

Office of Waste

This office implements federal and state laws related to the regulation of aboveground and underground petroleum storage tanks; generation, treatment, storage, and disposal of municipal, industrial, low-level radioactive, and hazardous wastes; injection wells; and the recovery and processing of uranium and disposal of byproduct. It also leads and oversees responsible party state cleanup of contaminated sites and oversees occupational licensing for environmental professions.

Occupational Licensing and Registration Division

The Occupational Licensing and Registration Division promotes and supports various agency programs. Division programs include:

- Administration of ten environmental occupational licensing and registration programs;
- Approval of training programs for core and continuing education courses, qualification of instructors, and maintenance of exams for the occupational licensing programs; and
- Administration of registrations and associated reporting for the following programs:
 - Petroleum Storage Tanks;
 - Dry Cleaners;
 - Aggregate Production Operations;
 - Industrial and Hazardous Waste;
 - Used Oil and Oil Filter Handlers, Transporters, and Collection Centers;
 - Sludge Transporters;
 - Enclosed Containers; and
 - Medical Waste Transporters.

Radioactive Materials Division

The Radioactive Materials Division performs activities associated with the management of specific radioactive wastes and the authorization of injection wells. Division programs include:

- Licensing of facilities involved in the storing, processing, or disposing of one or more of the following:
 - Uranium ore;
 - By-product radioactive waste;
 - Low-level radioactive waste;
 - Non-oil and -gas naturally occurring radioactive material (NORM waste); and
 - Radioactive waste generated from federal government activities.
- Permitting, registration, and authorization of Class I, III, IV, and V wells in the federally-approved Underground Injection Control Program.

Remediation Division

The Remediation Division oversees the investigation and cleanup of pollutants released into the environment, both hazardous and nonhazardous, including those led by responsible parties, voluntary parties, or the state (including state contractors). The division also seeks restoration of damaged natural resources resulting from such releases. Division programs include:

- Superfund Program, including the Brownfields Program and the Natural Resource Trustee Program;
- Petroleum Storage Tank Remediation Program;

- Dry Cleaner Remediation Program; and
- Voluntary Cleanup and Corrective Action Program, including the Innocent Owner/Operator Program and the Municipal Settings Designations.

Waste Permits Division

The Waste Permits Division is responsible for permitting and registering facilities involved in the handling, storing, processing, or disposing of hazardous waste, nonhazardous industrial waste, municipal solid waste, coal combustion residuals, and scrap tires. Division programs include:

- Permitting of hazardous, industrial, and municipal solid waste treatment, storage, and disposal facilities;
- Technical analysis of notifications for waste management;
- Technical analysis of recycling of hazardous, industrial, and municipal solid waste;
- Regional Solid Waste Grant Program administration; and
- Assessment and collection of fees for the treatment, storage, or disposal of municipal, industrial, or hazardous solid waste.

Occupational Licensing Program

A. Provide the following information at the beginning of each program description.

Name of Program or Function: Occupational Licensing

Location/Division: Austin Headquarters / Occupational Licensing & Registration Division

Contact Name: Jaya Zyman, P.E., Deputy Director, Occupational Licensing & Registration Division

Statutory Citation for Program: Texas Water Code (TWC) Chapters 7, 26 and 37, Texas Health and Safety Code (TSHC) Chapters 341, 361 and 366, Texas Family Code (TFC) 232, and Texas Occupations Code (TOC) Chapters 53, 54, 55, 1903, and 1904.

B. What is the objective of this program or function? Describe the major activities performed under this program.

The Occupational Licensing Program protects the public's health, safety, and economic welfare by ensuring environmental professionals are qualified and competent and adhere to established professional standards.

TCEQ occupational licenses require unique training and specialized oversight intended to protect public health and the environment across the state of Texas. TCEQ can perform public outreach and supply consumer information by alignment of occupational licensing and program area functions within the agency.

The program licenses individuals engaged in environmental occupations. Regulation in the form of licensing is necessary to ensure qualified individuals and entities are performing safe and effective operations and to prevent adverse impacts on human health and the environment.

The program:

- issues occupational licenses and registrations for environmental occupations;
- reviews and updates licensing exams, approves training courses, and qualifies instructors for all licensing programs; and
- maintains license and registration records.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? In Exhibit 12, provide a list of statistics and performance measures that best convey the effectiveness and efficiency of this program or function. Also, please provide the calculation or methodology behind each statistic or performance measure. Please refer to, but do not repeat measures listed in Exhibit 2.

Occupational Licensing has five performance measures. These measures demonstrate personnel efficiency and productivity in total processed license applications and exams. They document program effectiveness by gauging public interest in the program through licenses and registrations issued, quarterly and annually. Monitoring annual cost per application ensures current fees are balanced for cost to the public and benefit to the state.

The licensing team manages ten environmental occupational licensing and registration programs covering 42 licenses.

The following performance measures are reported in Section II, Exhibit 2.

- Number of new and renewed occupational license applications processed measuring staff efficiency;
- Number of licensing exams administered to applicants who are potential licensees indicating the number of applications received and applicant re-tests;
- Number of licenses and registrations issued to applicants indicating the number of new and renewed licenses and registrations each year;
- Total number of licensed professionals and registered companies issued in the fiscal year that allows measurement of license and registration trends over time; and
- Average annual cost per license indicating financial trends over time.

The training team approves training providers and courses, and qualifies trainers, among other tasks. Additional statistics demonstrating training team efforts are listed in Exhibit 12.

Exhibit 12: Program Statistics and Performance Measures — Fiscal Year 2020

Program Statistics or Performance Measures	Dataset Reference Number*	FY 2020 Target	FY 2020 Actual Performance	FY 2020 % of Annual Target
Number of approved training providers	OOW-28	N/A	56	N/A
Number of instructors qualified	OOW-28	N/A	33	N/A
Number of classroom courses approved	OOW-28	N/A	71	N/A
Number of conferences approved	OOW-28	N/A	139	N/A
Number of tech-based courses (including webinars)	OOW-28	N/A	83	N/A
Number of association meetings approved	OOW-28	N/A	24	N/A

*See Exhibit 3

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent. If the response to Section III of this report is sufficient, please leave this section blank.

The following history highlights significant actions directly affected the Occupational Licensing Program.

2001

- HB 3111 (77R) adds TWC Chapter 37 consolidating administrative requirements and establishing uniform procedures for the occupational and registration programs administered by TCEQ.
- HB 2912 (77R) creates the occupational license for water treatment specialists and establishes new requirements for irrigators and on-site sewage facility (OSSF) installers.
- Rulemaking consolidates ten licensing programs into new Title 30 Texas Administrative Code (TAC) Chapter 30, Occupational Licenses and Registrations.

2007

- HB 4 (80R), HB 1656 (80R), and SB 3 (80R) pass. TCEQ creates two new license classifications, irrigation technician, and irrigation inspector, to implement these Acts.
- HB 2482 (80R) passes. TCEQ creates a new license for OSSF maintenance providers and a new category of registration for maintenance technicians to implement the Act.

2009

- HB 963 (81R) and HB 2808 (81R) amend TOC Chapter 53 to provide grounds for review, denial, or revocation of occupational licenses for agencies that issue occupational licenses. The statutory changes allow any person to request criminal history evaluation from a licensing agency to determine eligibility for an initial occupational license due to a conviction or deferred adjudication.

2011

- HB 965 (82R) allows licensed individuals to meet continuing education requirements for renewals with online courses.
- HB 1674 (82R) requires TCEQ, upon notification from a child support agency, to refuse to accept a new or renewal application for a license or registration for an individual who has failed to pay child support for six months or more.
- HB 1733 (82R) authorizes TCEQ to issue a license to an applicant who is the spouse of a person serving on active duty as a member of the armed forces of the United States and holds a current license issued by another state with licensing requirements substantially equivalent to requirements for the license issued and regulated by TCEQ.

2012

- Occupational Licensing begins performing criminal history reviews of applicants implementing requirements from the 81st legislature.
- Based on input from Sheppard Air Force Base, TCEQ amends 30 TAC Sections 30.387 and 30.402 allowing individuals who have successfully completed applicable military training to collect microbiological samples and determine disinfection residuals at military facilities without holding a public water system operator license.

2013

- HBs 798 (83R), 1302 (83R), 1659 (83R), 1846 (83R), and SB 162 (83R) amend the TOC to exclude Class C misdemeanor convictions when reviewing applications for an occupational license (HB 798); requires individuals with an occupational license to be supervised when performing certain services, if registered as a sex offender (HB 1302); considers individuals charged with certain offenses to have been convicted, regardless of whether the proceedings were dismissed (HB 1659); suspends or refuses the application of an individual who has not made a minimum payment of child support (HB 1846); recognizes verified military service, training, or education from military service members and military veterans when considering occupational licensing applications (SB 162); and expedites occupational licensing applications from military spouses (SB 162).

2015

- SB 807 (84R) and 1307 (84R) amend TOC to waive licensing and examination fees for military service members, military veterans, or military spouses and extended deadlines for military services.

2017

- HB 1508 (85R) amends TOC to allow individuals ability to petition TCEQ to seek reimbursement from a training provider if they were not notified they may be ineligible for an initial occupational license due to their criminal history and were subsequently denied the license due to a criminal conviction.

2018

- Stage II vapor recovery systems representative registration was eliminated due to a change in EPA requirements for gasoline dispensing facilities.

2019

- HB 1342 (86R) amends TOC, a licensing authority may no longer suspend or revoke a license based on person's conviction of an offense that does not directly relate to duties and responsibilities of the licensed occupation. HB 1342 also prohibits a licensing authority from denying a license or opportunity to be examined for a license because of person's prior conviction of an offense unless the authority provides written notice of reason for intended denial and allows the person a chance to submit relevant information.
- SB 37 (86R) amends TOC, Texas Finance Code (TFC), and Texas Government Code (TGC) to remove language authorizing licensing agencies to deny or take other disciplinary action against license holders or potential license holders who are in default of their student loans.
- SB 1217 (86R) amends the TOC to prohibit a licensing authority from considering an arrest that did not result in person's conviction or placement on deferred adjudication community supervision in denial of a new or renewal license. Additionally, licensing authority is required to provide a written notice to applicant giving reasons for denial of a license.

E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.

Specific qualifications and eligibility requirements for each occupational license type is listed on the [Occupational Licensing and Registration and Requirements for Each License Type](#) webpage. Occupational license requirements vary, most entry level licenses require a high school diploma or GED and no work experience. As individuals move up, requirements for education and experience may increase.

The following table lists license programs, descriptions of available licenses or registrations in each category, and number of licenses and registrations which provides a measure of affected individuals and companies in each license program.

Licensees and Businesses Affected by TCEQ Occupational Licensing – FY 2020

Type of License	Number of Licenses/Registrations
Backflow Prevention Assembly Testers	5,526
Customer-Service Inspector	2,101
Landscape Irrigation (Irrigators, Inspectors, Technicians)	8,135
Leaking Petroleum Storage Tanks (Corrective-Action Project Managers and Specialists)	1,557
Municipal Solid Waste Operators (Operators A-D, Provisional Operators A-D)	945
On-Site Sewage Facilities, such as Septic Tanks (Apprentices, Designated Representatives, Installers I, Installers II, Maintenance Companies, Maintenance Providers, Site Evaluators)	7,369
Underground Storage Tanks (Contractors, Supervisors A, A&B, B)	653
Water Operators (Groundwater Treatment Operators B & C, Surface Water Treatment Operators B & C, Water Distribution Operators B & C, Water Operations Companies, Water Operators A & D)	16,464
Wastewater Operators (Wastewater Collection Operators I, II, & III, Wastewater Operations Companies, Wastewater Treatment Operators A, B, C, & D)	11,736
Water Treatment Specialists (I, II, & III)	823
Total Number of Licenses/Registrations	55,309

The following table provides information on other groups affected by qualifications and eligibility requirements of Occupational Licensing. Training providers must acquire Occupational Licensing approval prior to offering courses for licensing, registration, or certificate credit.

Training Providers Affected by TCEQ Occupational Licensing

Training Providers & Licensing Courses	Number of Providers & Licensing Courses
Approved Training Providers	322
Active Approved Licensing Core Courses	84
Active Approved Licensing Continuing Education (CE)	973
Smoke School – Visible Emission Evaluator Providers	4
Smoke School Attendees (FY 2020)	1,013

F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

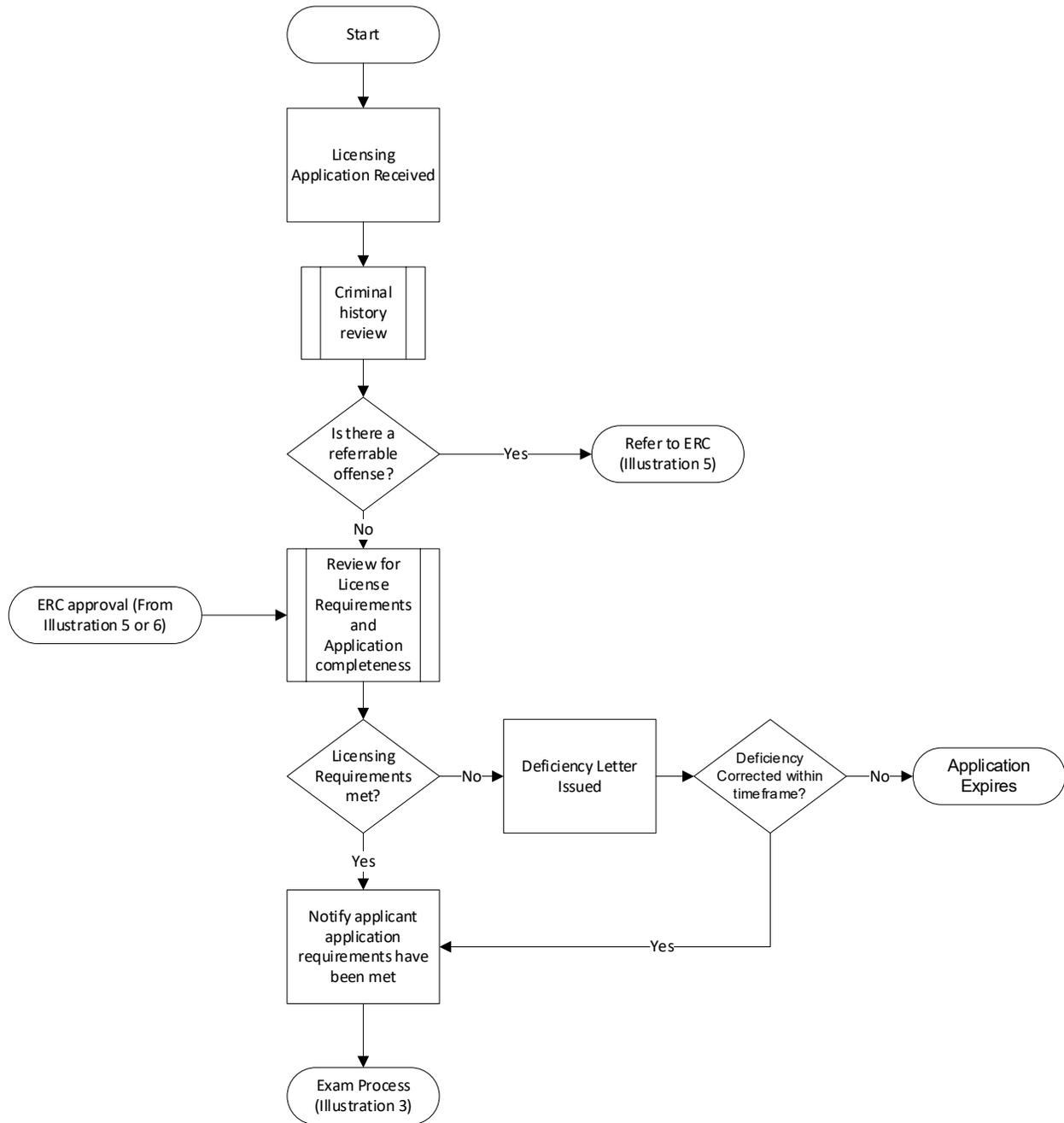
The Occupational Licensing Program is responsible for the following licenses:

- Backflow Prevention Assembly Testers;
- Customer-Service Inspectors;
- Landscape Irrigation (Irrigators, Inspectors, Technicians);
- Leaking Petroleum Storage Tanks (Corrective-Action Project Managers and Specialists);
- Municipal Solid Waste Operators (Operators A-D, Provisional Operators A-D);
- On-Site Sewage Facilities, such as Septic Tanks (Apprentices, Designated Representatives, Installers I, Installers II, Maintenance Companies, Maintenance Providers, Site Evaluators);

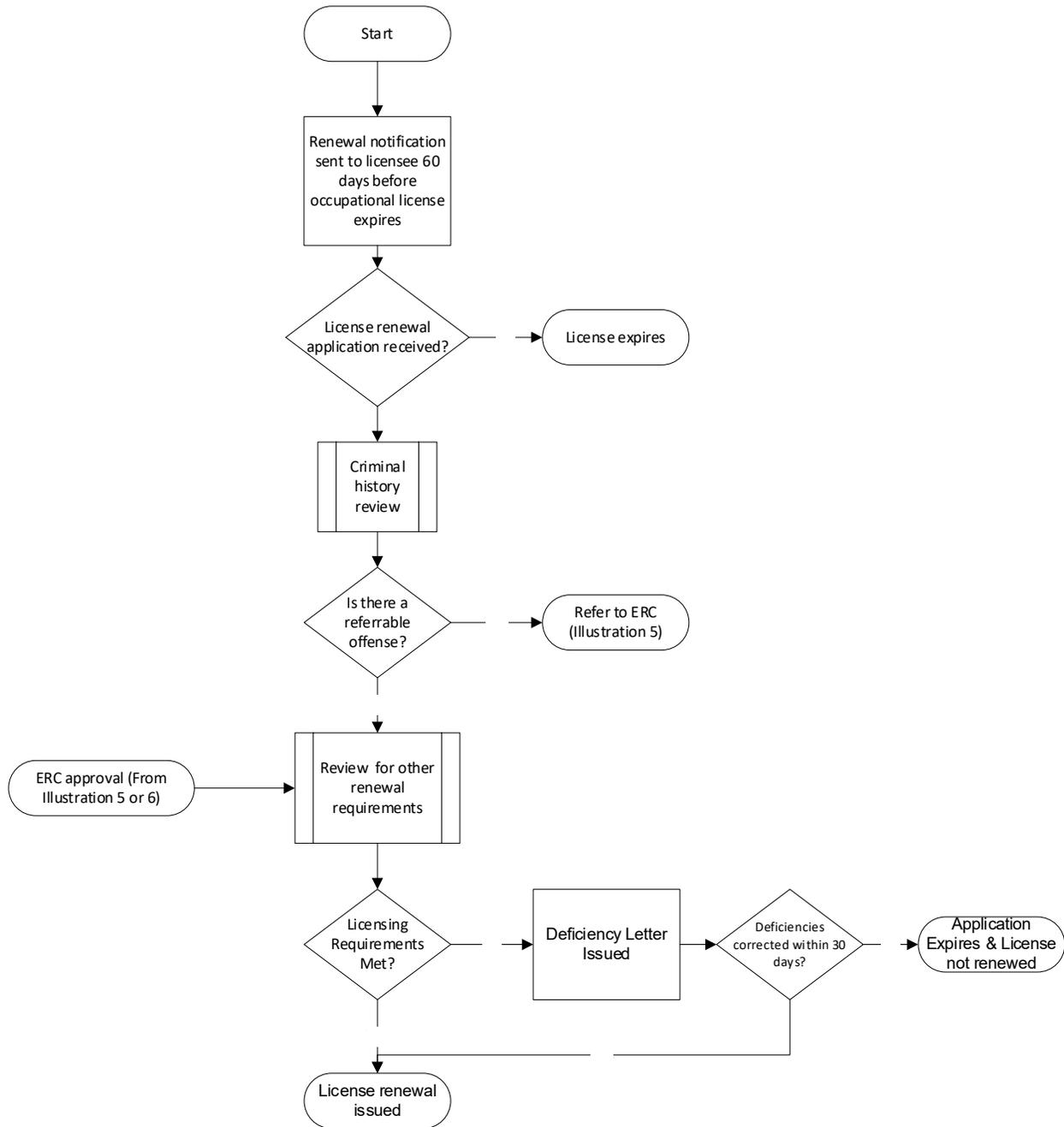
- Underground Storage Tanks (Contractors, Supervisors A, A & B, B);
- Water Operators (Groundwater Treatment Operators B & C, Surface Water Treatment Operators B & C, Water Distribution Operators B & C, Water Operations Companies, Water Operators A & D);
- Wastewater Operators (Wastewater Collection Operators I, II, & III, Wastewater Operations Companies, Wastewater Treatment Operators A, B, C, & D); and
- Water Treatment Specialists (I, II, & III).

The following flowcharts illustrate processes for new license applications, license renewals, license exams, license training material approvals, and reviews by the executive review committee.

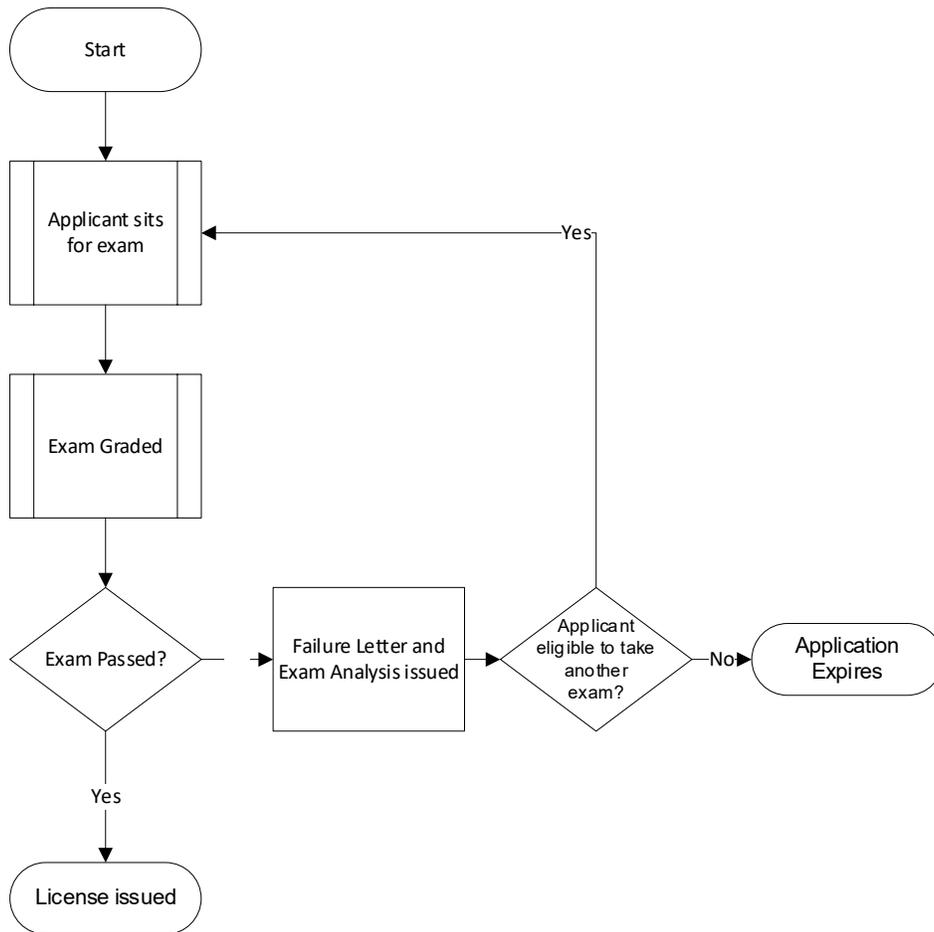
New Occupational License Application Process (Illustration 1) Flowchart



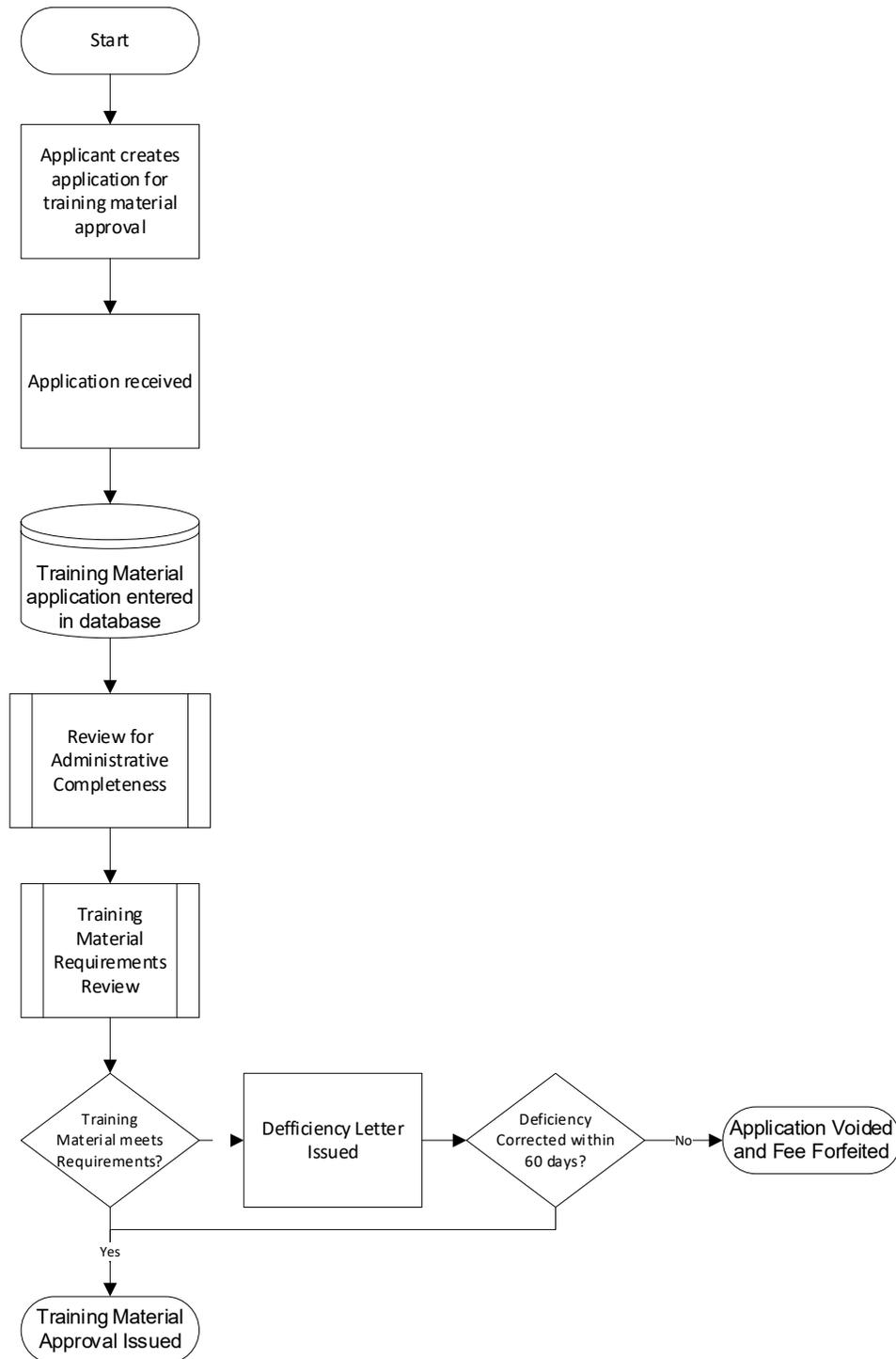
License Renewal Application Process (Illustration 2) Flowchart



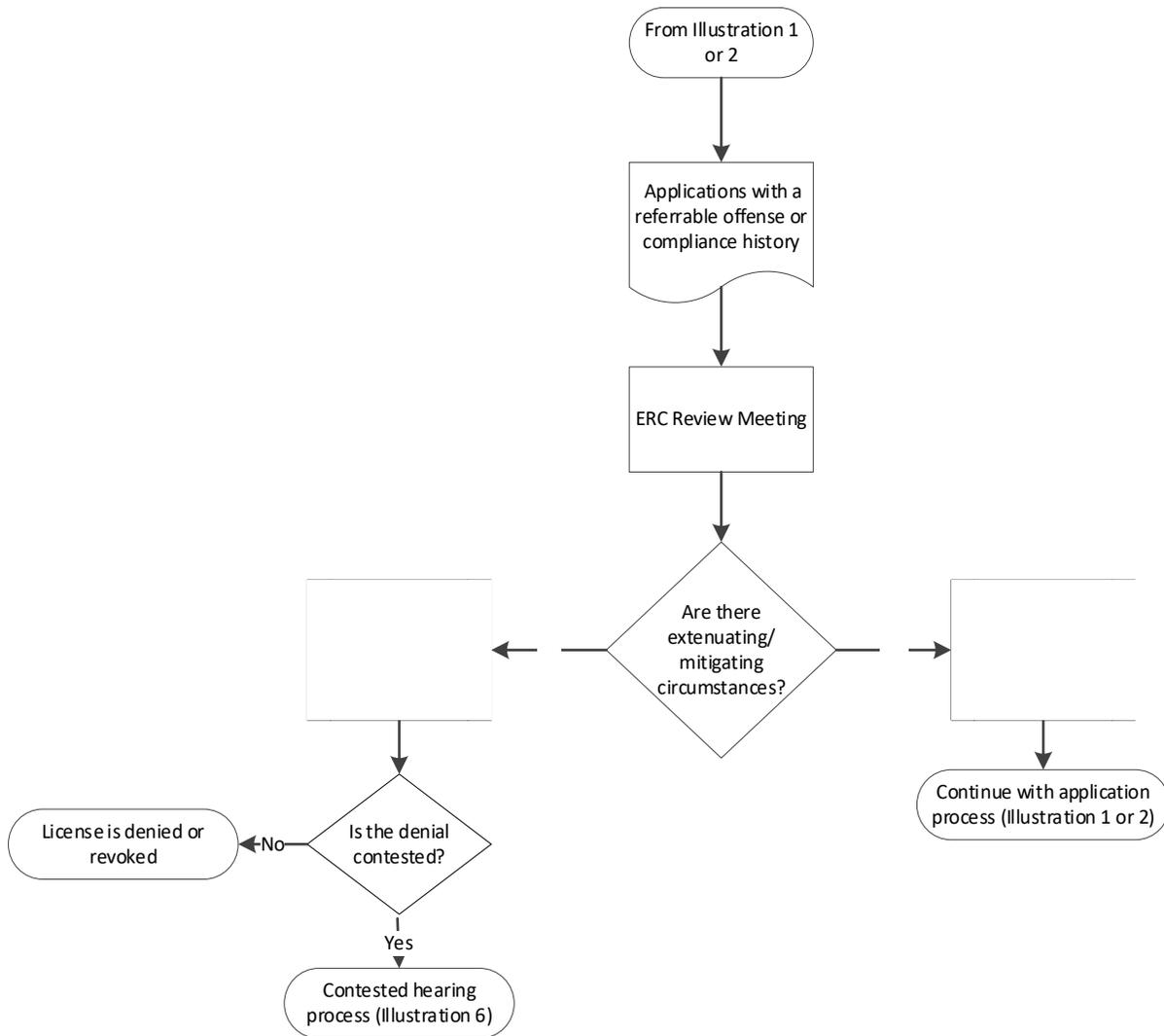
Occupational License Exam Process (Illustration 3) Flowchart



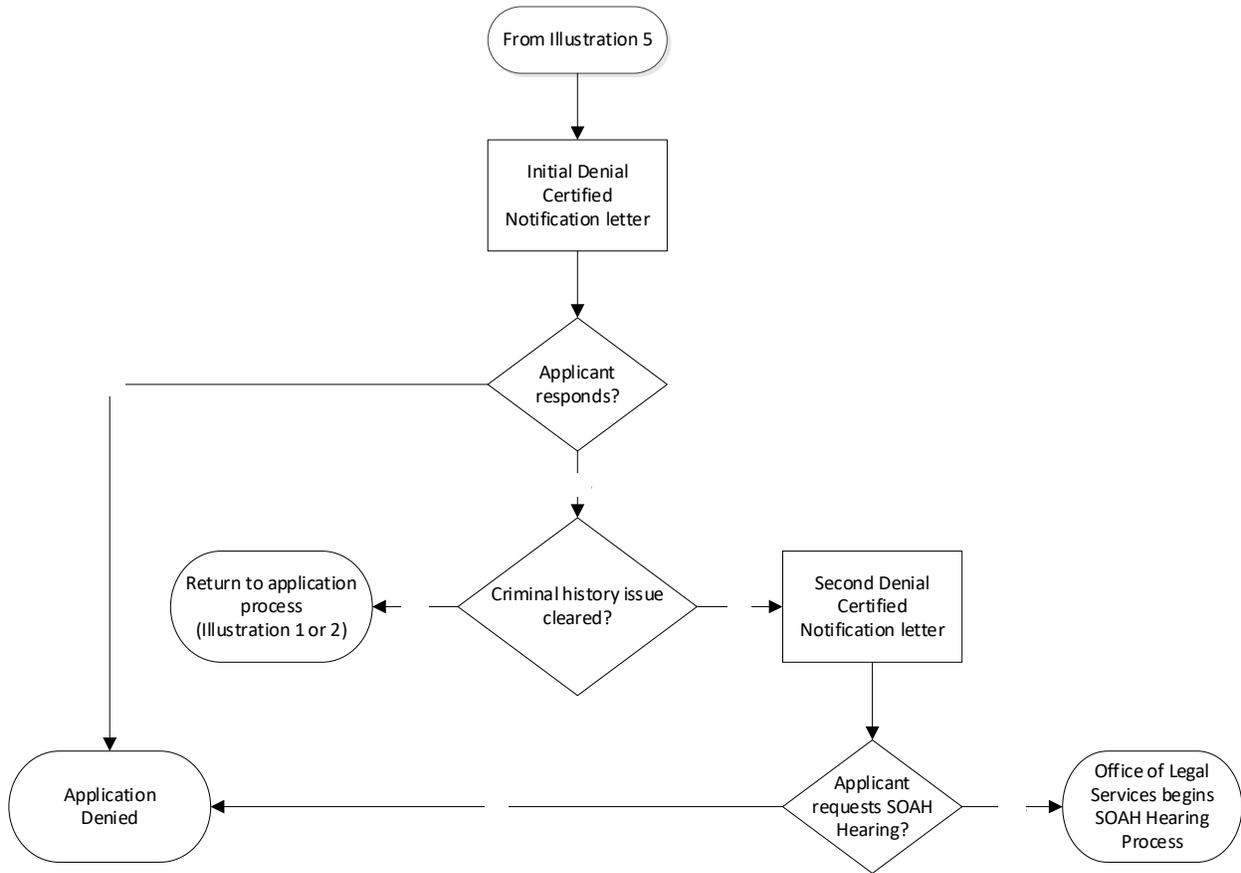
Occupational Licensing Training Material Approval Process (Illustration 4) Flowchart



Executive Review Committee License Application Review (Illustration 5) Flowchart



Executive Review Committee Contested Case Process (Illustration 6) Flowchart



G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

Occupational Licensing Program Funding Sources

Account	Account Title	FY 2020 Expended
0468	Occupational Licensing Account – Dedicated	\$1,000,251

The program is funded in the Occupational Licensing Strategy.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.

TCEQ, Texas Department of Licensing and Regulation (TDLR), and Texas State Board of Plumbing Examiners (TSBPE) all issue occupational licenses; however, licenses are all different in nature and there is no overlap of jurisdiction except for the following two exceptions:

- TSBPE: In TOC Sections 1301.053 and 1301.056, licensed plumbers are not required to hold a license to perform duties of a water treatment specialist and a landscape irrigator, respectively; and
- Texas Board of Professional Engineers & Texas Board of Professional Geoscientists: In TWC Section 37.005, TCEQ is authorized to establish requirements and procedures, and may waive any prerequisite after reviewing an applicant’s credentials. Subsequently, TCEQ adopted rules in 30 TAC Section 30.195 exempting licensed professional engineers and licensed professional geoscientists from a required license to perform corrective action for leaking petroleum storage tanks.

In cooperation with Occupational Licensing, Texas Engineering Extension Service (TEEX) proctors exams for landscape irrigator and OSSF site evaluator licenses. They perform this activity through a Memorandum of Agreement (MOA) with Occupational Licensing and use licensing exams provided by Occupational Licensing. Both exams contain hands-on requirements, and TEEX has personnel and classroom capacity that Occupational Licensing does not, which allows them to successfully proctor these two exams statewide. TEEX is the only entity offering these licensing exams.

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency’s customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

Occupational Licensing coordinates with TDLR and TSBPE to ensure administrative requirements and procedures for the occupational and registration programs are administered in a uniform manner consistent with the Sunset Occupational Licensing Model, issued November 20, 2007. Each program manages separate group of licenses, which reduces opportunity for duplication. There are instances where TCEQ requirements may interact with those from TDLR or TSBPE.

Plumbers licensed by TSBPE may encounter pipes and other water lines that may have also been worked on by TCEQ licensees, including water or wastewater operators or water treatment specialists. There are limited circumstances where overlap would occur between these interactions.

TDLR and TCEQ have complementary regulations regarding licenses for well and pump drillers issued by TDLR and water treatment specialists issued by TCEQ. In a private or public potable well system, TDLR licensees are required to install equipment that exists outside any residence or building. Any water treatment systems installed inside the residence or building must be completed by a TCEQ licensee.

TCEQ has a MOA with Texas A&M Engineering Extension Services (TEEX). Based on the agreement, TEEX proctors exams for landscape irrigator and OSSF site evaluator licenses. They also offer other licensing courses as a TCEQ-approved training provider and have a contract as a computer-based testing center for Occupational Licensing.

J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.

TCEQ has an interagency contract with Texas Department of Public Safety (DPS) to access criminal history information to perform required criminal history review for new and renewal applications as stipulated by 30 TAC Section 30.33 (License or Registration Denial, Warning, Suspension, or Revocation).

TCEQ coordinates with Office of the Attorney General to obtain information regarding whether an applicant is in default on child support payments. The license or registration of individuals who are found to be in default of child support payments are automatically suspended.

TCEQ authorizes local permitting authorities (authorized agents) to administer the On-Site Sewage Facility (OSSF) Program. TCEQ reviews and approves ordinances and approves authorized agents; responds to OSSF questions from the public; approves innovative technologies; performs compliance investigations of authorized agents, performs complaint investigations; issues licenses; approves training and exams; and suspends, revokes, or denies licenses. Authorized agents administer the OSSF Program; perform complaint investigations; and handle enforcement (with the exception of suspending, revoking, or denying licenses). This delegation is described in 30 TAC Chapter 366 (On-Site Sewage Disposal Systems).

TCEQ approves training that providers use to educate professionals who engage in activities regulated by TCEQ. Local and regional training providers include:

- Cities: Abilene, Amarillo, Arlington, Austin, Bedford, Dallas, Fort Worth, Garland, Houston, Huntsville, Irving, Laredo, Lewisville, Longview, Mansfield, Pflugerville, San Angelo, San Antonio, Texarkana, Waco, and Wichita Falls;
- River Authorities: Brazos River Authority, Guadalupe-Blanco River Authority, Lower Colorado River Authority, and Trinity River Authority;
- Municipal Utility District: Tarrant County MUD No. 1;
- Council of Government: North Central Texas Council of Governments; and
- Higher Education: Amarillo College, Austin Community College, Collin College, El Paso Community College, Houston Community College, Tarrant County College, Texas A&M University (Texas Engineering Extension Service), and Tyler Junior College.

K. If contracted expenditures are made through this program please provide

- a short summary of the general purpose of those contracts overall;

The program contracts with the Department of Public Safety (DPS) to allow Occupational Licensing staff to conduct criminal history checks on licensing applicants. The program also utilizes the internship program to support program needs.

- the amount of those expenditures in fiscal year 2020;

Expenditures total \$31,246.

- the number of contracts accounting for those expenditures;

Two contracts.

- the method used to procure contracts;

The contract was a direct award with DPS. The intern was hired using a managed term contract.

- top five contracts by dollar amount, including contractor and purpose;

Occupational Licensing Program Contracts

Contract Number	Vendor Name	Purpose	FY 2020 Expended
582-20-10314	Texas Department of Public Safety	To provide criminal history record information (CHRI) on applicants and/or prospective employees for use in determining eligibility for licensing or employment in accordance with TCEQ's authorizing statute.	\$22,894
582-20-13973	WorkQuest	Intern for one-time projects to support Occupational Licensing.	\$8,352

- the methods used to ensure accountability for funding and performance; and

Methods used to ensure accountability for funding and performance include a defined and consistent process for developing, implementing and tracking projects, which includes project prioritization in alignment with required work and with agency priorities, development of a detailed scope of work to describe the work to be performed as well as deliverables and due dates, and review of all invoices to ensure consistency with contract dates, deliverables, work performed, and allowable expenses.

- a short description of any current contracting problems.

There are currently no contracting problems.

L. Provide information on any grants awarded by the program.

N/A

M. Are there any barriers or challenges that impede the program’s performance, including any outdated or ineffective state laws? Explain.

License Renewal Deadlines. TCEQ’s Occupational Licensing Program is unable to renew licenses beyond 30 days of expiration due to statute limits. The statute has a relatively short time frame for renewing a license if one expires, particularly when compared to other licensing programs. This creates an extra workload, as full licensing applications must be processed with the associated workload and resource allocations, as opposed to an administrative renewal. Amending TWC Section 37.006 to provide flexibility up to 18 months after expiration would address this issue.

TDLR has a renewal period up to 18 months for renewing expired occupational licenses and registrations, in accordance with TOC Section 51.401. TSPE has a renewal period up to two years, in accordance with TOC 1301.403. Both agencies charge 1½ times the regular administrative fees for renewals up to 90 days past expiration. TDLR charges double the fee for licenses expired more than 90 days but less than 18 months. TSBPE charges double the fee for licenses expired more than 90 days but less than two years. The TWC statute does not provide such flexibility to allow renewal of occupational licenses.

Shortage of Water and Wastewater Operators. Over the last ten years, as the population of Texas has grown, there has been a steady decline in the number of licensed water and wastewater operators per capita in Texas. If this trend continues, Texas will experience a significant shortage of licensed water and wastewater operators. **Refer to Section IX, Major Issues, Shortage of Water and Wastewater Operators.**

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

None

O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe

- **why the regulation is needed;**
- **the scope of, and procedures for, inspections or audits of regulated entities;**
- **follow-up activities conducted when non-compliance is identified;**
- **sanctions available to the agency to ensure compliance; and**
- **procedures for handling consumer/public complaints against regulated entities.**

Refer to Question B for why the regulation is needed and refer to the Office of Compliance and Enforcement, Field Operations Program, Question O for all inspection and enforcement information related to this program.

Additionally, the program handles complaints against a licensed or registered individual or company by:

- referring violations to a local authority;
- revoking, denying, or suspending a license following due process;
- requesting voluntarily surrender in lieu of revocation; and
- administering automatic revocations for licensed individuals convicted of a felony resulting in incarceration.

The program handles complaints against a training provider by:

- rescinding or suspending training provider approvals; and
- disqualifying instructors.

The program handles audits for training providers and courses to make sure the course:

- covers all required course material as approved; and
- does not promote products.

P. For each regulatory program, if applicable, provide detailed information on complaint investigation and resolution. Please adjust the chart headings as needed to better reflect your agency's particular programs. Please briefly explain or define terms as used by your agency, such as complaint, grievance, investigation, enforcement action, jurisdictional, etc. If necessary to understand the data, please include a brief description of the methodology supporting each measure. See Exhibit 13 Example.

Refer to the Office of Compliance and Enforcement, Field Operations Program, Question P for complaint related data for this program.

Registration and Reporting Program

A. Provide the following information at the beginning of each program description.

Name of Program or Function: Registration and Reporting

Location/Division: Austin Headquarters / Occupational Licensing & Registration Division

Contact Name: Jaya Zyman, P.E., Deputy Director, Occupational Licensing & Registration Division

Statutory Citation for Program: Texas Water Code (TWC) Chapters 26 and 28A; Texas Health and Safety Code (THSC) Chapters 361, 371, and 374; and 40 Code of Federal Regulations (CFR) 262, 263, 279, and 280.

B. What is the objective of this program or function? Describe the major activities performed under this program.

The objective of the Registration and Reporting (R&R) Program is to process registrations and maintain data on entities regulated by the registration programs.

The program performs the following major activities:

- registers and authorizes petroleum storage tanks (PSTs), dry cleaners, aggregate production operations (APOs), industrial and hazardous waste (IHW) generators, used oil, sludge transporters, medical waste transporters and on-site treaters, and enclosed containers (special collection routes and stationary compactors);
- issues PST delivery certificates, dry cleaner solvent delivery certificates, and sludge truck registration stickers; and
- receives and maintains annual waste summaries for the IHW Program, annual summary reports for medical waste transporters, sludge transporters and used oil collection centers and biennial reports for used oil and used oil filter handlers.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? In Exhibit 12, provide a list of statistics and performance measures that best convey the effectiveness and efficiency of this program or function. Also, please provide the calculation or methodology behind each statistic or performance measure. Please refer to, but do not repeat measures listed in Exhibit 2.

The effectiveness and efficiency of the Registration and Reporting Program is evidenced by the performance measures reported to the Legislative Budget Board.

The following performance measures are reported in Section II, Exhibit 2.

- Number of quarts of used oil sent for recycling rather than for disposal in a landfill; and
- Number of annual self-certifications processed by the program which correlates to the number of facilities that certify compliance with PST rules and are issued a delivery certificate to receive fuel.

Additional performance measures for PST, dry cleaners, industrial hazardous waste (IHW), medical waste, sludge transporters, used oil, aggregate production operations (APOs), and enclosed containers activities are provided in Exhibit 12.

Exhibit 12: Program Statistics and Performance Measures — Fiscal Year 2020

Program Statistics or Performance Measures	Dataset Reference Number*	FY 2020 Target	FY 2020 Actual Performance	FY 2020 % of Annual Target
PST- Registrations, Updates, and Amendments	OOW-17	N/A	49,787	N/A
PST- Notices of Construction	OOW-17	N/A	2,435	N/A
Dry Cleaners- Renewals Facilities	OOW-18	N/A	1,116	N/A
Dry Cleaners- Renewal Drop Stations	OOW-18	N/A	1,333	N/A
Dry Cleaners- New Property Owner Registrations	OOW-19	N/A	2	N/A
Dry Cleaners- Property Owner Withdrawals	OOW-19	N/A	1	N/A
IHW- Registrations, Notifications, and Amendments	OOW-20	N/A	2,891	N/A
IHW- Error Resolution Letters	OOW-20	N/A	110	N/A
IHW- Annual Waste Summaries	OOW-20	N/A	5,723	N/A
Medical Waste- Registrations, Amendments, and Renewals	OOW-24	N/A	76	N/A
Medical Waste- Reports	OOW-24	N/A	74	N/A
Sludge Transporters- Registrations, Amendments, and Renewals	OOW-21	N/A	1,907	N/A
Sludge Transporters- Reports	OOW-21	N/A	1,666	N/A
Used Oil- Registrations, Amendments, and Renewals	OOW-23	N/A	541	N/A
Used Oil- Reports	OOW-23	N/A	888	N/A
APO- Registrations, Renewals, Amendments and Cancellations	OOW-25	N/A	1146	N/A
Enclosed Containers- Registrations, Amendments, and Renewals	OOW-25	N/A	43	N/A

*See Exhibit 3

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent. If the response to Section III of this report is sufficient, please leave this section blank.

The following history highlights significant actions directly affecting the Registration and Reporting Program.

1986

- Texas Water Commission is designated to receive and process UST registrations.

1987

- SB 779 (70R) authorizes Texas Water Commission to develop and administer a comprehensive UST regulatory program.

1989

- Texas Department of Health promulgates medical waste regulations, including registration requirements.

1990

- Texas receives final authorization to administer federal Resource Conservation and Recovery Act program, including registration requirements.

1992

- Municipal Solid Waste Program is transferred from Texas Department of Health to Texas Water Commission, including registration of medical waste transporters and permitting of medical waste management facilities.

1994

- Used oil filters are banned from landfill disposal by rule. The ban is subsequently added to THSC in 1995.

1995

- United States Environmental Protection Agency (EPA) approves TCEQ PST Program.

1997

- EPA delegates used oil program to TCEQ. The program remains largely unchanged, except emphasis shifts from education to regulation.
- HB 2815 (76R) requires owners and operators of certain regulated USTs to certify compliance with applicable TCEQ rules to receive deliveries of product.

1999

- HB 2619 (76R) clarifies TCEQ authority regarding used oil filters.

2005

- HB 2376 (79R) authorizes removal of the five-year ownership requirement for landowner eligibility for the remediation program, revises fee structures, extends deadline for opting out of the Dry Cleaner Facility Release Fund, and limits applicability of some performance standards.
- SB 444 (79R) extends deadline for opting out of Dry Cleaner Facility Release Fund to February 28, 2006, and credits some dry cleaners that opted out for previously paid fees.

2007

- HB 3220 (80R) creates registration requirements for current and former property owners who wish to claim benefits from the Dry Cleaner Remediation Fund; allows liens against property for past due registration fees and cleanup costs that occurred while fees were in arrears; and prohibits the use of perchloroethylene at sites where the commission has completed cleanup.

2016

- Medical waste rules are amended and moved into new Title 30 TAC Chapter 326 (Medical Waste Management).

2017

- HB 2582 (85R) adds an additional exemption to definition of aggregate production operation.
- SB 1105 (85R) abolishes used oil recycling account. Deposits and disbursements of used oil recycling fees use the water resource management account.

2018

- TCEQ adopts rules to implement SB 1557 (85R) related to administration of petroleum products delivery fee, incorporates necessary changes to 30 TAC Chapter 334 in accordance with revisions to the 2015 federal petroleum storage tank program in 40 CFR 280, relating to technical standards for owners and operators of USTs, and allows TCEQ to apply for state program approval from EPA.

2020

- TCEQ amends 30 TAC Chapter 335 to adopt EPA's RCRA Phase I including import/export rules, conditional exemptions for air bag waste collection facilities, and electronic manifests.
- TCEQ amends 30 TAC Chapter 312, relating to sludge use, disposal, and transportation, to update biosolids language and add temporary storage recordkeeping.

E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.

Registration requirements vary specific to each program. The [OLRD Webpage Registration: Am I Regulated?](#) lists specific qualifications and eligibility requirements for each registration type.

The following table lists programs accounting for other groups affected by qualifications and eligibility requirements for the Registration and Reporting Program. Each program includes a brief description of the available registration types number of registrations.

Number and Type of Registrations as of August 31, 2020

Program	Registration Type	Descriptions	Number of Registrations
PST Facilities	Active	Number of facilities with active PSTs. A facility is active if the tank at the facility has not been permanently	31,473

Program	Registration Type	Descriptions	Number of Registrations
		removed from service (removed from the ground or filled in place).	
PST Facilities	Total Active Tanks	Total universe of tanks at active facilities.	73,215
PST Facilities	USTs	Total number of in-use USTs at active facilities.	42,247
PST Facilities	ASTs	Total number of in-use ASTs at active facilities.	24,419
PST Facilities	Out of Service	Total number of out-of-service USTs at active facilities.	6,549
PST Facilities	USTs Removed from Service	Total universe of USTs permanently removed from service.	127,001
PST Facilities	Removed from the Ground	Number of USTs removed from the ground.	116,920
PST Facilities	Filled in Place	Number of USTs filled in place.	10,081
IHW Registrations	IHW Registrations	Total number of registrations.	8,114
IHW Registrations	Generators	Number of generators.	5,760
IHW Registrations	Transporters	Number of transporters.	2,179
IHW Registration	Receivers	Number of receivers.	175
Sludge Transporters	Sludge Transporters	Number of companies that transport liquid waste.	1,759
APOs	APOs	Number of registered sites.	1,055
Medical Waste	Transporters	Number of companies that transport medical waste.	112
Medical Waste	On-Site Treaters	Number of mobile on-site medical waste treaters.	3
Enclosed Containers	Stationary Compactors	Number of stationary compactors.	30
Enclosed Containers	Special Collection Routes	Number of special collection routes.	11
Used Oil	Used Oil Collection Centers	Number of used oil collection centers that manage used oil received from generators in quantities of 55 gallons or less. Includes receiving used oil from individuals who change their own oil at home.	2,975
Used Oil	Used Oil and Oil Filter Handlers	Total number of sites that handle used oil and used oil filters.	541
Used Oil	Used Oil Handlers	Number of used oil only handlers.	246
Used Oil	Used Oil Filter Handlers	Number of used oil filter only handlers.	6
Used Oil	Both Used Oil and Used Oil Filter Handlers	Number that handles both used oil and used oil filters.	289

Program	Registration Type	Descriptions	Number of Registrations
Dry Cleaners	Total Registrations	Total number of facilities, drop stations, and property owners.	2658
Dry Cleaners	Facilities	Number of dry cleaning plants.*	1116
Dry Cleaners	Drop Stations	Number of drop stations.*	1333
Dry Cleaners	Property Owners	Number of property owners.*	209
Dry Cleaners	Distributors	Number of solvent distributors.	21

* Dry Cleaning facilities and drop station can choose to participate in accessing remediation fund or not and are designated as participating or non-participating. Most sites, 89%, are participating and 11% are non-participating. Non-participating sites pay a reduced annual registration fee. All registered property owners are participating sites.

F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

Petroleum Storage Tanks (PST). The PST Registration team maintains registration and construction notification information for underground and aboveground petroleum storage tanks. The team also processes state mandated self-certifications and proof of financial assurance, which result in issuance of a delivery certificate authorizing the facility to receive deliveries of petroleum product into underground storage tanks (USTs).

Dry Cleaners. The Registration and Reporting Program registers and collects registration and solvent fees from distributors of dry cleaning solvents, dry cleaner facilities, drop stations, and current and former property owners, and issues solvent delivery certificates authorizing dry cleaner facilities to purchase dry cleaner solvent. The fees are paid into the Dry Cleaner Remediation Fund, which is used to administer the program for registration of facilities and clean up contaminated sites.

Industrial Hazardous Waste (IHW).

- The Registration and Reporting program maintains IHW registration and reporting information for generators and transporters. EPA authorized the program to assign EPA ID numbers and submit information on handlers weekly to EPA. The program tracks annual waste summaries from IHW generators and submits a biennial report to EPA Region 6.
- The IHW registration process begins when a form is received from an entity planning to manage industrial or hazardous waste. A registration number is assigned and a notice of registration is prepared which lists all waste management units and generated wastes.

Medical Waste Transporters. The Registration and Reporting Program maintains registration by rule and reporting information for transporters and mobile on-site treaters of medical waste.

Used Oil. The Registration and Reporting Program maintains registration and reporting information for used oil collection centers, and handlers of used oil and used oil filters. A registration form is received from the applicant and a registration number or a permit by rule ID number is assigned upon application review completion, at which point, the applicant is notified.

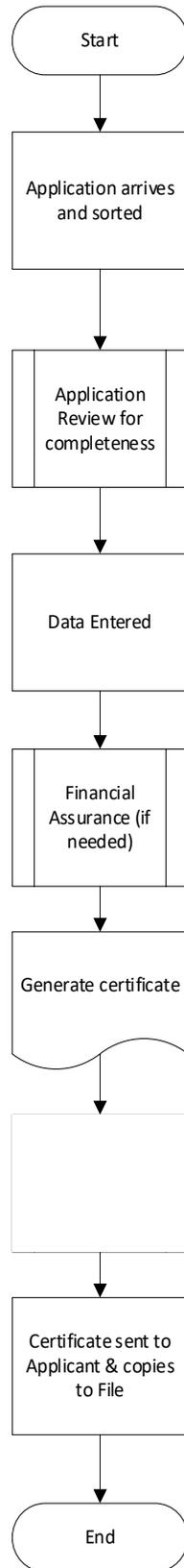
Enclosed Containers. The Registration and Reporting Program maintains enclosed container permit by rule and reporting information for both stationary compactors and special collection routes. A registration form is received from the applicant and a registration number or a permit by rule ID number is assigned upon application review completion, at which point, the applicant is notified.

Sludge Transporter. The Registration and Reporting Program maintains sludge transporter registration and reporting information for transporters of liquid wastes. A registration form is received from the applicant and a registration number or a permit by rule ID number is assigned upon application review completion, at which point, the applicant is notified.

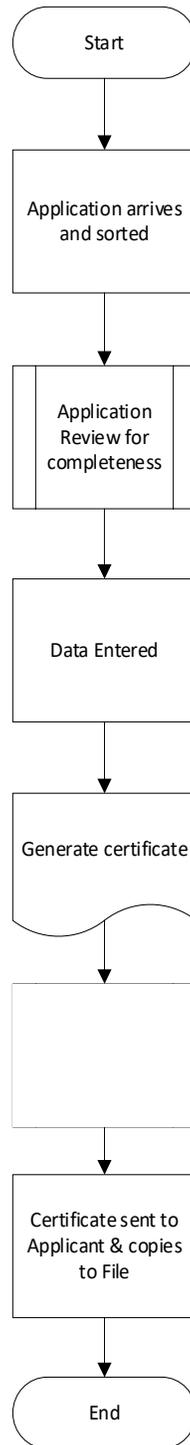
Aggregate Production Operations (APOs). The Registration and Reporting Program registers locations where commonly recognized construction materials such as granite, limestone, gravel, sand, caliche, and soil (defined as aggregates), are removed, or extracted from the ground. Registration fees are collected based on number of acres disturbed.

The following flowcharts illustrate process overviews for PST, Dry Cleaners, IHW, Medical Waste Transporters, Used Oil, Enclosed Containers, Sludge Transporters, and APOs.

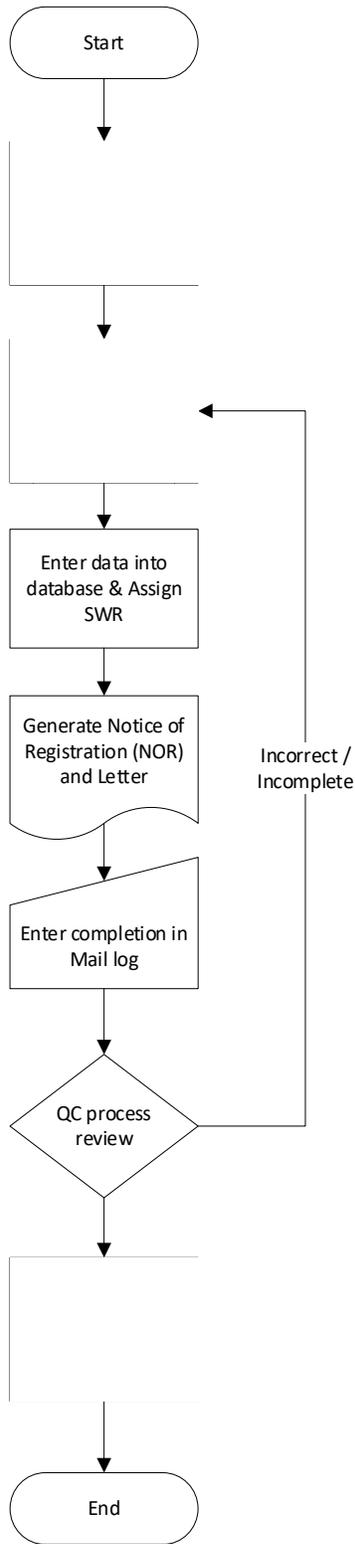
PST Process Overview Flowchart



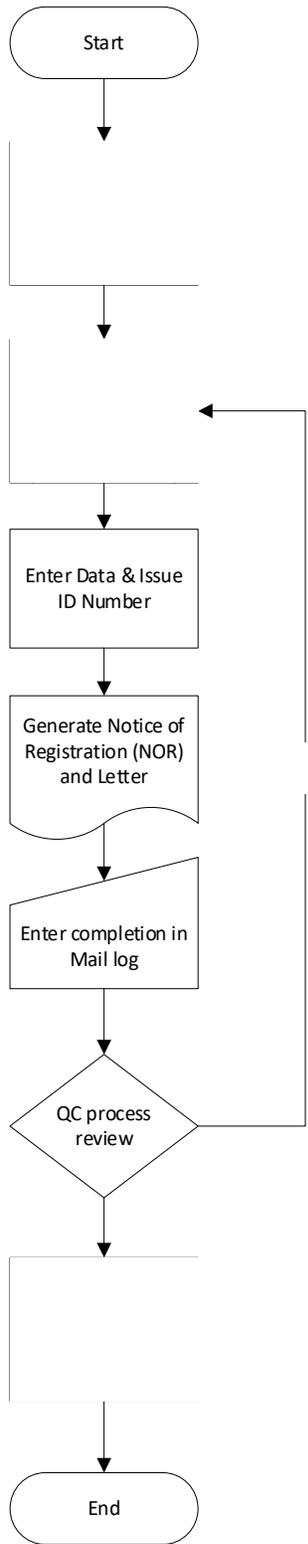
Dry Cleaner Process Overview Flowchart



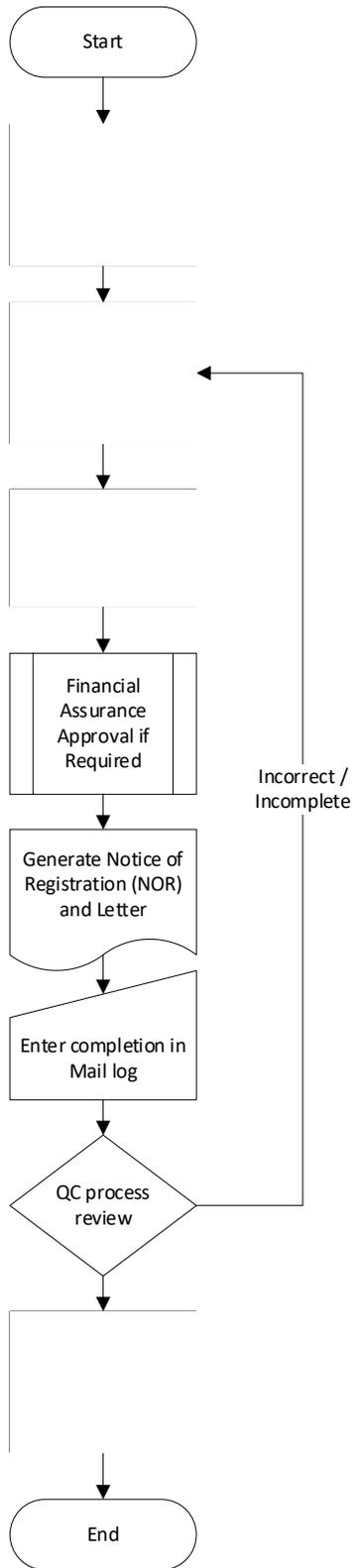
IHW Process Overview Flowchart



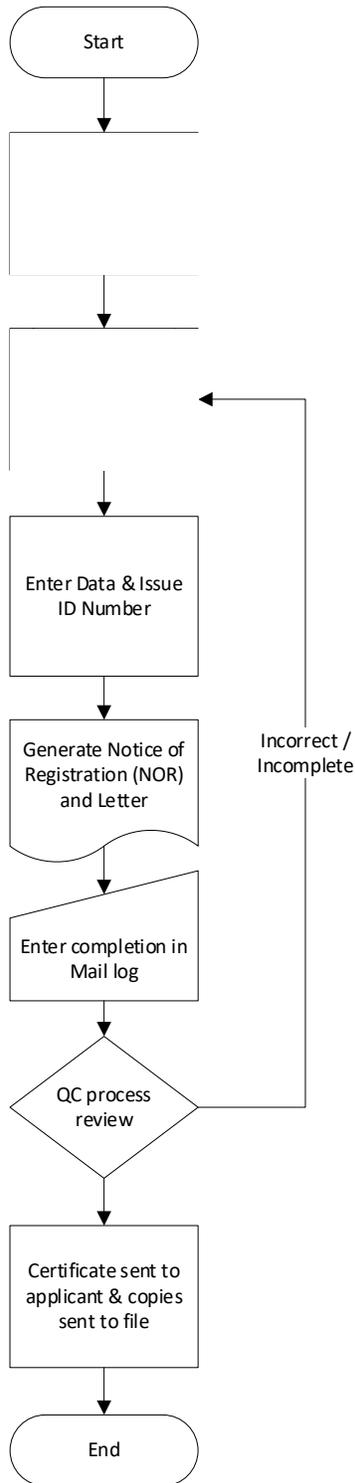
Medical Waste Transporters Process Overview Flowchart



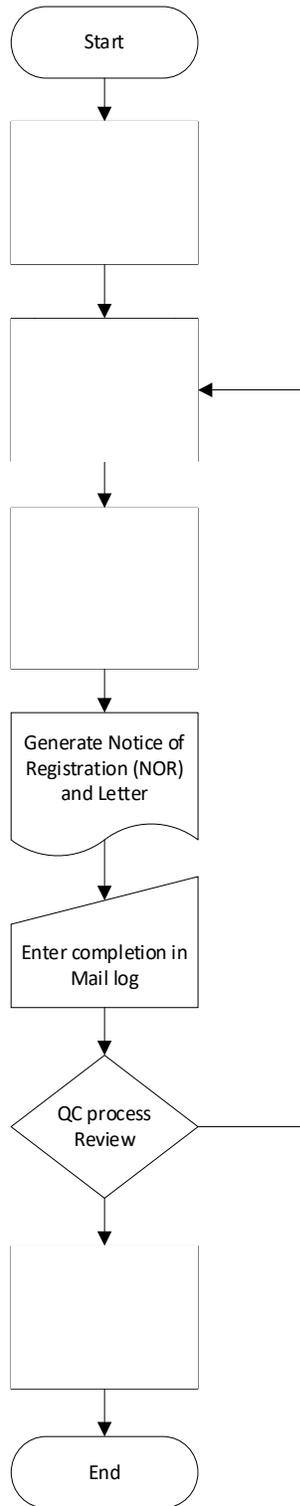
Used Oil Process Overview Flowchart



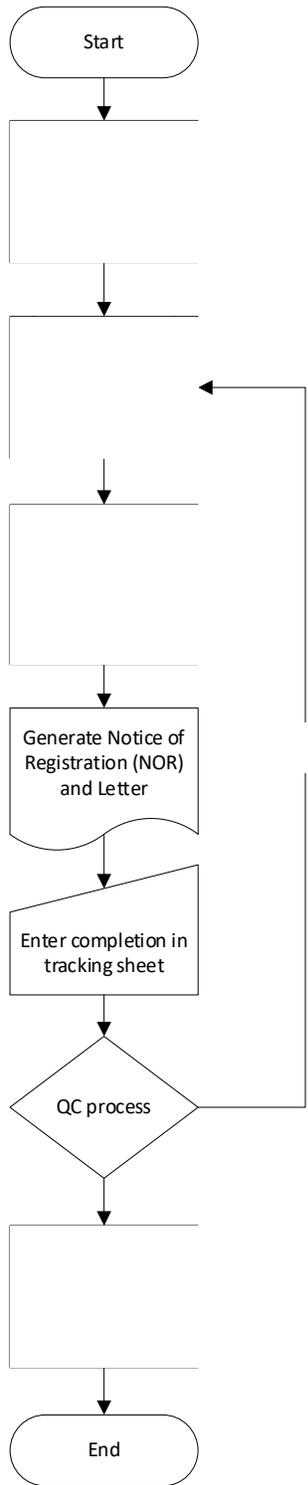
Enclosed Containers Process Overview Flowchart



Sludge Transporter Process Overview Flowchart



APO Process Overview Flowchart



G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

Registration and Reporting Program Funding Sources

Account	Account Name	CFDA	CFDA Title	FY 2020 Expended
0153	Water Resource Management Account – Dedicated	N/A	N/A	\$124,401
0549	Waste Management Account – Dedicated	N/A	N/A	\$278,244
0655	Petroleum Storage Tank Remediation Account – Dedicated	N/A	N/A	\$527,573
5093	Dry Cleaner Facility Release – Dedicated	N/A	N/A	\$118,228
0555	Federal Funds	66.605	Performance Partnership Grants	\$186,030
TOTAL				\$1,234,476

The program is funded in the following strategies:

- Waste Management and Permitting;
- Water Resource Assessment and Planning;
- Waste Management Assessment and Planning;
- Storage Tank Administration & Cleanup; and
- Hazardous Materials Cleanup.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.

Sanitary Waste/Domestic Sewage. Domestic sewage waste management systems at oil and gas drilling sites are overseen by Railroad Commission of Texas (RRC). However, any transportation of waste off-site must be conducted by a TCEQ-registered sludge transporter.

Used Oil and Used Oil Filters. RRC has jurisdiction over used oil and used oil filters generated from activities associated with exploration and production of oil and gas. Used oil and used oil filter transporters, storage facilities, and processors registered with TCEQ can accept used oil and used oil filters under the jurisdiction of RRC. Additionally, RRC allows TCEQ-registered transporters to transport used oil and used oil filters under the jurisdiction of RRC.

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency’s customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

The program uses a Memorandum of Understanding (MOU) between TCEQ and RRC to coordinate activities and avoid duplication. The MOU is codified in 30 TAC Section 7.117 in TCEQ rules and 16 TAC Section 3.30 in RRC rules and is an agreed interpretation of the jurisdiction granted to each agency in state statute.

Sanitary Waste/Domestic Sewage. TCEQ has jurisdiction over sanitary waste/domestic sewage under TWC Chapter 26. RRC has not been granted jurisdiction over sanitary waste/domestic septage. The MOU describes domestic sewage generated from RRC sites as being under the jurisdiction of RRC but is silent on the transportation of domestic sewage. Sanitary waste/domestic sewage generated at a well-site or on a lease is considered an oil and gas waste; however, once it moves onto a public roadway it comes under TCEQ jurisdiction and must be transported by a TCEQ registered sludge transporter.

Used Oil and Used Oil Filters. RRC has jurisdiction over used oil and used oil filters generated from activities associated with the exploration and production of oil and gas. RRC requires used oil to be managed in accordance with 40 CFR 279 – Standard for the Management of Used Oil. TCEQ promulgated rules implementing a program to handle recycling of used oil and used oil filters in accordance with 40 CFR 279. RRC refers generators of used oil and used oil filters under its jurisdiction to entities registered with TCEQ's Used Oil Program in an effort for both agencies to support and encourage the recycling of used oil and in support of the state's waste minimization plan.

In furtherance of the MOU between TCEQ and RRC, TCEQ confirmed in a letter dated September 24, 2014, that transporters, storage/collection facilities and processors of used oil and used oil filters registered in accordance with TCEQ's Used Oil Program were able to accept used oil and used oil filters generated under the jurisdiction of RRC. RRC responded on November 11, 2014, concurring.

J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.

A local, state, or federal unit of government may interact with the program when the unit's activities are subject to registration or reporting requirements under one of the activities the program administers.

K. If contracted expenditures are made through this program please provide

- a short summary of the general purpose of those contracts overall;
- the amount of those expenditures in fiscal year 2020;
- the number of contracts accounting for those expenditures;
- the method used to procure contracts;
- top five contracts by dollar amount, including contractor and purpose;
- the methods used to ensure accountability for funding and performance; and
- a short description of any current contracting problems.

N/A

L. Provide information on any grants awarded by the program.

N/A

M. Are there any barriers or challenges that impede the program's performance, including any outdated or ineffective state laws? Explain.

None

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

None

O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe

- **why the regulation is needed;**
- **the scope of, and procedures for, inspections or audits of regulated entities;**
- **follow-up activities conducted when non-compliance is identified;**
- **sanctions available to the agency to ensure compliance; and**
- **procedures for handling consumer/public complaints against regulated entities.**

Refer to Question B for why the regulation is needed and refer to the Office of Compliance and Enforcement, Field Operations Program, Question O for all inspection and enforcement information related to this program.

P. For each regulatory program, if applicable, provide detailed information on complaint investigation and resolution. Please adjust the chart headings as needed to better reflect your agency's particular programs. Please briefly explain or define terms as used by your agency, such as complaint, grievance, investigation, enforcement action, jurisdictional, etc. If necessary to understand the data, please include a brief description of the methodology supporting each measure. See Exhibit 13 Example.

Refer to the Office of Compliance and Enforcement, Field Operations Program, Question P for complaint related data for this program.

Radioactive Materials Licensing Program

A. Provide the following information at the beginning of each program description.

Name of Program or Function: Radioactive Materials Licensing Program

Location/Division: Austin Headquarters / Radioactive Materials Division

Contact Name: Ashley Forbes, Deputy Director, Radioactive Materials Division

Statutory Citation for Program: Texas Health and Safety (THSC) Code Chapter 401.

B. What is the objective of this program or function? Describe the major activities performed under this program.

The objective of the Radioactive Materials Licensing Program is to protect the public and workers from unnecessary radiation exposure and to protect the environment from contamination resulting from the possession, storage, or disposal of radioactive materials.

The major activities performed by the program include radioactive material licensing of:

- disposal of radioactive substances;
- processing or storage of radioactive substances or naturally occurring radioactive material (NORM) waste received from other persons, except oil and gas NORM;
- recovery or processing of source material (uranium);
- processing of by-product material; and/or
- sites for the disposal of low-level radioactive waste, by-product material, or NORM waste.

Additionally, the program oversees the reclamation of historic burial sites for radioactive materials and other contaminated sites, including former uranium mines.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? In Exhibit 12, provide a list of statistics and performance measures that best convey the effectiveness and efficiency of this program or function. Also, please provide the calculation or methodology behind each statistic or performance measure. Please refer to, but do not repeat measures listed in Exhibit 2.

Under Section 273 of the Atomic Energy Act of 1954, as amended, the United States Nuclear Regulatory Commission (NRC) retains oversight authority for ensuring the Agreement State programs provide adequate protection of public health and safety and are compatible with the NRC's regulatory program. In fulfilling this statutory responsibility, the NRC periodically reviews the program to ensure it continues to be adequate and compatible.

In cooperation with the Agreement States, the NRC established and implemented the Integrated Materials Performance Evaluation Program (IMPEP). IMPEP is a performance evaluation process providing the NRC and Agreement States with systematic, integrated, and reliable evaluations of the strengths and weaknesses of their respective radiation control programs and identification of areas needing improvement. To date, TCEQ has demonstrated overall effectiveness in carrying out the state's

responsibilities to oversee the radiation control programs as documented by the NRC through the IMPEP process. The State of Texas is undergoing IMPEP simultaneously with this Sunset review.

The following performance measures are reported in Section II, Exhibit 2.

- Number of industrial and hazardous waste permits issued;
- Number of industrial and hazardous waste permit applications reviewed (key); and
- Percent of waste management permit applications reviewed within established time frames.

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent. If the response to Section III of this report is sufficient, please leave this section blank.

The following history highlights significant actions directly affecting the Radioactive Materials Licensing Program.

1954

- Congress passes the Atomic Energy Act regulating radioactive material.

1959

- Congress enacts Atomic Energy Act Section 274 allowing states to enter into agreements to regulate radioactive material.

1963

- Governor Daniel signs an agreement making Texas an “Agreement State” under the authority of the NRC.

1980

- Congress passes the Low-Level Radioactive Waste Policy Act making individual states responsible for waste generated in their borders.

1982

- Governor Clements signs an amendment to the agreement with NRC allowing Texas to continue to regulate by-product material.

1985

- Congress passes the Low-Level Radioactive Waste Policy Amendment Act to encourage groups of states to form compacts to site regional disposal facilities.

1993

- The legislature (73R) ratifies an interstate compact with Maine and Vermont to receive their low-level radioactive waste for disposal in Texas under the Texas Low-Level Radioactive Waste Disposal Compact (Texas Compact). (SB 1206 73R)

1998

- Congress ratifies the Texas Compact. Maine later withdraws from the Texas Compact.

2008

- Governor Perry appoints six people to the Texas Low-Level Radioactive Waste Disposal Compact Commission, which becomes active. Governor Douglas of Vermont follows by naming two people to serve.

E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.

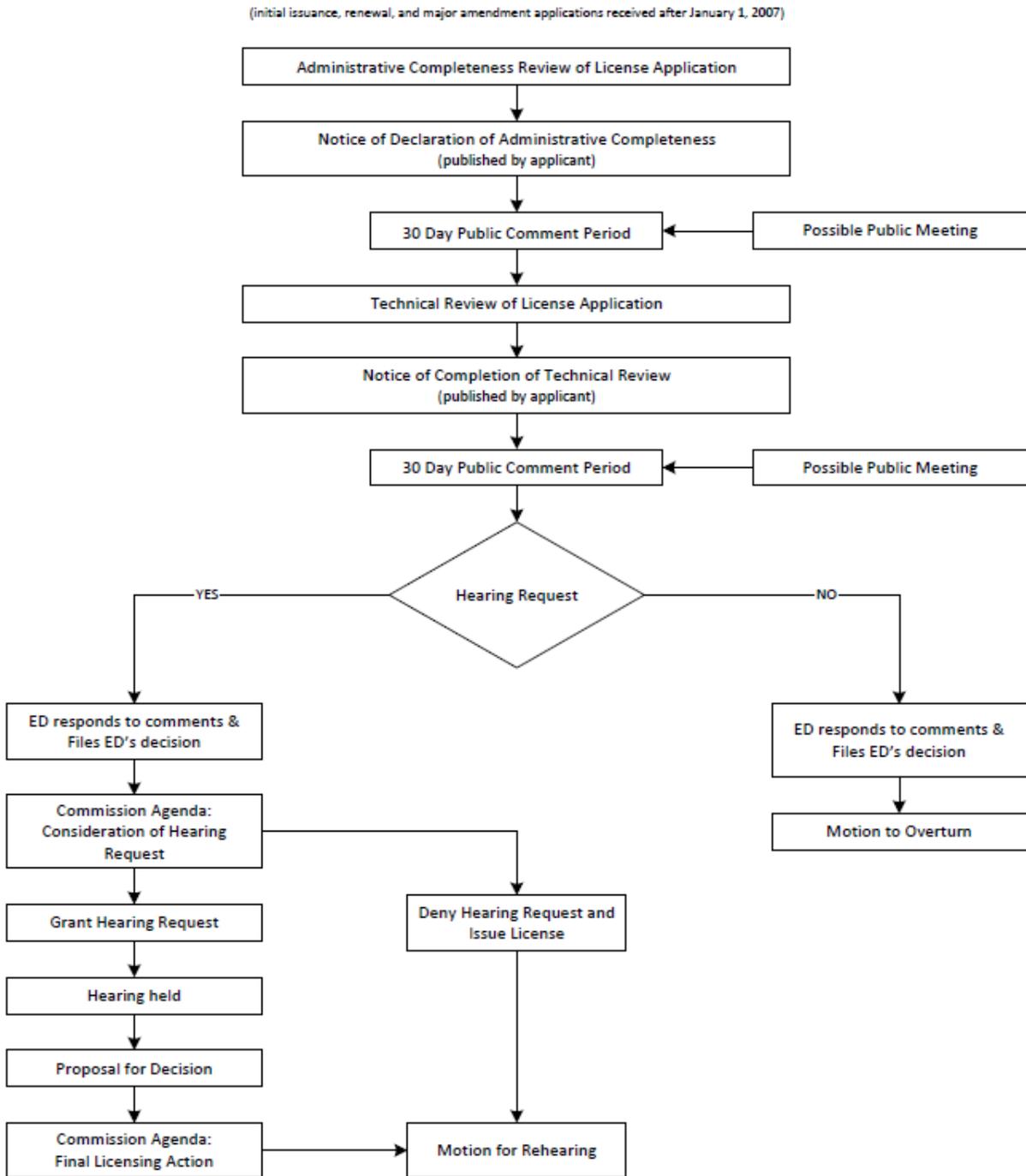
The Radioactive Materials Licensing Program includes 15 radioactive material licensees. The licensees and applicants are qualified through licensing. Specific education, knowledge, and experience are required for designation of a radiation safety officer, who is the responsible person under a radioactive materials license. The licensees include:

- Seven licensees authorizing in-situ uranium recovery which include 9 licensed sites:
 - Five licensed sites with in-situ uranium mining;
 - Two licensed sites with uranium mining processing operations; and
 - Two licensed sites with both in-situ mining and processing operations.
- Four licensees authorizing by-product material disposal;
- Two licensees authorizing alternative waste disposal;
- One licensee authorized for radioactive waste storage and processing; and
- One licensee authorized for both radioactive waste storage and processing and low-level radioactive waste disposal.

F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

The Radioactive Materials Licensing Program accomplishes its objectives through licensing and regulatory oversight of in situ uranium recovery, radioactive waste processing and storage, low-level radioactive waste disposal, by-product material disposal, and disposal of naturally-occurring radioactive waste materials not related to oil and gas production. The following flowchart illustrates the main licensing process.

Radioactive Materials License Review Process Flowchart



G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

Radioactive Materials Licensing Program Funding Sources

Account	Account Name	FY 2020 Expended
0001	General Revenue	\$345,109
0088	Low-Level Radioactive Waste Account – Dedicated	\$935,757
0549	Waste Management Account – Dedicated	\$665,067
5158	Environmental Radiation and Perpetual Care Acct - Dedicated	\$2,986,927
TOTAL		\$4,932,860

The program is funded in the Radioactive Materials Management Strategy.

Riders include Rider 14 Environmental Radiation and Perpetual Care.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.

Texas Department of State Health Services (DSHS) regulates and issues radioactive material licenses for possession, use (including industrial, medical, and academic), and transportation of radioactive material. TCEQ also issues radioactive material licenses; however, TCEQ regulates facilities storing, processing, or disposing of:

- uranium ore (including mining, extraction, and separation of ore);
- by-product material waste;
- low-level radioactive waste, including low-level radioactive waste generated from federal government activities; and/or
- naturally occurring radioactive material (NORM), except oil and gas NORM.

Railroad Commission of Texas (RRC) is responsible for permitting the disposal of oil and gas NORM. TCEQ does not have jurisdiction of the disposal of oil and gas NORM.

NRC is the federal agency that regulates nuclear facilities, such as nuclear power plants, through licensing, inspection, and enforcement. The State of Texas is an agreement state which means NRC has delegated a portion of its regulatory authority to the state. NRC retains oversight authority for ensuring agreement states provide adequate protection of public health and safety and are compatible with NRC's regulatory program.

TCEQ Office of Compliance and Enforcement, Radioactive Materials Compliance Program, regularly inspects and ensures compliance of facilities licensed through the Radioactive Materials Licensing Program. Staff from both programs communicate regularly to ensure licensees comply with their radioactive material licenses and TCEQ rules.

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly

discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

The Radioactive Materials Licensing Program coordinates activities:

- Through Memoranda of Understanding and the rulemaking process with the DSHS and RRC to delineate jurisdiction and coordination in the regulation and licensing for radioactive materials;
- Through an agreement between the governor and NRC to regulate the possession, storage, and disposal of radioactive materials and source material recovery in Texas; and
- Through regularly scheduled meetings and coordination with TCEQ's Office of Compliance and Enforcement, Radioactive Materials Compliance Program inspectors and their supervisors on compliance and enforcement for radioactive materials licensing.

J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.

Federal

- NRC: The program is an Agreement State Program with NRC federal oversight through concurrence on licensing and rulemaking, compatibility reviews, and an NRC Integrated Materials Performance Evaluation every four years;
- Department of Energy (DOE): The program cooperates with DOE as it will become the long-term steward of Title II by-product material disposal facilities and of the Federal Waste Disposal Facility after closure and decommissioning;
- Federal Emergency Management Agency (FEMA): The program cooperates with FEMA to respond to emergencies at nuclear power plants; and
- Homeland Security: The program works with Homeland Security to ensure licensees are following Homeland Security protocol for handling certain radioactive materials that could be used malevolently.

State

- The program works with the Texas Low-Level Radioactive Waste Disposal Compact Commission on importing of low-level radioactive waste for disposal in Texas; and
- The program reports to the Texas Radiation Advisory Board at each of its quarterly meetings and is available to answer questions about the program.

K. If contracted expenditures are made through this program please provide

- **a short summary of the general purpose of those contracts overall;**

Program contracts provide technical support to TCEQ in carrying out research projects. TCEQ also requires radioactive materials program services such as radioactive material measurement and analysis as needed as well as assisting TCEQ with developing, planning, implementing and/or executing the radioactive materials program. Rider 14 (86 R) appropriated \$3 million for a mitigation project at Lamprecht and Zamzow sites in which case a remediation contract was used.

- **the amount of those expenditures in fiscal year 2020;**

Expenditures total \$3,086,458.

- **the number of contracts accounting for those expenditures;**

Four contracts.

- **the method used to procure contracts;**

The program procured the remediation contract using request for proposals and request for qualifications. The temporary service contracts were managed term contracts.

- **top five contracts by dollar amount, including contractor and purpose;**

Radioactive Materials Licensing Program Contracts

Contract Number	Vendor Name	Purpose	FY 2020 Expended
582-18-80624 WO 12030	Weston Solutions Inc	Remedial action at Zamzow site located in Three Rivers, Live Oak County.	\$2,217,136
582-18-80624 WO 11211	Weston Solutions Inc	Remedial action at Lamprecht site located in Three Rivers, Live Oak County.	\$769,792
582-19-93526	WorkQuest	Temp employment to perform file and records maintenance.	\$85,360
582-20-12990	WorkQuest	Intern for one-time project to review uranium license files for the completion review report (CRR) related to rule requirements.	\$13,791
582-18-80719	Test America Laboratories, Inc. (Eurofins Xenco LLC)	Contract laboratory services to perform analysis of samples.	\$380

- **the methods used to ensure accountability for funding and performance; and**

Methods used to ensure accountability for funding and performance include a defined and consistent process for developing, implementing and tracking projects, which includes project prioritization in alignment with required work and with agency priorities, development of a detailed scope of work to describe the work to be performed as well as deliverables and due dates, and review of all invoices to ensure consistency with contract dates, deliverables, work performed, and allowable expenses.

- **a short description of any current contracting problems.**

There are currently no contracting problems.

L. Provide information on any grants awarded by the program.

The program had two interagency contracts with state universities. The interagency contract was a direct award.

Texas Southern University provides statistical analyses of radiological surveys and samples collected during remedial work at an abandoned uranium site. Texas Southern University also quantified the variability of the data using statistical tests, as appropriate, to determine whether the results were “statistically significant.”

Tarleton State University provides technical support and expertise in the areas of program support and planning, training, data management, field work and investigations, and public and industry participation.

M. Are there any barriers or challenges that impede the program’s performance, including any outdated or ineffective state laws? Explain.

Contract Review of Nonparty Waste. Contracts for nonparty low-level radioactive compact waste disposal are reviewed and approved by the agency in accordance with THSC, Section 401.2456. Rates must be set accordingly, and contracts must be negotiated in good faith, conform to applicable antitrust statutes and regulations, and be nondiscriminatory. This type of contract review is not a traditional function of TCEQ and is not directly aligned with the agency’s mission. Another state agency staffed with attorneys who have the requisite anti-trust expertise may be more appropriate to fulfill this mandate.

Nondisclosure of Compact Waste Disposal Fees. TCEQ is required to set party state compact waste disposal fees in accordance with the criteria set forth in THSC, Section 401.246. Additionally, THSC, Section 401.245 requires TCEQ to adopt by rule and periodically revise party state compact waste disposal fees according to a schedule based on the projected annual volume of low-level radioactive waste received, the relative hazard presented by each type of low-level radioactive waste generated by the users of radioactive materials, and the costs identified in THSC, Section 401.246. Publishing these fees in rule creates an unfair advantage for out-of-state competitors in the same market, thereby potentially reducing revenue to the state. Stakeholders would benefit if this statutory process was reviewed and streamlined to enable TCEQ to carry out its responsibilities more efficiently and to ensure the state is realizing its maximum revenue potential.

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

Texas statutes for disposal of low-level radioactive waste include some very specific technical requirements regarding design of the facility and treatment and containerization of certain wastes that differ from existing industry standards, federal rule, or statute. It is important for TCEQ to consider advances in science and technology to ensure any recommendations related to future statutory changes are appropriately protective and effective.

In 2009, TCEQ issued a radioactive materials license to Waste Control Specialists (WCS) for the disposal of low-level radioactive waste. Since issuance of the license, the State of Texas has received approximately \$57 million in revenue from statutorily required fees and surcharges.

O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe

- **why the regulation is needed;**
- **the scope of, and procedures for, inspections or audits of regulated entities;**
- **follow-up activities conducted when non-compliance is identified;**
- **sanctions available to the agency to ensure compliance; and**
- **procedures for handling consumer/public complaints against regulated entities.**

Refer to Question B for why the regulation is needed and refer to the Office of Compliance and Enforcement, Radioactive Materials Compliance Program, Question O for all inspection and enforcement information related to this program.

P. For each regulatory program, if applicable, provide detailed information on complaint investigation and resolution. Please adjust the chart headings as needed to better reflect your agency's particular programs. Please briefly explain or define terms as used by your agency, such as complaint, grievance, investigation, enforcement action, jurisdictional, etc. If necessary to understand the data, please include a brief description of the methodology supporting each measure. See Exhibit 13 Example.

Refer to the Office of Compliance and Enforcement, Radioactive Materials Compliance Program, Question P for complaint related data for this program.

Underground Injection Control Permitting Program

A. Provide the following information at the beginning of each program description.

Name of Program or Function: Underground Injection Control Permitting

Location/Division: Austin Headquarters / Radioactive Materials Division

Contact Name: Ashley Forbes, Deputy Director, Radioactive Materials Division

Statutory Citation for Program: Texas Water Code (TWC) Chapter 27.

B. What is the objective of this program or function? Describe the major activities performed under this program.

The objective of the Underground Injection Control (UIC) Program is to protect underground sources of drinking water (USDW) through permitting and authorization of injection wells. Injection well projects regulated by TCEQ accomplish a variety of purposes, such as permanently isolating injected wastes from the biosphere, storing large volumes of injected fresh water for later use, recovering certain minerals for mining without the use of open pits, and using compounds to remediate contaminated groundwater.

Regulation of wells used for underground injection must maintain the quality of fresh water to the extent consistent with public health and welfare and the operation of existing industries. The permitting process involves evaluation of interactions of injection pressure and injected fluids with proposed injection well design, evaluation of proposed receiving reservoir, and evaluation of the proposed area's geology. Through permit issuance, the UIC Program regulates siting, design, construction, operation, maintenance, monitoring, and closure of the following classes of injection wells:

- Class I wells, which inject byproduct, naturally occurring radioactive material from public drinking water, desalination reject, hazardous and non-hazardous wastes below USDWs;
- Class II oil and gas industry injection wells and Class VI carbon dioxide geologic sequestration wells are regulated by RRC, instead of TCEQ;
- Class III wells, which inject fluids for dissolution and recovery of certain minerals (e.g., uranium, sulfur, and sodium sulfate);
- Class IV wells, which are generally banned by state and federal statutes and rules. However, under TCEQ and EPA rules, a Class IV well may be authorized for use in certain environmental cleanup operations; and
- Class V (miscellaneous) wells, mostly shallow wells primarily used to inject compounds used in remediation of groundwater contamination. Class V wells are also used for injection of nonhazardous industrial wastewater, injection of storm runoff, and injection of fresh water for aquifer storage and recovery projects, as well as aquifer recharge projects.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? In Exhibit 12, provide a list of statistics and performance measures that best convey the effectiveness and efficiency of this program or function. Also, please provide the calculation or methodology behind each statistic or performance measure. Please refer to, but do not repeat measures listed in Exhibit 2.

The UIC Program effectiveness and efficiency can be monitored through permit time-frame tracking for long standing waste programs. The Aquifer Storage and Recovery Programs recently enacted by the legislature are still being developed and the method for measuring performance is evolving.

The following performance measures are reported in Section II, Exhibit 2.

- Number of industrial and hazardous waste permits issued;
- Number of industrial and hazardous waste permit applications reviewed (key); and
- Percentage of waste management permit applications reviewed within established time frames.

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent. If the response to Section III of this report is sufficient, please leave this section blank.

The following history highlights significant actions that have directly affected the UIC Program.

1988

- Pursuant to Hazardous and Solid Waste Amendments (1984), EPA adopts more stringent requirements for injection of hazardous waste.

1989

- Texas Water Commission adopts rule amendments to ensure equivalence with new EPA requirements for injection of hazardous waste.

1998

- EPA adopts regulations banning certain types of Class V injection wells.

2001

- Texas Natural Resource Conservation Commission amends rules to ensure equivalence with new EPA requirements for Class V injection wells.

E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.

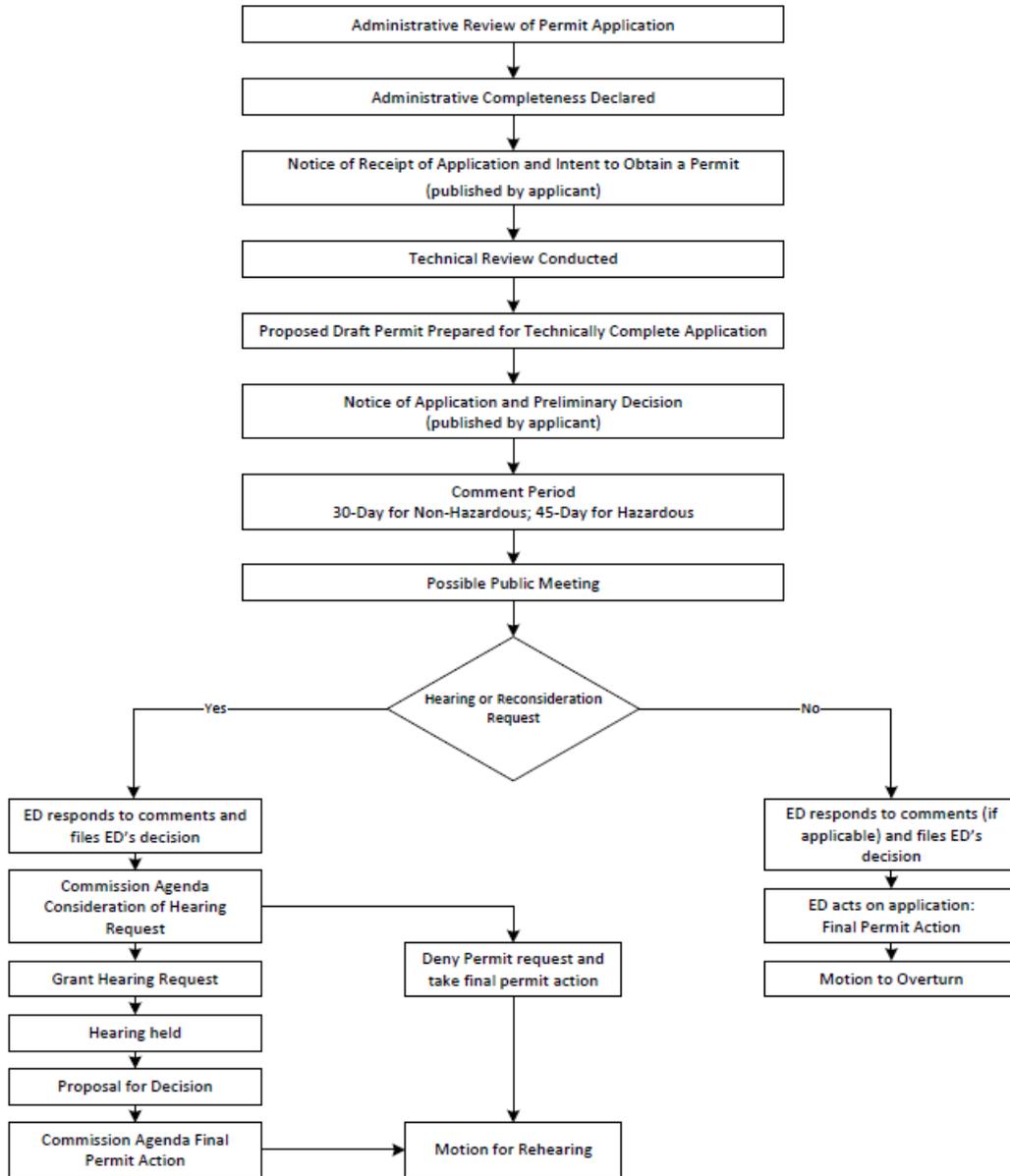
Permittees and applicants are qualified through permitting. As of December 31, 2020, the UIC Program includes:

- 167 Class I injection wells among 60 facilities;
- Six permitted sites for Class III injection wells;
- 106 Class IV injection wells at 3 facilities; and
- 52,936 Class V injection wells.

F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

The UIC Program accomplishes its objectives through permitting and regulatory oversight of UIC injection wells. The following flowchart illustrates the main permitting process.

Underground Injection Well Permit Process Flowchart



G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

Underground Injection Control Permitting Program Funding Sources

Account	Account Name	CFDA	CFDA Title	FY 2020 Expended
0001	General Revenue	N/A	N/A	\$355,996
0549	Waste Management Account – Dedicated	N/A	N/A	\$586,618
0555	Federal Funds	66.605	Performance Partnership Grants	\$97,373
TOTAL				\$1,039,987

The program is funded in the Waste Management and Permitting Strategy and the Radioactive Materials Management Strategy.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.

Jurisdiction for the UIC Program in Texas is divided between TCEQ and Texas Railroad Commission (RRC). Grant money provided by EPA for the UIC Program is split between TCEQ and RRC. RRC has jurisdiction over injection wells used to dispose of oil and gas waste, enhanced oil or natural gas recovery, brine mining, geothermal energy, and in-situ recovery of tar sands. Additionally, HB 1284 (87R) conferred RRC jurisdiction over all carbon dioxide injection and storage.

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

The UIC Program coordinates activities with RRC through a MOU and through the rulemaking process to delineate jurisdiction and coordination in the regulation and permitting of injection wells.

J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.

Federal

- The UIC program is a federal program created by the Safe Drinking Water Act (SDWA). EPA approved the UIC program for Class I, III, IV, and V wells in the state of Texas. EPA reviews the UIC program annually and communicates with TCEQ about injection well projects of interest. The SDWA protects underground sources of drinking water (USDWs) by limiting what can be injected into USDWs. Certain portions of USDWs may be used for oil or mineral extraction or disposal if the portions meet certain requirements. In those situations, EPA approves exempting those portions of an aquifer from the definition of a USDW; these exemptions are known as aquifer exemptions. Aquifer exemptions allow injection activities into certain formations that would otherwise be prohibited into a USDW. As part of the approved UIC program, the UIC Permitting Program coordinates with EPA when an applicant requests an aquifer exemption. After review and approval of an aquifer exemption application by TCEQ, TCEQ then requests a UIC program

revision from EPA. After EPA approval, the designated exempted aquifer is no longer considered as a USDW for the UIC program in Texas.

State

- Edwards Aquifer Authority, groundwater conservation districts, and various municipal and county governments. Program staff coordinate with these authorities as needed for injection wells.

K. If contracted expenditures are made through this program please provide

- **a short summary of the general purpose of those contracts overall;**

The contracts provide technical support to the program.

- **the amount of those expenditures in fiscal year 2020;**

Expenditures total \$56,885.

- **the number of contracts accounting for those expenditures;**

Two contracts.

- **the method used to procure contracts;**

The temporary service contracts were managed term contracts.

- **top five contracts by dollar amount, including contractor and purpose;**

Underground Injection Control Permitting Program Contracts

Contract Number	Vendor Name	Purpose	FY 2020 Expended
582-20-10615	WorkQuest	Temp employment to evaluate geology and other non-engineering sections of UIC Class I and V wells.	\$45,355
582-20-12987	WorkQuest	Intern for one-time project work to create databases of injection wells, process backlog of well data and applications related to rule requirements.	\$11,530

- **the methods used to ensure accountability for funding and performance; and**

Methods used to ensure accountability for funding and performance include a defined and consistent process for developing, implementing and tracking projects, which includes project prioritization in alignment with required work and with agency priorities, development of a detailed scope of work to describe the work to be performed as well as deliverables and due dates, and review of all invoices to ensure consistency with contract dates, deliverables, work performed, and allowable expenses.

- **a short description of any current contracting problems.**

There are currently no contracting problems.

L. Provide information on any grants awarded by the program.

The program has an interagency contract with the University of Texas at Austin. The interagency contract is a direct award. The University of Texas developed guidance documents for best practices with respect to minimizing the potential for arsenic mobilization in groundwater during aquifer storage and recovery operations (injection, storage, recovery). The University of Texas addressed modifications to the aquifer storage and recovery model (TxASR App) developed by the University of Texas. They developed guidelines for the effects of injected water quality conditions on arsenic release during aquifer storage and recovery (ASR) and developed guidelines for treating injected water to minimize arsenic release in ASR.

M. Are there any barriers or challenges that impede the program's performance, including any outdated or ineffective state laws? Explain.

None

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

The state of Texas has set forth by statute the innovative drought mitigation strategy of storing water accumulated during wet times to be used during droughts by utilizing aquifer storage and recovery (ASR) and managed aquifer recharge (AR). ASR is the injection of water into an aquifer using underground injection control wells for later withdrawal and use. AR includes the injection of water into an aquifer to replenish the aquifer. These methods of water storage are more efficient and less costly than reservoir construction and maintenance.

Since 2017, eight ASR and five AR projects or pilot projects have been authorized by TCEQ, and these numbers are expected to increase. The 2022 State Water Plan recommends about 19,000 acre-feet of water be stored using ASR in 2020, and 193,000 acre-feet be stored using ASR in 2070. Texas Water Development Board, which provides funding for certain ASR and AR projects, published a map online of 23 upcoming ASR and AR projects.

O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe

- why the regulation is needed;
- the scope of, and procedures for, inspections or audits of regulated entities;
- follow-up activities conducted when non-compliance is identified;
- sanctions available to the agency to ensure compliance; and
- procedures for handling consumer/public complaints against regulated entities.

Refer to Question B for why the regulation is needed and refer to the Office of Compliance and Enforcement, Field Operations Program, Question O for all inspection and enforcement information related to this program.

P. For each regulatory program, if applicable, provide detailed information on complaint investigation and resolution. Please adjust the chart headings as needed to better reflect your agency's particular programs. Please briefly explain or define terms as used by your agency, such as complaint, grievance, investigation, enforcement action, jurisdictional, etc. If necessary to understand the data, please include a brief description of the methodology supporting each measure. See Exhibit 13 Example.

Refer to the Office of Compliance and Enforcement, Field Operations Program, Question P for complaint related data for this program.

Superfund Program

A. Provide the following information at the beginning of each program description.

Name of Program or Function: Superfund

Location/Division: Austin Headquarters / Remediation Division

Contact Name: Beth Seaton, Deputy Director, Remediation Division

Statutory Citation for Program: Texas Health and Safety Code (THSC) Chapter 361 Subchapters B, D, F, I, L and M.

B. What is the objective of this program or function? Describe the major activities performed under this program.

Superfund Program

The primary objective of the Superfund Program is to identify and address contaminated sites that may constitute an imminent or substantial endangerment to public health, public safety, and/or the environment due to a release or threatened release of hazardous substances into the environment. Its major functions are to investigate and evaluate threatened or actual releases of hazardous substances; remediate state Superfund sites; identify and recover costs spent by the state from responsible parties; and provide project management and other assistance on federal Superfund sites through collaboration with EPA.

Sites contaminated with hazardous substances for which there is not a responsible party willing to address the contamination through a permit, corrective action, voluntary cleanup or enforcement, are identified through referral from internal and external groups, including TCEQ's Enforcement Division, regional offices, Water Supply Division, and Environmental Protection Agency (EPA). Potential state Superfund sites are evaluated by the Superfund Site Discovery and Assessment Program (SSDAP) to determine whether they are eligible for listing on the Texas Superfund Registry. On behalf of EPA, the Preliminary Assessment/Site Inspection (PA/SI) Program focuses on evaluating sites for the federal National Priorities List (NPL).

Brownfields Program

The primary objective of the Brownfields Program is to support communities by assessing dormant and underutilized former industrial properties where expansion, redevelopment, or reuse may be hampered by the real or perceived presence of contamination. The Brownfields Program manages a grant from EPA to help governments and nonprofit organizations redevelop Brownfield properties in Texas with assessments, limited cleanups, and technical review.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? In Exhibit 12, provide a list of statistics and performance measures that best convey the effectiveness and efficiency of this program or function. Also, please provide the calculation or methodology behind each statistic or performance measure. Please refer to, but do not repeat measures listed in Exhibit 2.

The effectiveness and efficiency of the Superfund Program is evidenced through outcomes including sites achieving remedial action complete each fiscal year as well as the total number of sites achieving remedial action complete since program inception. Additionally, effectiveness is evidenced by the number of sites progressing through the Superfund process, including site assessments completed, sites undergoing evaluation and cleanup, and sites where needed immediate response actions have been completed to protect human health and the environment. The program also ensures remedies implemented continue to be effective through post-closure care.

In FY 2020, the Brownfields Program conducted nine site assessments. Information on the Brownfields Program effectiveness can be found in the Brownfields Brochure and in the Brownfields Tour:

<https://www.tceq.texas.gov/assets/public/remediation/bsa/success/brownfields-initiatives.pdf>

<https://www.tceq.texas.gov/publications/gi/gi-468>

The following performance measures are reported in Section II, Exhibit 2.

- Number of Superfund Remedial Actions Completed (key);
- Number of immediate response actions completed to protect human health and environment;
- Number of Superfund site assessments;
- Number of Superfund sites in Texas undergoing evaluation and cleanup (key);
- Number of Superfund remedial actions completed (key); and
- Number of state and federal Superfund sites in post-closure care (O&M) phase (key).

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent. If the response to Section III of this report is sufficient, please leave this section blank.

The following history highlights significant actions directly affecting the Superfund and Brownfields Programs.

1982

- Texas Department of Water Resources (a TCEQ predecessor agency) is designated as the state's lead agency for the federal Superfund program.

1985

- The Solid Waste Disposal Act is amended to create the State Superfund program.

1986

- Congress amends the Comprehensive Environmental Response, Compensation, and Liability Act with the Superfund Amendment and Reauthorization Act to expand the program to federal facilities.

1997

- EPA entered into a cooperative agreement with TCEQ to help develop its National Brownfields Pilot Program, allowing TCEQ to help local governments and nonprofit organizations with assessment and redevelopment.

2002

- Congress passes the Small Business Liability Relief Act and Brownfields Revitalization Act, granting federal brownfields funds to states.

E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.

The Superfund Program affects property owners, present and former owners or operators of facilities, and generators and transporters of waste that have caused a release of hazardous substances. The types of sites addressed in the Superfund Program include former commercial and industrial facilities with operations such as wood treating, scrap processing, battery recycling, metal finishers, dry cleaning, and other operations that resulted in releases of contaminants to the environment. As of the end of FY 2020, there were 108 active sites in the program, including 45 state Superfund sites and 63 federal Superfund sites.

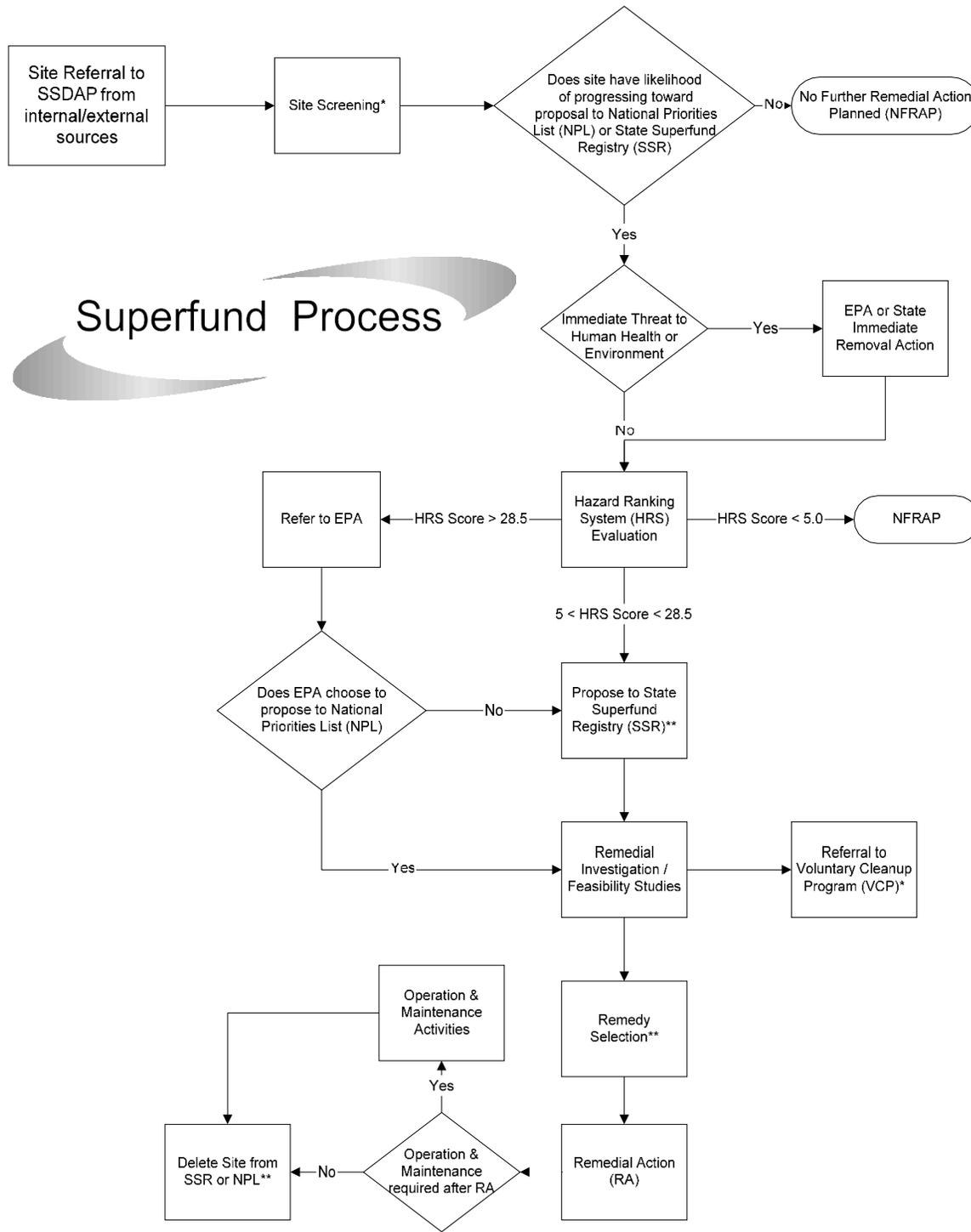
For the Brownfields Program, eligible entities include cities, local governments, tribes, nonprofit organizations, regional councils of government, and redevelopment agencies, but excludes potentially responsible parties or private developers. In FY 2020, the Brownfields Program received two applications, both from non-profit organizations. There were 12 active sites in the program as of the end of FY 2020.

F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

Most program staff are in the central office, with additional staff in TCEQ Houston and San Antonio regional offices.

The following flowchart illustrates how a potential Superfund site progresses through the process from ranking through remedy implementation. Once ranked, a site may be addressed by a potentially responsible party or by the state through its contractors.

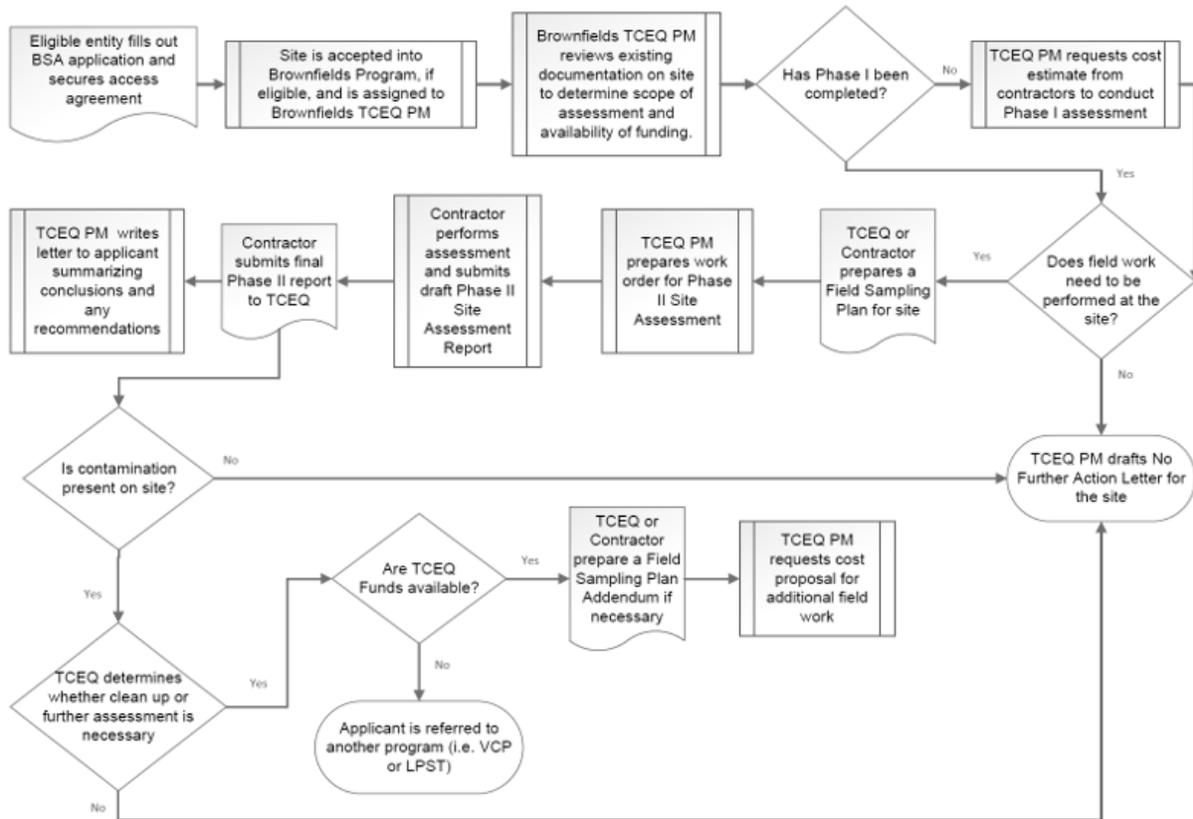
Superfund Process Flowchart



*Potentially Responsible Parties may apply to the VCP during these stages.
 **Opportunity for public input necessary at these stages.
 Public meetings required prior to completion of this activity.

The following flowchart illustrates how eligible Brownfields sites are evaluated to determine if further investigation/cleanup is needed and subsequent steps.

Brownfields Site Assessment Flowchart



G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

Superfund Program Funding Sources

Account	Account Name	CFDA	CFDA Title	FY 2020 Expended
0550	Hazardous & Solid Waste Account – Dedicated	N/A	N/A	\$17,241,959
0666	Appropriated Receipts	N/A	N/A	\$1,096,081
0555	Federal Funds	66.802	Superfund State Site-Specific COOP Agreements	\$319,044
0555	Federal Funds	66.809	Superfund State Core Program Cooperative Agreement	\$150,909
0555	Federal Funds	66.817	State & Tribal Response Program Grants	\$410,152
0777	Interagency Contracts	81.214	Environmental Monitoring/Cleanup, Cultural and Resource Management, Emergency Response Research, Outreach, Technical Analysis	\$12,026
TOTAL				\$19,230,171

The program is funded in the Hazardous Materials Cleanup Strategy.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.

The SSDAP (state) and PA/SI Program (federal) both discover and evaluate potential Superfund sites. TCEQ conducts the site assessments for EPA's PA/SI Program to determine if the federal Superfund Program will take lead on site cleanup based on hazard. EPA also has similar authority over federal Superfund cleanup activities.

The Brownfields Program works in partnership with EPA to promote sustainable brownfields cleanup and reuse. EPA Brownfields Program provides grants and technical assistance to communities, states, tribes, and others to assess, cleanup, and sustainably reuse contaminated properties. TCEQ Brownfields Program is a grant recipient. It assists applicants with redevelopment by evaluating properties and determining the need for assessment/cleanup.

Similar to the Brownfields Program, the Voluntary Cleanup Program (VCP) promotes redevelopment and reuse and eliminates some real estate constraints for underutilized properties. In Brownfields the activities are funded by a federal grant, and developers, private owners, and potentially liable or responsible parties are not eligible. In VCP, the applicant, upon meeting certain eligibility criteria, funds the corrective action activities as well as TCEQ oversight at eligible sites and may receive certain liability releases upon completion of remedial action.

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

Superfund Program. TCEQ's SSDAP and EPA PA/SI Program perform similar functions but have different processes and timelines. Once a site is scored, a determination regarding eligibility for the state or federal Superfund Program occurs. However, evaluation steps are not repeated since TCEQ Superfund Program staff conducts work in both programs.

In January 1989 TCEQ signed a Memorandum of Agreement with EPA identifying the respective roles and responsibilities of both agencies regarding cleanup of hazardous-waste sites in Texas and ensures their efforts are not duplicated.

There is no duplication of activities for sites in the state Superfund Program, because they are managed solely by the State of Texas. Texas sites in the federal Superfund Program are managed by EPA with TCEQ's assistance until the remedial action is complete. If operation and maintenance of the implemented remedy is required, TCEQ then assumes the lead.

In accordance with THSC Section 361.183, the Superfund Program ensures cleanup activities cannot be conducted by another party before state funds are used.

Brownfields Program. EPA, local governments, and TCEQ work closely on Brownfields projects to prevent duplication. Prior to acceptance, sites are evaluated to determine ownership and site participation in a TCEQ program. As well, routine meetings are held between TCEQ and EPA to discuss pending sites.

J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.

TCEQ's Superfund and Brownfields Programs coordinate and work with many local (city councils, county judges), regional (councils of government, water conservation districts), state (Texas Department of State Health Services, Office of the Attorney General, Texas Department of Transportation, Texas Parks and Wildlife Department, Railroad Commission of Texas), and federal units of government (EPA, United States Army Corps of Engineers, Department of Defense) during the course of identifying, ranking, investigating, evaluating, and remediating sites throughout Texas.

The Superfund Program also includes the Texas Natural Resource Trustee Program, a joint effort of agencies designated as natural resource trustees by the governor under the federal Superfund law and other federal authorities. The program acts on behalf of the public to seek compensatory restoration for injuries to natural resources from release of oil and hazardous substances. The three state trustees are TCEQ, Texas Parks and Wildlife Department, and Texas General Land Office. The federal trustees are U.S. Department of the Interior and the National Oceanic and Atmospheric Administration.

K. If contracted expenditures are made through this program please provide

- **a short summary of the general purpose of those contracts overall;**

Contractors conduct site assessments, remedial investigations, removal actions, design implementation, remediation engineering services, and installation and maintenance of filtration systems. The contracts also provide cost share on remedial actions to EPA and support services such as: digitizing records and

updating and maintaining certain databases. The Brownfields Program also utilizes the assessment and investigation contracts to conduct investigations at brownfield sites.

- **the amount of those expenditures in fiscal year 2020;**

Expenditures total \$15,894,108.

- **the number of contracts accounting for those expenditures;**

25 contracts.

- **the method used to procure contracts;**

The contracts are procured via request for proposals, request for qualifications (engineering contracts), or via agreement with EPA.

- **top five contracts by dollar amount, including contractor and purpose;**

Superfund Program Contracts

Contract Number	Vendor Name	Purpose	FY 2020 Expended
582-18-80620	APTIM Environmental & Infrastructure, Inc	Site assessments, remedial investigations, removal actions, and design implementation. (AIRS contract)	\$3,588,108
582-20-10408	EPA: Donna Reservoir and Canal System	Contract between EPA and the state outlining the state contribution towards the remedial action at a federal Superfund site.	\$3,522,000
582-18-80619	AECOM Technical Services, Inc	Site assessments, remedial investigations, removal actions, and design implementation. (AIRS contract)	\$2,831,485
582-19-90014	Driessen Water, Inc. DBA Austin Culligan/Ultrapure & Industrial Services	Installation and maintenance of water filtration systems.	\$1,435,993
582-17-70651	APTIM Environmental & Infrastructure, Inc	Superfund remediation engineering services.	\$1,417,060

- **the methods used to ensure accountability for funding and performance; and**

Methods used to ensure accountability for funding and performance include a defined and consistent process for developing, implementing and tracking projects, which includes project prioritization in alignment with required work and with agency priorities, development of a detailed scope of work to describe the work to be performed as well as deliverables and due dates, and review of all invoices to ensure consistency with contract dates, deliverables, work performed, and allowable expenses.

- **a short description of any current contracting problems.**

There are currently no contracting problems.

L. Provide information on any grants awarded by the program.

N/A

M. Are there any barriers or challenges that impede the program's performance, including any outdated or ineffective state laws? Explain.

Notice Publication. THSC Chapter 361 requires notice of public meetings be published in a newspaper of general circulation in the county in which the facility is located. However, not all counties have a local newspaper and other forms of information sharing are available. Therefore, TCEQ recommends THSC Sections 361.184, 361.1855, and 361.187(b) be revised to allow alternative options (e.g., webpage, social media, etc.) of noticing the public in case a newspaper meeting the criteria specified in the THSC is not available.

Selection of State Superfund Remedial Actions. The State Superfund Program is required to select the lowest cost alternative that is technologically feasible and reliable, effectively mitigates and minimizes damage to the environment, and provides adequate protection of the public health and safety and the environment, per THSC Section 361.193. Removing constraints to select the lowest cost remedial alternative and allowing TCEQ to balance all statutory factors ensures that the selected remedial action for any state Superfund site will achieve the most advantageous combination of cost, quality, and sustainability. **Refer to Section IX, Major Issues, Selection of State Superfund Remedial Actions.**

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

None

O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe

- **why the regulation is needed;**
- **the scope of, and procedures for, inspections or audits of regulated entities;**
- **follow-up activities conducted when non-compliance is identified;**
- **sanctions available to the agency to ensure compliance; and**
- **procedures for handling consumer/public complaints against regulated entities.**

Refer to Question B for why the regulation is needed and refer to the Office of Compliance and Enforcement, Field Operations Program, Question O for all inspection and enforcement information related to this program.

P. For each regulatory program, if applicable, provide detailed information on complaint investigation and resolution. Please adjust the chart headings as needed to better reflect your agency's particular programs. Please briefly explain or define terms as used by your agency, such as complaint, grievance, investigation, enforcement action, jurisdictional, etc. If necessary to understand the data, please include a brief description of the methodology supporting each measure. See Exhibit 13 Example.

Refer to the Office of Compliance and Enforcement, Field Operations Program, Question P for complaint related data for this program.

Petroleum Storage Tank (PST) Remediation Program

A. Provide the following information at the beginning of each program description.

Name of Program or Function: Petroleum Storage Tank (PST) Remediation Program

Location/Division: Austin Headquarters / Remediation Division

Contact Name: Beth Seaton, Deputy Director, Remediation Division

Statutory Citation for Program: Texas Water Code (TWC) Chapter 26 Subchapter I.

B. What is the objective of this program or function? Describe the major activities performed under this program.

The PST Remediation Program oversees assessment and cleanup of leaking petroleum storage tanks (LPSTs). The objective of the program is to ensure proper cleanup of releases by evaluating and tracking all reported releases of petroleum and other hazardous substances from underground and aboveground storage tanks.

The program uses a risk-based approach in managing cleanup at LPST sites. This approach determines the timing, type, and degree of remediation at contaminated sites. Many LPST cleanups are addressed by responsible parties. For LPST sites where the responsible party is unwilling, financially unable, or unknown, the PST Remediation Program oversees and authorizes state contractors to conduct corrective action. Appropriations from the PST Remediation (PSTR) Account and Leaking Underground Storage Tank (LUST) Federal Grant fund the state led cleanup of contaminated sites.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? In Exhibit 12, provide a list of statistics and performance measures that best convey the effectiveness and efficiency of this program or function. Also, please provide the calculation or methodology behind each statistic or performance measure. Please refer to, but do not repeat measures listed in Exhibit 2.

Program effectiveness is shown by the number of LPST cleanups completed each fiscal year, and percentage of LPST sites cleaned up since program inception. In FY 2020, 238 LPST sites achieved regulatory closure for a total of 27,335 out of 28,488 (96%) since program inception. The efficiency of state-lead cleanups is evidenced by the average time to authorize a state-lead contractor to perform timely corrective action activities. In addition, program effectiveness is evidenced by ensuring emergency actions are completed to protect human health.

The following performance measures are reported in Section II, Exhibit 2.

- Percent of Leaking Petroleum Storage Tank Sites Cleaned Up (key);
- Number of emergency response actions at petroleum storage tank sites;
- Number of Petroleum Storage Tank Cleanups Completed (key); and
- Average days to authorize a state lead contractor to perform corrective action activities.

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent. If the response to Section III of this report is sufficient, please leave this section blank.

The following history highlights significant actions directly affecting the PST Remediation Program.

1984

- Congress amends RCRA authorizing a national program regulating underground storage tanks.

1986

- Texas Water Commission designated to process underground storage tank (UST) registrations.

1987

- Senate Bill 779 (70R) authorizes Texas Water Commission to develop and administer a comprehensive program regulating USTs.

1989

- House Bill 1588 (71R) authorizes limited regulation of aboveground storage tanks; establishes the Petroleum Storage Tank Remediation Account providing financial assistance to owners and operators of LPSTs; imposes a bulk delivery fee to finance the program; and establishes a registration program for contractors performing corrective actions.

1995

- EPA approves Texas' regulatory program, allowing it to operate in lieu of the federal program.

1998

- Eligibility ends for owners and operators to report a release and receive reimbursement for cleanup.

2005

- The federal Energy Policy Act of 2005 is passed. Portions relevant to USTs include provisions such as delivery prohibition; 3-year inspection cycle of all USTs in a state; operator training; and secondary containment.

2007

- House Bill 3554 (80R) requires TCEQ to use risk-based corrective action; allows use of the PSTR account for TCEQ's tank compliance functions; extends reimbursement for eligible LPST sites through August 2012; and extends the deadline to July 2011 for transfer of an eligible site from reimbursement program to the PST Remediation State Lead Program.

2011

- TCEQ adopts rules to implement PST operator training, as required by Energy Act of 2005. Owners or operators of eligible reimbursement sites can apply by July 1, 2011, for transfer to PST Remediation State Lead Program under TWC Section 26.3573 (r-1) to continue corrective action activities administered by TCEQ. House Bill 2694 (82R), TCEQ Sunset legislation, reinstates common carrier liability, decreases the fee on delivery of petroleum products, and provides authorization for TCEQ to remove non-compliant underground and aboveground storage tanks posing a risk of contamination and are owned by financially unable persons or entities. TCEQ adopts corresponding rule amendments in 2012.

2012

- In accordance with TWC requirements, the PST Reimbursement Program expires as of September 1, 2012. No additional reimbursements are made from the PST Remediation Fund.

2020

- State Program Approval for Texas' Underground Storage Tank Program is approved by EPA and is published in the Federal Register on June 22, 2020 (effective August 21, 2020).

E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.

The PST Remediation Program directly affects owners and operators of regulated storage tanks, as well as indirectly affects current and former property owners where a release has occurred. Sites that cannot be addressed by the owner/operator may be eligible for state cleanup under the PST State Lead Program. The criteria for a site to be managed by the state appear in TWC Sections 26.351 (c) and 26.3511, as well as Title 30 TAC Section 334.84. There were 1,153 active sites in the program at the end of FY 2020.

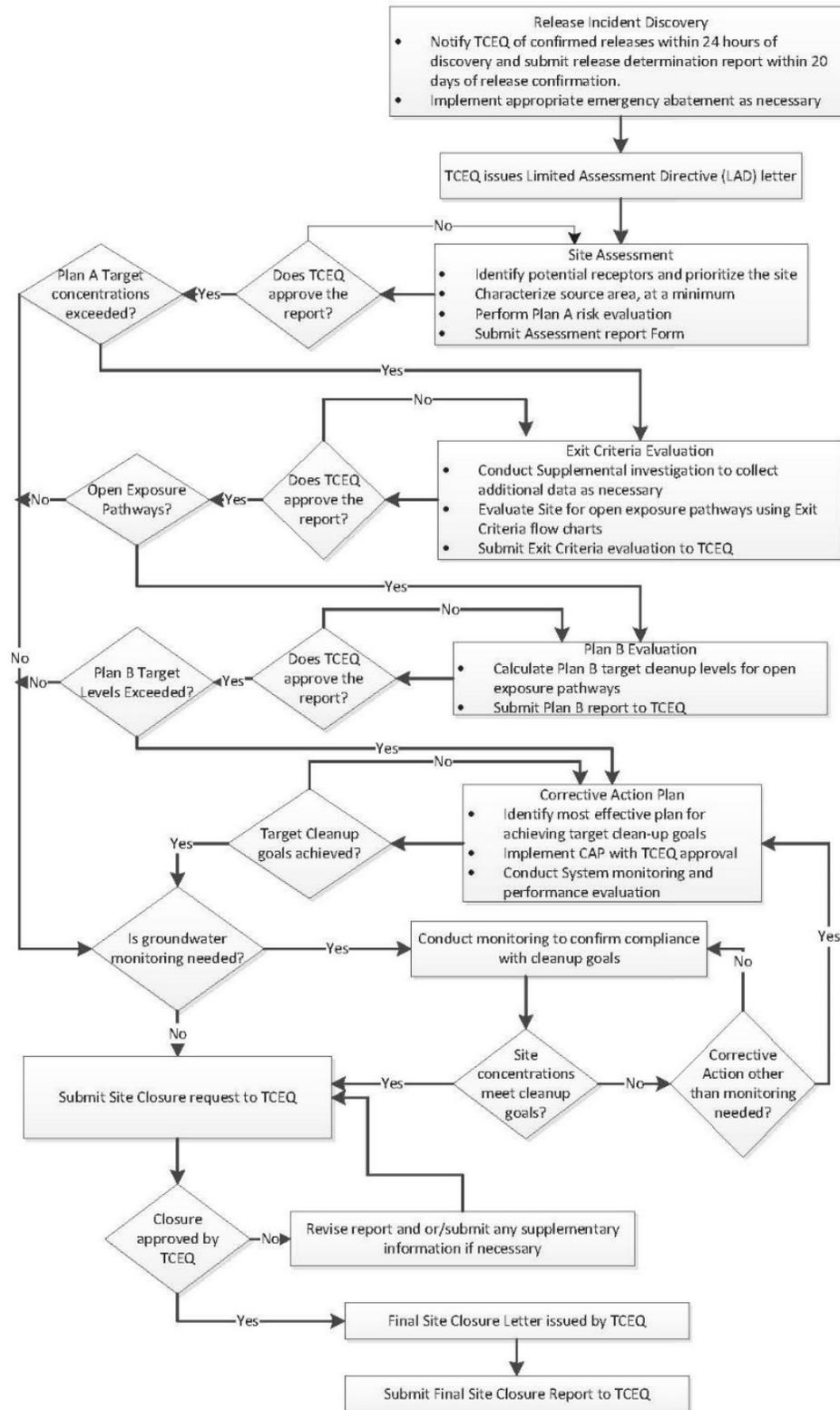
TCEQ Office of Waste, Occupational Licensing & Registration Division, has requirements for underground storage tank on-site supervisors to be licensed and contractors to be registered. Additionally, leaking petroleum storage tank corrective action specialists are required to be registered and corrective action project managers are required to be licensed.

F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

Suspected and confirmed releases are typically self-reported by the tank owner or operator. However, sometimes they are reported by prospective buyers of properties (after performing due diligence) or by adjacent landowners. The PST Remediation Program follows up on reports of suspected or confirmed releases by contacting the responsible tank owner or operator, or if needed, by use of state contractors to assess or remediate a release in the PST Remediation State Lead Program.

The following flowchart illustrates how a PST release is addressed either by a responsible party or the state through its contractors; from release discovery through site assessment, corrective action, and to closure.

Overview of Risk-Based Corrective Action Process for LPST Sites Flowchart



G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

Petroleum Storage Tank (PST) Remediation Program Funding Sources

Account	Account Title	CFDA	CFDA Title	FY 2020 Expended
0655	Petroleum Storage Tank Remediation Account – Dedicated	N/A	N/A	\$11,906,053
0555	Federal Funds	66.805	Leaking Underground Storage Tank Trust Fund Program	\$2,140,810
TOTAL				\$14,046,863

The program is funded in the Storage Tank Administration and Cleanup Strategy.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.

Railroad Commission of Texas (RRC) regulates underground and aboveground storage tanks used in connection with oil and gas exploration, development, or production; pipelines; or pre-refinery storage.

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency’s customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

Some releases of hazardous waste from underground storage tanks are under the purview of TCEQ’s PST Remediation Program and RCRA Corrective Action Program. An interoffice memorandum (“Site Characterization and Coordination of Assessment and Remediation Standards and Procedures between Corrective Action Site Assessment and Management, and Responsible Party Remediation Programs and the Waste Section of Field Operations Division” dated December 21, 2001) outlines which program has primary responsibility in directing corrective action at sites.

A MOU between RRC and TCEQ ([16 TAC Part 1, Chapter 3, Section 3.30](#)) defines jurisdiction between the two state agencies. In general, TCEQ has jurisdiction over solid waste (hazardous and nonhazardous) and RRC has jurisdiction over the disposal of oil and gas waste. In particular, storage of crude oil in ASTs is not regulated under TCEQ PST rules as it does not meet the definition of a petroleum product.

J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.

EPA serves as an information resource and supports the state with grants from the Leaking Underground Storage Tank Trust Fund. The federal grant money is used to support cleanup at PST sites where releases have occurred and the responsible party is unknown, unwilling, or financially unable to respond. Semiannual and annual program update reports are submitted to EPA, and meetings are held annually to discuss activities conducted and plan for the upcoming year.

K. If contracted expenditures are made through this program please provide

- **a short summary of the general purpose of those contracts overall;**

The purposes for the contracts are to conduct risk-based site assessment, remediation engineering services, abate emergency situations related to PST sites, install and maintain filtration systems, maintain division contract system, and digitize records.

- **the amount of those expenditures in fiscal year 2020;**

Expenditures total \$11,225,661.

- **the number of contracts accounting for those expenditures;**

31 contracts.

- **the method used to procure contracts;**

Contracts are procured via request for proposals, request for qualifications (engineering contracts), request for offers, or direct award as allowed under TWC Section 5.2292.

- **top five contracts by dollar amount, including contractor and purpose;**

Petroleum Storage Tank (PST) Remediation Program Contracts

Contract Number	Vendor Name	Purpose	FY 2020 Expended
582-18-80616	Daniel B Stephens & Associates Inc.	Risk-based site assessment. (PST Site Activities)	\$1,566,503
582-18-80614	Talon/LPE, Ltd.	Risk-based site assessment. (PST Site Activities)	\$1,307,684
582-18-80617	EE&G, Inc.	Risk-based site assessment. (PST Site Activities)	\$1,162,331
582-17-70639	Enprotec/Hibbs & Todd, Inc.	Remediation engineering services. (PST Engineering)	\$891,104
582-18-80618	Ranger Environmental Services, Inc.	Risk-based site assessment. (PST Site Activities)	\$796,379

- **the methods used to ensure accountability for funding and performance; and**

Methods used to ensure accountability for funding and performance include a defined and consistent process for developing, implementing, and tracking projects, which includes project prioritization in alignment with required work and with agency priorities, development of a detailed scope of work to describe the work to be performed as well as deliverables and due dates, and review of all invoices to ensure consistency with contract dates, deliverables, work performed, and allowable expenses.

- **a short description of any current contracting problems.**

There are currently no contracting problems.

L. Provide information on any grants awarded by the program.

N/A

M. Are there any barriers or challenges that impede the program’s performance, including any outdated or ineffective state laws? Explain.

Landowner Responsibility for Release from a Petroleum Storage Tank (PST). At many PST sites the registered tank owner or operator is not the landowner, but often leases commercial real estate. When a release from a PST is discovered and reported, pursuant to TWC Section 26.351(b), the tank owner or operator (but not explicitly the landowner if a different person or entity) is required to conduct corrective action. **Refer to Section IX, Major Issues, Landowner Responsibility for Release from a Petroleum Storage Tank.**

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

None

O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe

- why the regulation is needed;
- the scope of, and procedures for, inspections or audits of regulated entities;
- follow-up activities conducted when non-compliance is identified;
- sanctions available to the agency to ensure compliance; and
- procedures for handling consumer/public complaints against regulated entities.

Refer to Question B for why the regulation is needed and refer to the Office of Compliance and Enforcement, Field Operations Program, Question O for all inspection and enforcement information related to this program.

P. For each regulatory program, if applicable, provide detailed information on complaint investigation and resolution. Please adjust the chart headings as needed to better reflect your agency’s particular programs. Please briefly explain or define terms as used by your agency, such as complaint, grievance, investigation, enforcement action, jurisdictional, etc. If necessary to understand the data, please include a brief description of the methodology supporting each measure. See Exhibit 13 Example.

Refer to the Office of Compliance and Enforcement, Field Operations Program, Question P for complaint related data for this program.

Dry Cleaner Remediation Program

A. Provide the following information at the beginning of each program description.

Name of Program or Function: Dry Cleaner Remediation Program

Location/Division: Austin Headquarters / Remediation Division

Contact Name: Beth Seaton, Deputy Director, Remediation Division

Statutory Citation for Program: Texas Health and Safety (THSC) Code Chapter 374.

B. What is the objective of this program or function? Describe the major activities performed under this program.

The Dry Cleaner Remediation Program (DCRP) manages the assessment and cleanup of releases of solvents from dry-cleaner eligible facilities using a risk-based approach. DCRP oversees and authorizes state contractors to conduct prescribed assessment and corrective action. Appropriations from the Dry Cleaning Facility Release Fund are used to administer the program.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? In Exhibit 12, provide a list of statistics and performance measures that best convey the effectiveness and efficiency of this program or function. Also, please provide the calculation or methodology behind each statistic or performance measure. Please refer to, but do not repeat measures listed in Exhibit 2.

The effectiveness of the program is evidenced by outcomes of sites accepted into the program and sites achieving regulatory closure utilizing available funding. The efficiency of the program is evidenced by the timely processing of applications as required by statute. As of August 31, 2020, cleanup standards have been attained at 89 sites with a total of 227 sites remaining in the program. A total of 12 DCRP applications were received in FY 2020.

The following performance measures are reported in Section II, Exhibit 2.

- Number of Dry Cleaner Remediation Program site assessments initiated;
- Number of Dry Cleaner Remediation Program site cleanups completed (key);
- Average days to process Dry Cleaner Remediation Program applications; and
- Number of Dry Cleaner Remediation Program eligible sites.

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent. If the response to Section III of this report is sufficient, please leave this section blank.

The following history highlights significant actions directly affecting the DCRP.

2003

- DCRP created by House Bill 1366 (78R) and codified in THSC Chapter 374. This law establishes environmental standards for dry cleaners and a remediation fund to assist with assessment and remediation of contamination caused by releases of dry-cleaning solvents.

2005

- House Bill 2376 (79R) authorizes removal of the five-year ownership requirement for landowner eligibility for the DCRP, revises fee structures, extends deadline for opting out of Dry Cleaner Facility Release Fund and limits applicability of some performance standards.
- SB 444 (79R) extends deadline for opting out of Dry Cleaner Facility Release Fund to February 28, 2006, and allows some dry cleaners that opted out to receive credit for previously paid fees.

2007

- House Bill 3220 (80R) creates registration requirements for current and former property owners to claim benefits from the Dry Cleaner Release Fund; allows liens against applicable properties for past-due registration fees and cleanup costs occurring while fees are in arrear; and prohibits use of perchloroethylene at sites where TCEQ has funded cleanup.

2021

- Senate Bill 872 (87R) extends expiration of THSC Chapter 374, Dry Cleaner Environmental Response, to September 1, 2041.

E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.

The DCRP affects dry-cleaner facility and drop station owners, current and former owners of a property where a release has occurred, and solvent distributors.

To be eligible, an applicant must be registered with TCEQ and be one of the following: (1) owner of the dry cleaner facility or drop station; (2) an owner of property where the facility or drop station is (or was) located; or (3) a former property owner with an agreement with the current owner establishing responsibility for cleanup costs.

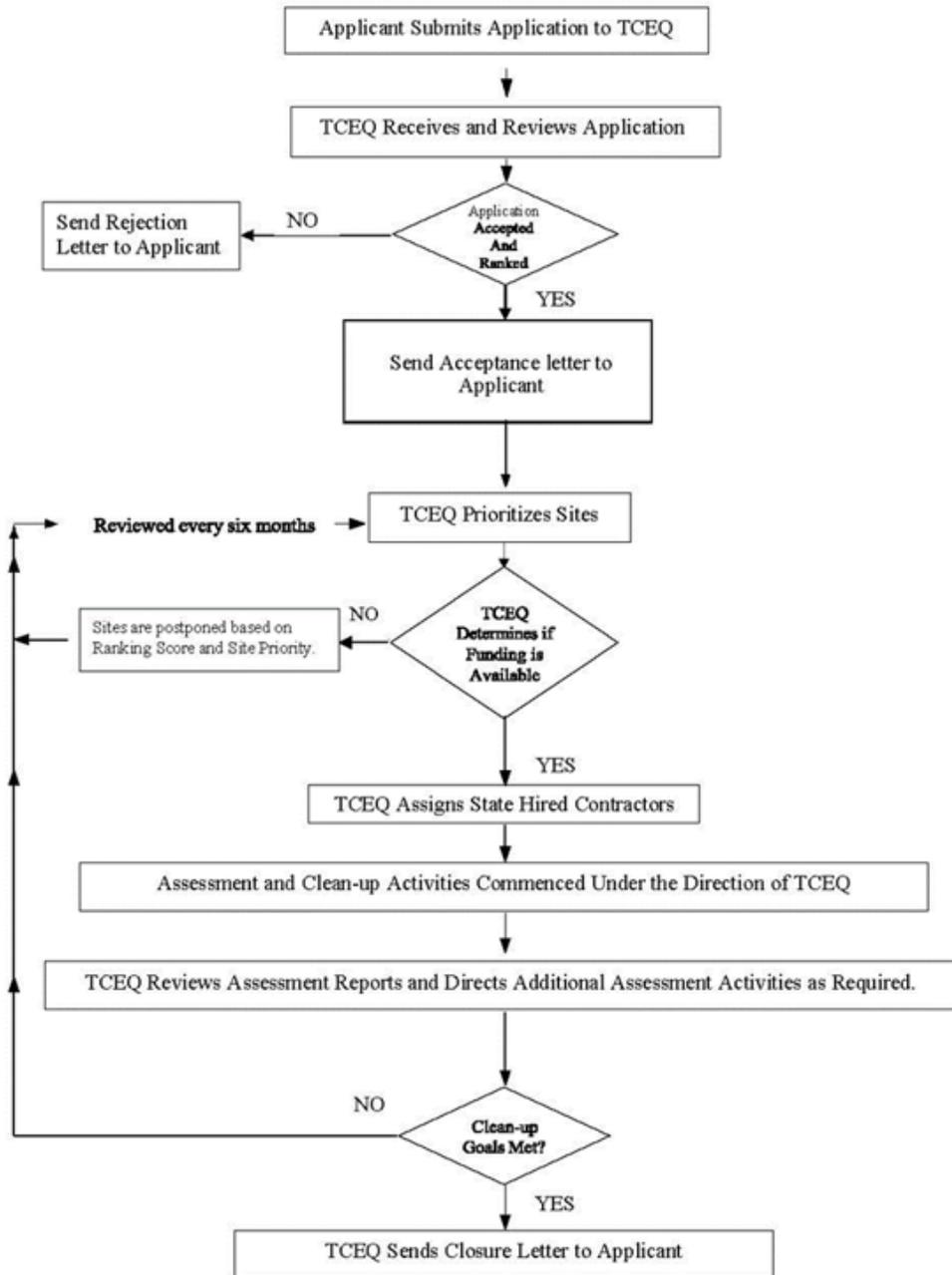
Applicants must submit an application for ranking which documents a release of dry cleaner solvent into the environment from a currently registered or former retail dry cleaner facility. The applicant must pay the first \$5,000 of corrective action costs and sign an affidavit stating perchloroethylene shall not be used at the site in the future. There were 227 sites in the program at the end of FY 2020.

F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

Except for sites requiring emergency action, DCRP cannot commence assessment or cleanup at a site until the site application has been ranked and prioritized. Site ranking is based on potential harm to human health or the environment from the site. Site prioritization includes ranking, but also considers non-risk factors such as cost of assessment and cleanup.

The following flowchart illustrates the workflow process for DCRP.

Dry Cleaner Remediation Workflow Process Flowchart



G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

Dry Cleaner Remediation Program Funding Sources

Account	Account Name	FY 2020 Expended
5093	Dry Cleaning Facility Release	\$3,539,807

The program is funded in the Hazardous Materials Cleanup Strategy.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.

Remediation of dry cleaner facilities may be addressed in the Voluntary Cleanup Program or the Corrective Action Program within the Remediation Division, with the applicant or responsible party directing and funding the cleanup. However, what makes DCRP different is it funds assessments and site cleanups only at prioritized sites accepted into the program and DCRP sites are prohibited from continuing use of perchloroethylene as a dry-cleaning solvent.

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

To ensure a site is not simultaneously in the Voluntary Cleanup Program (VCP) and DCRP, an applicant is required to withdraw from the VCP agreement before the site can be accepted in DCRP. A site will not be accepted in DCRP if it is being managed in TCEQ's Corrective Action Program. Once corrective action costs have been incurred at a site under DCRP, an applicant may not withdraw the site from DCRP before completion of correction action unless approved by the executive director.

J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.

N/A

K. If contracted expenditures are made through this program please provide

- a short summary of the general purpose of those contracts overall;

The contracts provide for assessment and remediation services at dry cleaner sites.

- the amount of those expenditures in fiscal year 2020;

Expenditures total \$3,248,367.

- the number of contracts accounting for those expenditures;

Five contracts.

- **the method used to procure contracts;**

The contracts are procured via request for proposals.

- **top five contracts by dollar amount, including contractor and purpose;**

Dry Cleaner Remediation Program Contracts

Contract Number	Vendor Name	Purpose	FY 2020 Expended
582-17-70631	Weston Solutions Inc	Site assessment and remediation services	\$939,857
582-17-70629	InControl Technologies, LLC	Site assessment and remediation services	\$924,352
582-17-70625	Aptim Environmental & Infrastructure, Inc.	Site assessment and remediation services	\$786,397
582-17-70630	Terracon Consultants, Inc.	Site assessment and remediation services	\$595,582
582-19-10028	NRC Gulf Environmental, Inc.	Removal and disposal of waste drums	\$2,179

- **the methods used to ensure accountability for funding and performance; and**

Methods used to ensure accountability for funding and performance include a defined and consistent process for developing, implementing and tracking projects, which includes project prioritization in alignment with required work and with agency priorities, development of a detailed scope of work to describe the work to be performed as well as deliverables and due dates, and review of all invoices to ensure consistency with contract dates, deliverables, work performed, and allowable expenses.

- **a short description of any current contracting problems.**

There are currently no contracting problems for the DCRP.

L. Provide information on any grants awarded by the program.

N/A

M. Are there any barriers or challenges that impede the program's performance, including any outdated or ineffective state laws? Explain.

None

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

None

O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe

- **why the regulation is needed;**
- **the scope of, and procedures for, inspections or audits of regulated entities;**
- **follow-up activities conducted when non-compliance is identified;**
- **sanctions available to the agency to ensure compliance; and**
- **procedures for handling consumer/public complaints against regulated entities.**

Refer to Question B for why the regulation is needed and refer to the Office of Compliance and Enforcement, Field Operations Program, Question O for all inspection and enforcement information related to this program.

P. For each regulatory program, if applicable, provide detailed information on complaint investigation and resolution. Please adjust the chart headings as needed to better reflect your agency's particular programs. Please briefly explain or define terms as used by your agency, such as complaint, grievance, investigation, enforcement action, jurisdictional, etc. If necessary to understand the data, please include a brief description of the methodology supporting each measure. See Exhibit 13 Example.

Refer to the Office of Compliance and Enforcement, Field Operations Program, Question P for complaint related data for this program.

Voluntary Cleanup and Corrective Action Program

A. Provide the following information at the beginning of each program description.

Name of Program or Function: Voluntary Cleanup and Corrective Action Program

Location/Division: Austin Headquarters / Remediation Division

Contact Name: Beth Seaton, Deputy Director, Remediation Division

Statutory Citation for Program: Texas Health and Safety Code (THSC) Chapter 361 Subchapters S, V, and W.

B. What is the objective of this program or function? Describe the major activities performed under this program.

Voluntary Cleanup Program (VCP)

The objective of the VCP is to encourage cleanup and redevelopment of contaminated properties with incentives to property owners, lenders, operators, and prospective purchasers. The program oversees cleanups by participants who apply, complete cleanup activities, and certify property cleanup is complete, whereupon the VCP issues a certificate of completion. The program also provides a release of liability for all future owners, lessees, operators, and lenders regarding the cleanup of past contamination at the site. Additionally, the VCP manages two other programs: the Innocent Owner/Operator Program and the Municipal Setting Designation Program.

Innocent Owner/Operator Program (IOP)

The IOP provides a process where an owner or operator of a property can apply for designation as an innocent owner/operator if the property became contaminated as a result of the migration of contaminants from releases not located on the property. The program reviews applications and environmental reports documenting that the source of the contamination is or was off-site. The program issues a certificate to the current owner and/or operator that protects them from liability to the state for further investigation, monitoring, or remediation of the affected property.

Municipal Setting Designation (MSD) Program

The MSD Program authorizes municipalities to restrict the potable use of groundwater within their jurisdiction. TCEQ receives, processes, and denies or certifies MSD applications. Once an MSD certificate is issued, it can limit the investigation and remediation requirements for contaminated groundwater that is not, and will not be, used as potable water. The result is an expedited cleanup of the site which in turn gives municipalities a tool for promoting economic redevelopment. The MSD Program is dependent upon the support of the local municipalities and retail water utilities, without which TCEQ cannot issue an MSD certificate.

Corrective Action (CA) Program

The objective of the CA Program is to oversee the cleanup of sites with soil and groundwater contamination by requiring mitigation and/or removal of the contamination to levels protective of human

health and the environment. The program oversees remediation at many sites under TCEQ's jurisdiction, including:

- facilities with industrial and hazardous waste permits which have released hazardous contaminants to environmental media from units regulated under the Resource Conservation and Recovery Act (RCRA);
- facilities with contamination caused by releases from solid waste management units, or closing such units, whether RCRA or not;
- facilities with municipal and water quality permits with units that have released hazardous contaminants to environmental media;
- RCRA and non-RCRA facilities which conduct corrective action through state-issued enforcement orders and agreed final judgments;
- facilities which self-implement the cleanup regulations of Title 30 TAC Chapters 335 and 350; and
- federal facilities which may include any of the above-referenced sites.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? In Exhibit 12, provide a list of statistics and performance measures that best convey the effectiveness and efficiency of this program or function. Also, please provide the calculation or methodology behind each statistic or performance measure. Please refer to, but do not repeat measures listed in Exhibit 2.

VCP effectiveness and efficiency is evidenced by the number of cleanups completed each fiscal year, and percentage of properties made available for redevelopment, community, or other economic reuse since program inception (86% as of FY 2020). Additionally, in FY 2020, based on the review of voluntary responses to TCEQ's Brownfields survey, it is estimated 1,043 jobs were created in Texas and property values were reported to have increased by \$122,260,000.

In CA, program effectiveness and efficiency is evidenced by the percentage of industrial solid and municipal hazardous waste facilities cleaned up since program inception (79% as of FY 2020). Additionally, the U.S. Environmental Protection Agency (EPA) has established facility-wide environmental indicator measurements to track performance of the CA Program under the Government Performance and Results Act (GPRA) of 1993. The measurements are evaluated site-wide at facilities that have been specifically targeted by EPA. The state program met or exceeded established commitments for all such measurements in FY 2020.

In addition, 28 IOP certificates were issued and 21 MSDs were certified in FY 2020.

The following performance measures are reported in Section II, Exhibit 2.

- Percent of voluntary and Brownfield cleanup properties made available for redevelopment, community, or other economic reuse (key);
- Number of voluntary and Brownfield cleanups completed (key); and
- Percent of industrial solid and municipal hazardous waste facilities cleaned up.

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent. If the response to Section III of this report is sufficient, please leave this section blank.

The following history highlights significant actions directly affecting the VCP and CA Programs.

1995

- The legislature establishes the VCP by amending THSC Chapter 361 to create Subchapter S.
- Texas Natural Resource Conservation Commission (TNRCC) enters into a Memorandum of Agreement with EPA regarding VCP.

1997

- The legislature establishes the IOP by amending THSC Chapter 361 to create Subchapter V.

2003

- The legislature establishes the MSD Program by amending THSC Chapter 361 to create Subchapter W.

2007

- The legislature amends THSC Chapter 361 regarding MSDs to remove the municipal “20,000 population” restriction, making all municipalities eligible.

E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.

Voluntary Cleanup Program. Most VCP applicants are property owners, lenders, prospective purchasers, developers, or tenants; however, anyone with an interest in cleaning up the property may volunteer to conduct the cleanup. An application and fee are required. Applicants must be willing to enter into an agreement with TCEQ to perform the cleanup. In FY 2020, the VCP received 73 applications and accepted 68. The applicants consisted of 38 property owners and 25 prospective purchasers. The remaining applicants had other interests in the property (as tenants, operators, agents, etc.). There were 605 active sites in the program at the end of FY 2020.

Innocent Owner/Operator Program. Owners or operators of property affected by contamination solely from off-site sources are eligible to participate. As required by the IOP statute, parties must submit an application with a fee and a site-investigation report describing the contamination. Of the 30 applicants in FY 2020, three were operators, six were future purchasers, and 21 were current owners.

Municipal Setting Designation Program. MSD Program applicants include property owners, municipalities, developers, and anyone else interested in the affected property. The property must be located within the corporate limits or extraterritorial jurisdiction of a municipality and a public drinking water supply system must be available to the property and all other properties within one-half mile. The local municipality must support the MSD and restrict the potable use of the groundwater through an ordinance or restrictive covenant. All owners of wells within five miles of the MSD property supplying water to the public must also support the MSD. In FY 2020, 22 MSD applications were received by TCEQ; two from a municipality, the remainder from private property owners and developers.

Corrective Action Program. The CA Program serves owners and operators of industrial and non-hazardous waste sites, including federal facilities with contaminated sites. Application/notification to the agency is

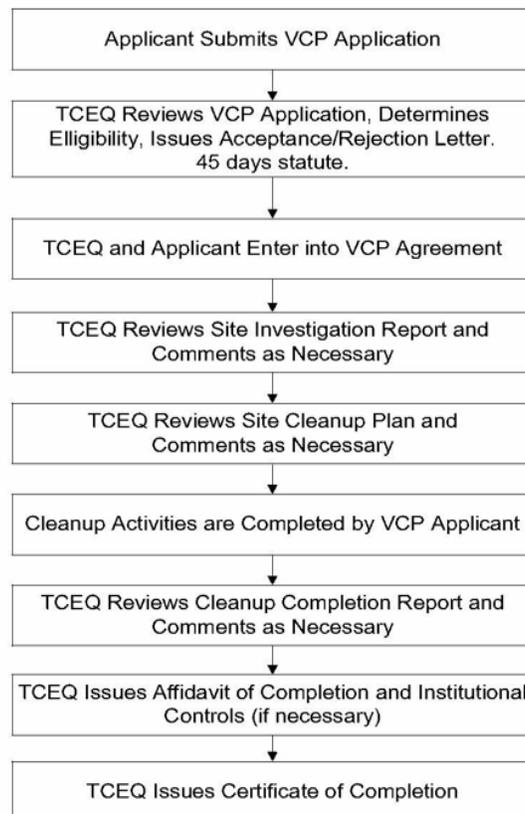
required. In FY 2020, 157 new sites involving cleanup actions entered the program. There were 964 active sites in the program at the end of FY 2020.

F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

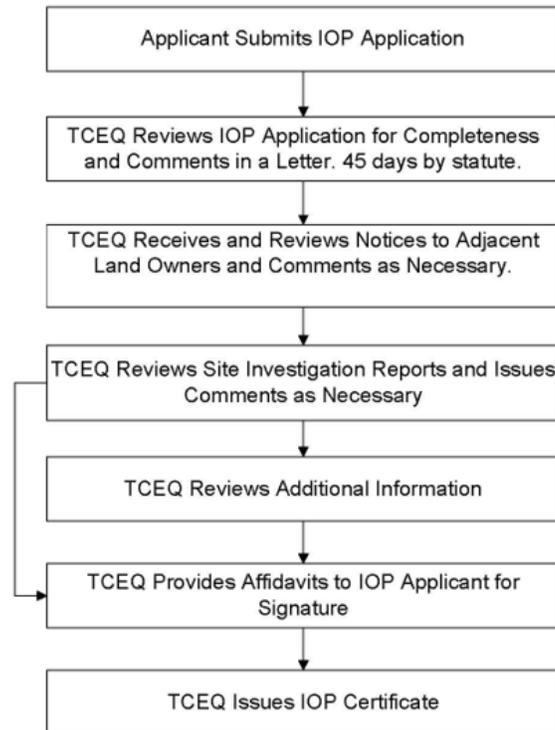
The VCP, IOP and MSD Programs respond to applications from applicants. Coordination with the applicant progresses through technical review of document submittals and concludes with issuance of a program-specific certificate to the applicant. The CA Program functions through coordination with owners and operators of contaminated sites and other TCEQ programs and performs technical and regulatory review of reports documenting cleanup actions at a site.

The following flowcharts illustrate workflow processes for VCP, IOP, MSD, and CA.

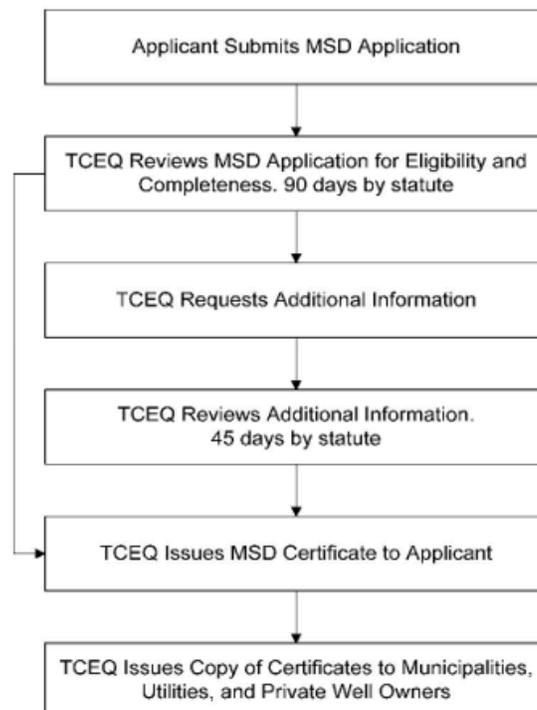
Voluntary Cleanup Program Workflow Process Flowchart



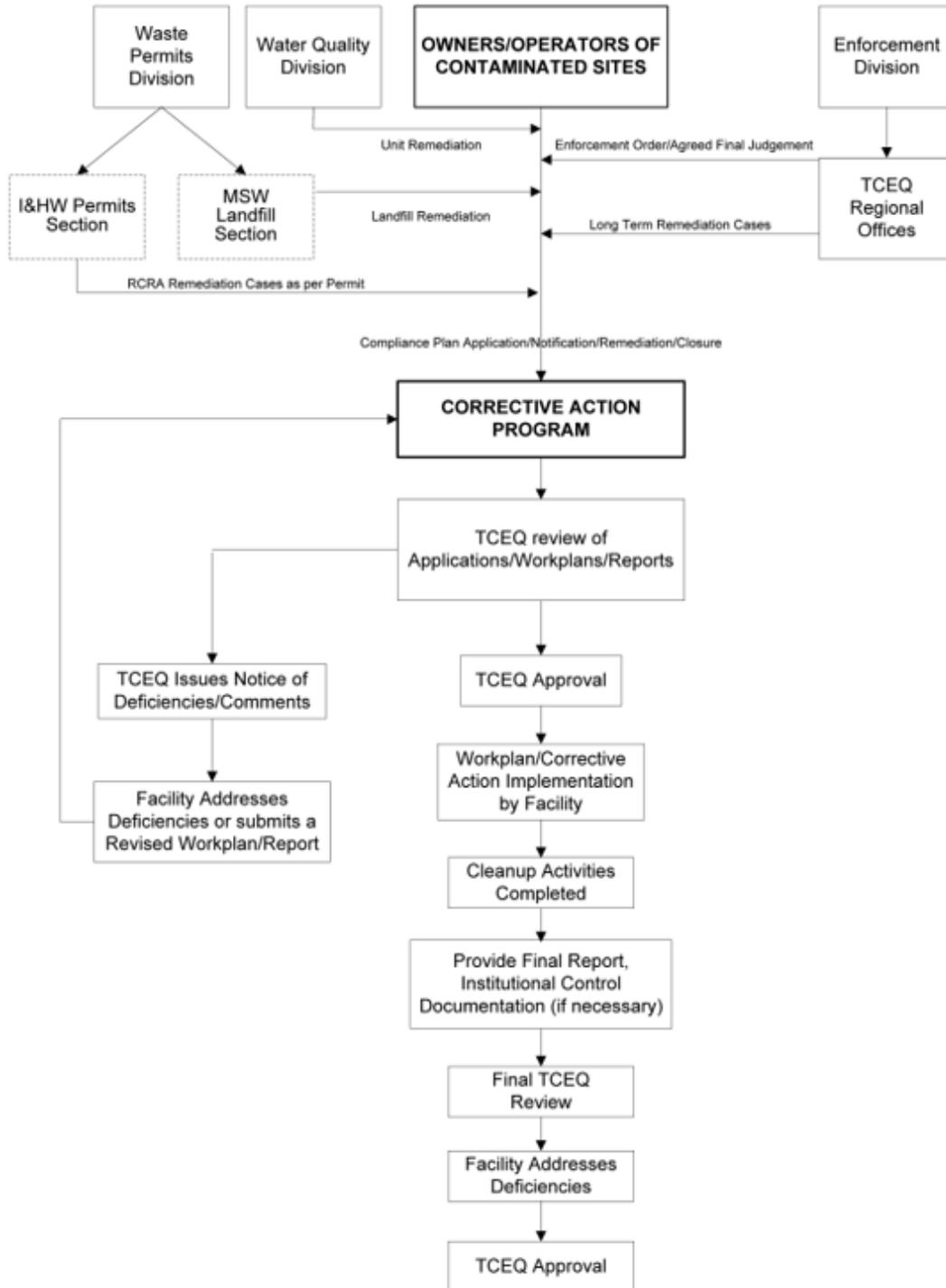
Innocent Owner/Operator Workflow Process Flowchart



Municipal Setting Designation Workflow Process Flowchart



Corrective Action Workflow Process Flowchart



G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

Voluntary Cleanup and Corrective Action Program Funding Sources

Account	Account Name	CFDA	CFDA Title	FY 2020 Expended
0549	Waste Management Account – Dedicated	N/A	N/A	\$1,125,725
0550	Hazardous & Solid Waste Account – Dedicated	N/A	N/A	\$1,006,392
0666	Appropriated Receipts	N/A	N/A	\$2,173
0555	Federal Funds	12.113	State Memorandum of Agreement Program for Reimbursement	\$130,256
0555	Federal Funds	66.605	Performance Partnership Grants	\$759,556
TOTAL				\$3,024,102

The program is funded in the Hazardous Materials Cleanup Strategy.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.

Voluntary Cleanup Program. TCEQ has other programs within the Remediation Division overseeing remediation conducted on affected property. These other programs perform similar work; however, the VCP differs from these programs by virtue of its voluntary nature and the liability release conferred on non-responsible parties following successful completion of site remediation.

The Railroad Commission of Texas (RRC) implemented a voluntary cleanup program, structured similarly to TCEQ's VCP, in June 2002 for properties contaminated by activities under its jurisdiction.

The EPA and TCEQ Brownfields Program also function to encourage voluntary cleanup of contaminated sites through issuance of supportive grants and technical assistance; however, the VCP does not issue grants.

Corrective Action Program. TCEQ's regional offices, VCP, and Industrial and Hazardous Waste (IHW) Permits Program similarly oversee certain remediation projects. TCEQ regional offices function as the first responders to spills and refer sites with historical contamination and sites requiring long-term cleanup to the CA Program. Responsible parties who are not subject to permit or enforcement directives for cleanup have the option to clean up the site through the VCP. The LPST Program has regulatory oversight of cleanup of contamination issues involving PST-regulated petroleum substances. The IHW Permits Program is responsible for closure of permitted units, whereas the CA Program is responsible for closure of non-permitted units. The CA Program oversees corrective action at both permitted and unpermitted sites and also provides technical assistance to the IHW Permits Program specific to releases associated with the closure of permitted units.

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

Voluntary Cleanup Program. The roles and responsibilities of TCEQ and EPA under the Texas VCP are defined in the May 1996 Memorandum of Agreement. Jurisdictional clarifications with the RRC are provided in a Memorandum of Understanding (16 TAC Section 3.30). Additionally, disclosure of prior regulatory involvement to support program eligibility is required from applicants prior to acceptance into the program. Contact with the applicable TCEQ regional office is also a part of VCP application review.

Corrective Action Program. Oversight of certain remediation activities by TCEQ's regional offices, the Petroleum Storage Tank Program, and the IHW Permits Program are coordinated through interoffice memorandums between the programs dated November 14, 2000; December 21, 2001; and August 29, 2002.

J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.

Voluntary Cleanup Program and Innocent Owner/Operator Program. Both the VCP and IOP Programs may work with local, regional, or federal government authorities on sites. Review and oversight of investigation and remedial activities are available for local governmental authorities that apply and is paid for through a federal Brownfields grant.

Municipal Setting Designation Program. The MSD Program often gives local municipalities guidance on the program and attends meetings on site-specific issues as requested by the local government.

Corrective Action Program. The CA Program coordinates with the Department of Defense under the Texas Defense State Memorandum of Agreement/Cooperative Agreement Program regarding the cleanup process at federal military facilities. At military installations undergoing base realignment and closure, the CA Program partners with the redevelopment authorities, the Department of Defense and EPA to achieve effective cleanups and maximize productive property reuse. The CA Program also works with EPA to monitor the progress of environmental-indicator cleanup milestones at sites subject to Government Performance and Results Act tracking requirements.

K. If contracted expenditures are made through this program please provide

- **a short summary of the general purpose of those contracts overall;**

The purpose for the contracts is to provide technical support on various Military Munitions Response Program projects related to the investigation and cleanup of munitions and explosives of concern at munition response sites, to maintain division contract system and to digitize records.

- **the amount of those expenditures in fiscal year 2020;**

Expenditures total \$46,776.

- **the number of contracts accounting for those expenditures;**

Five contracts.

- **the method used to procure contracts;**

Contracts are procured via request for proposals or request for offers.

- **top five contracts by dollar amount, including contractor and purpose;**

Voluntary Cleanup and Corrective Action Program Contracts

Contract Number	Vendor Name	Purpose	FY 2020 Expended
582-20-10015	UXO Pro, Inc.	Technical support on various Military Munitions Response Program projects related to the investigation and cleanup of munitions and explosives of concern at munition response sites	\$20,537
582-20-12189	WorkQuest	Digitize records	\$10,422
582-20-14000	WorkQuest	Mickey Leland summer intern providing program support	\$7,762
582-20-14096	WorkQuest	Mickey Leland summer intern providing program support	\$7,623
DIR-TSO-3571	NF Consulting Services	Maintain the division's Contract Administration and Tracking System	\$300

- **the methods used to ensure accountability for funding and performance; and**

Methods used to ensure accountability for funding and performance include a defined and consistent process for developing, implementing and tracking projects, which includes project prioritization in alignment with required work and with agency priorities, development of a detailed scope of work to describe the work to be performed as well as deliverables and due dates, and review of all invoices to ensure consistency with contract dates, deliverables, work performed, and allowable expenses.

- **a short description of any current contracting problems.**

There are currently no contracting problems for the Corrective Action Program.

L. Provide information on any grants awarded by the program.

N/A

M. Are there any barriers or challenges that impede the program's performance, including any outdated or ineffective state laws? Explain.

None

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

None

O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe

- **why the regulation is needed;**
- **the scope of, and procedures for, inspections or audits of regulated entities;**
- **follow-up activities conducted when non-compliance is identified;**
- **sanctions available to the agency to ensure compliance; and**
- **procedures for handling consumer/public complaints against regulated entities.**

Refer to Question B for why the regulation is needed and refer to the Office of Compliance and Enforcement, Field Operations Program, Question O for all inspection and enforcement information related to this program.

P. For each regulatory program, if applicable, provide detailed information on complaint investigation and resolution. Please adjust the chart headings as needed to better reflect your agency's particular programs. Please briefly explain or define terms as used by your agency, such as complaint, grievance, investigation, enforcement action, jurisdictional, etc. If necessary to understand the data, please include a brief description of the methodology supporting each measure. See Exhibit 13 Example.

Refer to the Office of Compliance and Enforcement, Field Operations Program, Question P for complaint related data for this program.

Industrial and Hazardous Waste Permits Program

A. Provide the following information at the beginning of each program description.

Name of Program or Function: Industrial and Hazardous Waste Permits

Location/Division: Austin Headquarters / Waste Permits Division

Contact Name: Charly Fritz, Deputy Director, Waste Permits Division

Statutory Citation for Program: Texas Health and Safety Code (THSC) Chapter 361; Texas Water Code (TWC) Chapter 5.

B. What is the objective of this program or function? Describe the major activities performed under this program.

The Industrial and Hazardous Waste (IHW) Permits Program objective is to protect human health and the environment by responsibly managing and administering waste-related programs. This objective is achieved by ensuring requirements are met for the permitting of hazardous waste treatment, storage, and disposal facilities and off-site industrial non-hazardous waste storage and treatment facilities.

The IHW Permits Program is responsible for reviewing permit applications for storage, processing, or disposal of hazardous and non-hazardous industrial waste from generators and waste management facilities required to obtain permits. The program also reviews applications to modify existing permits, documents required as a condition of an IHW permit, and notifications of certain types of industrial solid waste management.

The Coal Combustion Residuals (CCR) Program requires registration of CCR management units such as landfills or surface impoundments at power production facilities. The Environmental Protection Agency (EPA) approved TCEQ's partial state CCR Program, effective July 28, 2021. The program is responsible for the review and issuance of CCR registrations and documents required as a condition of a CCR registration.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? In Exhibit 12, provide a list of statistics and performance measures that best convey the effectiveness and efficiency of this program or function. Also, please provide the calculation or methodology behind each statistic or performance measure. Please refer to, but do not repeat measures listed in Exhibit 2.

Program effectiveness and performance is based on developing, issuing, and maintaining industrial and hazardous waste permits in accordance with relevant state and federal rules, and reviewing applications within established time frames. Permits are modified at the request of the permittee to accurately reflect activities at the facility. Additionally, IHW permits are renewed and updated every 10 years to ensure facilities are operating in accordance with current rules.

The IHW Permits Program performance is determined by total number of applications reviewed quarterly, total number of permits issued annually, and percentage of applications reviewed within established time frames. An application is "reviewed" when the technically complete and preliminary decision milestone is reached. For minor modification applications, this technically complete milestone is the final decision date. Additionally, the "percent of permit applications reviewed within established time frames" measure

uses the technically complete milestone to calculate if an application was reviewed on-time, within agency- and program-established time frames. The number of applications submitted fluctuates from year to year.

The following performance measures are reported in Section II, Exhibit 2.

- Number of industrial and hazardous waste permits issued;
- Number of industrial and hazardous waste permit applications reviewed (key); and
- Percent of waste management permit applications reviewed within established time frames.

The IHW Permits Program conducts 570 randomly selected waste classification audits annually to confirm proper classification of non-hazardous industrial solid waste streams by the generator. Waste streams with noncompliant classifications are deactivated, and the generators are notified. Generators must correct the waste classification to properly dispose of the waste.

The following performance measures are reported in Section II, Exhibit 2.

- Number of new system waste evaluations conducted.

As part of the Resource Conservation and Recovery Act (RCRA) Performance Partnership Grant (PPG) with EPA, EPA Region 6 staff audit a selection of applications each year to verify adherence with federal standards. Additionally, the IHW Permits Program conducts RCRA program completeness audits on two modifications each year to ensure compliance with internal procedures. The program also reports to EPA on progress made relative to the RCRA PPG. This work plan contains TCEQ's RCRA program commitments to EPA for each biennium.

In addition to the above performance measures, the IHW Permits Program follows TCEQ's permit time frame tracking (PTT) process, which focuses on establishing time frames for processing applications and goals for adhering to those time frames. On a monthly basis, the program reviews data for the number of IHW applications (new permits, major amendments, Class 3 modifications, and renewals) received, completed, remain pending, and exceed goal time frames. FY 2020 program targets and performance for PTT measures are included in Exhibit 12.

IHW Permits Program has implemented TCEQ's Lean Management System to continue reducing processing time frames. Efficiency improvements include pre-application meetings, weekly huddles, updating forms and guidance, and the consolidation of application review processes over the last few years to improve application processing.

Exhibit 12: Program Statistics and Performance Measures — Fiscal Year 2020

Program Statistics or Performance Measures	Calculation	FY 2020 Target	FY 2020 Actual Performance	FY 2020 % of Annual Target
IHW Permits Program – Permit Time Frame Tracking Report	Number (count) of received, pending, completed, and late applications; the average review time of applications based on applications completed in the previous 12 months. PTT does not include applications with time frame exceptions.	See following PTT report table	See following PTT report table	See following PTT report table
RCRA PPG Work Plan for FY 2020	Number (count) of applications reviewed and issued.	4	3	75%

IHW Permits Program PTT Report, August 2020

Project Type	Number Received Current Month	Number Processed (Completed) Current Month	Total Under Review (Pending)	Average Processing Time (Days)	Target Maximum (Days)	Number Under Review Exceeding Target	% Exceeding Target
Industrial & Hazardous Waste (IHW) New Permits	0	0	1	0	450	0	0%
IHW Class 3 Modifications	1	0	6	335	450	0	0%
IHW Major Amendments	0	0	0	0	450	0	0%
IHW Renewals	1	3	22	395	450	1	5%
Overall Totals	2	3	29	-	-	1	3%

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent. If the response to Section III of this report is sufficient, please leave this section blank.

The following history highlights significant actions directly affecting the IHW Permits Program.

1997

- Texas adopts EPA's Combustion Strategy for hazardous-waste-combustion facilities, which includes conducting risk assessments on emissions from hazardous-waste combustors. Texas imposes risk assessments and screens on all combustion facilities permitted under the RCRA as part of the Combustion Strategy.

2003

- Texas implements risk screening procedures for hazardous-waste-combustion facilities permitted under the RCRA.

2007

- Texas adopts Maximum Achievable Control Technology (MACT) regulations (Title 40, Code of Federal Regulations [40 CFR] Part 63 Subpart EEE) as amended through October 25, 2006.

2013

- Texas adopts MACT regulations (40 CFR Part 63 Subpart EEE) as amended through October 28, 2008.

2015

- Texas receives delegation authority from EPA to implement and enforce MACT regulations.

2017

- In response to new federal legislation passed in 2015, SB 1 (85R) directs TCEQ, through appropriation and four Full Time-Equivalents (FTEs), to implement a state CCR Program to operate in lieu of the federal CCR rules.

2018

- EPA revises existing hazardous secondary material recycling regulations associated with the definition of solid waste to comply with the United States Court of Appeals for the District of Columbia (D.C. Circuit) vacatur. Specifically, the 2018 final rule: 1) vacates parts of the 2015 verified recycler exclusion and reinstates the 2008 transfer-based exclusion; 2) upholds the 2015 containment and emergency preparedness provisions for the reinstated transfer-based exclusion; and 3) vacates the fourth factor of the 2015 definition of legitimate recycling and reinstates the 2008 version of the fourth factor. Since the agency adopts the 2015 definition of solid waste, TCEQ proposes a rule change to 30 TAC Chapter 335 to address the 2018 federal changes. This rule, which is scheduled to be adopted in January 2022, will affect permitting, registration and reporting requirements, compliance monitoring, and enforcement procedures.

2020

- TCEQ adopts state rules to implement EPA's federal CCR Program and submits an application to EPA to seek approval to operate a state program in lieu of the federal CCR Program.

2021

- Due to changes in federal regulations, Texas receives partial program approval from EPA to operate in lieu of the federal CCR program.

E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.

As of July 1, 2021, 176 facilities in Texas have industrial or hazardous waste permits. Nearly all are industrial—such as petroleum refineries and chemical manufacturers or are commercial waste-management facilities. Military bases are also permitted by this program.

Certain facilities are required to submit notifications of their waste management activities in lieu of applying for a permit. The IHW Permits Program reviewed 113 of these notifications in FY 2020 for on-site disposal of non-hazardous waste and other permit-exempt waste management activities. Examples of industrial waste generators who may be eligible for on-site disposal include facilities such as power plants, commercial agricultural facilities, and aluminum mills.

Classification of Active IHW Permitted Facilities in FY 2021

Facility Classification	Number of Facilities	% of Total
Hazardous Waste - Commercial	39	22%
Hazardous Waste - Non-commercial	120	68%
Industrial Solid Waste - Commercial	16	9%
Industrial Solid Waste - Non-commercial	1	0.5%
TOTAL	176	100%

Electric utilities or independent power producers are required to apply for a registration to manage CCR waste generated from the combustion of coal. TCEQ has identified 17 facilities with disposal units potentially subject to registration under 30 TAC Chapter 352. Initial applications are due to TCEQ in January 2022.

F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

The function of IHW Permits Program is to review permit applications for the management of industrial solid waste and hazardous waste. The program's application review process is described below.

Applications are first reviewed for administrative completeness to ensure they contain all the required information. Next the program performs a technical review to ensure the application meets regulatory requirements, ensuring the permits issued are protective of human health and the environment. Deficiencies noted during the administrative and technical reviews are transmitted to the applicant. Prior to an application being declared technically complete, legislators representing the area where the facility is (to be) located are notified.

When the application is considered technically complete, an initial draft permit (IDP) is prepared. After receipt and consideration of comments on the IDP, a final draft permit (FDP), technical summary, and *Notice of Application and Preliminary Decision* (NAPD) are issued to communicate the executive director's (ED) preliminary decision on the application. Notice is published in a newspaper and mailed after the application is administratively complete and after the FDP is prepared. Prior to publication of the first newspaper notice, the applicant is required to provide a copy of the application in a publicly accessible

place for viewing and copying. Public comments are accepted beginning with this first newspaper notice until 45 days after the publication of the NAPD.

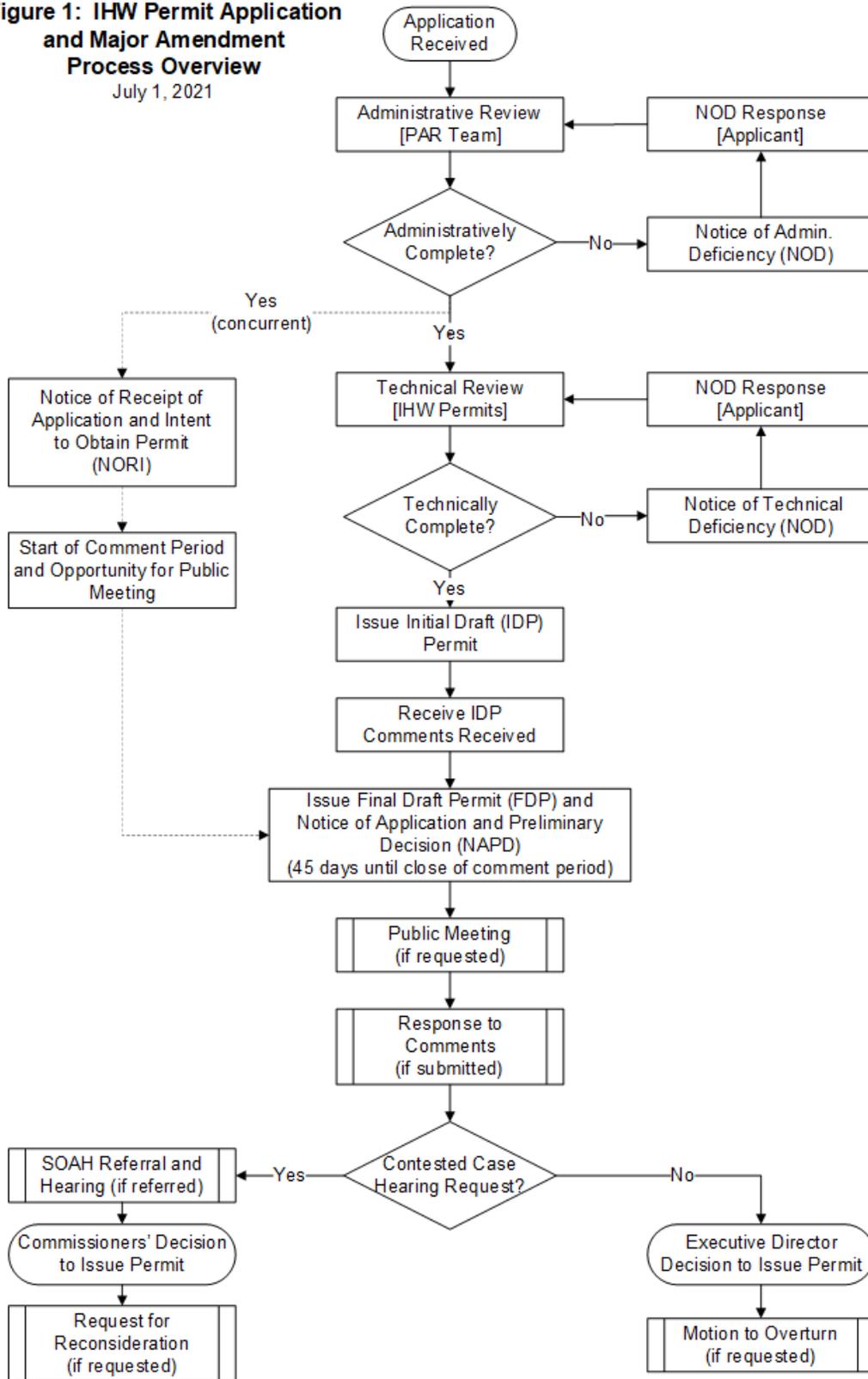
If no comments or requests for a public meeting or contested case hearing are received, the permit is placed on the ED agenda for issuance. Persons on the mailing list for the application are sent a letter indicating the permit or permit amendment is issued, and instructions are provided for filing a motion to overturn (MTO), which is a request the commission review the ED's decision.

TCEQ is committed to ensuring the public is involved in the IHW permitting process. There are opportunities for the public to participate by providing comments on an application throughout the entire application review process. The comment period begins when the first notice, *Notice of Receipt of Application and Intent to Obtain a Permit* (NORI), is issued when the application is declared administratively complete. If the application is declared technically complete, the NAPD is issued. Both notices are mailed and published and as stated above, the public can provide comments and request a public meeting or a contested case hearing. After the deadline for submitting public comments, the ED considers all timely comments and prepares a response to all relevant and material public comments. Unless the application is directly referred for a contested case hearing, the response to comments and the ED's decision on the application is mailed to those who submitted public comments and to those persons who are on the mailing list for the application. Additionally, this response contains instructions for requesting reconsideration of the ED's decision and for requesting a contested case hearing.

The following flowchart provides an overview of the IHW permit process.

IHW Permit Application and Major Amendment Process Overview Flowchart

Figure 1: IHW Permit Application and Major Amendment Process Overview
July 1, 2021



The function of the CCR Program is to review registration applications for the management of CCR generated by electric utilities or independent power producers and managed in surface impoundments or landfills. EPA partially approved TCEQ's CCR program on July 28, 2021, and initial applications will be due in January 2022.

The CCR registration application review process is described below. Applications will be reviewed to ensure they contain all required information and any registration issued is protective of human health and the environment. Deficiencies noted during the review will be transmitted to the applicant.

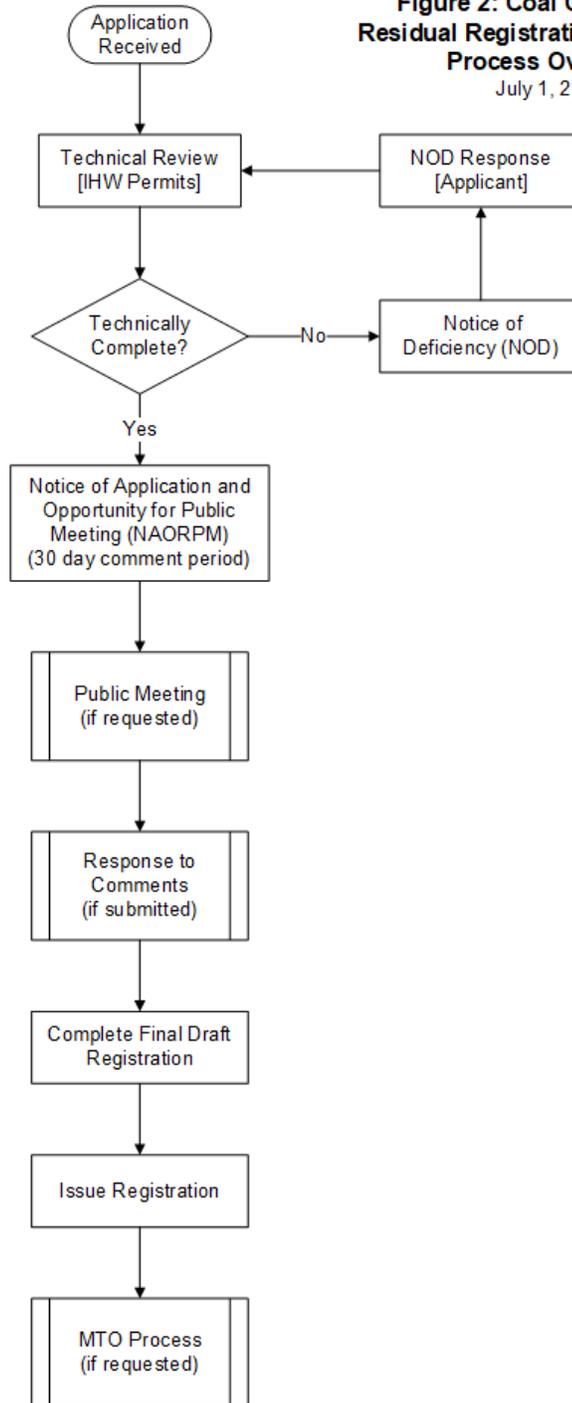
Registration applications are made available to the public through public notices and on the applicant's publicly accessible website. When a registration application is determined to meet all regulatory requirements, the executive director prepares a draft registration. Copies of the draft registration are made available to the public. The applicant is required to make a copy of the application available for review and copying at a public place in the county in which the facility is located. The text of the public notices on the application must include the internet address for the publicly accessible website for that facility. If no comments on the application are received, the executive director will issue the registration. The executive director must respond to any timely, relevant, and material or significant public comments received.

The following flowchart provides an overview of the CCR registration process.

Coal Combustion Residual Registration Application Process Overview Flowchart



Figure 2: Coal Combustion Residual Registration Application Process Overview
July 1, 2021



G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

Industrial and Hazardous Waste Permits Program Funding Sources

Account	Account Name	CFDA	CFDA Title	FY 2020 Expended
0549	Waste Management Account - Dedicated	N/A	N/A	\$1,160,278
0555	Federal Funds	66.605	Performance Partnership Grants	\$1,233,822
TOTAL				\$2,394,100

The program is funded in the Waste Management and Permitting Strategy.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.

TCEQ's regional offices, Corrective Action Program (CA), Voluntary Cleanup Program (VCP), and IHW Permits Program similarly oversee certain remediation projects. TCEQ regional offices function as first responders to spills and refer sites with historical contamination and sites requiring long-term cleanup to the CA Program. Responsible parties who are not subject to permit or enforcement directives for cleanup have the option to clean up the site through the VCP. The IHW Permits Program is responsible for the closure of permitted units, whereas the CA Program is responsible for closure of non-permitted units. The CA Program oversees corrective action at both permitted and unpermitted sites. The CA Program also provides technical assistance to the IHW Permits Program specific to releases associated with the closure of permitted units.

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

Oversight of certain remediation activities by TCEQ's regional offices, CA Program, and IHW Permits Program are coordinated through interoffice memorandums between the program areas.

J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.

EPA Region 6. Under the RCRA PPG commitments, TCEQ commits to processing a targeted number of permit applications established by EPA each fiscal year. This is detailed in the 2020 RCRA End of Year Report (to be provided by EPA when complete).

Redevelopment authorities, the Department of Defense, EPA Region 6, and Base Realignment and Closure. The program works with these authorities and with TCEQ Remediation personnel to achieve the maximum productive reuse of former military properties.

EPA Region 6. The program informs EPA about the review of CCR registration applications and CCR unit details.

K. If contracted expenditures are made through this program please provide

- **a short summary of the general purpose of those contracts overall;**

The contracts provide administrative support to the Waste Permits Division through temporary employee services and covered health-screening services for one matrix staff who assisted with emergency response events in the Houston Regional Office. Both contracts are one-time contracts that are not continued in the following year.

- **the amount of those expenditures in fiscal year 2020;**

Expenditures total \$13,665.

- **the number of contracts accounting for those expenditures;**

Two contracts.

- **the method used to procure contracts;**

The temporary employee services contract was a managed term contract. The health-screening services contract with the University of Texas Health Services is procured by the Office of Compliance and Enforcement (OCE).

- **top five contracts by dollar amount, including contractor and purpose;**

Industrial and Hazardous Waste Permits Program Contracts

Contract Number	Vendor Name	Purpose	FY 2020 Expended
582-20-11302	WorkQuest	Front desk duties while the division had multiple vacancies with administrative staff	\$13,473
582-17-70412	University of Texas Health Services	Health screening services contract, procured by the Office of Compliance and Enforcement (OCE), additional details on the contract can be found in OCE's program description	\$192

- **the methods used to ensure accountability for funding and performance; and**

Methods used to ensure accountability for funding and performance include a defined and consistent process for developing, implementing and tracking projects, which includes project prioritization in alignment with required work and with agency priorities, development of a detailed scope of work to describe the work to be performed as well as deliverables and due dates, and review of all invoices to ensure consistency with contract dates, deliverables, work performed, and allowable expenses.

- **a short description of any current contracting problems.**

There are currently no contracting problems.

L. Provide information on any grants awarded by the program.

N/A

M. Are there any barriers or challenges that impede the program's performance, including any outdated or ineffective state laws? Explain.

None

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

None

O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe

- **why the regulation is needed;**
- **the scope of, and procedures for, inspections or audits of regulated entities;**
- **follow-up activities conducted when non-compliance is identified;**
- **sanctions available to the agency to ensure compliance; and**
- **procedures for handling consumer/public complaints against regulated entities.**

Refer to Question B for why the regulation is needed and refer to the Office of Compliance and Enforcement, Field Operations Program, Question O for all inspection and enforcement information related to this program.

P. For each regulatory program, if applicable, provide detailed information on complaint investigation and resolution. Please adjust the chart headings as needed to better reflect your agency's particular programs. Please briefly explain or define terms as used by your agency, such as complaint, grievance, investigation, enforcement action, jurisdictional, etc. If necessary to understand the data, please include a brief description of the methodology supporting each measure. See Exhibit 13 Example.

Refer to the Office of Compliance and Enforcement, Field Operations Program, Question P for complaint related data for this program.

Municipal Solid Waste Permits Program

A. Provide the following information at the beginning of each program description.

Name of Program or Function: Municipal Solid Waste Permits

Location/Division: Austin Headquarters / Waste Permits Division

Contact Name: Charly Fritz, Deputy Director, Waste Permits Division

Statutory Citation for Program: Texas Health and Safety Code (TSHC) Chapters 361 and 363; Texas Water Code (TWC) Chapter 5.

B. What is the objective of this program or function? Describe the major activities performed under this program.

The Municipal Solid Waste (MSW) Permits Program objective is to protect human health and the environment through regulation of the handling, storage, processing, and disposal of MSW and authorized industrial solid waste. The program also promotes and encourages recycling by authorizing this activity through a more streamlined mechanism than a permit.

The program is responsible for reviewing applications for handling, storing, processing, and disposing of MSW and specific types of industrial solid waste at MSW facilities. It also reviews applications to modify or amend existing permits and registrations. Applications for other required authorizations such as recycling operations and construction activities over closed landfills are also reviewed.

The Scrap Tire Program regulates the management of used and scrap tires in Texas. Owners or operators of regulated scrap tire management activities are required to obtain a scrap tire registration to ensure the safe management of scrap tires to protect human health and the environment. The program is responsible for reviewing applications for regulated management activities including used and scrap tire transportation, processing, recycling, utilization, storage, and land reclamation projects using tires (LRPUTs).

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? In Exhibit 12, provide a list of statistics and performance measures that best convey the effectiveness and efficiency of this program or function. Also, please provide the calculation or methodology behind each statistic or performance measure. Please refer to, but do not repeat measures listed in Exhibit 2.

Program effectiveness and performance is based on developing, issuing, and maintaining MSW permits, registrations, and other authorizations in accordance with relevant state and federal rules and reviewing within established time frames. Authorizations are modified, at the request of the permittee, to ensure they accurately reflect activities at the facility and are reviewed to ensure any rule changes have been incorporated. Program efficiency for review and issuance of MSW authorizations is reliant upon the number of requests from the regulated community in response to changing business needs, such as opening a new facility, expanding an existing facility, changing operating hours, or modifying accepted waste types.

The MSW Permits Program performance is determined by the total number of applications reviewed quarterly, total number of permits issued annually, the total number of corrective actions implemented at an MSW facility annually, and the percentage of applications reviewed within established time frames. An application is “reviewed” when the technically complete and preliminary decision milestone is reached. For minor modification applications, this technically complete milestone is the final decision date. The number of applications submitted fluctuates from year to year.

The following performance measures are reported in Section II, Exhibit 2.

- Number of municipal non-hazardous waste permit applications reviewed (key);
- Number of municipal non-hazardous waste permits issued;
- Number of corrective actions implemented by responsible parties for solid waste sites; and
- Percent of waste management permit applications reviewed within established time frames.

Quarterly, operators of MSW landfills and certain types of processing facilities report and pay a fee on the amount of all solid waste received for disposal or processed for disposal. Also, all permitted and registered MSW facilities report annually and provide data such as the types and amounts of waste disposed or processed; amounts and types of materials diverted from disposal; and areas served by the facility. For regional planning of statewide landfill capacity, the annual landfill reports include capacity assessments, and the annual summary report includes remaining capacity data for each of the state’s 24 Councils of Government (COGs) regions.

The program’s performance related to MSW facility annual reporting is determined by the number of active MSW landfill capacity assessments reviewed and the time spent reviewing capacity assessments and creating the annual summary. Additional measures provide data for percentage of solid waste diverted from disposal, percentage change in amount of waste disposed from the previous year, and number of COG regions with 10 years or more of disposal capacity.

The following performance measures are reported in Section II, Exhibit 2.

- Percent of solid waste diverted from municipal solid waste landfills;
- Percent change in the amount of municipal solid waste going into Texas municipal solid waste landfills;
- Number of active municipal solid waste landfill capacity assessments (key);
- Average number of hours per municipal solid waste facility capacity assessment;
- Number of Councils of Governments in the state with 10 or more years of disposal capacity.

In addition to the above performance measures, the MSW Permits Program follows TCEQ’s permit time frame tracking (PTT) process, which focuses on establishing time frames for processing applications and goals for adhering to those time frames. On a monthly basis, the program reviews data for the number of MSW applications (new permits, major amendments, and registrations for transfer stations and liquid waste processors) received, completed, and remain pending. FY 2020 program targets and performance for PTT measures are included in Exhibit 12.

MSW Permits Program implemented TCEQ’s Lean Management System to continue reducing processing time frames. Improvements include pre-application meetings, weekly huddles, updating forms and guidance, and the consolidation of application review processes over the last few years to improve application processing.

Scrap Tire Program

The Scrap Tire Program effectiveness and performance is based on developing, issuing, and maintaining Scrap Tire registrations in accordance with relevant state rules and within established time frames. Authorizations are modified at the request of the permittee to ensure they accurately reflect activities at the facility. Program efficiency for review and issuance of Scrap Tire registrations is dependent upon the number of requests received from the regulated community in response to their changing business needs. The number of applications submitted fluctuates from year to year.

Effectiveness of the program is also measured by total number of scrap tires managed each year and monitoring of scrap tire sites throughout the state. Every year authorized facilities are required to report data on their scrap tire management activities. Based on information provided in annual reports submitted by registered scrap tire transporters, scrap tire facilities, and scrap tire storage sites in 2020, approximately 47 million scrap tires are managed in Texas annually, with a total 11,977 active scrap tire registrations. Scrap tire end-use/disposition includes use of tires as fuel, in land reclamation projects, crumb rubber production, as beneficial use including recycling, and disposal in landfills.

TCEQ also maintains a list of known unauthorized scrap tire sites in the state. The number of tires at such sites ranges from a few hundred to a few million, for a total of approximately 11.5 million tires across 108 sites. In 2020, approximately 475,743 tires were removed from 12 unauthorized sites, and cleanup continued at two other sites.

Exhibit 12: Program Statistics and Performance Measures — Fiscal Year 2020

Program Statistics or Performance Measures	Calculation	FY 2020 Target	FY 2020 Actual Performance	FY 2020 % of Annual Target
MSW Permits Program – Permit Time Frame Tracking Report	Number (count) of received, pending, completed, and late applications; the average review time of applications based on applications completed in the previous 12 months. PTT does not include applications with time frame exceptions.	See following PTT report table	See following PTT report table	See following PTT report table

MSW Permits Program PTT Report, August 2020

Project Type	Number Received Current Month	Number Processed (Completed) Current Month	Total Under Review (Pending)	Average Processing Time (Days)	Target Maximum (Days)	Number Under Review Exceeding Target	% Exceeding Target
Municipal Solid Waste (MSW) New Permits	1	1	11	205	360	0	0%
MSW Major Amendments	0	0	11	218	360	0	0%
MSW Registered Transfer Stations	0	1	1	189	230	0	0%
MSW Registered Liquid Waste Processor	0	0	0	0	230	0	0%
Overall Totals	1	2	23	-	-	0	0%

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent. If the response to Section III of this report is sufficient, please leave this section blank.

The following history highlights significant actions directly affecting the MSW Permits and Scrap Tire programs.

1991

- HB 847 (72R) establishes the Waste Tire Recycling Fund for managing scrap tires, which was funded by a recycling fee charged on each new tire sold in the state. The fee was used to pay qualifying waste tire processors and was intended to stimulate the market for tire-derived products. The program operated until 1997 when the program expired, allowing tire dealers to set their own fees to cover their administrative and tire removal costs.

1998

- To address issues resulting from the expiration of the Waste Tire Recycling Fund Program, TNRCC allows landfills to accept split, shredded or quartered tires. Approximately \$9 million was appropriated to TNRCC for the cleanup of nearly 300 existing waste tire dumps. To help prevent unauthorized dumping, an existing registration and manifest system is authorized to continue to track used tires until they are recycled.

2002

- SB1 (77R) requires TCEQ to audit the Scrap Tire Program to improve compliance with rules. The audit results support TCEQ's contention most scrap tires are being properly manifested and transported to end users or landfills for disposition, and the number of scrap tires being illegally transported and disposed is not increasing. No further actions were identified.

2006

- TCEQ adopts major revisions, streamlining, and improvements of state regulations on municipal solid waste for Title 30 TAC Chapter 330.

2010

- TCEQ adopts rules to provide local officials with the opportunity to review and comment on scrap tire management registration applications for storage facilities, scrap tire facilities (processors), and land reclamation projects using tires (LRPUTs). Requirements for proof of notice by the applicant to local officials were also adopted.

2012

- To implement SB 1258 (82R), TCEQ amends rules allowing counties or municipalities with 10,000 or fewer residents to obtain a permit by rule for disposal of demolition waste (30 TAC Section 330.7). This same rule later amended in 2014, increasing the population limit to 12,000 people (SB 819, 83R).
- SB 329 (2011, 82R) results in TCEQ adopting new 30 TAC Chapter 328 Subchapter J, establishing a comprehensive, convenient, and environmentally sound program for the collection and recycling of television equipment. The rules require TV manufacturers and recyclers to annually register and report to TCEQ.

2014

- TCEQ adopts rule revisions (30 TAC Sections 330.671, 330.673, and 330.675) to implement HB 7 (83R), which reduces the municipal solid waste disposal fees (“MSW tipping fee”) by 25%.
- Additionally, HB 7 (83R) adjusts the percentage of municipal solid waste disposal fee revenue (from 50% to 66.7%) deposited into the Waste Management Account 0549 to support the agency’s solid waste permitting and enforcement programs. The remaining 33.3% is dedicated to local regional solid waste programs (Solid Waste Disposal Account 5000).
- Implementation of HB 2694 (82R) results in the transfer from TCEQ to Railroad Commission of Texas, duties relating to the protection of groundwater resources from oil- and gas-associated activities.

2016

- TCEQ adopts new 30 TAC Chapter 326 to implement HB 2244 (84R), in which medical waste rule requirements are removed from 30 TAC Chapter 330. Under 30 TAC Chapter 326, facilities accepting off-site medical waste are authorized by registration and not a permit.

2020

- HB 1331 (86R) allows TCEQ to increase application fee for MSW permits and major amendments from \$100 to \$2,000.
- To implement HB 1435 (86R), TCEQ adopts amendments requiring the agency to conduct a site assessment of the facility to confirm information included in the application for a permit or major amendment application.

E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.

The MSW Permitting Program affects the MSW management industry and local governments. Any person requesting authorization to handle, process, or dispose of municipal solid waste must demonstrate competency to perform the regulated activity. The public may be affected by the way solid waste is managed. In FY 2020, the program managed 275 permits for landfills (14 not constructed, 23 inactive, 198 active, and 40 in post-closure care) and 74 permits and 342 registrations for active processing facilities (e.g., transfer stations, liquid waste, solid waste, medical waste, composting, landfill gas for beneficial use, and scrap tire processors). Other types of facilities are authorized via notifications to the program, which serve as written commitments to comply with relevant regulatory standards. Most MSW facilities in Texas are owned by government entities such as cities and counties; the remaining are owned by corporations or privately held companies.

The following tables provide a breakdown of facility ownership for active permitted and registered MSW facilities in FY 2019 (the most recent published data available) and ownership of active scrap tire authorizations in FY 2020.

Ownership of Active MSW Authorized Facilities in FY 2019

Facility Classification	Number of Facilities	% of Total
Landfills - Public	130	32%
Landfills - Private	68	17%
Type V Processing Facilities - Public	72	18%
Type V Processing Facilities - Private	68	17%
Medical Waste Facilities - Public	1	0.3%
Medical Waste Facilities - Private	22	5%
Compost Facilities - Public	6	1%
Compost Facilities - Private	14	3%
Type IX Facilities – Public	3	0.7%
Type IX Facilities - Private	26	6%
Total Number of Facilities	410	100%

Ownership of Active Scrap Tire Authorizations in FY 2020

Facility Classification	Number of Facilities	% of Total
Generator	11,391	95%
Transporter	423	4%
Scrap Tire Facility - Processing	121	1%
Scrap Tire Facility - Recycling	8	0.07%
Scrap Tire Facility - Energy Recovery	8	0.07%
Scrap Tire Storage Site	12	0.1%
Land Reclamation Project Using Tires	14	0.1%
Total Number of Active Registrations	11,977	100%

F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

The MSW Permitting Program is responsible for processing applications for handling, storing, processing, and disposal of municipal solid waste as well as for recycling, composting, beneficial reuse activities, and construction activities over closed landfills using established procedures. Additional information about MSW permit, registration, and notification applications, as well as scrap tire registration applications, are included in this section.

Permits and Permit Amendments

MSW permit and permit amendment applications are first reviewed for administrative completeness to ensure they contain all required information. Second, a technical review is conducted to ensure the design and operation of the facility meet rule requirements and is protective of human health and the environment. Any deficiencies noted during the administrative and technical review processes are sent to the applicant through a written correspondence.

During the technical review period, an application summary, consisting of a summary of the contents of an application, is sent to appropriate federal, state, and local agencies and officials informing them of the proposed activity and requesting their comments.

Prior to an application being declared technically complete, the legislators representing the area where the facility is (to be) located are notified. Also, before a permit or major amendment is issued, TCEQ conducts a site assessment of the facility.

Once an application is declared technically complete by meeting all statutory and regulatory requirements, a technical summary, draft permit, and *Notice of Application and Preliminary Decision* (NAPD) are issued to communicate the executive director's (ED) preliminary decision on the application. If no comments or requests for a public meeting or contested case hearing are received, the permit or permit amendment is placed on the ED agenda for issuance. Persons on the mailing list for the application are sent a letter indicating the permit or permit amendment is issued, and instructions are provided for filing a motion to overturn (MTO), which is a request the commission review the ED's decision.

TCEQ is committed to ensuring the public is involved in the MSW permitting process. There are opportunities for the public to participate by providing comments on an application throughout the entire application review process. The comment period begins when the first notice, *Notice of Receipt of Application and Intent to Obtain a Permit* (NORI), is issued when the application is declared administratively complete. If the application is declared technically complete, the NAPD is issued. Both notices are mailed and published and as stated above, the public can provide comments and request a public meeting or a contested case hearing. After the deadline for submitting public comments, the ED considers all timely comments and prepares a response to all relevant and material public comments. Unless the application is directly referred for a contested case hearing, the response to comments and the ED's decision on the application is mailed to those who submitted public comments and to those persons who are on the mailing list for the application. Additionally, this response contains instructions for requesting reconsideration of the ED's decision and for requesting a contested case hearing.

The public can view a permit or permit amendment application and any revisions to the application during the review process. The applicant is required to post the application and revisions on a publicly accessible web site and at a public place in the county where the facility is (to be) located. Also, signage is required to be posted at the facility's proposed location.

Registrations

MSW registration applications are required for MSW processing facilities exempt from permit requirements. The application review process is similar to permit and permit amendment review processes. The application is first reviewed for administrative completeness to ensure it contains all information necessary for the required public notice document. Second, a technical review is conducted to ensure the design and operation of the facility meet rule requirements and is protective of human health and the environment. Any deficiencies noted during the administrative and technical review process are sent to the applicant through a written correspondence.

Once an application is determined to be administratively complete, *the Notice of Application and Opportunity to Request a Public Meeting for a New Municipal Solid Waste Facility* (NAORPM) is issued. This is the only public notice issued for the application. The public comment period begins with the publication of the NAORPM and ends 30 calendar days after the notice is published. The comment period is extended to the close of any public meeting if one is held.

After an application is declared technically complete, a draft registration is sent to the Office of the Chief Clerk to be posted on the ED's agenda for issuance. If public comments are received, they are reviewed and a response to comments letter is prepared and included with the mailing of the issued registration and instruction letter for the MTO process and is sent to all persons on the mailing list for the application.

The public can view a registration application and any revisions to the application during the review process. The applicant is required to post the application and revisions on a publicly accessible web site and at a public place in the county where the facility is (to be) located. Also, signage is required to be posted at the facility's proposed location.

Notifications

Unless exemption requirements apply, facilities conducting recycling activities, such as mulching or composting clean wood and yard trimmings and processing source-separated recyclable materials for beneficial use or subsequent recycling, are required to submit a notice of intent for authorization to

operate. Notifications are also required to be submitted for citizens' collection stations, low volume transfer stations, on-site treatment of medical waste facilities, and composting facilities which accept any source-separated meat, fish, dead animal carcasses, oils, greases, or dairy materials.

A Notice of Intent (NOI) application form is reviewed for completeness to ensure it contains all required information and the design and operation of the facility meet requirements and are protective of human health and the environment. Any significant deficiencies noted during the review process are sent to the applicant through a written correspondence. Following review and approval of the notice of intent, the facility's activity is authorized by letter.

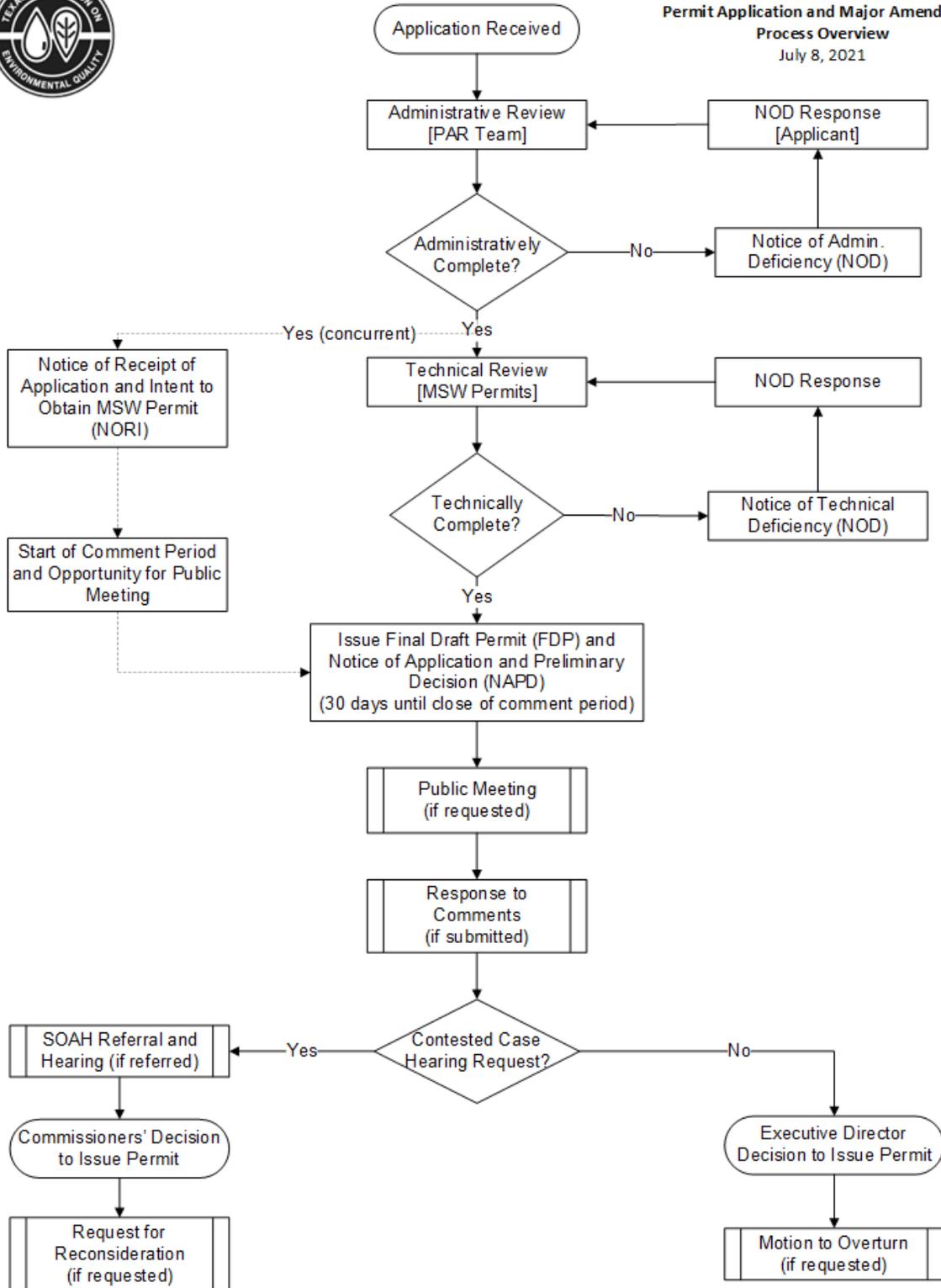
Notification applications for composting facilities which accept any source-separated meat, fish, dead animal carcasses, oils, greases, or dairy materials are the only notification tier authorization to require a mailed public notice to adjacent landowners and other affected landowners as directed by the ED. Persons receiving the notice may contact the agency or the applicant for additional information about the application, but there is no opportunity for public meeting or contested case hearing.

The following flowcharts illustrate application review processes for the primary MSW applications: MSW permits and major amendments, and Type V registrations.

MSW Permit Application and Major Amendment Process Overview Flowchart



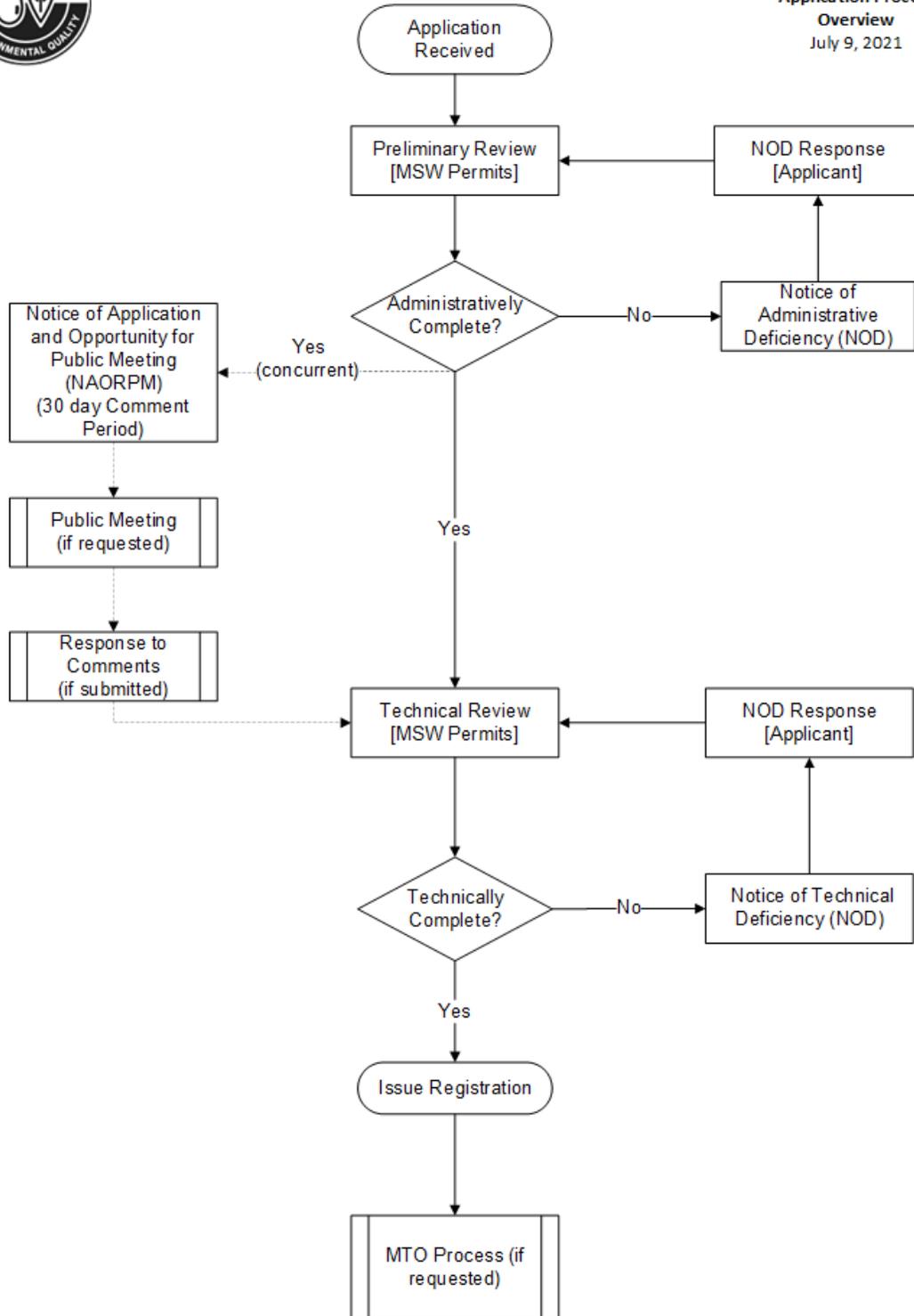
MSW
Permit Application and Major Amendment
Process Overview
July 8, 2021



MSW Type V Registration Application Process Overview Flowchart



MSW
Type V Registration
Application Process
Overview
July 9, 2021



Scrap Tire Registrations

An application for a scrap tire registration is required for activities including used and scrap tire transportation, processing, recycling, utilization, storage, and LRPUs. An application is reviewed for completeness to ensure it contains all required information and meets rule requirements to protect human health and the environment. Deficiencies noted during the review process are sent to the applicant through written correspondence. A registration is issued following review and approval of the application.

The application process for generators and transporters does not include public notice. Scrap tire facilities, storage sites, and LRPUs require notice to local authorities, who can provide comments within 45 days.

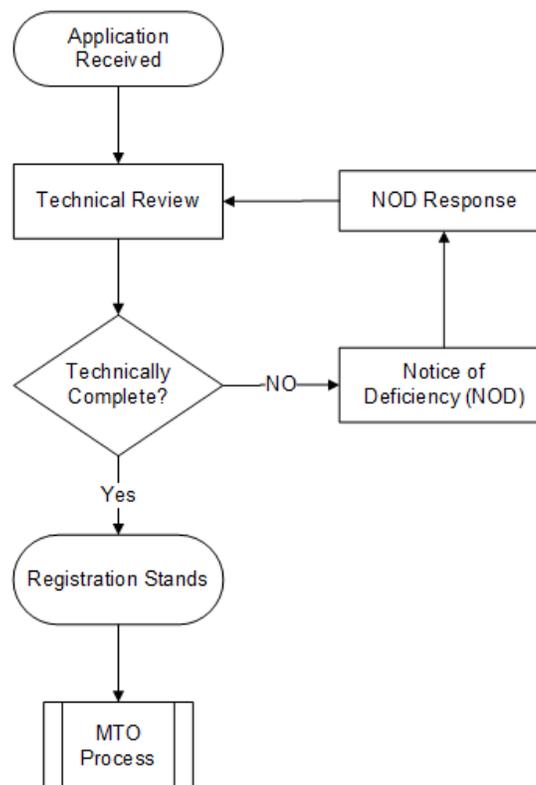
Applications for scrap tire storage sites and LRPUs require a mailed public notice to adjacent landowners and landowners within 500 feet. These registrations also require publication in a local newspaper. Persons receiving the notice may contact the agency or the applicant for additional information about the application, but there is no opportunity for public meeting or contested case hearing. Persons affected by a scrap tire registration may file an MTO.

The following flowcharts illustrate application review processes for the primary scrap tire applications: scrap tire generator and transporter registrations, and scrap tire facility, storage site and LRPUs.

Scrap Tire Application Review Process for Generators and Transporters Flowchart



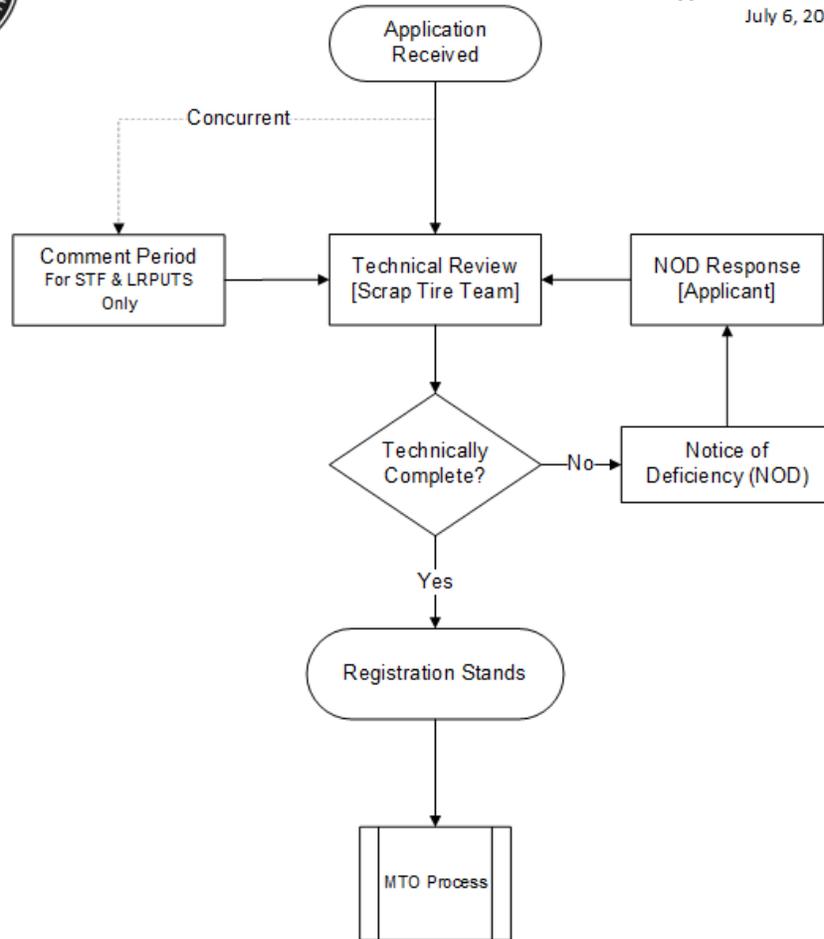
SCRAP TIRE PROGRAM
Generators and Transporters
Application Process Overview
July 6, 2021



Scrap Tire Application Review Process for Scrap Tire Facilities, Storage Sites, and LRPUTs Flowchart



SCRAP TIRE PROGRAM
Facilities, Storage Sites, and LRPUTs
Application Process Overview
 July 6, 2021



G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

Municipal Solid Waste Permits Program Funding Sources

Account	Account Title	FY 2020 Expended
0549	Waste Management Account – Dedicated	\$2,780,481
5000	Solid Waste Disposal Fees Account – Dedicated	\$5,493,162
TOTAL		\$8,273,643

The program is funded in the following strategies:

- Waste Management and Permitting;
- Waste Management Assessment and Planning; and
- Pollution Prevention Recycling.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.

N/A

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

N/A

J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.

The program works with local and regional units of government when applicants submitting MSW permit or registration applications to TCEQ must submit parts I and II of the application for review to the applicable council of government (COG) for compliance with their regional solid waste plan. After review, the COG submits a letter to TCEQ's MSW Permits Program indicating the application is either in conformance, in conformance with conditions, or not in conformance with their regional plan. A COG's review of an MSW application and conformance determination letter provides a means for TCEQ to obtain qualified opinions from local governments in the impacted region. However, a COG's conformance review letter is not a prerequisite to TCEQ's final determination on a permit or registration application.

K. If contracted expenditures are made through this program please provide

- **a short summary of the general purpose of those contracts overall;**

Temporary employees support administrative duties and the MSW Permits Program by reviewing annual report data and maintaining the MSW registration and notification records library. The employees also support contract management and provide grant development support to the Regional Solid Waste Grants Program by reviewing financial status reports, budget requests and amendments, and draft contracts.

- **the amount of those expenditures in fiscal year 2020;**

Expenditures total \$110,677.

- **the number of contracts accounting for those expenditures;**

Three contracts.

- **the method used to procure contracts;**

The temporary employee services contracts were managed term contracts.

- **top five contracts by dollar amount, including contractor and purpose;**

Municipal Solid Waste Permits Program Contracts

Contract Number	Vendor Name	Purpose	FY 2020 Expended
582-20-10409	WorkQuest	Temporary employee for contract management and grant development support to the Regional Solid Waste Grants Program by reviewing financial status reports, budget requests and amendments, and reviewing draft contract.	\$79,900
582-20-10411	WorkQuest	Temporary employee for reviewing of annual report data and maintaining the MSW registration and notification records library	\$24,224
582-20-11302	WorkQuest	Temporary employee for front desk duties while the division had multiple vacancies with administrative staff	\$6,553

- **the methods used to ensure accountability for funding and performance; and**

Methods used to ensure accountability for funding and performance include a defined and consistent process for developing, implementing and tracking projects, which includes project prioritization in alignment with required work and with agency priorities, development of a detailed scope of work to describe the work to be performed as well as deliverables and due dates, and review of all invoices to ensure consistency with contract dates, deliverables, work performed, and allowable expenses.

- **a short description of any current contracting problems.**

There are currently no contracting problems for the MSW Permits Program.

L. Provide information on any grants awarded by the program.

The Regional Solid Waste Grant Program's (RSWGP) objective is to pass through state-appropriated funds to the 24 COGs throughout Texas. COGs use the funds to maintain an inventory of closed MSW landfills, conduct regional coordination and planning activities, maintain a regional solid waste management plan, and administer pass-through grant programs to fund regional and local MSW projects. Funds are distributed based on a formula considering population, geographic area, percentage of solid waste fee revenue generated within each region, and public health needs. Program staff review each COG's application, 20-year Regional Solid Waste Management Plan, implementation projects, semi-annual reports, annual results reports, quarterly financial status reports, and budget adjustments. These documents are reviewed to ensure compliance with the regional solid waste management plan, RSWGP contract, Uniform Grant Management Standards, and administrative procedures. Program personnel provide technical assistance to COGs and recipients of grant funds. Additionally, program personnel monitor COG performance through desk audits of financial and project data, site-visits, and on-site audits.

**Regional Solid Waste Grant Program
FY 2020 Grant Allocations**

Contract Number	Council of Government	Amount
582-20-10203	Alamo Area Council of Governments	\$390,638
582-20-10204	Ark-Tex Council of Governments	\$115,000
582-20-10205	Brazos Valley Council of Governments	\$115,000
582-20-10206	Capital Area Council of Governments	\$323,836
582-20-10207	Central Texas Council of Governments	\$115,000
582-20-10208	Coastal Bend Council of Governments	\$137,394
582-20-10209	Concho Valley Council of Governments	\$115,000
582-20-10210	Deep East Texas Council of Governments	\$115,000
582-20-10211	East Texas Council of Governments	\$165,563
582-20-10212	Golden Crescent Regional Planning Commission	\$115,000
582-20-10213	Heart of Texas Council of Governments	\$115,000
582-20-10214	Houston-Galveston Area Council	\$1,005,289
582-20-10215	Lower Rio Grande Valley Development Council	\$206,348
582-20-10216	Middle Rio Grande Development Council	\$115,000
582-20-10217	Nortex Regional Planning Commission	\$115,000
582-20-10218	North Central Texas Council of Governments	\$1,134,749
582-20-10219	Panhandle Regional Planning Commission	\$170,317
582-20-10220	Permian Basin Regional Planning Commission	\$159,846
582-20-10221	Rio Grande Council of Governments	\$151,900
582-20-10222	Southeast Texas Regional Planning Commission	\$115,000
582-20-10223	South Plains Association of Governments	\$128,963
582-20-10224	South Texas Development Council	\$115,000
582-20-10225	Texoma Council of Governments	\$115,000
582-20-10226	West Central Texas Council of Governments	\$138,319
TOTAL		\$5,493,162

M. Are there any barriers or challenges that impede the program's performance, including any outdated or ineffective state laws? Explain.

Funding Cleanup of Illegal and Unauthorized MSW Disposal Sites. TCEQ has the authority to remediate unauthorized MSW disposal sites, but no appropriations to fund the cleanups. **Refer to Section IX, Major Issues, Funding Cleanup of Illegal and Unauthorized MSW Disposal Sites.**

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

None

O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe

- **why the regulation is needed;**
- **the scope of, and procedures for, inspections or audits of regulated entities;**
- **follow-up activities conducted when non-compliance is identified;**
- **sanctions available to the agency to ensure compliance; and**
- **procedures for handling consumer/public complaints against regulated entities.**

Refer to Question B for why the regulation is needed and refer to the Office of Compliance and Enforcement, Field Operations Program, Question O for all inspection and enforcement information related to this program.

P. For each regulatory program, if applicable, provide detailed information on complaint investigation and resolution. Please adjust the chart headings as needed to better reflect your agency's particular programs. Please briefly explain or define terms as used by your agency, such as complaint, grievance, investigation, enforcement action, jurisdictional, etc. If necessary to understand the data, please include a brief description of the methodology supporting each measure. See Exhibit 13 Example.

Refer to the Office of Compliance and Enforcement, Field Operations Program, Question P for complaint related data for this program.

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