

Effective: September 23, 1999

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION
Permanent Rule Change

Rule Log No. 96106-350-WS
Texas Risk Reduction Rules

Chapter 333
Brownfields Initiatives
Subchapter A

1. Purpose. This change transmittal provides the page(s) that reflect changes and addition to the Texas Natural Resource Conservation Commission (commission) Volume of Permanent Rules.
2. Explanation of Change. On September 2, 1999, commission adopted amendments to §§333.2, 333.7 - 333.10 and the repeal of §333.11, concerning the Voluntary Cleanup Program (VCP). Section 333.8 and §333.9 are adopted with changes to the proposed text as published in the March 26, 1999 issue of the *Texas Register* (24 TexReg 2186) and will be republished. Sections 331.2, 333.7, 333.10 and the repeal of §333.11 are adopted without changes and will not be republished.
3. Effect of Change. The commission is adopting a new rule, commonly referred to as the Texas Risk Reduction Program (TRRP) rule, that will establish a uniform set of risk-based performance-oriented technical standards to guide response actions at affected properties regulated via the agency's Office of Waste Management program areas and other applicable program areas. The rule is promulgated as new 30 Texas Administrative Code (TAC) Chapter 350. The commission is adopting the amendments and repeal to sections in Chapter 333 as a conforming rulemaking to the proposed new Chapter 350.

Section 333.2 contains definitions. The commission adopts amendments to the definitions for "Change in Land Use" and "Completion." The definitions are amended so that terms used within the definitions are consistent with terminology in the TRRP rule. The definition of "Exposure assessment model" is deleted because the TRRP rule prescribes exposure pathways and points of exposure rather than the use of exposure assessment models. In addition, the commission is adding paragraph numbers to the definitions to comply with 1 TAC §91.23 of the *Texas Register* rules. The commission did not receive any comments on this section, and the section is adopted as proposed.

Section 333.7 sets forth requirements for voluntary cleanup work plans and reports. Because proposed Chapter 350 establishes clear requirements for site investigation and reports, the commission amends §333.7(a) to reference the requirements in Chapter 350. Also references to "exposure assessment model" are removed. The commission did not receive any comments on this section, and the section is adopted as proposed.

Section 333.8 sets forth response action standards for the VCP, §333.9 discusses deed recordation, and §333.10 establishes standards for the certificate of completion. The changes to §333.8 identify Chapter 350, Subchapters D and B for the development of protective concentration levels and response action standards. Amendments to §333.9 make the deed recordation requirements of the VCP the same as

for other programs governed by the TRRP. Section 333.10 is amended to make terminology consistent with the TRRP rule terminology. The commission did not receive any comments on these sections. The adopted amendments to §333.8 correct a cross reference error. Amendments to §333.9 clarify that all appropriate exhibits should be included with the filing of the certificate of completion into the real property records.

Section 333.11 addressed public notice requirements for sites entering the VCP. The commission is repealing the section because the TRRP rule contains requirements for notice to owners of off-site properties and leased lands. The commission did not receive any comments on this section, and the section is adopted as proposed.