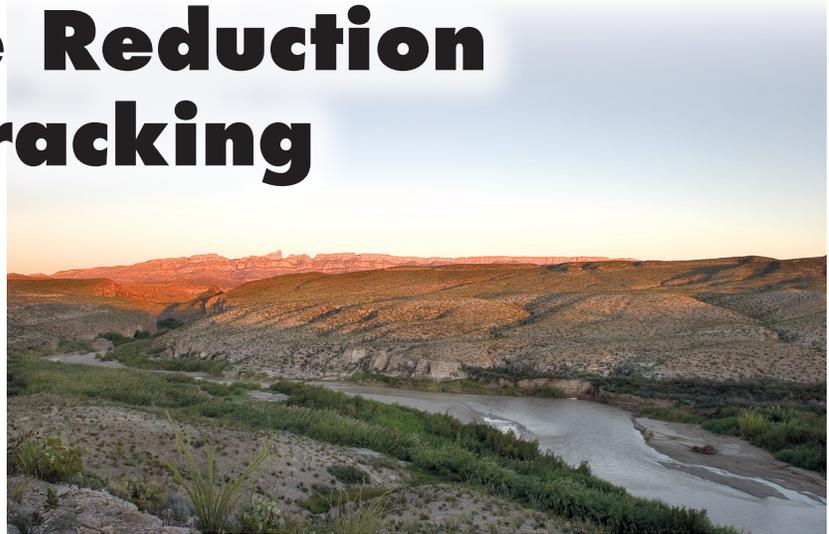


A P P E N D I X B ●

Permit Time-Frame Reduction and Tracking



Big Bend

The Texas Commission on Environmental Quality is charged with issuing permits and other authorizations for the control of air pollution, the management of hazardous and nonhazardous waste, the protection of water quality, and the safe operation of water and wastewater utilities.

The Texas Government Code, Section 2005.007, requires the TCEQ to report every two years on

its permit application system, showing the periods adopted for processing each type of permit issued and any changes enacted since the last report.

The biennial update also includes a statement of the minimum, maximum, and median time periods for processing each type of permit—from the date a request is received to the final permitting decision. Finally, the

report describes specific actions taken to simplify and improve the entire permitting process, including application and paperwork requirements.

Permit Time-Frame Tracking

One of the agency's primary goals is to issue well-written permits that are protective of human health and the environment, and to do so in the most efficient manner

possible. Each year, the TCEQ receives more than 126,400 applications for various types of permits, licenses, registrations, and authorizations.

In 2002, the TCEQ implemented the Permit Time-Frame Reduction initiative to improve efficiencies in the permitting process and to reduce the permit “time frame”—the amount of time required to complete all the steps in the permitting process.

Figure B-1
Air Permits (Uncontested)
Permit Time-Frame Reductions
 (as of September 1, 2010)

Application Type	Average Processing Time (days)	Total under Review	Target Maximum Processing Time	Number under Review Exceeding Target
Priority 1				
New source review (NSR) permit, new	325	108	240	47
NSR permit, amendment	319	433	270	253
NSR permit, new - federal timeline	437	2	330	2
NSR permit, amendment - federal timeline	679	5	330	3
Federal NSR (prevention of significant deterioration, nonattainment, 112g), new and major modification	650	30	330	16
Permit by rule	31	246	45	0
Standard permit (without notice), SB 1126, and relocation	61	62	45	0
Standard permit (with notice)	85	24	150	0
Priority 2				
Site operating permit (SOP), new	378	43	330	12
SOP, renewal	301	331	330	65
SOP, revision	223	189	330	14
NSR permit, alterations and other changes	121	116	120	44
NSR permit, renewal	309	105	270	20
General operating permit (GOP), new	67	5	120	0
GOP, renewal	648	10	210	0
GOP, revision	258	24	330	0

In 2007, the agency implemented the Project Time-Frame Tracking initiative, focusing not only on permit processing time frames, but also establishing time-frame goals. Since then, the agency has realized substantial progress, most notably reducing the permit backlog from 1,150 in 2002 to 588 at the end of fiscal 2010.

The TCEQ continued to build on that success with implementation of the following additional programs in the Project Time-Frame Tracking system in late fiscal 2008 and fiscal 2009:

- Uranium Recovery and By-Product Disposal
- Storage and Processing of Radioactive Waste

- Low-Level Radioactive Waste

For fiscal 2010, the performance time-frame goal in most program areas was to review 90 percent of all permit applications within the established time frames.

Two categories have been created for tracking the permit time frames:

Priority 1. These projects require agency action before applicants

Figure B-2
Waste Permits (Uncontested)
Permit Time-Frame Reductions
 (as of September 1, 2010)

Application Type	Average Processing Time (days)	Total under Review	Target Maximum Processing Time	Number under Review Exceeding Target
Priority 1				
Industrial and hazardous waste (IHW), new permit	389	2	450	0
IHW permit, Class 3 modification	432	7	450	0
IHW permit, major amendment	277	0	450	0
IHW combustion permit, new	—	—	540	—
IHW combustion permit, Class 3 modification	—	—	540	—
IHW combustion permit, major amendment	—	—	540	—
Municipal solid waste (MSW) permit, new	407	9	360	1
Registered transfer stations	297	1	230	0
Registered gas recovery	92	0	230	0
Priority 2				
MSW permit, major amendment	269	12	360	5
IHW permit, renewal	476	37	450	9
IHW combustion permit, renewal	—	—	540	—
Registered liquid waste processors	141	4	230	1

Definitions (for Figures B-1 through B-5)

Average Processing Time: The average length of time it took to process the specified application type during the 12 months preceding the reported month.

Total under Review: The total number of applications received but not yet completed (issued, denied, returned, withdrawn, etc.).

Target Maximum Processing Time: The time-frame goal set by the agency for completing applications in each project type.

Number under Review Exceeding Target: The number of uncompleted applications that have a processing time in excess of the target maximum.

Figure B-3
Water Quality Permits (Uncontested)
Permit Time-Frame Reductions

(as of September 1, 2010)

Application Type	Average Processing Time (days)	Total under Review	Target Maximum Processing Time	Number under Review Exceeding Target
Priority 1				
Wastewater permit, new (major facility)	0	1	330	0
Wastewater permit, major amendment (major facility)	317	24	330	7
Wastewater permit, concentrated animal feeding operation (CAFO)/sludge, new (minor facility)	295	59	330	5
Wastewater permit, CAFO/sludge, major amendment (minor facility)	291	59	300	11
Sludge registration	118	4	270	0
Priority 2				
Wastewater permit, renewal (major facility)	265	88	330	7
Wastewater permit, CAFO/sludge, renewal (minor facility)	224	277	300	7

may begin operations. This category includes uncontested applications for new permits and for amendments to existing permits for new operations.

Priority 2. These projects allow permit applicants to continue operating while the agency processes the request. This category includes uncontested applications for renewals of existing permits and for amendments to existing permits that involve activities already permitted.

The agency also has established processing time-frame goals for each type of permit. These goals, or “target maximums,” vary by program area and by environmental media.

Figures B-1 through B-5 show the status of Priority 1 and Priority 2

projects at the end of fiscal 2010 in the following categories:

- air permits,
- waste permits,
- water quality permits,
- water supply permits,
- radioactive materials and uranium licensing, and
- underground injection control permits and authorizations.

Excluded from the data are projects that were contested or that involved significant review or approval outside of the TCEQ, such as at other agencies.

By the end of fiscal 2010, about 76 percent of all Priority 1 permits were issued within the agency’s time-frame goals, as were 85 percent of all Priority 2 permits.

The performance outcomes for 2010 were slightly below the goals due to the call-in for hundreds of maintenance, start-up, and shutdown air permit applications, and the complexity of these applications.

Greater Efficiencies

In recent years, the agency has identified a number of streamlining measures to improve efficiencies in the permitting process and to reduce paperwork requirements. Some of those measures are described on the next page.

Expand online permitting options for applicants. The TCEQ continues to create streamlined options for the e-permitting system, which allows applicants to apply for

Figure B-4
Water Supply Permits (Uncontested)
Permit Time-Frame Reductions

(as of September 1, 2010)

Application Type	Average Processing Time (days)	Total under Review	Target Maximum Processing Time	Number under Review Exceeding Target
Priority 1				
Water rights permit, new	218	41	300	16
Water rights permit, amendment with notice	304	29	300	15
Water rights permit, amendment without notice, Rio Grande watermaster area	123	13	180	0
Water rights permit, amendment without notice, outside Rio Grande watermaster area	176	1	180	0
Water district application, expedited bond	39	8	60	1
Water district application, regular bond	92	51	180	3
Water district expedited escrow releases and surplus fund requests	30	7	60	0
Water district application, regular, minor	68	47	120	1
Water district application, expedited creation	—	—	120	—
Water district application, regular creations and conversion	174	2	180	1
Certificate of convenience and necessity (CCN), new or amendment	243	39	180	6
CCN transfer	453	52	365	1
Water system engineering plan reviews	26	125	60	0
Exceptions	86	113	100	3
Alternative capacity requirements	59	21	90	0

a permit online and receive authorization within minutes. A new feature that went online in fiscal 2009 makes it easier for the agency to add more applications. The TCEQ also has fee incentives for applicants using the e-permitting system for two types of general permits—the construction storm water general permit and the concentrated animal feeding operations

(CAFO) general permit. Fee incentives for additional water quality and air permit by rule applications are planned.

Expand the options for more standardized permitting through the use of general permits, standard permits, and permits by rule. The continued use of these authorizations has significantly reduced the permit processing time frames by as

much as 300 days in certain instances. Agricultural standard permits, approved in March 2010, allow applicants to obtain authorization in 45 days. In comparison, a case-by-case agricultural permit takes an average of 165 days. Revisions to 30 TAC Chapters 305 and 335, approved in October 2009, allow eligible waste operators to obtain authorization through a standard

Figure B-5
Radioactive Materials (Uncontested)
Permit Time-Frame Reductions

(as of September 1, 2010)

Application Type	Average Processing Time (days)	Total under Review	Target Maximum Processing Time	Number under Review Exceeding Target
Priority 1				
Radioactive licenses for waste processing, waste disposal, and uranium recovery, initial issuance	1,022*	3	885	0
Low-level radioactive waste disposal license, initial issuance	1,649*	0	990	0
Underground injection control (UIC) permit, new	420	7	390	0
UIC permit, major amendment	388	6	390	0
Priority 2				
Radioactive licenses for waste processing, waste disposal, and uranium recovery, renewal	**	8	885	8
Radioactive licenses for waste processing, waste disposal, and uranium recovery, major amendment	**	1	885	1
Radioactive licenses for waste processing, waste disposal, and uranium recovery, minor amendment (with notice)	190	5	230	1
Low-level radioactive waste disposal license, renewal	**	0	990	0
Low-level radioactive waste disposal license, major amendment	310	0	990	0
Low-level radioactive waste disposal license, minor amendment (with notice)	**	1	230	1
UIC permit, renewal	385	10	390	1
UIC Class V authorization	62	22	60	0

* The “average processing time” is based on those licenses issued by the TCEQ, which were under a set of legislative priorities as part of the SB 1604 transfer legislation. Due to these legislative priorities, other pending licensing actions and new actions coming in were mainly idle until statutory milestones were reached and those pending and new actions could be re-initiated.

** Pending radioactive licensing actions were transferred from the Texas Department of State Health Services and not prioritized for immediate completion by SB 1604. Therefore, the licensing actions have not been completed and there is no “average processing time” for comparison.

permit in 120 days. The average time for a full permit is 450 days. The underground injection control general permit, issued in December 2009,

authorizes the use of Class I injection wells to dispose of nonhazardous brine from desalination operations or nonhazardous drinking water treat-

ment residuals. This should expedite the processing of authorizations.

Develop an electronic payment system in coordination with

Texas.gov (formerly TexasOnline) website so that TCEQ customers can pay any invoiced fee and most permit application fees online. During FYs 2009 and 2010, the agency’s ePay system processed about 41,400 fee payments and collected a total of \$9.6 million in fees. Modifications were made in March 2010 to incorporate TCEQ ePay and payment

information collected on the Texas.gov pages into a common checkout page. The changes also provided additional security and allowed for a more seamless integration between the TCEQ and the Texas.gov portal.

Maintain an expedited permitting process for all economic development projects. In addition to the standard permit processing

time-frame goals, the TCEQ maintains an expedited permitting process for economic development projects. TCEQ staff meets each week with the Governor’s Office of Economic Development and Tourism to prioritize economic development projects. During fiscal 2010, the TCEQ tracked and issued 25 permits for major economic development projects.



The Texas border with Mexico