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 Texas Commission on Environmental Quality

Instructions for
Registration Application for Coal Combustion Residuals Waste Management

Form Availability

This form, as well as other Coal Combustion Residuals (CCR) documents and rules, are available on the TCEQ website site at <[www.tceq.texas.gov/search\_forms.html](http://www.tceq.texas.gov/search_forms.html)>. The number for this form is 20870. For further instructions regarding completion of this form, send an e-mail to <ccrnotify@tceq.texas.gov> or call 512-239-2335.

Disclaimer

The applicant should review 30 Texas Administrative Code (TAC) Chapter 352 and Title 40 Code of Federal Regulations (CFR) Part 257, as well as any other applicable laws, to determine all of the requirements for the application of a registration. The TCEQ’s application form and these instructions are intended to help an applicant submit required information in an organized manner. The owner or operator is responsible for complying with applicable requirements and submitting required information.

The original application and all copies for new applications and amendments should be submitted to:

Industrial and Hazardous Waste Permits Section, MC-130

Coal Combustion Residuals Program
Waste Permits Division
Texas Commission on Environmental Quality
P. O. Box 13087
Austin, Texas 78711-3087

Application Submittal

See 30 TAC §352.211 and §352.221 for who can submit the application.

The complete application should be typewritten or printed neatly. If “not applicable” or “N/A” is indicated in response to any requested information in the application form, provide a succinct explanation of why the information requested is not applicable.

For a new registration or amendment to a registration application submit:

1. The original application (TCEQ-20870) plus two (2) complete copies and one (1) electronic copy submitted on a Compact Disk (CD).
2. TCEQ Core Data Form\* (See attachment as applicable);
3. Application Form; and
4. Application Form Attachments.

\*Note: For the initial registration or if core data information has changed in an amendment application, please submit the TCEQ Core Data Form for each owner and/or operator. A separate Core Data form can be submitted if an owner and operator are separate entities.
5. If the application fee is paid by check, transmit a check directly to the TCEQ Financial Administration Division (FAD) and submit a copy of the FAD receipt with the application.
6. Submit a Correspondence Cover Sheet (form TCEQ-20714) with all CCR Registration Applications and reports; and
7. Submit pre-printed mailing labels of the adjacent landowners and an electronic mailing list on a CD in Microsoft Word compatible format. Mailing labels should contain the complete adjacent landowner’s mailing address, contain no punctuation, and text should be in all capital letters as required by the United State Postal Service.

For all notice of deficiency responses (administrative and/or technical), submit the original plus two (2) copies and one (1) electronic copy of the response package which includes:

1. Page 1 of form TCEQ-20870 to indicate that the submittal is for “Notice of Deficiency Response”;
2. All revised pages of this form and/or attachments;
3. A new Signature Page; and
4. Marked (redline/strikeout) copy of the revised pages.

Application Instructions and Attachments

# General Information

## Reason for Submittal

Select **ALL** boxes that indicate the application type for the submittal. Select only one type of amendment if changing a registration.

Types of amendments are classified as major or minor amendments under 30 TAC §305.62.

## Application Fees

### Amount

Check the box that indicates the fee was paid. The application fee for a new registration or registration amendment is $150.

### Payment Method

Check the box that indicates which method was used to pay the application fee.

Fees may be paid online using the TCEQ ePay portal at <[www3.tceq.texas.gov/epay/](https://www3.tceq.texas.gov/epay/)> or may be paid by check. If payment is made online, enter the ePay Trace Number on the application form.

If a fee is paid by check, send the payment directly to the following address:

 Financial Administration Division, MC-214
 Texas Commission on Environmental Quality
 P. O. Box 13088
 Austin, Texas 78711-3088

## Facility Information

Provide general facility information as listed under this section. Facility name provided in this section should match the Regulated Entity Name (Item #23) in the TCEQ Core Data Form.

## Publicly Accessible Website

For the registration application provide the URL address of a publicly accessible website where the registration and all revisions to that registration will be posted.

## Facility Landowner(s) Information

Enter and complete facility landowner(s) information including name, mailing address information. If more than one facility landowner, submit information as an attachment.

## CCR Waste Management Unit(s)

Select **ALL** boxes that best describe the waste management units that will be authorized at the facility.

## Description of Proposed Activities or Changes to Existing Facility

Provide a brief description of proposed activities, if the application is for a new facility or the initial registration for an existing facility. If the submittal is an amendment application, provide a brief description of the specific revisions to the registration conditions and supporting documents referenced by the registration and provide an explanation of why the amendment is requested.

## Primary Contact Information

Enter and complete primary contact information. The primary contact should be the person the CCR program will contact about the registration.

## Notice Publishing

Select **ONE** box that indicates the party responsible for publishing all public notices for this registration application under 30 TAC §352.431 and complete their contact information.

## Alternative Language Notice

For registration and amendment applications, public notice in an alternate language is required following the procedures of 30 TAC §39.405(h). If an elementary school or middle school nearest to the facility offers a bilingual program, notice may be required to be published in an alternative language. The Texas Education Code, upon which the TCEQ alternative language notice requirements are based, trigger a bilingual education program to apply to an entire school district should the requisite alternative language speaking student population exist. However, there may not exist any bilingual students at a school within a district which is required to offer the bilingual education program. For this reason, the requirement to publish notice in an alternative language is triggered if the nearest elementary or middle school, as a part of a larger school district, is required to make a bilingual education program available to qualifying students and either the school has students enrolled at such a program onsite, or has students who attend such a program at another location in satisfaction of the school's obligation to provide such a program as a member of a triggered district.

It is the burden of the applicant to demonstrate compliance with alternative language notice requirements. To assist you in meeting these requirements, the TCEQ Office of Chief Clerk will provide a Public Notice Verification Form ([TCEQ-20244-Waste](https://www.tceq.texas.gov/assets/public/permitting/forms/20244-Waste-NORI.pdf)-NORI) <[www.tceq.texas.gov/goto/20244](https://www.tceq.texas.gov/goto/20244)>.

You must follow instructions provided by the Office of Chief Clerk regarding completion and submittal of the Public Notice Verification Form indicating your compliance with the requirements regarding publication in an alternative language.

If it is determined that an alternative language notice is required, the applicant is responsible for ensuring that the publication in the alternative language is complete and accurate in that language. Electronic versions of the Spanish template examples are available from the TCEQ to help the applicant complete the publication in the alternative language.

## Public Place Location of Application

Identify a public place in the county in which the facility is located or proposed to be located, at which a copy of the application will be available for review and copying (e.g. Public Library, Courthouse, City Hall).

## Ownership Status of the Facility

If multiple owners, submit the additional information as an attachment to the registration application. Additional information on the type of business structures can be found at <[www.sos.state.tx.us/corp/businessstructure.shtml](http://www.sos.state.tx.us/corp/businessstructure.shtml)>.

### CorporationA corporation meets all the following:

* Is legally incorporated under the laws of any state or country,
* Is recognized as a corporation by the Texas Secretary of State (SOS), and
* Has proper operating authority to operate in Texas.

### Sole Proprietorship

### This is a business that is owned by only one person and has not been incorporated. This business may:

* Be under the person’s name,
* Have its own name (“doing business as”, or DBA),
* Have any number of employees, and
* Customers must register assumed names with the county.

### General Partnership

A general partnership is created when two or more persons associated to carry on a business for profit. A partnership generally operates in accordance with a partnership agreement, but there is no requirement that the agreement be in writing and no state-filing requirement.

### Limited Partnership (LP and LLP)

This is a partnership formed by two or more persons, having one or more general partners and one or more limited partners. The limited partnership operates in accordance with a partnership agreement, written or oral, of the partners as to the affairs of the limited partnership and the conduct of its business. While the partnership agreement is not filed for public record, the limited partnership must file a certificate of limited partnership with the Texas SOS.

### Other

Fits none of the above descriptions.

## Property/Legal Description Information

Provide a legal description of the facility including the following information, as required by 30 TAC §352.231(g).

1. A legal description of the property and the county, book, and page number or other generally accepted identifying reference of the current ownership record.
2. A boundary metes and bounds description of the property signed and sealed by a registered professional land surveyor.
3. A boundary metes and bounds description and drawing for the facility signed and sealed by a registered professional land surveyor.
4. A drawing showing any on-site easements at the facility.

If the facility and property boundaries are identical, one metes and bounds description and drawing is enough. Refer to the same attachment number for above items (d) and (e).

## Operator Information

Enter and complete primary contact information for the operator who will conduct facility operations. Leave blank if the owner and operator are the same.

## Confidential Documents

The TCEQ has a responsibility to provide a copy of each application to other agencies and to interested persons upon request and to safeguard confidential material from becoming public knowledge. The TCEQ requests that the applicant (1) be prudent in the designation of material as confidential and (2) submit such material only when it might be essential to the staff in their development of a recommendation.

The TCEQ suggests that the applicant **NOT** submit confidential information as part of the registration application. However, if this cannot be avoided, the confidential information should be described in non-confidential terms throughout the application, cross-referenced, and submitted as a separate document or binder, and clearly marked "CONFIDENTIAL."

## Permits and Construction Approvals

Select **ALL** permits or construction approvals received or applied for under any of the programs listed in this section.

## Legal Authority

Provide verification of legal status. **Normally**, this is a one-page certificate of incorporation (Certificate of Fact) issued by the Texas SOS. If you choose to provide a verification of the legal status by another mechanism, provide it under this attachment. Also, provide a list of all persons having over a 20% ownership in the proposed facility.

## TCEQ Core Data Form\*

If the Site Operator (Permittee/Registrant) does not have a Customer Reference Number (CN Number), complete a TCEQ Core Data Form (TCEQ-10400) and submit it with this application. List the Site Operator (Permittee/Registrant) as the customer.

If the Operator does not have a Customer Reference Number (CN Number), complete another TCEQ Core Data Form (TCEQ-10400) for the “Operator” and submit it with this application. List the Operator as the customer.

If a Regulated Entity Reference Number (RN Number) has not been issued for the facility, complete a TCEQ Core Data Form (TCEQ-10400) and submit it with this application. List the Facility as the Regulated Entity.

Only under the following circumstances should a TCEQ Core Data Form be submitted:

* Your information is not yet in the Central Registry database or is incomplete.
* Your information has changed from what is currently in the Central Registry database.
* It is requested by the agency. You can check the status of your information in Central Registry on-line at [<www.tceq.texas.gov/goto/centralregistry/](http://www.tceq.texas.gov/goto/centralregistry/)>.

\*Note: For the initial registration or if core data information has changed in an amendment application, please submit a TCEQ Core Data Form for each owner and/or operator. A separate Core Data form must be submitted if an owner and operator are separate entities.

## Other Governmental Entities Information

### Coastal Management Program

The boundary is established in Texas Natural Resources Code, §33.2053(k), as defined in Title 31, Texas Administrative Code, §503.1 (relating to Coastal Management Program Boundary).

### Local Government Jurisdiction

Enter the name of the city or extraterritorial jurisdiction where the facility is located. If the facility is in an area in which the governing body of the municipality or county has prohibited the disposal or processing of municipal or industrial solid waste, provide a copy of the ordinance and add it to the Additional Attachments list with the Attachment number provided.

## ****Attachments****

Provide maps and information about CCR units. The report should be signed and sealed by a licensed Professional Engineer (P.E.) or licensed Professional Geoscientist (P.G).

Maps and drawings shall be legible and easily readable by eye without magnification. Scales and paper size shall be chosen based on the type of map submitted, the land area covered, and the amount of detail to be shown.

Map/drawing size may vary from 8-1/2” x 11” to 24” x 36” and shall be folded to 8-1/2” x 11” size for inclusion in the application package binder. Maps and drawings shall be furnished with symbols representing CCR units, wells, and other equipment and structures used to store and treat CCR and shall be identified with a symbol legend. Maps and drawings shall include a north arrow, scale bar, title, creation and revision dates. The most recent revision of all maps and drawings shall be submitted.

1. General Maps (30 TAC §352.231(e)), provide the following.

a. General location map(s) in accordance with 30 TAC §305.45(a)(6) and 30 TAC §330.59(c).

b. Topographic map(s). Topographic maps must include ground surface elevation contour lines. At least one map submitted shall show regional surface water flow directions to area streams, rivers, ponds and lakes.

1. Facility layout map. Please provide a facility layout map(s) which shows the property boundary; all CCR unit outlines with name and location; and roadways for accessing the CCR unit(s).
2. Surrounding features map. Please provide map(s) that depict area streams, rivers, ponds and lakes. Include an area at least 1,000 feet beyond the facility property boundary.
3. Process Flow Diagram (PFD). Please provide a PFD(s) and word descriptions of the CCR process flow, depicting the handling, collection, storage and disposal of CCR material (fly ash, bottom ash, boiler slag, flue gas desulfurization, etc.) within the facility from the boiler to the CCR unit(s) and other locations. The PFD(s) and descriptions shall include the following information:
4. Originating point of each CCR waste and waste classification code;
5. Means of conveyance utilized in each process flow step;
6. Name and brief function of each facility component through which the CCR waste passes; and
7. The ultimate disposition of all CCR wastes (if off-site, specify “off-site”) and waste residues.

Piping and instrumentation drawings are not required for submittal. Block flow diagrams depicting the CCR movement within the facility, CCR unit(s), major CCR equipment items and waste streams associated with the management of CCR are usually adequate.

1. Surrounding property owner(s) map (30 TAC §352.231(e), 30 TAC §330.59(c)(3)). Please provide a map indicating the boundaries of all parcels of land within 1/4 mile, and a list of the names and mailing addresses of all adjacent and potentially affected landowners. See below examples on land ownership map and list.

**Land Ownership Map**

Provide a map that locates the property owned by adjacent and potentially affected landowners. The maps should show all property ownership within 1/4 mile of the facility, on-site facility easement holders, and all mineral interest ownership under the facility. Examples are at the end of the section.

**Land Ownership List**

Provide the adjacent and potentially affected landowners’ list, keyed to the land ownership map with each property owner's name and mailing address. The list shall include all property owners within 1/4 mile of the facility, easement holders, and all mineral interest ownership under the facility. Provide the property, easement holders’, and mineral interest owners’ names and mailing addresses derived from the real property appraisal records as listed on the date that the application is filed. Examples are at the end of the section.

Do not include elected officials and other interested parties that are not adjacent landowners on the landownership map, list, and labels.



\*If available in real property appraisal records as listed on the date that the application is filed.

1. In accordance with 30 TAC §39.5(b), submit this list printed and electronically. The electronic list must contain only the name, mailing address, city, state, and zip code with no reference to the lot number or lot location.

As an alternative to an electronic list, the applicant may elect to submit pre-printed mailing labels of this mailing list with the application. If you elect to provide the pre-printed mailing labels, use a label format that has 30 labels to a page (e.g. AVERY 5160). Each letter in the name and address must be capitalized, contain no punctuation, and the appropriate two-character abbreviation must be used for the state. Each entity listed must be blocked and spaced consecutively. Provide four complete sets of labels of the landowner list. Do not include elected officials and other interested parties that are not adjacent landowners on the landownership map, list and labels.

## Verification of Compliance

Provide verification that the design, construction and operation of CCR landfill(s) and surface impoundment(s) meets the requirements of 30 TAC §352.231(f) (30 TAC §352.2; 40 CFR §257.52, and 40 CFR §§257.3-1 – 257.3-3).

# Location Restrictions and Geology

## Location Restrictions

Submit certifications and technical reports demonstrating compliance of CCR unit(s) with applicable location restrictions (30 TAC 352, Subchapter E) and comply with 30 TAC §352.231(d) and 30 TAC §352.4 for submission of engineering and geoscientific information.

The certifications and technical reports must be signed and sealed by a licensed Professional Geoscientist (P.G.) or licensed P.E., and demonstrate compliance with the location restrictions of 30 TAC 352, Subchapter E.

## Geology Summary Report

Provide a summary of geologic conditions at the facility with information showing compliance with and the information required 30 TAC §352.241, §352.601, §352.621, §352.631, §352.641, and 40 CFR Part 257, Subpart D. Geology reports, geologic maps, and geologic cross-sections submitted with an application and must be signed and sealed by a licensed P.G. in accordance with 30 TAC §352.4, where required.

# Fugitive Dust Control Plan

## Fugitive Dust Control Plan

Provide information showing compliance with 30 TAC §352.801 and 40 CFR §257.80(b) on information required to submit in the CCR Fugitive Dust Control Plan.

# ****Landfill Criteria****

## Landfill(s) for CCR Waste

Provide information showing compliance with 30 TAC §352.701 and 40 CFR §257.70 and TG-30 CCR Landfills for guidance on information required to be submitted.

# ****Surface Impoundment Criteria****

## Surface Impoundment(s) for CCR Waste

Provide information showing compliance with 30 TAC §352.711 and 40 CFR §257.71. Refer to TG-31 CCR Surface Impoundments for guidance on information required to be submitted.

# ****Groundwater Monitoring and Corrective Action (30 TAC 352, Subchapter H)****

## Groundwater Monitoring System

Provide information showing compliance with 30 TAC §352.901 and §352.911 and 40 CFR §257.90 - §257.98. Refer to TG-32 CCR Groundwater Monitoring and Corrective Action for guidance on information required to be submitted.

## Groundwater Monitoring Sampling and Analysis Program

Provide information showing compliance with 30 TAC §352.931 and 40 CFR §257.93. Refer to TG-32 CCR Groundwater Monitoring and Corrective Action for guidance on information required to be submitted.

## CCR Unit(s) in a Detection Monitoring Program

Provide information showing compliance with 30 TAC §352.941 and 40 CFR §257.94. Refer to TG-32 CCR Groundwater Monitoring and Corrective Action for guidance on information required to be submitted.

## CCR Unit(s) in an Assessment Monitoring Program

Provide information showing compliance with 30 TAC §352.951 and 40 CFR §257.95. Refer to TG-32 CCR Groundwater Monitoring and Corrective Action for guidance on information required to be submitted.

# Closure and Post-Closure Care

## Closure Plan

Provide information showing compliance with Ch. 352, Subchapter J (30 TAC §§352.1200, 352.1201, 352.1211, 352.1221, 352.1231, 352.1241) and 40 CFR §257.100 - §257.104 and applicable technical guidance documents for CCR units at the facility for guidance on information required to be submitted.

## Post-Closure Plan

Provide information showing compliance with 30 TAC §352.1241 and 40 CFR §257.104 and applicable technical guidance documents for CCR units at the facility for guidance on information required to be submitted.

# Financial Assurance

## Post-Closure Care Cost Estimate

Provide documentation and information showing compliance with 30 TAC §352.1101. Refer to applicable Technical Guidance Documents (TG-30 and TG-31) for CCR units at the facility for guidance on information required to be submitted.

## Financial Assurance Mechanism

The applicant shall demonstrate the financial assurance within 90 days after approval of the registration with a financial mechanism acceptable to TCEQ in compliance with 30 TAC §352.1101(c) and 30 TAC §37, Subchapters A through D, except as indicated in 30 TAC §352.1111, in an amount no less than the amount specified in the approved Post-Closure Care Cost Summary.

For additional information or questions, contact the TCEQ Financial Assurance Section at 512-239-0300 or visit [<www.tceq.texas.gov/goto/contact-fa>.](https://www.tceq.texas.gov/goto/contact-fa)