

History of Oil and Gas Air Permitting at Texas Commission of Environmental Quality

In response to the 1969 Federal Clean Air Act and the Texas Clean Air Act, the Texas Commission on Environmental Quality (TCEQ) developed various mechanisms to authorize the emissions of air contaminants from stationary sources (facilities). Beginning in the 1970s, facilities had the option of standard exemptions or permits for an authorization. Over the years, the TCEQ has developed a tiered approach give more options for permitting oil and gas facilities which now includes: de minimis exclusion; historical standard exemptions; permits by rule; standard permits; and case-by-case permits. In the last decade, the TCEQ has been evaluating all general authorizations (permits by rule and standard permits) as updated technology and scientific information has become more available. The agency will continue to reevaluate the PBR and the permitting process consistent with protecting human health and consistent with sustainable economic development.

When do Facilities need to obtain Air Authorizations from TCEQ?

The KEY is “Start of Construction”

What is start of construction:

- The date on which construction of sources of emissions begins at a site after the well has been drilled and 72 hours after the well is tested.
- The post-well test construction (i.e. building pads for engines, installing platforms for tanks, etc.)
- For sites that are not well tested (such as midstream sites or gathering stations), the start of construction is considered the date on which equipment is brought onsite or physical modifications are made at a site in order to install equipment
- For existing sites, adding equipment or making physical or operational changes which may increase emissions

What is NOT start of construction:

- land clearing, leveling of the area, road building, fencing, etc. are considered “site clearance/preparation”
- Construction equipment used to drill the well or equipment used to conduct the well test
- trailer is brought onto a site for site personnel

The following link will provide additional information:

tceq.texas.gov/permitting/air/newsourcereview/before.html