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by **Paul S. Lewis**
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Environmental Quality

Texas Risk Reduction Program Rule Revisions

The Texas Risk Reduction Program (TRRP) rule, found at Title 30 Texas Administrative Code Chapter 350, was first promulgated in 1999. The TRRP rule combined elements of two previous rules to create a unified risk-based approach to be used by all regulatory programs in the Remediation Division, such as waste unit closures and cleanups, underground storage tank release sites, superfund sites and (increasingly more common) contaminated sites discovered by due diligence efforts preceding a real estate sale. This year the TRRP rule underwent its first major revision since initial enactment. The rule revision effort started with a list of relatively minor corrections and clarifications to be addressed. The final rule ended up with those as well as a few items of major significance:

A variance was added to allow certain above ground storage tanks (AST) and underground storage tanks (UST) to exit TRRP regulation and revert to previous rules (Chapter 334) if specific conditions are met. The UST must have been permanently removed from service, or the AST removed from the site, prior to the TRRP applicability date of September 1, 2003. A release had to have been reported after that date. If the tank is located within 0.25 mile of other AST/UST release sites with similar releases and subsurface conditions but are regulated by Chapter 334, the person can request to be regulated by Chapter 334 instead of TRRP. (See revised §350.2(g: 1-7)).

The process for screening chemicals of concern (COC) has been simplified. The TRRP rule does not specify what chemicals must be analyzed in samples of soil or groundwater because COCs are to be specified by the regulatory programs. In practice, site assessors will request suites of analyses, such as VOAs, SVOCs, metals, etc., to be run on samples and sort out later what chemicals are or are not actually present in the release. Frequently, many chemicals not relevant to the release cannot be screened out because the sample detection limits are too high relative to the cleanup levels. The TRRP rule has been modified to eliminate these "ghosts" or non-COCs based on reasonable knowledge of

site history and non-detection. The sensitivity of non-detection is no longer tied to a cleanup level. (See revised §350.71(k))

A new section has been added in anticipation of requiring accurate spatial coordinates and associated data attributes, in addition to moving to an electronic reporting system. The Texas Commission on Environmental Quality (TCEQ) is in the process of procuring an electronic data management system, to be known as Texas Environmental Data System, which will facilitate electronic submission of reports. The TCEQ will announce when the system is ready. In the meantime, the TCEQ will still require paper reports but may start to request accurate spatial data for sample locations and water wells, for example, in support of contamination notices required by other statutes. (See new §350.90)

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The revised TRRP rule was published in the *Texas Register* on Friday, March 16, 2007 and became effective on Monday, March 19, 2007. The complete TRRP rule and revisions adoption preamble can be downloaded from <http://www.tceq.state.tx.us/rules/indxpdf.html#350>. ■

Biographical Sketch

PAUL S. LEWIS graduated from Widener College with a BS in management in 1972. After two years of military service in Texas, he entered the University of Texas at Austin and received an MA in geology in 1978. Professional employment began with Pennzoil in Houston as a reservoir development geologist in 1977. He joined the Texas Department of Water Resources in 1979. Duties with the Commission and predecessor agencies have varied between technical and management including manager of the Corrective Action Section from 1992 to 1998. He chaired the committee of staff volunteers who developed the 1993 Risk Reduction Rules and was part of the rule-writing team for the Texas Risk Reduction Program rule of 1999. His current assignment as a technical specialist includes developing guidance and training for the Texas Risk Reduction Program rule and review of Voluntary Cleanup Program documents. He is a licensed professional geoscientist in Texas.