

Mr. Toby Baker  
Executive Director  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711

Re: Texas Coal Combustion Residuals Permit Program Application

Dear Director Baker:

Through this letter, the U.S. Environmental Protection Agency (EPA) is notifying you that it considers the Texas Coal Combustion Residuals (CCR) Permit Program Application, submitted on September 11, 2020, and revised on November 9, 2020, and November 23, 2020, pursuant to 42 U.S.C. § 6945(d)(1), to be complete. The application contains the necessary elements of 40 CFR Part 257, Subpart D, and the elements of a permitting program, that will allow EPA to make a preliminary determination on the adequacy of the Texas CCR permit program. For the specific reasons stated in the Texas application, the state is seeking partial program approval.

On May 6, the Texas Commission on Environmental Quality (TCEQ) adopted CCR-related amendments under the newly created Title 30 Texas Administrative Code (TAC) Chapter 352. . The rule package was published in the *Texas Register* on May 22, 2020 and became effective May 28, 2020.

EPA will now begin the formal process of soliciting public comment and making a final determination on whether to approve the Texas partial CCR permit program. In accordance with 42 U.S.C. § 6945(d)(1)(B), EPA will finalize this determination within 180 days of this letter. EPA will soon publish a notice in the *Federal Register* announcing and soliciting public comment on its proposed determination. EPA looks forward to continuing to work with Texas during the program review process.

If you have questions or concerns, please contact me or Carolyn Hoskinson, Director of EPA's Office of Resource Conservation and Recovery, at (202) 236-3619 or [Hoskinson.Carolyn@epa.gov](mailto:Hoskinson.Carolyn@epa.gov).

Sincerely,

Andrew R. Wheeler