

The Texas Natural Resource Conservation Commission (commission) adopts amendments to §330.2, Definitions and §330.52, Technical Requirements of Part I of the Application. The commission also adopts the repeal of §330.381, Purpose and Applicability; §330.382, Definitions; §330.383, Administration; §330.384, Application for Letter of Competency; §330.385, Qualification; §330.386, Renewal; §330.387, Revocation; §330.388, Recommendations for Solid Waste Facility Owners/Operators; and §330.389, Fees. Sections 330.2, 330.52, and the repeal of §§330.381 -330.389 are adopted *without changes* as published in the September 28, 2001 issue of the *Texas Register* (26 TexReg 7496) and will not be republished.

#### BACKGROUND AND SUMMARY OF THE FACTUAL BASIS FOR THE ADOPTED RULES

This rulemaking project implements House Bill (HB) 3111, which requires the agency to consolidate rules for the occupational licensing programs by December 1, 2001. The adopted rules will consolidate all administrative functions which affect various licensing programs administered by the commission into one chapter, newly created 30 TAC Chapter 30, Occupational Licenses and Registrations. The new rules will require that a licensed solid waste facility supervisor be employed at all solid waste facilities. These rules will apply to all individuals regardless of whether they have a prior site-operating record. Current municipal solid waste facility supervisors who are not licensed at the time these rules are adopted, must obtain a municipal solid waste facility supervisor license or become a supervisor in training by January 2004. The current program rules will remain in effect to address the technical portions of the programs such as design criteria, construction, and planning while excluding the elements included in the administration of occupational licensing. New 30 TAC Chapter 30 is concurrently adopted in this issue of the *Texas Register*.

#### SECTION BY SECTION DISCUSSION

Adopted §330.2(69) clarifies the definition of “license” to incorporate the definition for occupational licenses as described in Chapter 30.

Adopted §330.52(b)(9)(C) deletes the requirement for evidence of competency, and adds the licensing requirements for a solid waste facility supervisor.

Adopted §330.52(b)(9)(E) replaces “letter of competency” with “license” to reflect correct terminology. The wording improves readability and provides consistency with subparagraphs (A) - (D).

Repealed Subchapter M is readopted in Chapter 30 as part of the consolidation of the administration licenses and registrations.

#### FINAL REGULATORY IMPACT ANALYSIS DETERMINATION

The commission reviewed the rulemaking in light of the regulatory analysis requirements of Texas Government Code, §2001.0225, and determined that the rulemaking is not subject to §2001.0225. Section 2001.0225 only applies to rules that are specifically intended to protect the environment, or reduce risks to human health from environmental exposure. The intent of the rulemaking is to consolidate the requirements for the various occupations, licensed or registered by the commission, into one chapter; not to protect the environment or human health. Protection of human health and the environment may be a by-product of the rulemaking, but it is not the specific intent of the rules.

Furthermore, the rulemaking would not adversely affect, in a material way, the economy, a section of the economy, productivity, competition, jobs, the environment, or the public health and safety of the state or a sector of the state, because the rules would simply consolidate existing rule language into one chapter. Thus, the rulemaking does not meet the definition of a “major environmental rule” as defined in Texas Government Code, §2001.0225(g)(3), and thus, does not require a full regulatory impact analysis.

#### TAKINGS IMPACT ASSESSMENT

The commission prepared a takings impact assessment for these rules under Texas Government Code, §2007.43. The following is a summary of that assessment. The specific purpose of the rules is to consolidate the requirements for the various occupations, licensed or registered by the commission, into one chapter. The rules would substantially advance this specific purpose by setting forth detailed procedures for obtaining an occupational license or registration including procedures for: the initial application; examinations; and renewal applications. The rules do not constitute a takings because they would not burden private real property.

#### CONSISTENCY WITH THE COASTAL MANAGEMENT PROGRAM

The commission reviewed the adopted rulemaking and found that the rules are neither identified in Coastal Coordination Act Implementation Rules, 31 TAC §505.11, relating to Actions and Rules Subject to the Texas Coastal Management Program (CMP), nor will they affect any action or authorization identified in Coastal Coordination Act Implementation Rules, 31 TAC §505.11. Therefore, the rulemaking is not subject to the CMP.

#### HEARING AND COMMENTERS

The commission held a public hearing in Austin on October 11, 2001. The public comment period closed on October 22, 2001. No oral or written comments were received.

#### STATUTORY AUTHORITY

The amendment is adopted under the authority granted to the commission by the Texas Legislature in Texas Water Code (TWC), Chapter 37. The amendment will be implemented under the authority of TWC, §37.002, which requires the commission to adopt rules to establish occupational licenses and registrations for solid waste facility supervisors (Texas Health and Safety Code (THSC), §361.027).

The amendment is also authorized under the general authority granted in TWC, §5.013, which establishes the general jurisdiction of the commission over other areas of responsibility as assigned to the commission under TWC and other laws of the state; TWC, §5.103 and §5.105, which authorize the commission to adopt rules and policies necessary to carry out its responsibilities and duties under TWC, §5.013(15); and TWC, §7.002, which authorizes the commission to enforce provisions of TWC and THSC.

## SUBCHAPTER A: GENERAL INFORMATION

### §330.2

#### §330.2. Definitions.

Unless otherwise noted, all terms contained in this section are defined by their plain meaning. This section contains definitions for terms that appear throughout this chapter. Additional definitions may appear in the specific section to which they apply. As used in this chapter, words in the masculine gender also include the feminine and neuter genders, words in the feminine gender also include the masculine and neuter genders; words in the singular include the plural and words in the plural include the singular. The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

(1) **100-year flood** - A flood that has a 1.0% or greater chance of recurring in any given year or a flood of a magnitude equalled or exceeded once in 100 years on the average over a significantly long period.

(2) **Acid** - A substance containing hydrogen that will release hydrogen (hydronium) ions when dissolved in water. Acids will have a pH of less than 7.0 and usually have a sour taste and will cause blue litmus dye to turn red.

(3) **Active life** - The period of operation beginning with the initial receipt of solid waste and ending at certification/ completion of closure activities in accordance with §§330.250 - 330.253 of this title (relating to Closure and Post-Closure).

(4) **Active portion** - That part of a facility or unit that has received or is receiving wastes and that has not been closed in accordance with §§330.250 - 330.253 of this title (relating to Closure and Post-Closure).

(5) **Airport** - A public-use airport open to the public without prior permission and without restrictions within the physical capacities of available facilities.

(6) **Aquifer** - A geological formation, group of formations, or portion of a formation capable of yielding significant quantities of groundwater to wells or springs.

(7) **Areas susceptible to mass movements** - Areas of influence (i.e., areas characterized as having an active or substantial possibility of mass movement) where the movement of earth material at, beneath, or adjacent to the MSWLF unit, because of natural or man-induced events, results in the downslope transport of soil and rock material by means of gravitational influence. Areas of mass movement include, but are not limited to, landslides, avalanches, debris slides and flows, soil fluction, block sliding, and rock fall.

(8) **Asbestos-containing materials** - Include the following.

(A) Category I nonfriable asbestos-containing material (ACM) means asbestos-containing packings, gaskets, resilient floor covering, and asphalt roofing products containing more

than 1.0% asbestos as determined using the method specified in Appendix A, Subpart F, 40 CFR, Part 763, §1, Polarized Light Microscopy.

(B) Category II nonfriable ACM means any material, excluding Category I nonfriable ACM, containing more than 1.0% asbestos as determined using the methods specified in Appendix A, Subpart F, 40 CFR, Part 763, §1, Polarized Light Microscopy, that, when dry, cannot be crumbled, pulverized, or reduced to powder by hand pressure.

(C) Friable ACM means any material containing more than 1.0% asbestos that, when dry, can be crumbled, pulverized, or reduced to powder by hand pressure.

(D) Nonfriable ACM means any material containing more than 1.0% asbestos that, when dry, cannot be crumbled, pulverized, or reduced to powder by hand pressure.

(9) **ASTM** - The American Society of Testing and Materials.

(10) **Battery** - An electrochemical device that generates electric current by converting chemical energy. Its essential components are positive and negative electrodes made of more or less electrically conductive materials, a separate medium, and an electrolyte. There are four major types:

(A) primary batteries (dry cells);

(B) storage or secondary batteries;

(C) nuclear and solar cells or energy converters; and

(D) fuel cells.

(11) **Battery acid (also known as electrolyte acid)** - A solution of not more than 47% sulfuric acid in water suitable for use in storage batteries, which is water white, odorless, and practically free from iron.

(12) **Battery retailer** - A person or business location that sells lead-acid batteries to the general public, without restrictions to limit purchases to institutional or industrial clients only.

(13) **Battery wholesaler** - A person or business location that sells lead-acid batteries directly to battery retailers, to government entities by contract sale, or to large-volume users, either directly or by contract sale.

(14) **Bird hazard** - An increase in the likelihood of bird/aircraft collisions that may cause damage to an aircraft or injury to its occupants.

(15) **Brush** - Cuttings or trimmings from trees, shrubs, or lawns and similar materials.

(16) **Buffer zone** - A zone free of municipal solid waste processing and disposal activities adjacent to the site boundary.

(17) **CFR** - Code of Federal Regulations.

(18) **Citizens' collection station** - A facility established for the convenience and exclusive use of residents (not commercial or industrial users or collection vehicles). The facility may consist of one or more storage containers, bins, or trailers.

(19) **Class I industrial solid waste** - See industrial solid waste.

(20) **Collection** - The act of removing solid waste (or materials that have been separated for the purpose of recycling) for transport elsewhere.

(21) **Collection system** - The total process of collecting and transporting solid waste. It includes storage containers; collection crews, vehicles, equipment and management; and operating procedures. Systems are classified as municipal, contractor, or private.

(22) **Commercial solid waste** - All types of solid waste generated by stores, offices, restaurants, warehouses, and other nonmanufacturing activities, excluding residential and industrial wastes.

(23) **Commission** - The Texas Water Commission and its successors.

(24) **Compacted waste** - Waste that has been reduced in volume by a collection vehicle or other means including, but not limited to, dewatering, composting, incineration, and similar processes, with the exception of waste that has been reduced in volume by a small, in-house compactor device owned and/or operated by the generator of the waste.

(25) **Composite liner** - A liner system consisting of two components: the upper component must consist of a minimum 30-mil flexible membrane liner (FML) or minimum 60-mil high-density polyethylene (HDPE), and the lower component must consist of at least a two-foot layer of compacted soil with a hydraulic conductivity of no more than  $1 \times 10^{-7}$  cm/sec. The FML component must be installed in direct and uniform contact with the compacted soil component.

(26) **Compost** - The stabilized product of the decomposition process that is used or sold for use as a soil amendment, artificial top soil, growing medium amendment, or other similar uses.

(27) **Composting** - The controlled biological decomposition of organic materials through microbial activity.

(28) **Conditionally exempt small-quantity generator** - A person who generates no more than 220 pounds of hazardous waste in a calendar month.

(29) **Construction-demolition waste** - Waste resulting from construction or demolition projects; includes all materials that are directly or indirectly the by-products of construction work or that result from demolition of buildings and other structures, including, but not limited to, paper, cartons, gypsum board, wood, excelsior, rubber, and plastics.

(30) **Contaminate** - The man-made or man-induced alteration of the chemical, physical, biological, or radiological integrity of ground or surface water.

(31) **Controlled burning** - The combustion of solid waste with control of combustion air to maintain adequate temperature for efficient combustion; containment of the combustion reaction in an enclosed device to provide sufficient residence time and mixing for complete combustion; and control of the emission of the combustion products, i.e., incineration in an incinerator.

(32) **Discard** - To abandon a material and not use, re-use, reclaim, or recycle it. A material is abandoned by being disposed of; burned or incinerated (except where the material is being burned as a fuel for the purpose of recovering usable energy); or physically, chemically, or biologically treated (other than burned or incinerated) in lieu of or prior to being disposed.

(33) **Discharge** - Includes deposit, conduct, drain, emit, throw, run, allow to seep, or otherwise release, or to allow, permit, or suffer any of these acts or omissions.

(34) **Discharge of dredged material** - Any addition of dredged material into the waters of the United States. The term includes, without limitation, the addition of dredged material to a specified disposal site located in waters of the United States and the runoff or overflow from a contained land or water disposal area.

(35) **Discharge of fill material** - The addition of fill material into waters of the United States. The term generally includes placement of fill necessary to the construction of any structure in waters of the United States: the building of any structure or improvement requiring rock, sand, dirt, or other inert material for its construction; the building of dams, dikes, levees, and riprap.

(36) **Discharge of pollutant** - Any addition of any pollutant to navigable waters from any point source or any addition of any pollutant to the waters of the contiguous zone or the ocean from any point source.

(37) **Displacement** - The measured or estimated distance between two formerly adjacent points situated on opposite walls of a fault (synonymous with net slip).

(38) **Disposal** - The discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste or hazardous waste (whether containerized or uncontainerized) into or on any land or water so that such solid waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including groundwater.

(39) **Dredged material** - Material that is excavated or dredged from waters of the United States.

(40) **Drinking-water intake** - The point at which water is withdrawn from any water well, spring, or surface water body for use as drinking water for humans, including standby public water supplies.

(41) **Elements of nature** - Rainfall, snow, sleet, hail, wind, sunlight, or other natural phenomenon.

(42) **Endangered or threatened species** - Any species listed as such pursuant to the Federal Endangered Species Act, §4, 16 United States Code (USC) 1536, as amended or pursuant to the Texas Endangered Species Act.

(43) **EPA** - United States Environmental Protection Agency.

(44) **Essentially insoluble** - Any material that, if representatively sampled and placed in static or dynamic contact with deionized water at ambient temperature for seven days, will not leach any quantity of any constituent of the material into the water in excess of the maximum contaminant levels in 40 CFR 141, Subparts B and G, and 40 CFR 143 for total dissolved solids.

(45) **Executive director** - The executive director of the Texas Water Commission and successors, or a person authorized to act on her behalf.

(46) **Existing MSWLF unit** - Any municipal solid waste landfill unit that received solid waste as of October 9, 1993. Waste placement in existing units must be consistent with past operating practices or modified practices to ensure good management.

(47) **Experimental project** - Any new proposed method of managing municipal solid waste, including resource and energy recovery projects, that appears to have sufficient merit to warrant commission approval.

(48) **Facility** - All contiguous land and structures, other appurtenances, and improvements on the land used for the storage, processing, or disposal of solid waste.

(49) **Fault** - A fracture or a zone of fractures in any material along which strata, rocks, or soils on one side have been displaced with respect to those on the other side.

(50) **Fill material** - Any material used for the primary purpose of filling an excavation.

(51) **Floodplain** - The lowland and relatively flat areas adjoining inland and coastal waters, including flood-prone areas of offshore islands, that are inundated by the 100-year flood.

(52) **Garbage** - Solid waste consisting of putrescible animal and vegetable waste materials resulting from the handling, preparation, cooking, and consumption of food, including waste materials from markets, storage facilities, handling, and sale of produce and other food products.

(53) **Gas condensate** - The liquid generated as a result of any gas recovery process at a municipal solid waste facility.

(54) **Generator** - Any person, by site or location, whose act or process produces a solid waste or first causes it to become regulated.

(55) **Groundwater** - Water below the land surface in a zone of saturation.

(56) **Hazardous waste** - Any solid waste identified or listed as a hazardous waste by the administrator of United States Environmental Protection Agency (EPA) pursuant to the federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, 42 USC, §6901 et seq, as amended.

(57) **Holocene** - The most recent epoch of the Quaternary Period, extending from the end of the Pleistocene Epoch to the present.

(58) **Household waste** - Any solid waste (including garbage, trash, and sanitary waste in septic tanks) derived from households (including single and multiple residences, hotels, and motels,

bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas); does not include yard waste or brush that is completely free of any household wastes.

(59) **Industrial hazardous waste** - Hazardous waste determined to be of industrial origin.

(60) **Industrial solid waste** - Solid waste resulting from or incidental to any process of industry or manufacturing, or mining or agricultural operations, classified as follows.

(A) Class I industrial solid waste or Class I waste is any industrial solid waste designated as Class I by the executive director as any industrial solid waste or mixture of industrial solid wastes that because of its concentration or physical or chemical characteristics is toxic, corrosive, flammable, a strong sensitizer or irritant, a generator of sudden pressure by decomposition, heat, or other means, and may pose a substantial present or potential danger to human health or the environment when improperly processed, stored, transported, or otherwise managed, including hazardous industrial waste, as defined in §335.1 of this title (relating to Definitions) and §335.505 of this title (relating to Class I Waste Determination).

(B) Class II industrial solid waste is any individual solid waste or combination of industrial solid wastes that cannot be described as Class I or Class III, as defined in §335.506 of this title (relating to Class II Waste Determination).

(C) Class III industrial solid waste is any inert and essentially insoluble industrial solid waste, including materials such as rock, brick, glass, dirt, and certain plastics and rubber, etc., that are not readily decomposable as defined in §335.507 of this title (relating to Class III Waste Determination).

(61) **Inert material** - A naturally occurring nonputrescible material that is essentially insoluble such as soil, dirt, clay, sand, gravel, and rock.

(62) **In situ** - In natural or original position.

(63) **Karst terrain** - An area where karst topography, with its characteristic surface and/or subterranean features, is developed principally as the result of dissolution of limestone, dolomite, or other soluble rock. Characteristic physiographic features present in karst terrains include, but are not limited to, sinkholes, sinking streams, caves, large springs, and blind valleys.

(64) **Lateral expansion** - A horizontal expansion of the waste boundaries of an existing MSWLF unit.

(65) **Land application of solid waste** - The disposal or use of solid waste (including, but not limited to, sludge or septic tank pumpings or mixture of shredded waste and sludge) in which the solid waste is applied within three feet of the surface of the land.

(66) **Leachate** - A liquid that has passed through or emerged from solid waste and contains soluble, suspended, or miscible materials removed from such waste.

(67) **Lead** - The metal element, atomic number 82, atomic weight 207.2, with the chemical symbol Pb.

(68) **Lead acid battery** - A secondary or storage battery that uses lead as the electrode and dilute sulfuric acid as the electrolyte and is used to generate electrical current.

(69) **License** -

(A) A document issued by an approved county authorizing and governing the operation and maintenance of a municipal solid waste facility used to process, treat, store, or dispose of municipal solid waste, other than hazardous waste, in an area not in the territorial limits or extraterritorial jurisdiction of a municipality.

(B) An occupational license as defined in Chapter 30 of this title (relating to Occupational Licenses and Registrations).

(70) **Liquid waste** - Any waste material that is determined to contain "free liquids" as defined by EPA Method 9095 (Paint Filter Test), as described in "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods" (EPA Publication Number SW-846).

(71) **Litter** - Rubbish and putrescible waste.

(72) **Lower explosive limit** - The lowest percent by volume of a mixture of explosive gases in air that will propagate a flame at 25 degrees Celsius and atmospheric pressure.

(73) **Man-made inert material** - Those non-putrescible, essentially insoluble materials fabricated by man that are not included under the definition of rubbish.

(74) **Medical waste** - Waste generated by health-care-related facilities and associated with health-care activities, not including garbage or rubbish generated from offices, kitchens, or other non-health-care activities. The term includes special waste from health care-related facilities which is comprised of animal waste, bulk blood and blood products, microbiological waste, pathological waste, and sharps as those terms are defined in 25 TAC §1.132 (Definition, Treatment, and Disposition of Special Waste from Health-Care Related Facilities). The term does not include medical waste produced on farmland and ranchland as defined in Agriculture Code, §252.001(6) (Definitions--Farmland or ranchland), nor does the term include artificial, nonhuman materials removed from a patient and requested by the patient, including but not limited to orthopedic devices and breast implants.

(75) **Monofill** - A landfill or landfill trench into which only one type of waste is placed.

(76) **MSWLF** - Municipal solid waste landfill facility.

(77) **Municipal hazardous waste** - Any municipal solid waste or mixture of municipal solid wastes that has been identified or listed as a hazardous waste by the administrator, United States Environmental Protection Agency.

(78) **Municipal solid waste (MSW)** - Solid waste resulting from or incidental to municipal, community, commercial, institutional, and recreational activities, including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, and all other solid waste other than industrial solid waste.

(79) **Municipal solid waste facility (MSW facility)** - All contiguous land, structures, other appurtenances, and improvements on the land used for processing, storing, or disposing of solid waste. A facility may be publicly or privately owned and may consist of several processing, storage, or disposal operational units, e.g., one or more landfills, surface impoundments, or combinations of them.

(80) **Municipal solid waste landfill unit (MSWLF unit)** - A discrete area of land or an excavation that receives household waste and that is not a land application unit, surface impoundment, injection well, or waste pile, as those terms are defined under §257.2 of 40 CFR, Part 257. An MSWLF unit also may receive other types of RCRA Subtitle D wastes, such as commercial solid waste, nonhazardous sludge, conditionally exempt small-quantity generator waste, and industrial solid waste. Such a landfill may be publicly or privately owned. An MSWLF unit may be a new MSWLF unit, an existing MSWLF unit, or a lateral expansion.

(81) **Municipal solid waste site (MSW site)** - A plot of ground designated or used for the processing, storage, or disposal of solid waste.

(82) **Navigable waters** - The waters of the United States, including the territorial seas.

(83) **New MSWLF unit** - Any municipal solid waste landfill unit that has not received waste prior to October 9, 1993.

(84) **Nonpoint source** - Any origin from which pollutants emanate in an unconfined and unchanneled manner, including, but not limited to, surface runoff and leachate seeps.

(85) **Non-RACM** - Non-regulated asbestos-containing material as defined in 40 CFR 61. This is asbestos material in a form such that potential health risks resulting from exposure to it are minimal.

(86) **Nuisance** - Municipal solid waste that is stored, processed, or disposed of in a manner that causes the pollution of the surrounding land, the contamination of groundwater or surface water, the breeding of insects or rodents, or the creation of odors adverse to human health, safety, or welfare.

(87) **Open burning** - The combustion of solid waste without:

(A) control of combustion air to maintain adequate temperature for efficient combustion;

(B) containment of the combustion reaction in an enclosed device to provide sufficient residence time and mixing for complete combustion; and

(C) control of the emission of the combustion products.

(88) **Operate** - To conduct, work, run, manage, or control.

(89) **Operating record** - All plans, submittals, and correspondence for an MSWLF facility required under this chapter; required to be maintained at the facility or at a nearby site acceptable to the executive director.

(90) **Operation** - A municipal solid waste site or facility is considered to be in operation from the date that solid waste is first received or deposited at the municipal solid waste site or facility until the date that the site or facility is properly closed in accordance with this chapter.

(91) **Operator** - The person(s) responsible for operating the facility or part of a facility.

(92) **Opposed case** - A case when one or more parties appear, or make their appearance, in opposition to an application and are designated as opponent parties by the hearing examiner either at or before the public hearing on the application.

(93) **Other regulated medical waste** - Medical waste that is not included within special waste from health care-related facilities but that is subject to special handling requirements within the generating facility by other state or federal agencies, excluding medical waste subject to 25 TAC Chapter 289 (concerning Radiation Control).

(94) **Owner** - The person who owns a facility or part of a facility.

(95) **PCB** - Polychlorinated biphenyl molecule.

(96) **PCB waste(s)** - Those PCBs and PCB items that are subject to the disposal requirements of 40 CFR 761. Substances that are regulated by 40 CFR 761 include, but are not limited to: PCB articles, PCB article containers, PCB containers, PCB-contaminated electrical equipment, PCB equipment, PCB transformers, recycled PCBs, capacitors, microwave ovens, electronic equipment, and light ballasts and fixtures.

(97) **Permit** - A written permit issued by the commission that, by its conditions, may authorize the owner or operator to construct, install, modify, or operate a specified municipal solid waste storage, processing, or disposal facility in accordance with specific limitations.

(98) **Person** - An individual, corporation, organization, government or governmental subdivision or agency, business trust, partnership, association, or any other legal entity.

(99) **Point of compliance** - A vertical surface located no more than 500 feet from the hydraulically downgradient limit of the waste management unit boundary, extending down through the uppermost aquifer underlying the regulated units, and located on land owned by the owner of the permitted facility.

(100) **Point source** - Any discernible, confined, and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, or discrete fissure from which pollutants are or may be discharged.

(101) **Pollutant** - Contaminated dredged spoil, solid waste, contaminated incinerator residue, sewage, sewage sludge, munitions, chemical wastes, or biological materials discharged into water.

(102) **Pollution** - The man-made or man-induced alteration of the chemical, physical, biological, or radiological integrity of an aquatic ecosystem.

(103) **Poor foundation conditions** - Areas where features exist which indicate that a natural or man-induced event may result in inadequate foundation support for the structural components of an MSWLF unit.

(104) **Population equivalent** - The hypothetical population that would generate an amount of solid waste equivalent to that actually being managed based on a generation rate of five pounds per capita per day and applied to situations involving solid waste not necessarily generated by individuals. It is assumed, for the purpose of these sections, that the average volume per ton of waste entering a municipal solid waste disposal facility is three cubic yards. For the purposes of these sections, the following population equivalents shall apply:

(A) 8,000 persons -- 20 tons per day or 60 cubic yards per day;

(B) 5,000 persons -- 12 1/2 tons or 37 1/2 cubic yards per day;

(C) 1,500 persons -- 3 3/4 tons or 11 1/4 cubic yards per day;

(D) 1,000 persons -- 225 pounds of wastewater treatment plant sludge per day (dry-weight basis).

(105) **Post-consumer waste** - A material or product that has served its intended use and has been discarded after passing through the hands of a final user. For the purposes of this subchapter, the term does not include industrial or hazardous waste.

(106) **Premises** - A tract of land with the buildings thereon, or a building or part of a building with its grounds or other appurtenances.

(107) **Processing** - Activities including, but not limited to, the extraction of materials, transfer, volume reduction, conversion to energy, or other separation and preparation of solid waste for reuse or disposal, including the treatment or neutralization of hazardous waste, designed to change the physical, chemical, or biological character or composition of any hazardous waste to neutralize such waste, or to recover energy or material from the waste, or to render such waste nonhazardous or less hazardous; safer to transport, store, dispose of, or make it amenable for recovery, amenable for storage, or reduced in volume. Unless the executive director determines that regulation of such activity under these rules is necessary to protect human health or the environment, the definition of "processing" does not include activities relating to those materials exempted by the administrator of the Environmental Protection Agency pursuant to the federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, 42 USC §6901 et seq., as amended.

(108) **Public highway** - The entire width between property lines of any road, street, way, thoroughfare, bridge, public beach, or park in this state, not privately owned or controlled, if any part of the road, street, way, thoroughfare, bridge, public beach, or park is opened to the public for vehicular traffic, is used as a public recreational area, or is under the state's legislative jurisdiction through its police power.

(109) **Putrescible waste** - Organic wastes, such as garbage, wastewater treatment plant sludge, and grease trap waste, that is capable of being decomposed by microorganisms with sufficient rapidity as to cause odors or gases or is capable of providing food for or attracting birds, animals, and disease vectors.

(110) **Qualified groundwater scientist** - A scientist or engineer who has received a baccalaureate or post-graduate degree in the natural sciences or engineering and has sufficient training in groundwater hydrology and related fields as may be demonstrated by state registration, professional certifications, or completion of accredited university programs that enable the individual to make sound professional judgments regarding groundwater monitoring, contaminant fate and transport, and corrective action.

(111) **RACM** - Regulated asbestos-containing material as defined in 40 CFR 61, as amended, includes: friable asbestos material, Category I nonfriable ACM that has become friable; Category I nonfriable ACM that will be or has been subjected to sanding, grinding, cutting, or abrading; or Category II nonfriable ACM that has a high probability of becoming or has become crumbled, pulverized, or reduced to powder by the forces expected to act on the material in the course of demolition or renovation operations.

(112) **Radioactive waste** - Waste that requires specific licensing under 25 TAC Chapter 401, concerning Radioactive Materials and Other Sources of Radiation, Health and Safety Code, and the rules adopted by the commission under that law.

(113) **RCRA** - Resource Conservation and Recovery Act.

(114) **Recyclable material** - A material that has been recovered or diverted from the nonhazardous waste stream for purposes of reuse, recycling, or reclamation, a substantial portion of

which is consistently used in the manufacture of products that may otherwise be produced using raw or virgin materials. Recyclable material is not solid waste. However, recyclable material may become solid waste at such time, if any, as it is abandoned or disposed of rather than recycled, whereupon it will be solid waste with respect only to the party actually abandoning or disposing of the material.

(115) **Recycling** - A process by which materials that have served their intended use or are scrapped, discarded, used, surplus, or obsolete are collected, separated, or processed and returned to use in the form of raw materials in the production of new products. Except for mixed municipal solid waste composting, that is, composting of the typical mixed solid waste stream generated by residential, commercial, and/or institutional sources, recycling includes the composting process if the compost material is put to beneficial use.

(116) **Refuse** - Same as rubbish.

(117) **Registration** - The act of filing information for specific solid waste management activities that do not require a permit, as determined by this chapter.

(118) **Regulated hazardous waste** - A solid waste that is a hazardous waste as defined in 40 CFR, Part 261.3, and that is not excluded from regulation as a hazardous waste under 40 CFR, Part 261.4(b), or that was not generated by a conditionally exempt small-quantity generator.

(119) **Relevant point of compliance** - See point of compliance.

(120) **Resource recovery** - The recovery of material or energy from solid waste.

(121) **Resource recovery site** - A solid waste processing site at which solid waste is processed for the purpose of extracting, converting to energy, or otherwise separating and preparing solid waste for reuse.

(122) **Rubbish** - Nonputrescible solid waste (excluding ashes), consisting of both combustible and noncombustible waste materials. Combustible rubbish includes paper, rags, cartons, wood, excelsior, furniture, rubber, plastics, yard trimmings, leaves, or similar materials; noncombustible rubbish includes glass, crockery, tin cans, aluminum cans, metal furniture, and similar materials that will not burn at ordinary incinerator temperatures (1,600 degrees Fahrenheit to 1,800 degrees Fahrenheit).

(123) **Run-off** - Any rainwater, leachate, or other liquid that drains over land from any part of a facility.

(124) **Run-on** - Any rainwater, leachate, or other liquid that drains over land onto any part of a facility.

(125) **Salvaging** - The controlled removal of waste materials for utilization, recycling, or sale.

(126) **Saturated zone** - That part of the earth's crust in which all voids are filled with water.

(127) **Scavenging** - The uncontrolled and unauthorized removal of materials at any point in the solid waste management system.

(128) **Scrap tire** - Any tire that can no longer be used for its original intended purpose.

(129) **Seasonal high water table** - The highest measured or calculated water level in an aquifer during investigations for a permit application and/or any groundwater characterization studies at a site.

(130) **Septage** - The liquid and solid material pumped from a septic tank, cesspool, or similar sewage treatment system.

(131) **Shall** - The stated action is mandatory.

(132) **Should** - The stated action is recommended as a guide in completing the overall requirement.

(133) **Site** - Same as facility.

(134) **Site development plan** - A document, prepared by the design engineer, that provides a detailed design with supporting calculations and data for the development and operation of a solid waste site.

(135) **Site operating plan** - A document, prepared by the design engineer in collaboration with the site operator, that provides guidance to site management and operating personnel in sufficient detail to enable them to conduct day-to-day operations throughout the life of the site in a manner consistent with the engineer's design and the commission's regulations.

(136) **Site operator** - The holder of, or the applicant for, a permit (or license) for a municipal solid waste site.

(137) **Sludge** - Any solid, semi-solid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water-supply treatment plant, or air pollution control facility, exclusive of the treated effluent from a wastewater treatment plant.

(138) **Small MSWLF** - A municipal solid waste landfill at which less than 20 tons of municipal solid waste are disposed of daily based on an annual average.

(139) **Solid waste** - Garbage, rubbish, refuse, sludge from a wastewater treatment plant, water supply treatment plant, or air pollution control facility, and other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, municipal,

commercial, mining, and agricultural operations and from community and institutional activities. The term does not include:

(A) solid or dissolved material in domestic sewage, or solid or dissolved material in irrigation return flows, or industrial discharges subject to regulation by permit issued under the Water Code, Chapter 26;

(B) soil, dirt, rock, sand, and other natural or man-made inert solid materials used to fill land if the object of the fill is to make the land suitable for the construction of surface improvements; or

(C) waste materials that result from activities associated with the exploration, development, or production of oil or gas or geothermal resources and other substance or material regulated by the Railroad Commission of Texas under the Natural Resources Code, §91.101, unless the waste, substance, or material results from activities associated with gasoline plants, natural gas liquids processing plants, pressure maintenance plants, or repressurizing plants and is hazardous waste as defined by the administrator of the United States Environmental Protection Agency under the federal Solid Waste Disposal Act, as amended by Resource Conservation and Recovery Act, as amended (42 USC §6901 et seq.).

(140) **Special waste** - Any solid waste or combination of solid wastes that because of its quantity, concentration, physical or chemical characteristics, or biological properties requires special

handling and disposal to protect the human health or the environment. If improperly handled, transported, stored, processed, or disposed of or otherwise managed, it may pose a present or potential danger to the human health or the environment. Special wastes are:

(A) hazardous waste from conditionally exempt small-quantity generators that may be exempt from full controls under §§335.401 - 335.412 of this title (relating to Household Materials Which Could Be Classified as Hazardous Waste);

(B) Class I industrial nonhazardous waste not routinely collected with municipal solid waste;

(C) special waste from health-care-related facilities (refers to certain items of medical waste);

(D) municipal wastewater treatment plant sludges, other types of domestic sewage treatment plant sludges, and water-supply treatment plant sludges;

(E) septic tank pumpings;

(F) grease and grit trap wastes;

(G) wastes from commercial or industrial wastewater treatment plants; air pollution control facilities; and tanks, drums, or containers used for shipping or storing any material that has been listed as a hazardous constituent in 40 CFR, Part 261, Appendix VIII but has not been listed as a commercial chemical product in 40 CFR §261.33(e) or (f);

(H) slaughterhouse wastes;

(I) dead animals;

(J) drugs, contaminated foods, or contaminated beverages, other than those contained in normal household waste;

(K) pesticide (insecticide, herbicide, fungicide, or rodenticide) containers;

(L) discarded materials containing asbestos;

(M) incinerator ash;

(N) soil contaminated by petroleum products, crude oils, or chemicals;

(O) used oil;

(P) light ballasts and/or small capacitors containing polychlorinated biphenyl (PCB) compounds;

(Q) waste from oil, gas, and geothermal activities subject to regulation by the Railroad Commission of Texas when those wastes are to be processed, treated, or disposed of at a solid waste management facility permitted under this chapter;

(R) waste generated outside the boundaries of Texas that contains:

(i) any industrial waste;

(ii) any waste associated with oil, gas, and geothermal exploration, production, or development activities; or

(iii) any item listed as a special waste in this paragraph;

(S) any waste stream other than household or commercial garbage, refuse, or rubbish;

(T) lead acid storage batteries; and

(U) used-oil filters from internal combustion engines.

(141) **Special waste from health care-related facilities** - Includes animal waste, bulk human blood, blood products, body fluids, microbiological waste, pathological waste, and sharps as defined in 25 TAC §1.132 (concerning Definitions).

(142) **Stabilized sludges** - Those sludges processed to significantly reduce pathogens, by processes specified in 40 CFR, Part 257, Appendix II.

(143) **Storage** - The holding of solid waste for a temporary period, at the end of which the solid waste is processed, disposed of, or stored elsewhere. Facilities established as a neighborhood collection point for nonputrescible recyclable wastes, as a collection point for consolidation of parking lot or street sweepings or wastes collected and received in sealed plastic bags from such activities as periodic citywide cleanup campaigns and cleanup of rights-of-way or roadside parks, or for accumulation of used or scrap tires prior to transportation to a processing or disposal site are considered examples of storage facilities. Storage includes operation of pre-collection and post-collection as follows:

(A) **pre-collection** - that storage by the generator, normally on his premises, prior to initial collection;

(B) **post-collection** - that storage by a transporter or processor, at a processing site, while the waste is awaiting processing or transfer to another storage, disposal, or recovery facility.

(144) **Storage battery** - A secondary battery, so called because the conversion from chemical to electrical energy is reversible and the battery is thus rechargeable. Secondary or storage batteries contain an electrode made of sponge lead and lead dioxide, nickel-iron, nickel-cadmium, silver-zinc, or silver-cadmium. The electrolyte used is sulfuric acid. Other types of storage batteries contain lithium, sodium-liquid sulfur, or chlorine-zinc using titanium electrodes.

(145) **Store** - To keep, hold, accumulate, or aggregate.

(146) **Structural components** - Liners, leachate collection systems, final covers, run-on/run-off systems, and any other component used in the construction and operation of the MSWLF that is necessary for protection of human health and the environment.

(147) **Surface impoundment** - A facility or part of a facility that is a natural topographic depression, human-made excavation, or diked area formed primarily of earthen materials (although it may be lined with human-made materials) that is designed to hold an accumulation of liquids; examples include holding, storage, settling, and aeration pits, ponds, or lagoons.

(148) **Surface water** - Surface water as included in water in the state.

(149) **SWDA** - Texas Solid Waste Disposal Act.

(150) **TACB** - Texas Air Control Board and its successors.

(151) **Texas Civil Statutes** - Vernon's Texas Revised Civil Statutes Annotated.

(152) **Transfer station** - A fixed facility used for transferring solid waste from collection vehicles to long-haul vehicles (one transportation unit to another transportation unit). It is not a storage facility such as one where individual residents can dispose of their wastes in bulk storage containers that are serviced by collection vehicles.

(153) **Transportation unit** - A truck, trailer, open-top box, enclosed container, rail car, piggy-back trailer, ship, barge, or other transportation vehicle used to contain solid waste being transported from one geographical area to another.

(154) **Transporter** - A person who collects and transports solid waste; does not include a person transporting his or her household waste.

(155) **Trash** - Same as Rubbish.

(156) **Treatment** - Same as Processing.

(157) **Triple rinse** - To rinse a container three times using a volume of solvent capable of removing the contents equal to 10% of the volume of the container or liner for each rinse.

(158) **TWC** - Texas Water Commission.

(159) **Uncompacted waste** - Any waste that is not a liquid or a sludge, has not been mechanically compacted by a collection vehicle, has not been driven over by heavy equipment prior to collection, or has not been compacted prior to collection by any type of mechanical device other than small, in-house compactor devices owned and/or operated by the generator of the waste.

(160) **Unified soil classification system** - The standardized system devised by the United States Army Corps of Engineers for classifying soil types.

(161) **Unconfined water** - Water that is not controlled or impeded in its direction or velocity.

(162) **Unit** - Municipal solid waste landfill unit.

(163) **Unstable area** - A location that is susceptible to natural or human-induced events or forces capable of impairing the integrity of some or all of the landfill structural components responsible for preventing releases from a landfill. Unstable areas can include poor foundation conditions, areas susceptible to mass movements, and karst terrains.

(164) **Uppermost aquifer** - The geologic formation nearest the natural ground surface that is an aquifer; includes lower aquifers that are hydraulically interconnected with this aquifer within the facility's property boundary.

(165) **Vector** - An agent, such as an insect, snake, rodent, bird, or animal capable of mechanically or biologically transferring a pathogen from one organism to another.

(166) **Washout** - The carrying away of solid waste by waters.

(167) **Waste management unit boundary** - A vertical surface located at the hydraulically downgradient limit of the unit. This vertical surface extends down into the uppermost aquifer.

(168) **Waste-separation/intermediate-processing center** - A facility, sometimes referred to as a materials recovery facility, to which recyclable materials arrive as source-separated materials, or where recyclable materials are separated from the municipal waste stream and processed for transport off-site for reuse, recycling, or other beneficial use.

(169) **Waste-separation/recycling facility** - A facility, sometimes referred to as a material recovery facility, in which recyclable materials are removed from the waste stream for transport off-site for reuse, recycling, or other beneficial use.

(170) **Water in the state** - Groundwater, percolating or otherwise, lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Gulf of Mexico inside the territorial limits of the state, and all other bodies of surface water, natural or

artificial, inland or coastal, fresh or salt, navigable or non-navigable, and including the beds and banks of all watercourses and bodies of surface water, that are wholly or partially inside or bordering the state or inside the jurisdiction of the state.

(171) **Water table** - The upper surface of the zone of saturation at which water pressure is equal to atmospheric pressure, except where that surface is formed by a confining unit.

(172) **Waters of the United States** - All waters that are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters that are subject to the ebb and flow of the tide, with their tributaries and adjacent wetlands, interstate waters and their tributaries, including interstate wetlands; all other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, and wetlands, the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters that are or could be used by interstate or foreign travelers for recreational or other purposes; from which fish or shellfish are or could be taken and sold in interstate or foreign commerce; that are used or could be used for industrial purposes by industries in interstate commerce; and all impoundments of waters otherwise considered as navigable waters; including tributaries of and wetlands adjacent to waters identified herein.

(173) **Wetlands** - As defined in Chapter 307 of this title (relating to Texas Surface Water Quality Standards) and areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence

of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include playa lakes, swamps, marshes, bogs, and similar areas.

(174) **Yard waste** - Leaves, grass clippings, yard and garden debris, and brush, including clean woody vegetative material not greater than six inches in diameter, that results from landscaping maintenance and land-clearing operations. The term does not include stumps, roots, or shrubs with intact root balls.

**SUBCHAPTER E: PERMIT PROCEDURES**

**§330.52**

**STATUTORY AUTHORITY**

The amendment is adopted under the authority granted to the commission by the Texas Legislature in TWC, Chapter 37. The amendment will be implemented under the authority of TWC, §37.002, which requires the commission to adopt rules to establish occupational licenses and registrations for solid waste facility supervisors (THSC, §361.027).

The amendment is also authorized under the general authority granted in TWC, §5.013, which establishes the general jurisdiction of the commission over other areas of responsibility as assigned to the commission under TWC and other laws of the state; TWC, §5.103 and §5.105, which authorize the commission to adopt rules and policies necessary to carry out its responsibilities and duties under TWC, §5.013(15); and TWC, §7.002, which authorizes the commission to enforce provisions of TWC and THSC.

**§330.52. Technical Requirements of Part I of the Application.**

(a) General.

(1) The first part of the application, Part I, is designed to provide information that is required regardless of the type of site involved. All items required by this section and §305.45 of this title (relating to Contents of Application for Permit) must be submitted.

(2) Persons who wish to have a "pre-application meeting" under the provisions of Health and Safety Code, §361.0635, and §330.50 of this title (relating to Preapplication Review) should include a draft Part I with their request.

(3) Submittal of a Part I by itself will not necessarily require publication of a notice of intent to obtain a municipal solid waste permit under the provisions of Health and Safety Code, §361.0665, or a notice concerning receipt of a permit application under the provisions of Health and Safety Code, §361.079.

(4) Submittal of a Part I only will not allow an application to be declared "administratively complete" under the provisions of Health and Safety Code, §361.068; §281.3 of this title (relating to Initial Review); and §281.18 of this title (relating to Applications Returned).

(b) Additional requirements of Part I.

(1) Title page. The title page shall show the name of the project, the municipal solid waste (MSW) permit application number if known, the name of the applicant, the location by city and county, the date the part was prepared and, if appropriate, the number and date of the revision. It shall be sealed as required by the Texas Engineering Practice Act.

(2) Table of contents. The table of contents shall list and give the page numbers for the main sections of the application. It shall be sealed as required by the Texas Engineering Practice Act.

(3) Supplementary technical report. The applicant shall describe the purpose of the facility or the application and any other information believed to be needed to understand the application in a supplementary technical report.

(4) Maps.

(A) General. The maps submitted as a group shall show the elements contained in §305.45 of this title (relating to Contents of Application for Permit) and the following:

(i) the prevailing wind direction with a wind rose;

(ii) all known water wells within 500 feet of the proposed permit boundary shall be shown. The state well numbering system designation for Water Development Board "located wells" shall be shown;

(iii) all structures and inhabitable buildings within 500 feet of the proposed site;

(iv) schools, licensed day care facilities, churches, hospitals, cemeteries, ponds, lakes, and residential, commercial, and recreational areas within one mile of the site;

(v) the location and surface type of all roads within one mile of the site that will normally be used by the applicant for entering or leaving the site;

(vi) latitudes and longitudes;

(vii) area streams;

(viii) airports within five miles of the site;

(ix) the property boundary of the site;

(x) drainage, pipeline, and utility easements within or adjacent to the site; and

(xi) archaeological sites, historical sites, and sites with exceptional aesthetic qualities adjacent to the site.

(B) General location maps. These maps shall be all or a portion of county maps prepared by Texas Department of Transportation (TxDot). At least one general location map shall be at a scale of one-half inch equals one mile. If TxDot publishes more detailed maps of the proposed site area, the more detailed maps shall also be included in Part I. The latest revision of all maps shall be used.

(C) General topographic maps. These maps shall be United States Geological Survey 7 1/2-minute quadrangle sheets or equivalent. At least one general topographic map shall be at a scale of one inch equals 2,000 feet.

(D) Land ownership maps. These maps shall comply with the requirements §281.5 of this title (relating to Application for Wastewater Discharge, Underground Injection, Municipal Solid Waste, Hazardous Waste, and Industrial Solid Waste Management Permits) by locating the property owned by adjacent and potentially affected landowners. The maps should show all property ownership within 500 feet of the site.

(5) Landowners list. The adjacent and potentially affected landowners list shall be keyed to the land ownership maps and shall give each property owner's name and mailing address. The list shall comply with the requirements of §281.5 of this title (relating to Application for Wastewater Discharge, Underground Injection, Municipal Solid Waste, Hazardous Waste, and Industrial Solid Waste Management Permits). The list shall include all property owners within 500 feet of the site.

(6) Legal description.

(A) Provide the legal description of the property and the county, book, and page number of the current ownership record.

(B) For property that is platted, the county, book, and page number of the final plat record of only that acreage encompassed in the application and a copy of the final plat shall be provided in addition to a written legal description.

(C) Provide a boundary metes and bounds description of the site signed and sealed by a registered professional land surveyor.

(D) Provide drawings of the boundary metes and bounds description.

(7) Property owner affidavit. A property owner affidavit shall be submitted and shall include the following:

(A) the legal description of the site;

(B) acknowledgment that the State of Texas may hold the property owner of record either jointly or severally responsible for the operation, maintenance, and closure and post-closure care of the site;

(C) acknowledgment that the owner has a responsibility to file with the county deed records an affidavit to the public advising that the land has been used for a solid waste facility, at such time as the site actually begins operating as a municipal solid waste landfill facility; and

(D) acknowledgment that the site owner or operator and the State of Texas shall have access to the property during the active life and for a period of not less than 30 years after closure for the purpose of inspection and maintenance.

(8) Legal authority. The applicant shall provide verification of his legal status as required by §281.5 of this title (relating to Application for Wastewater Discharge, Underground Injection, Municipal Solid Waste, Hazardous Waste, and Industrial Solid Waste Management Permits). Normally, this shall be a one-page certificate of incorporation issued by the secretary of state. The applicant shall list all persons having over a 20% ownership in the proposed facility.

(9) Evidence of competency.

(A) The applicant shall submit a list of all Texas solid waste sites that the applicant has owned or operated within the last 10 years. The site name, site type, permit or registration number, county, and dates of operation shall also be submitted.

(B) The applicant shall submit a list of all solid waste sites in all states, territories, or countries in which the applicant has a direct financial interest. The type of site shall be identified by location, operating dates, name, and address of the regulatory agency, and the name under which the site was operated.

(C) The executive director shall require that a licensed solid waste facility supervisor, as defined in Chapter 30 of this title (relating to Occupational Licenses and Registrations), be employed before commencing site operation.

(D) The names of the principals and supervisors of the applicant's organization shall be provided, together with previous affiliations with other organization engaged in solid waste activities.

(E) Evidence of competency to operate the site shall also include landfilling and earthmoving experience, other pertinent experience, or licenses as described in Chapter 30 of this title (relating to Occupational Licenses and Registrations) possessed by key personnel and the number and size of each type of equipment to be dedicated to site operation.

(10) Appointments.

(A) Provide documentation that the person signing the application meets the requirements of §305.44 of this title (relating to Signatories to Applications). If the authority has been delegated, provide a copy of the document issued by the governing body of the applicant authorizing the person who signed the application to act as agent for the applicant.

(B) A "notice of appointment" identifying the applicant's engineer shall be provided.

(11) Evidence of financial assurance. The applicant shall submit a copy of the documentation required to demonstrate financial assurance as specified in Subchapter K of this chapter (relating to Closure, Post-Closure, and Corrective Action) and Chapter 37, Subchapter R of this title (relating to Financial Assurance for Municipal Solid Waste Facilities), as applicable. For a new facility, a copy of the required documentation shall be submitted 60 days prior to the initial receipt of waste.

**SUBCHAPTER M: SOLID WASTE TECHNICIAN TRAINING AND CERTIFICATION  
PROGRAM**

**§§330.381 - 330.389**

**STATUTORY AUTHORITY**

The repeals are adopted under the authority granted to the commission by the Texas Legislature in TWC, Chapter 37. The repeals will be implemented under the authority of TWC, §37.002, which requires the commission to adopt rules to establish occupational licenses and registrations for solid waste facility supervisors (THSC, §361.027).

The repeals are also authorized under the general authority granted in TWC, §5.013, which establishes the general jurisdiction of the commission over other areas of responsibility as assigned to the commission under TWC and other laws of the state; TWC, §5.103 and §5.105, which authorize the commission to adopt rules and policies necessary to carry out its responsibilities and duties under TWC, §5.013(15); and TWC, §7.002, which authorizes the commission to enforce provisions of TWC and THSC.

**§330.381. Purpose and Applicability.**

**§330.382. Definitions.**

**§330.383. Administration.**

**§330.384. Application for Letter of Competency.**

**§330.385. Qualification.**

**§330.386. Renewal.**

**§330.387. Revocation.**

**§330.388. Recommendations for Solid Waste Facility Owners/Operators.**

**§330.389. Fees.**