate plain language into the rule. In addition, amendments to §305.127(4)(A) and (C) correct the titles of 30 TAC Chapter 309, Domestic Wastewater Effluent Limitation and Plant Siting, and 30 TAC Chapter 336, Radioactive Substance Rules.

The amendments to §305.127(1)(G)(i) require an initial license term of 15 years rather than a fixed licensing period of 20 years, in accordance with new Texas Health and Safety Code, §401.222. A new sentence is also added stating: "After the initial 15 years, the commission may renew the license for one or more terms of ten years." This sentence implements new Texas Health and Safety Code, §401.222. For consistency with §336.716(h), Terms and Conditions of License, a final sentence is added which states, “The authority to dispose of waste expires on the date stated in the license except as provided in §336.718(a) of this title (relating to Application for Renewal or Closure).”

FINAL REGULATORY IMPACT ANALYSIS DETERMINATION

The commission reviewed the rulemaking action in light of the regulatory analysis requirements of Texas Government Code, §2001.0225, and determined that the action is not subject to §2001.0225 because it does not meet the definition of a “major environmental rule” as defined in the statute.

“Major environmental rule” means a rule, the specific intent of which is to protect the environment or reduce risks to human health from environmental exposure and that may adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, or the public health and safety of the state or a sector of the state. The amendments to Chapter 305 are not

anticipated to adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, or the public health and safety of the state or a sector of the state because there are no significant requirements added to radioactive material disposal facilities. The rulemaking action implements legislative requirements in HB 1567, including a change in the term of license issued under Chapter 336, Subchapter H, Licensing Requirements for Near-Surface Land Disposal of Low-Level Radioactive Waste, from 20 to 15 years. The rulemaking also makes non-substantive changes to Chapter 305 to reflect the commission's name change to the Texas Commission on Environmental Quality, corrects citations to other laws, and incorporates plain language into the rules.

Furthermore, the rulemaking action does not meet any of the four applicability requirements listed in §2001.0225(a). Section 2001.0225 only applies to a major environmental rule, the result of which is to: 1) exceed a standard set by federal law, unless the rule is specifically required by state law; 2) exceed an express requirement of state law, unless the rule is specifically required by federal law; 3) exceed a requirement of a delegation agreement or contract between the state and an agency or representative of the federal government to implement a state and federal program; or 4) adopt a rule solely under the general powers of the agency instead of under a specific state law. The rulemaking action does not exceed a standard set by federal law, an express requirement of state law, a requirement of a delegation agreement, nor does it adopt a rule solely under the general powers of the agency.

Texas Health and Safety Code, Chapter 401, authorizes the commission to regulate the disposal of most radioactive material in Texas. Sections 401.051, 401.103, 401.104, and 401.412 authorize the commission to adopt rules for the control of sources of radiation and the licensing of the disposal of

radioactive materials. In addition, the State of Texas is an “Agreement State” authorized by the United States Nuclear Regulatory Commission (NRC) to administer a radiation control program under the Atomic Energy Act of 1954, as amended (Atomic Energy Act). The rules do not exceed the standards set by federal law.

The rules do not exceed an express requirement of state law. Texas Health and Safety Code, Chapter 401, establishes general requirements for the licensing and disposal of radioactive materials. The purpose of the rulemaking action is to implement statutory requirements consistent with recent amendments to Chapter 401 as provided in HB 1567. The rule amendment that changes the term of a license issued under Chapter 336, Subchapter H, to 15 years is consistent with the requirements of HB 1567.

The rules do not exceed a requirement of a delegation agreement or contract between the state and an agency of the federal government. The State of Texas has been designated as an “Agreement State” by the NRC under the authority of the Atomic Energy Act. The Atomic Energy Act requires that the NRC find that the state radiation control program is compatible with the NRC requirements for the regulation of radioactive materials and is adequate to protect health and safety. Under the *Agreement Between the United States Nuclear Regulatory Commission and the State of Texas for Discontinuance of Certain Commission Regulatory Authority and Responsibility Within the State Pursuant to Section 274 of the Atomic Energy Act of 1954, as Amended*, the NRC requirements must be implemented to maintain a compatible state program for protection against hazards of radiation. The rule amendments do not exceed the NRC requirements nor do they exceed the requirements for retaining status as an “Agreement State.”

The rules are adopted under specific authority of Texas Health and Safety Code, Chapter 401. Sections 401.051, 401.103, 401.104, and 401.412 authorize the commission to adopt rules for the control of sources of radiation and the licensing of the disposal of radioactive materials.

TAKINGS IMPACT ASSESSMENT

The commission evaluated this rulemaking action and performed an assessment of whether Texas Government Code, Chapter 2007, is applicable. The rulemaking action implements legislative requirements in HB 1567, including a change in the term of license issued under Chapter 336, Subchapter H, from 20 to 15 years. The rulemaking also makes non-substantive changes to Chapter 305 to reflect the commission's name change to the Texas Commission on Environmental Quality, corrects citations to other laws, and incorporates plain language into the rules.

Promulgation and enforcement of these would be neither a statutory nor a constitutional taking of private real property. The rules do not affect a landowner's rights in private real property because this rulemaking action does not burden (constitutionally), nor restrict or limit, the owner's right to property and reduce its value by 25% or more beyond which would otherwise exist in the absence of the regulations. The rules primarily implement non-substantive changes to existing rules and reflect the license term of 15 years required by HB 1567. There are no entities that currently have licenses issued under Chapter 336, Subchapter H.

CONSISTENCY WITH THE COASTAL MANAGEMENT PROGRAM

The commission reviewed this rulemaking action for consistency with the Coastal Management Program (CMP) goals and policies in accordance with the regulations of the Coastal Coordination

Council and determined that the amendments are consistent with the CMP goals and policies. The rulemaking action implements legislative requirements in HB 1567, including a change in the term of license issued under Chapter 336, Subchapter H, from 20 to 15 years. The rulemaking action also makes non-substantive changes to Chapter 305 to reflect the commission's name change to the Texas Commission on Environmental Quality, to correct citations to other laws, and to incorporate plain language into the rules. This rulemaking action will not have direct or significant adverse effect on any coastal natural resource areas, because the rule amendments only affect counties outside the CMP area; they will not have substantive effect on commission actions subject to the CMP; and promulgation and enforcement of the amendments will not violate or exceed any standards identified in the applicable CMP goals and policies.

PUBLIC COMMENT

Written and/or oral comments were received from the Advocates for Responsible Disposal in Texas (ARDT); the American Electric Power (AEP); the League of Women Voters of Dallas (LWV-Dallas); the League of Women Voters of Texas (LWV-Texas); the Nuclear Regulatory Commission (NRC); the South Texas Project Nuclear Operating Company (STP); the Texas Department of Insurance (TDI); the Texas Radiation Advisory Board (TRAB); Texas Radiation Online (TRO); State Representative Lon Burnam representing the Texas Radioactive-Waste Defense Fund (TRWDF); TXU Energy (TXU); US Ecology, Incorporated (US Ecology); Hance Scarborough Wright Woodward & Weisbart, L.L.P., and BakerBotts, L.L.P., on behalf of Waste Control Specialists (WCS); and 237 individuals. One individual endorsed the recommendations submitted by the TRWDF, and TRO agreed with the concerns voiced by the Sierra Club. The TRWDF includes the Lone Star Chapter of the Sierra Club, Public

Citizen, Sustainable Energy & Economic Development, the LWV-Texas, and the Nuclear Information and Resource Service.

RESPONSE TO COMMENTS

General Comments

ARDT, AEP, TRAB, and TXU generally supported the proposed rules. One individual stated opposition to the weak regulations as currently developed. LWV-Dallas, LWV-Texas, TRO, TRWDF, and 234 individuals urged the commission to establish regulations that are second to none or rules that are more stringent than the proposed rules. ARDT, AEP, LWV-Dallas, LWV-Texas, NRC, STP, TDI, TRAB, TRO, US Ecology, TRWDF, WCS, TXU, and 237 individuals raised issues or suggested changes to the rules.

Consistent Use of Terminology

WCS commented that §336.705 should be modified to provide that “An application for a license to receive, possess, and dispose of LLRW from other persons by near-surface land disposal shall consist of, but is not limited to, the information specified in Chapter 305 of this title (relating to Consolidated Permits) as such information pertains to the disposal facility site.” WCS commented that this modification will provide clarity and address potential ambiguities about the use of the terms “facility” and “site” that are used in Chapter 305 of the commission rules.

The commission disagrees with this comment. The commission rules in Chapter 336, Subchapter H, are based on the NRC Rules in 10 Code of Federal Regulations, Part 61, Licensing Requirements for Land Disposal of Radioactive Waste. Both the commission and the NRC rules

consider and regulate the processing of waste that is disposed in the near-surface land disposal facility. Neither the commission's licensing of disposal nor the commission's authority to regulate disposal are confined to a specific geographic location, such as within the boundaries of the land disposal facility. The commission's interpretation of the extent of its authority to regulate the processing of waste for disposal is consistent with the commission's historical practice in reviewing the licenses for LLRW disposal from other persons, the commission's rules, and the memorandum of understanding with the Texas Department of Health. A new definition for "Site" is added to §336.702 to provide clarity and consistency.

License Issues - Renewal

WCS commented that the requirement to submit a renewal application one year prior to license expiration is unprecedented and unworkable because the application would not be reflective of data and site conditions at the time of license expiration because the data would have to be collected so far in advance. WCS commented that the 30-day requirement be maintained or, at most, the timing be no more restrictive than 180 days as required by the Texas Solid Waste Disposal Act and the Texas Injection Well Act.

The commission disagrees with this comment. Submitting the renewal application one year in advance of the expiration date is a reasonable requirement given the complexity of the renewal application and the time required to conduct a thorough technical review of the application. Furthermore, the extended length of a low-level radioactive waste disposal license dictates a thorough technical review prior to renewal. The commission has made no change in response to this comment.

TXU requested that the license renewal option in §305.127 be maintained because Texas generators will continue to operate and need a disposal option beyond the 15-year initial license term. AEP expressed support for §305.127 allowing the facility's license to be renewed for one or more ten-year terms because nuclear power plants in Texas will operate for more than the 20-year nonrenewable license term specified in the rules.

The commission agrees with this commenter and notes that the license may be renewed for one or more terms of ten years. The commission has made no change in response to this comment.

SUBCHAPTER C: APPLICATION FOR PERMIT OR POST-CLOSURE ORDER

§305.53

STATUTORY AUTHORITY

The amendment is adopted under Texas Water Code, §5.103, concerning Rules, and §5.105, concerning General Policy, which authorize the commission to adopt rules necessary to carry out its powers and duties under the Texas Water Code and other laws of the state. The amendment is also adopted under Texas Health and Safety Code, Chapter 401, concerning Radioactive Materials and Other Sources of Radiation (also known as the Texas Radiation Control Act); §401.011, concerning Radiation Control Agency, which authorizes the commission to regulate and license the disposal of radioactive substances; §401.051, concerning Adoption of Rules and Guidelines, which authorizes the commission to adopt rules and guidelines relating to control of sources of radiation; §401.103, concerning Rules and Guidelines for Licensing and Registration, which authorizes the commission to adopt rules and guidelines that provide for licensing and registration for the control of sources of radiation; §401.104, concerning Licensing and Registration rules, which requires the commission to provide rules for licensing for the disposal of radioactive material; §401.201, concerning Regulation of Low-Level Radioactive Waste Disposal, which authorizes the commission to regulate the disposal of low-level radioactive waste; and §401.412, concerning Commission Licensing Authority, which authorizes the commission to issue licenses for the disposal of radioactive substances.

§305.53. Application Fee.

(a) Except for radioactive material licenses or as specifically provided hereunder, an applicant shall include with each application a fee of \$100.

(1) The permit application fee for each disposal well which will not be authorized to receive hazardous waste is \$100. The fee for each disposal well which will be authorized to receive hazardous waste is \$2,000.

(2) The permit application fee for each solid waste management facility to be used for the storage, processing, or disposal of hazardous waste, the Part B application for which was filed after September 1, 1985, shall be not less than \$2,000 and not more than \$50,000 as calculated in accordance with the following:

(A) site evaluation - \$100 per acre of solid waste facility up to 300 acres; no additional fee thereafter;

(B) process analysis - \$1,000;

(C) facility unit(s) analysis - \$500 per unit;

(D) management/facility analysis - \$500.

(3) For purposes of paragraph (2)(C) of this subsection, each landfill, surface impoundment, incinerator, waste pile, tank, and container storage area shall be considered a facility unit subject to the \$500 per unit fee; except that multiple storage tanks or container storage area identical in type and use will be subject to a single \$500 unit fee.

(4) The permit application fee for water use permits shall be submitted in accordance with §§295.131 - 295.140 of this title (relating to Water Use Permit Fees).

(5) The permit application fee for mine shaft permits shall be submitted in accordance with §329.9 of this title (relating to Procedures for Applications).

(6) The permit application fees for wastewater disposal permits shall not be less than \$100 and not more than \$2,000 as follows.

(A) Agricultural permit applications fees are as follows:

(i) minor amendments - \$100; and

(ii) new, amendment, and renewal applications - \$300.

(B) Domestic wastewater permit application fees are based upon the following flow categories:

(i) minor amendments - \$100;

(ii) new, amendment, and renewal applications less than 50,000 gallons per day - \$300;

(iii) new, amendment, and renewal applications 50,000 to less than 100,000 gallons per day - \$500;

(iv) new, amendment, and renewal applications 100,000 to less than 250,000 gallons per day - \$800;

(v) new, amendment, and renewal applications 250,000 to less than 500,000 gallons per day - \$1,200;

(vi) new, amendment, and renewal applications 500,000 to less than 1 million gallons per day - \$1,600; and

(vii) new, amendment, and renewal applications 1 million and greater gallons per day - \$2,000.

(C) Municipal storm water permit application fees as follows:

(i) minor amendments - \$100; and

(ii) new, major amendments, and renewal applications - \$2,000.

(D) Industrial wastewater permit application fees are based upon the EPA major/minor designation and the commission assigned toxicity rating as follows:

(i) minor amendments for minor facilities - \$100;

(ii) minor amendments for major facilities - \$400;

(iii) new, amendment, and renewal applications for minor facilities that are not subject to categorical standards promulgated by EPA (40 Code of Federal Regulations, Part 400) - \$300;

(iv) new, amendment, and renewal applications for minor facilities that must comply with a categorical standard promulgated by the EPA (40 Code of Federal Regulations, Part 400) - \$1,200; and

(v) new, amendment, and renewal applications for major facilities - \$2,000.

(7) The fees established by this section are due at the time that the application is filed in accordance with §281.3 of this title (relating to Initial Review), except that for hazardous waste permit applications filed on or after September 1, 1985, but prior to the effective date of paragraph (2) of this subsection are due at the time that the application is forwarded to the chief clerk of the Texas Commission on Environmental Quality for purposes of issuance of the notice of application. Unless the recommendation of the executive director is that the application be denied, the commission will not consider an application for final decision until such time as the fees in accordance with paragraph (2) of this subsection are paid.

(b) An applicant shall also include with each application for a new, amended, or modified permit a fee of \$50 to be applied toward the cost of providing required notice. A fee of \$15 is required with each application for renewal. This subsection does not apply to radioactive material licenses.

(c) Each application for a radioactive material license shall be accompanied by the applicable fee. The fee for a license shall be calculated in accordance with Chapter 336, Subchapter B of this title (relating to Radioactive Substance Fees).

SUBCHAPTER F: PERMIT CHARACTERISTICS AND CONDITIONS

§305.127

STATUTORY AUTHORITY

The amendment is adopted under Texas Water Code, §5.103, concerning Rules, and §5.105, concerning General Policy, which authorize the commission to adopt rules necessary to carry out its powers and duties under the Texas Water Code and other laws of the state. The amendment is also adopted under Texas Health and Safety Code, Chapter 401, concerning Radioactive Materials and Other Sources of Radiation (also known as the Texas Radiation Control Act); §401.011, concerning Radiation Control Agency, which authorizes the commission to regulate and license the disposal of radioactive substances; §401.051, concerning Adoption of Rules and Guidelines, which authorizes the commission to adopt rules and guidelines relating to control of sources of radiation; §401.103, concerning Rules and Guidelines for Licensing and Registration, which authorizes the commission to adopt rules and guidelines that provide for licensing and registration for the control of sources of radiation; §401.104, concerning Licensing and Registration rules, which requires the commission to provide rules for licensing for the disposal of radioactive material; §401.201, concerning Regulation of Low-Level Radioactive Waste Disposal, which authorizes the commission to regulate the disposal of low-level radioactive waste; and §401.412, concerning Commission Licensing Authority, which authorizes the commission to issue licenses for the disposal of radioactive substances.

§305.127. Conditions to be Determined for Individual Permits.

Conditions to be determined on a case-by-case basis according to the criteria specified in this section, and when applicable, incorporated into the permit expressly or by reference, are:

(1) Duration.

(A) Injection well permits.

(i) Permits for Class I and Class V wells shall be for a fixed term not to exceed ten years.

(ii) Permits for Class III wells or projects may be for the life of the well or project, and shall be reviewed at least once every five years.

(B) Solid waste permits.

(i) Hazardous waste permits shall be for a fixed term not to exceed ten years.

(ii) Other solid waste permits may be for the life of the project.

(iii) Each permit for a land disposal facility used to manage hazardous waste shall be reviewed by the executive director five years from the date of permit issuance or reissuance and shall be modified as necessary by the commission, as provided in §305.62(e) of this title (relating to Amendment).

(C) Waste discharge permits.

(i) Texas pollutant discharge elimination system (TPDES) permits, including sludge permits, shall be for a term not to exceed five years.

(ii) All other permits shall be as follows:

(I) Permits which authorize a direct discharge of wastewater into a surface drainageway shall be for a term not to exceed five years.

(II) Confined animal feeding operation permits may be for the life of the project.

(III) Other wastewater permits, including permits which regulate land disposal systems, shall be for a term not to exceed ten years.

(D) Drilled or mined shaft permits. Drilled or mined shaft permits which authorize operation of a drilled or mined shaft shall be for a term not to exceed ten years.

(E) Term of permit. The term of a permit shall not be extended by amendment beyond the maximum duration specified in this section.

(F) Duration of permit. The executive director may recommend that a permit be issued and the commission may issue any permit, for a duration less than the full allowable term under this section.

(G) Radioactive material licenses.

(i) A license issued under Chapter 336, Subchapter H of this title (relating to Licensing Requirements for Near-Surface Land Disposal of Low-Level Radioactive Waste) shall be issued for an initial term of 15 years from the date of issuance. After the initial 15 years, the commission may renew the license for one or more terms of ten years. The authority to dispose of waste expires on the date stated in the license except as provided in §336.718(a) of this title (relating to Application for Renewal or Closure).

(ii) Other radioactive material licenses shall be for a fixed term not to exceed ten years.

(2) Monitoring, recording, and reporting.

(A) Requirements concerning the proper use, maintenance, and installation of monitoring equipment or methods shall be specified by the commission as appropriate.

(B) The type, intervals, and frequency of monitoring shall be set to yield data representative of the monitored activity, at a minimum as specified in commission rules for monitoring and reporting.

(C) Other requirements for monitoring and reporting shall be set at a minimum as specified in commission rules for monitoring and reporting.

(3) Schedule of compliance.

(A) A schedule of compliance prescribing a timetable for achieving compliance with the permit conditions, the appropriate law, and regulations may be incorporated into a permit. The schedule shall require compliance as soon as possible and may set interim dates of compliance. For injection wells, compliance shall be required not later than three years after the effective date of the permit. For TPDES permits the schedule of compliance shall require compliance not later than authorized by Chapter 307 of this title (relating to Texas Surface Water Quality Standards).

(B) For schedules of compliance exceeding one year, interim dates of compliance not exceeding one year shall be set, except that in the case of a schedule for compliance with standards for sewage sludge use and disposal, the time between interim dates shall not exceed six months.

(C) Reporting requirements for each schedule of compliance shall be specified by the commission as appropriate. Reports of progress and completion shall be submitted to the executive director no later than 14 days after each schedule date.

(D) For TPDES permits the following additional conditions apply.

(i) The first TPDES permit issued to a new source or a new discharger shall contain a schedule of compliance only when necessary to allow a reasonable opportunity to attain compliance with requirements issued or revised after commencement of construction but less than three years before commencement of the relevant discharge.

(ii) For recommencing dischargers, a schedule of compliance shall be available only when necessary to allow a reasonable opportunity to attain compliance with requirements issued or revised less than three years before recommencement of discharge.

(iii) If a permit establishes a schedule of compliance which exceeds one year from the date of permit issuance, the permit schedule shall set forth interim requirements and the dates for their achievement.

(E) For UIC permits, the time for compliance shall require compliance as soon as possible, and in no case later than three years after the effective date of the permit. Except as provided in clause (iii)(I)(-b-) of this subparagraph, if a permit establishes a schedule of compliance

which exceeds one year from the date of permit issuance, the schedule shall set forth interim requirements and the dates for their achievement.

(i) The time between interim dates shall not exceed one year.

(ii) If the time necessary for completion of any interim requirement is more than one year and is not readily divisible into stages for completion, the permit shall specify interim dates for the submission of reports of progress toward completion of the interim requirements and indicate a projected completion date.

(iii) A permit applicant or permittee may cease conducting regulated activities (by plugging and abandonment) rather than continue to operate and meet permit requirements as follows.

(I) If the permittee decides to cease conducting regulated activities at a given time within the term of a permit which has already been issued:

(-a-) the permit may be modified to contain a new or additional schedule leading to timely cessation of activities; or

(-b-) the permittee shall cease conducting permitted activities before noncompliance with any interim or final compliance schedule requirement already specified in the permit.

(II) If the decision to cease conducting regulated activities is made before issuance of a permit whose term will include the cessation date, the permit shall contain a schedule leading to cessation of activities which will ensure timely compliance with applicable requirements.

(III) If the permittee is undecided whether to cease conducting regulated activities, the executive director may issue or modify a permit to contain two schedules as follows:

(-a-) both schedules shall contain an identical interim deadline requiring a final decision on whether to cease conducting regulated activities no later than a date which ensures sufficient time to comply with applicable requirements in a timely manner if the decision is to continue conducting regulated activities;

(-b-) one schedule shall lead to timely compliance with applicable requirements;

(-c-) the second schedule shall lead to cessation of regulated activities by a date which will ensure timely compliance with applicable requirements; and

(-d-) each permit containing two schedules shall include a requirement that after the permittee has made a final decision under item (-a-) of this subclause, it shall follow the schedule leading to compliance if the decision is to continue conducting regulated

activities, and follow the schedule leading to cessation if the decision is to cease conducting regulated activities.

(IV) The applicant's or permittee's decision to cease conducting regulated activities shall be evidenced by a firm public commitment satisfactory to the executive director, such as a resolution of the board of directors of a corporation.

(4) Requirements for individual programs.

(A) Requirements to provide for and assure compliance with standards set by the rules of the commission and the laws of Texas shall be determined and included in permits on a case-by-case basis to reflect the best method for attaining such compliance. Each permit shall contain terms and conditions as the commission determines necessary to protect human health and safety, and the environment. Reference is made to Chapter 330 of this title (relating to Municipal Solid Waste) for municipal solid waste facility standards, to Chapter 331 of this title (relating to Underground Injection Control) for injection well standards, to Chapter 335 of this title (relating to Industrial Solid Waste and Municipal Hazardous Waste) for solid waste facility standards, to Chapter 336 of this title (relating to Radioactive Substance Rules) for radioactive material disposal standards, to Chapter 309 of this title (relating to Domestic Wastewater Effluent Limitation and Plant Siting) for waste discharge standards, and to Chapter 329 of this title (relating to Drilled or Mined Shafts) for drilled or mined shaft standards.

(B) Any applicable statutory or regulatory requirements which take effect prior to final administrative disposition of an application for a permit or prior to the amendment, modification, or suspension and reissuance of a permit shall be included in the permit.

(C) New, amended, modified, or renewed permits shall incorporate any applicable requirements contained in Chapter 331 of this title for injection well standards, Chapter 335 of this title for solid waste facility standards, Chapter 336 of this title, Chapter 309 of this title for waste discharge standards, and Chapter 329 of this title for drilled or mined shaft standards.

(5) Wastes authorized.

(A) Injection well permits. Each category of waste to be disposed of by injection well shall be authorized in the permit.

(B) Drilled or mined shaft permits. Each category of waste to be handled, stored, processed, or disposed of in a drilled or mined shaft, or in associated surface facilities shall be authorized in the permit.

(C) Unauthorized wastes. Wastes not authorized by permit are prohibited from being transported to, stored, and processed or disposed of in a permitted facility.

(6) Permit conditions. All permit conditions shall be incorporated either expressly or by reference. If incorporated by reference, a specific citation to the applicable rules or requirements must be given in the permit.