

# Texas Commission on Environmental Quality

---

## INTEROFFICE MEMORANDUM

**To:** All Interested Persons **Date:** December 9, 2005  
**Thru:** Dan Eden, Deputy Director  
Office of Permitting, Remediation and Registration  
**From:** Richard A. Hyde, P.E., Director  
Air Permits Division  
Office of Permitting, Remediation and Registration  
**Subject:** Voiding Permits and Claiming Permits by Rule or Standard Permits

### **Introduction:**

Current law allows facilities to obtain any authorization for which they qualify. In some cases, facilities obtained a permit, but the owner/operator subsequently determined that those facilities meet the conditions of a historical standard exemption, current permit by rule, or standard permit (PBR/SP). This memo describes when permits may be voided and authorization changed to a PBR/SP.

### **Action:**

If all facilities which are related to a production line or operation meet the conditions of a PBR/SP, the permit may be voided. When the PBR/SP requires registration, this action must be completed prior to the permit being voided. In no case can a facility which is part of, or related to, a particular process be claimed under PBR/SP and deleted from a permit unless the entire process and related facilities can meet PBR/SP.

This memorandum supercedes all previous memos on this subject, is effective immediately, and only applies for actions from this date forward. If the implementation of this memo causes a real and practical problem in the field, entities may appeal to the executive director through the appropriate management levels, beginning with the permit reviewer or Team Leader. In addition, the executive director intends to propose rulemaking for these procedures in Chapter 116 and this memorandum will expire upon adoption of any revised regulations. This rule proposal is tentatively scheduled for commission consideration December 14, 2005.