

**Texas Commission on Environmental Quality  
Form PI-1D Instructions  
Case-by-Case De Minimis Review**

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## Overview

The Texas Commission on Environmental Quality (TCEQ) requires that a Core Data Form be submitted on all incoming registrations unless a Regulated Entity and Customer Reference Number have been issued by the TCEQ and no core data information has changed. If a Regulated Entity or Customer Reference Number has been issued, then the number must be noted on the request or applicable form. For more information regarding the Core Data Form, call (512) 239-5175 or go to the TCEQ Web site at: [www.tceq.texas.gov/permitting/central\\_registry/guidance.html](http://www.tceq.texas.gov/permitting/central_registry/guidance.html).

Senate Bill (SB) 766 of the 76<sup>th</sup> session of the Texas State Legislature created Texas Health and Safety Code (THSC) Section 382.05101, which authorized the TCEQ to create the criteria to establish a de minimis level of air contaminants for facilities or groups of facilities below which a permit under THSC sections is not required. Title 30 Texas Administrative Code Chapter 116.119 (30 TAC 116) designates four distinct categories of facilities eligible to be de minimis.

If the facility meets one or more of the conditions under 30 TAC 116.119(a)(1)-(3), owners and operators do not have to obtain written confirmation from the TCEQ to begin construction or operation. If confirmation is requested, customers may submit information in the form of a letter, along with sufficient information to show that the facility meets the rule requirements. In these cases, the TCEQ will perform a brief review to confirm and respond by letter.

Facilities that do not meet at least one of these conditions may request a de minimis review on a case-by-case basis under 30 TAC 116.119(a)(4). These requests require the TCEQ to evaluate the facility and its emissions based upon the following:

- A. proximity to receptors;
- B. rate of emission of air contaminants;
- C. engineering judgment and experience; and
- D. determination that no adverse toxicological or health effects would occur off property.

Use this form and provide the requested information for a case-by-case de minimis determination under 30 TAC 116.119(a)(4).

The TCEQ has more information about de minimis in the De Minimis Background and Overview guidance at [www.tceq.texas.gov/assets/public/permitting/air/NewSourceReview/de\\_minimis/deminimis-amend.pdf](http://www.tceq.texas.gov/assets/public/permitting/air/NewSourceReview/de_minimis/deminimis-amend.pdf).

### Tips for a Speedy Administrative Review

The administrative review process will be more efficient and streamlined if you follow the suggestions outlined in the Fact Sheet - Tips for a Speedy Administrative Review at [www.tceq.texas.gov/permitting/air/guidance/permit-factsheets.html](http://www.tceq.texas.gov/permitting/air/guidance/permit-factsheets.html).

### Small Business Information and Agency Contacts

For additional agency contacts, see Contact Information for Air Permit Applications (including environmental assistance for small businesses) at [www.tceq.texas.gov/assets/public/permitting/air/airapp-contacts.pdf](http://www.tceq.texas.gov/assets/public/permitting/air/airapp-contacts.pdf).

The TCEQ also has an Air Quality Permitting fact sheet available to assist you in determining some of the other state or federal requirements you may need to know at

[www.tceq.texas.gov/assets/public/permitting/air/factsheets/permit\\_factsheet.pdf](http://www.tceq.texas.gov/assets/public/permitting/air/factsheets/permit_factsheet.pdf).

### Instructions for Case by Case De Minimis Review

To ensure these reviews are brief and consistent, follow the instructions below to prepare a complete application for a case-by-case de minimis request. Since de minimis is intended to exempt a facility from having to obtain an air permit, all emissions associated with the facility, or any group of facilities, must meet de minimis criteria (no "partial permitting").

## I. General Information

- A. **Confidential Information:** Confidential information must be submitted according to TCEQ guidelines. Confidential information must be separated from non-confidential information and submitted in a separate packet or envelope. Any information considered by the applicant to relate to secret processes or methods of manufacture or production must be marked "CONFIDENTIAL" by the applicant if he does not want this information in the public file. Each page of information considered to be confidential must be marked "CONFIDENTIAL" at the time of submittal to the TCEQ, preferably in red at the bottom of each page. Such information must not appear on the same page with information that cannot be held confidential such as Form PI-1D, or emissions data. The applicant must present the nature of the confidential information in an abbreviated non-confidential format for inclusion in the public file and should state in the public file that a confidential submittal exists. This is needed to maintain continuity in the public file. Information marked "CONFIDENTIAL" by the applicant will be kept in a locked file separate from that part of the application considered to be "public records" pursuant to 30 TAC § 381.020. For more information on confidential information there is a Regulatory Guidance Document, RG-120, entitled "Confidential Information in Air Permit Application" available through the TCEQ Web site. Any questions relating to the type of material which can be considered confidential should be directed in writing to the TCEQ Office of Legal Services.
- B. **Notices of Violation:** Please state whether the application is being submitted in response to, or related in any way to, a Notice of Violation issued to the applicant by the TCEQ. **Per 30 TAC § 116.119(b), facilities or sources that are determined to be in violation or are under an enforcement action are not considered a de minimis source; therefore, must obtain alternate authorization.**
- C. **Net Number of New Jobs:** Please estimate the net number of new jobs which will be created in the community as a result of the operation of the new facilities or modification of existing facilities authorized by this permit. State law requires the TCEQ to report this information to the State Comptroller's Office.

## II. Applicant Information

- A. **Company Name or Other Legal Name:** Enter the legal name of the company, corporation, or person for which the de minimis request is being submitted. This name should match the company name listed on the CORE Data Form. The legal name will be verified with the Texas Secretary of State at (512) 463-5555. The applicant may be asked to correct the name provided on the Form PI-1D, if found to be different. In some cases, a copy of the legal document forming the entity may be requested to verify the legal name (general partnership, or trust filed with the county).
- B. **Company Official Contact Name and Title:** Please provide the name, title, address, telephone number, fax number, and e-mail address of the company official contact person. The company official must not be a consultant. All correspondence and issued permit documents will be mailed as a hard copy - unless electronic copies are requested. The company official must initial section II.B. of the form if electronic copies are requested. Please ensure that the e-mail address provided for the company official is the most appropriate to receive time-sensitive correspondence from the TCEQ.
- C. **TCEQ Account Identification Number:** Please state the TCEQ air quality account number, if known. This number is assigned by the TCEQ to the entire property owned or controlled by the applicant at that location. An example air quality account number is: JB-1234-R. These identification numbers are being phased out by the TCEQ and will be replaced with the TCEQ Regulated Entity Number. For assistance call (512) 239-5160.

- D. **Facility Location Information:** If available provide the street address of the facility. If there is no street address, provide driving instructions in writing to the site. Identify the location by distance and direction from well-known landmarks, such as major highway intersections. Enter the city or town where the facility is located. If the address is not located in a city, then enter the city or town closest to the facility even if it is not in the same county as the facility. Enter the county where the facility is physically located. Please include the ZIP Code of the physical facility site, not the ZIP Code of the applicants mailing address.
- E. **Core Data Form TCEQ No. 10400:** A TCEQ CORE Data Form must be completed and attached to any application to be reviewed by the TCEQ.
- F. **TCEQ Customer Reference Number:** This is a unique number assigned by the TCEQ and given to each business, governmental body, association, individual, or other entity that owns, operates, is responsible for, or is affiliated with a regulated entity. This number is assigned by the TCEQ when a Core Data Form is submitted to the TCEQ Central Registry.
- G. **TCEQ Regulated Entity Number:** This is a unique number assigned by the TCEQ and given to each person, organization, place, or thing that is of environmental interest to the TCEQ and where regulated activities have or will occur. This number is assigned by the TCEQ when a Core Data Form is submitted to the TCEQ Central Registry.

### III. Facility and Source Information

- A. **Name and Type of Facility:** Give the name of the general type of operation, manufacturing process, equipment or facilities which would be authorized under the permit (include any numerical designation, if appropriate). The name must be descriptive and specific. "Chemical Plant" and "North Process Area" are not acceptable names. Chemical Etching Facility and Touch-up Painting Facility are examples of more acceptable names.
- B. **Operating Schedule:** State the operating schedule of the facility. If various process units are operated at varying schedules throughout the year, the overall schedule must account for these variations. For example, if a facility which is normally operated 8 hours per day and 5 days per week and is operated on a weekend or more than 8 hours per day, use the schedule which will provide adequate flexibility. In addition, it is critical that the applicant provide adequate discussion and documentation on how the hours of operation relate to emission rates on a short-term (maximum pounds per hour) and long-term (maximum tons per year) basis. If the facility operates on a seasonal basis, please explain in detail.
- C. **For a New Facility:** Proposed start date of construction is usually associated with the digging for foundations, laying of pipelines or actual installation of equipment. Contact the appropriate regional office or the Air Permits Division if you have any questions regarding the definition of "start of construction." Start of operation refers to the first day that the permitted unit operates as an emitting source of air contaminants. Enter dates in "C," if construction or operation is pending.  
*Note: A confirmation under the case-by-case review must be obtained before beginning any construction.*
- D. **For an Existing Facility:** Enter the start date of the actual activity of operation.
- E. **Other Facilities with the Same Air Contaminants:** To ensure that the construction and operation of any facility under this program is "de minimis," the TCEQ will review the request with consideration to the cumulative amounts of air contaminants at the site. If other facilities emit the same air contaminants, applicants are required to submit detailed information on those facilities, how they are authorized, and the quantities of emissions so that a complete impacts analysis can be performed. Include emissions of both criteria pollutants and speciated compounds.
- F. **Facility Description and Emissions Information:** A de minimis request must include a completed Form PI-1D and sufficient information to evaluate facility type, emissions, and potential impacts [30 TAC § 116.119(4)(A) - (D)]. Depending on the request, this may include a

process description, plot plan, emission point identification, and quantification of the facility and other sources of the same contaminants. If needed, submit emission data, including fugitive emissions and stack parameters, on Table 1(a) entitled, "Emission Point Summary." Attach emission calculations and information showing how emissions were determined. No area map is required since all off-property receptors are considered "sensitive."

In the cases where more than just a few sentences are needed to explain the equipment, plant layout, and emissions from the proposed de minimis facility, applicants will need to submit an abbreviated process description. An example of a process description should carry the reader through the process on where the emissions are generated, why the emissions must be generated, what air pollution controls are used (including process design features that minimize emissions) and where the emissions enter the atmosphere. Each step in the process description should be in detail and should refer to the process flow diagram. When applicable, cycle times, reaction times, temperatures, pressures, material flow rates, and production rates should be in the process. Generalities such as "a small amount," "sometimes," "occasionally opened," should be avoided. All process descriptions should consider the parameters which will result in the maximum emissions for each air contaminant.

In addition to a short process description, a plot plan will be needed to show the location of the de minimis equipment, similar emissions emitting facilities, nearby structures, and relative distances to property lines.

Finally, to make a decision on any de minimis request, the permit reviewer will need detailed information on the emissions from the proposed facilities or sources. Emission rates of all air contaminants (criteria pollutants and speciated compounds) should be calculated and evaluated for both short- and long-term impacts. To remain consistent with 30 TAC § 116.119(a)(3), all emissions should be evaluated before any add-on control equipment. However, abatement of emissions which is inherent to the facility design can be considered in establishing emission rate estimates. All air contaminants from the facility or group of facilities, and in some cases, the site, should be reviewed. In all cases where de minimis acceptance is possible, speciated compound emissions with associated ESLs need to be reviewed and approved by the TCEQ.

Supporting calculations and technical basis for the estimates are required. The permit reviewer must be able to duplicate all emissions calculations with the information supplied by the applicant. If the process is a batch operation or there are varying emission rates that will occur, these variations must be clearly identified and accounted for in specifying the maximum hourly emission rates and in the process description. An emission point is defined as the point from which air contaminants enter the ambient air. Chemicals must be identified specifically. Examples of identifying chemicals are "Methanol" rather than "hydrocarbons," "polyester/styrene resin dust," "iron dust," "limestone dust," or "silica sand dust" rather than "dust." Material Safety Data Sheets should be supplied for all materials which contain potential air contaminants unless an alternative method of identification and quantification of specific air contaminants has been approved prior to submittal of the application. Large groups of data may be attached to the application as appendices.

#### IV. Federal Applicability Information

- A. **Major Sources:** The facility should be checked against any applicable federal requirements. If the facility is a major source or is located at a site designated as major, de minimis cannot apply.
- B. **MACT Federal Standards:** Generally, if a facility is subject to a federal standard, but no emission limits, performance specifications, or monitoring requirements apply, it may be de minimis. However, if standards or requirements must be met by the facility, in most cases it is not de minimis.
- C. **NESHAP Federal Standards:** Generally, if a facility is subject to a federal standard, but no emission limits, performance specifications, or monitoring requirements apply, it may be de minimis. However, if standards or requirements must be met by the facility, in most cases it is not de minimis.

- D. **NSPS Federal Standards:** Generally, if a facility is subject to a federal standard, but no emission limits, performance specifications, or monitoring requirements apply, it may be de minimis. However, if standards or requirements must be met by the facility, in most cases it is not de minimis.

## V. Modeling/Impacts Analysis

### A. Modeling Guidelines

No refined modeling should be conducted. SCREEN3 modeling shall be performed to determine the predicted concentrations of the proposed emissions. The modeling should also evaluate emissions from any other source of the same compounds on the site, including those authorized by PBR.

Worst-case assumptions shall be used when conducting the modeling analysis, such as running the model with both urban and rural dispersion coefficients with the highest concentration used in the impacts review, and eliminating the use of any impact reduction credits (i.e., low wind speed factors) with the exception of the modeling adjustment factor of 0.6 for fugitive emissions. (See the policy memo from March 6, 2002: Modeling Adjustment Factor for Fugitive Emissions on the following Web site located at [www.tceq.texas.gov/permitting/air/memos/modeling\\_memos.html](http://www.tceq.texas.gov/permitting/air/memos/modeling_memos.html)).

All off-property receptors are considered “non-industrial” with no distinction made for the type of non-industrial receptor.

### B. Impacts Review Guidelines

Emission rates of all air contaminants (criteria pollutants, state regulated pollutants, and speciated constituents) must be calculated and evaluated for both short- and long-term impacts, as applicable.

All emissions shall be estimated before the application of add-on control equipment. However, abatement of emissions which are integral to the physical piece of equipment can be considered in establishing emission rate estimates (i.e., fixed roof tanks).

All air contaminants from the facility or group of facilities and the site (if the same contaminant is emitted from other facilities on the site) shall be reviewed and must meet the de minimis concentrations as follows:

- Criteria Pollutants (O<sub>3</sub>, NO<sub>2</sub>, CO, PM<sub>10</sub>, PM<sub>2.5</sub>, SO<sub>2</sub>, and Lead)
- All modeled impacts from the facility (or groups of facilities) under review must be **less than the de minimis levels** defined in the TCEQ Air Quality Modeling Guidelines **for all applicable averaging periods**. The TCEQ Air Quality Modeling Guidelines is located at [www.tceq.state.tx.us/assets/public/permitting/air/Modeling/guidance/airquality-mod-guidelines6232.pdf](http://www.tceq.state.tx.us/assets/public/permitting/air/Modeling/guidance/airquality-mod-guidelines6232.pdf). Please contact the TCEQ to discuss O<sub>3</sub> and lead de minimis concentrations.

- **State Regulated Pollutants (SO<sub>2</sub>, H<sub>2</sub>S, H<sub>2</sub>SO<sub>4</sub>)**

If the facility (or group of facilities) is the **only** source of the pollutant on the site, the modeled impacts must be **less than 2%** of the regulation limits.

If the facility (or group of facilities) is **not** the **only** source of the pollutant on the site, the modeled impacts must be **less than 1%** of the regulation limits.

- **Speciated Constituents (1-hour and annual)**

If the facility (or group of facilities) is the **only** source of the pollutant on the site, the modeled impacts must be **less than or equal to 10%** of the applicable ESLs for both averaging periods.

If the facility (or group of facilities) is **not** the **only** source of the pollutant on the site, all source must be modeled and the impacts from the proposed de minimis facility (or group

of facilities) plus the impacts from all other facilities must be **less than or equal to 10%** of the applicable ESLs for both averaging periods.

The short-term and annual ESL must be obtained from the most current ESL list published by the TCEQ or as specifically derived by the TCEQ Toxicology Division. The ESL shall be obtained in writing and documentation submitted upon registration.

**VI. Copies of this Application**

- A. Retain at least one copy of the application for your own records and mail copies of the application as indicated below:

Mail the **original application** to:

Texas Commission on Environmental Quality

Office of Air

Air Permits Division, MC-162

P. O. Box 13087

Austin, TX 78711-3087

- B. Mail one copy of the application to the appropriate regional office and indicate the location (city) of the regional office. Mailing addresses and phone numbers of the regional offices are listed on the TCEQ Web site at [www.tceq.texas.gov/publications/gi/gi-002.html](http://www.tceq.texas.gov/publications/gi/gi-002.html) or by calling the agency at (512) 239-1000.
- C. Mail one copy of the application to any local air pollution control program(s) having jurisdiction of the area where the proposed facility is to be located. In many areas of Texas there is no local program having jurisdiction; in other areas, particularly urban areas, there is one or more local programs. Please list the name(s) of the local air pollution control programs to which copies of the application were sent. Please call TCEQ, if you need further information about local air pollution control programs in your area or see the following Web site located at [www.tceq.texas.gov/permitting/air/local\\_programs.html](http://www.tceq.texas.gov/permitting/air/local_programs.html).

*NOTE: Failure to distribute copies of the application as indicated above may delay processing of your application. Also, all subsequent correspondence should be copied to the appropriate regional office and local air pollution control program(s), as appropriate. Please indicate to whom copies have been provided on the cover letter of any subsequent correspondence. Please do not attach a copy of Form PI-1D to subsequent correspondence, as this may cause another application file to be created. Reference all subsequent correspondence by the TCEQ assigned air quality account number, and the reviewer (if known).*

**VII. Signature**

De minimis requests must be made by the owner or operator of the facility. The appropriate company official (owner, plant manager, president, vice president, or environmental director) must sign all copies of the application. It is not appropriate for the applicant's consultant to sign the application.

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The TCEQ requires that a Core Data Form be submitted on all incoming registrations unless a Regulated Entity and Customer Reference Number has been issued by the TCEQ and no core data information has changed. If a Regulated Entity or Customer Reference Number has been issued, then the number must be noted on the request or applicable form. For more information regarding the Core Data Form, call (512) 239-5175 or go to the TCEQ Web site at: [www.tceq.texas.gov/permitting/central\\_registry/guidance.html](http://www.tceq.texas.gov/permitting/central_registry/guidance.html).

Please contact the Air Permits Division with any questions at (512) 239-1240, Fax: (512) 239-1300. Written inquiries may be addressed to: Texas Commission on Environmental Quality, Office of Air, Air Permits Division (MC-162), P. O. Box 13087, Austin, Texas 78711-3087.

<b>I. General Information</b>		
A. Is "CONFIDENTIAL" information being submitted with this request?	<input type="checkbox"/> YES <input type="checkbox"/> NO	
If "YES," is each "confidential" page marked "CONFIDENTIAL" in large red letters?	<input type="checkbox"/> YES <input type="checkbox"/> NO	
B. Is this request in response to a Notice of Violation?	<input type="checkbox"/> YES <input type="checkbox"/> NO	
C. Please estimate the net number of new jobs which will be created as a result of the operation of the facility or sources in this request.	<input type="checkbox"/> YES <input type="checkbox"/> NO	
A. Company or Other Legal Name:		
B. Company Official Contact Information: ( <input type="checkbox"/> Mr. <input type="checkbox"/> Mrs. <input type="checkbox"/> Ms. <input type="checkbox"/> Other:) _____		
Name:		
Title:		
Mailing Address:		
City:	State:	ZIP Code:
Telephone No.:	Fax No.:	
E-mail Address:		
<i>All permit correspondence will be sent via regular mail unless electronic copies are specifically requested. The company official must initial here if electronic correspondence is requested.</i> _____		
C. Account Identification Number (leave blank if new facility and site):		
D. Facility Location Information		
Street Address:		
If no street address, provide driving instructions to the site in writing:		
City:	County:	ZIP Code:



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<b>VI. Copies of this Application</b>	
A. Form PI-1D, Core Data Form, and all attachments have been sent to the TCEQ in Austin?	<input type="checkbox"/> YES <input type="checkbox"/> NO
B. A copy of this application form, Core Data Form and all attachments have been sent to the TCEQ Regional Office?	<input type="checkbox"/> YES <input type="checkbox"/> NO
C. A copy of this application form, Core Data Form and all attachments have been sent to the appropriate local air pollution control program(s) (if applicable):	<input type="checkbox"/> YES <input type="checkbox"/> NO
<b>VII. Signature</b>	
<p><i>The signature below confirms that I have knowledge of the facts included in this application and that these facts are true and correct to the best of my knowledge and belief. I further state that to the best of my knowledge and belief, the project for which application is made will not in any way violate any provision of the Texas Water Code (TWC), Chapter 7, Texas Clean Air Act (TCAA), as amended, or any of the air quality rules and regulations of the Texas Commission on Environmental Quality or any local governmental ordinance or resolution enacted pursuant to the TCAA. I further state that I understand my signature indicates that this application meets all applicable nonattainment, prevention of significant deterioration, or major source of hazardous air pollutant permitting requirements. I further state that I have read and understand TWC §§ 7.177 - 7.183, which defines Criminal Offenses for certain violations, including intentionally or knowingly making or causing to be made false material statements or representations in this application, and TWC § 7.187, pertaining to Criminal Penalties.</i></p>	
Name: _____	
<i>Print Full Name</i>	
Title: _____	
<i>Print Title</i>	
Signature: _____ Title: _____	
<i>Original Signature Required</i>	
Date: _____	