APPENDIX B

Permit Time-Frame Reduction and Tracking

The Texas Commission on Environmental Quality is charged with issuing permits and other authorizations for controlling air pollution, managing hazardous and nonhazardous waste and surface water, protecting water quality and safe and adequate drinking water, remediating soil and groundwater, and safely operating in situ mines.

Texas Government Code 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 average 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 as efficiently as possible. The TCEQ's Permit Time-Frame Tracking process focuses not only on establishing time frames for processing permits, but also on establishing goals for adhering to the time frames. The goal in most program areas is to review 90 percent of all permit applications within the established time frames.

Each type of TCEQ authorization tracked within this process is prioritized as follows:

- **Priority 1**. These projects require agency action before applicants may begin operations. This category includes uncontested applications for new permits and for amendments to existing permits requesting changes from current permit requirements.
- **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 to continue under existing permit conditions.

The time-frame goals, or "target maximums," established by the agency for processing each type of permit vary by program area and by environmental media.

Figures B-1 through B-6 show the status of Priority 1 and Priority 2 projects at the end of fiscal 2016 in the following categories:

- air permits
- waste permits
- water quality permits
- water right permits
- water supply authorizations
- radioactive material licenses
- permits and authorizations for underground injection control (UIC)

Excluded from the data are projects that were contested or that involved significant review or approval outside of the TCEQ—such as obtaining EPA approval—that can significantly slow down the application processing times.

Air Permitting met the goal to review 90 percent of all permit applications within the established time frames despite a historically high number of applications received over the last three years.

Water Rights Permitting did not meet the goals, due to the severe drought conditions that continued through 2015. The continued drought required a focus on priority-call responses, complex drought-related permit applications, and other drought-related activities, which resulted in a backlog of applications.

Greater Efficiencies

The agency has identified several measures that will help to streamline the permitting process, improving efficiencies and reducing paperwork requirements. Some of those measures are described as follows.

Expand options for applicants for online permitting, notification, and payment.

The TCEQ's e-permitting options allow applicants to apply for a permit online and receive authorization within minutes. This feature, which went online in 2008, makes it easier for the agency to add more applications. The TCEQ continues to offer fee incentives for water quality general permits obtained through the e-permitting system.

In fiscal 2015-2016, the Air Permitting program added options that allow online submission of all permit-by-rule applications and certain standard permit applications. Additionally, an "auto-issue" feature was added for other specific permit-by-rule authorizations. It results in an automatic registration letter after the application is completed appropriately.

The e-permitting system has helped with Air Permitting's workload. With similar staffing, the number of completed projects submitted online grew from 2 in fiscal 2013-2014 to 2,049 in fiscal 2015-2016. Twenty percent of completed New Source Review projects in FY16 were completed automatically through e-permitting with same-day response.

And for fee collection, during fiscal 2015 and 2016, the agency's e-Pay system processed about 64,900 fee payments and collected about $24 million in fees.

Implement targeted initiatives within permitting programs.

Waste Permits:

- Holding pre-application meetings
- Checklists and forms to facilitate more consistent and complete applications
- Updates on pending applications posted to the TCEQ website to inform stakeholders

Radioactive Material Licenses and UIC Permits:

- Working with federal counterparts to streamline approvals of Aquifer Exemptions
- Holding pre-application and post-application meetings to ensure a better understanding of TCEQ rules and procedures

Water-Right Permits:

- Updating application forms and documents
- Holding pre-application meetings to facilitate more complete applications
- Making changes to the internal review process for applications requiring limited technical review and creating a new team to expedite them
- Implementing form return and extension policies for applications

Water Quality:

- Using university contractors for minor permit writing, data entry, and for expediting review of stormwater notices of intent, and stormwater management programs for over 500 systems
- Modifying policies and procedures to resolve longstanding EPA objections related to whole effluent toxicity, pH and temperature that had delayed permit issuance

Air Permits:

- Enhancing administrative review to address application deficiencies, reduce erroneous public notices, and thereby improve the technical review process
- Providing draft Title V operating permits online, instead of sending by e-mail, which allows broader access and reduces paper
- Developing readily available permits for specific types of facilities

Expand the options for more standardized permitting through the use of general permits, standard permits, and permits by rule.

The TCEQ offers over 20 types of standard permits in the Air Permitting program; 13 general permits in its Water Quality program; six permits by rule and three registrations by rule in the Waste Permitting program; and one general permit in the UIC program. The continued use of these authorizations has helped to reduce the time frames for processing permits.

Maintain an expedited permitting process for all economic-development projects.

In addition to the time-frame goals for processing standard permits, the TCEQ maintains an expedited permitting process for economic-development projects. TCEQ personnel meet regularly with the Governor's Office of Economic Development and Tourism to prioritize these types of projects. During fiscal 2015 and 2016, the TCEQ tracked and issued 32 permits for major economic-development projects.

Figure B-1

Air Permits (Uncontested) Processing Times

Application Type	Received in FY15 and FY16	Processed in FY15 and FY16	Exceeding Target as of 8/31/16	Minimum Processing Time	Maximum Processing Time	Average Processing Time (Days)	Target Maximum
Priority 1							
New Source Review (NSR) New Permits	273	293	40	18	1,626	335	285
New Source Review Amendments	992	867	145	1	1,551	306	315
NSR New Permits – Federal Timeline	4	18	2	206	953	523	365
NSR Amendments – Federal Timeline	4	14	2	261	637	447	365
Federal New Source Review (Prevention Significant Deterioration, Nonattainment, 112g) New & Major Modifications	137	136	32	14	1,009	368	365
Permits by Rule	12,518	12,793	71	1	795	58	45
Standard Permits (w/o public notice), Changes to Qualified facilities (SB1126) & relocations	3,132	3,217	18	1	1,506	49	45
Standard Permits (with public notice)	133	128	0	12	146	81	150
Standard Permits for Concrete Batch Plants (with public notice)	337	356	0	14	349	104	195
Priority 1 Totals	17,530	17,822	310				
Priority 2							
New Source Review Alterations & Other Changes	801	796	20	1	864	75	120
New Source Review Renewals	1,267	1,164	207	13	1,519	222	270
New Site Operating Permits (SOP)	99	66	12	231	1,457	467	365
Site Operating Permit Revisions	478	398	46	29	2,495	242	365
Site Operating Permit Renewals	438	423	79	223	1,471	400	365
New General Operating Permits (GOP)	67	71	9	47	770	142	120
General Operating Permit Revisions	221	196	11	50	637	149	330
General Operating Permit Renewals	142	102	10	22	1,146	166	210
Priority 2 Totals	3,513	3,216	394				
Overall Totals	21,043	21,038	704				

Figure B-2

Waste Permits (Uncontested) Processing Times

Application Type	Received in FY15 and FY16	Processed in FY15 and FY16	Exceeding Target as of 8/31/16	Minimum Processing Time	Maximum Processing Time	Average Processing Time (Days)	Target Maximum
Priority 1							
IHW New Permits*	3	0	0	N/A	N/A	N/A	450
IHW Class 3 Modifications	18	11	1	72	462	287	450
IHW Major Amendments	1	0	0	N/A	N/A	N/A	450
MSW New Permits	16	13	0	46	245	135	360
MSW Major Amendments	15	17	0	47	375	243	360
MSW Registered Transfer Stations	4	10	0	186	232	205	230
MSW Registered Liquid Waste Processor	2	1	0	242	242	242	230
Priority 1 Totals	59	52	1				
Priority 2							
IHW Renewals	26	30	7	72	978	508	450
Priority 2 Totals	26	30	7				
Overall Totals	85	82	8				

** No IHW new permits or major amendments were processed (completed) during the biennium and minimum, maximum, and average processing times have not been calculated.*

From Sept. 1, 2014 through Aug. 31, 2016, the TCEQ processed to a final decision 41 industrial and hazardous waste (IHW) and 41 municipal solid waste (MSW) authorizations. As shown in Figure B-2, the average processing time for these applications ranged from 135 days to 508 days. These average times were within their respective targets, with the exception of IHW renewal and MSW registered liquid-waste processor applications. All average times were lower than the previous biennium except for MSW registered liquid-waste processor applications.

Initiatives to streamline applications and reduce review times include pre-application meetings with the regulated community, checklists and forms to facilitate more consistent and complete applications, updates for pending applications on the TCEQ website to inform stakeholders, and resolving minor issues and minor application deficiencies through phone calls or emails.

Figure B-3

Water Quality Permits (Uncontested) Processing Times

Application Type	Received in FY15 and FY16	Processed in FY15 and FY16	Exceeding Target as of 8/31/16	Minimum Processing Time	Maximum Processing Time	Average Processing Time (Days)	Target Maximum
Priority 1							
New Permits (Major Facilities)	1	3	0	365	365	365	330
Major Amendments (Major Facilities)	58	78	7	196	1,283	410	330
New Permits (Minor Facilities)	200	172	3	131	2,170	295	330
Major Amendments (Minor Facilities)	154	151	7	140	876	322	300
Sludge Registrations	44	41	1	32	498	128	270
Priority 1 Totals	457	445	18				
Priority 2							
Renewal Major Facilities	208	238	10	175	1,270	303	330
Renewal Minor Facilities	1,013	1,039	11	126	1,947	248	300
Priority 2 Totals	1,221	1,277	21				
Overall Totals	1,678	1,722	39				

Figure B-4

Water Rights Permits (Uncontested) Processing Times

Application Type	Received in FY15 and FY16	Processed in FY15 and FY16	Exceeding Target as of 8/31/16	Minimum Processing Time	Maximum Processing Time	Average Processing Time (Days)	Target Maximum
Priority 1							
Water Rights New Permits	57	71	78	97	2,476	728	300
Water Rights Amendments w/Notice	43	47	63	125	2,839	845	300
Water Rights Requiring Notice Review Pursuant to Work Session	55	32	52	159	1,809	828	300
Water Rights Amendments without Notice, Rio Grande Watermaster Area	58	51	8	48	1,229	331	180
Water Rights Amendments without Notice, Outside Rio Grande Watermaster Area	40	41	3	6	998	159	180
Priority 1 Totals	253	242	204				

Figure B-5

Water Supply Permits (Uncontested) Processing Times

Application Type	Received in FY15 and FY16	Processed in FY15 and FY16	Exceeding Target as of 8/31/16	Minimum Processing Time	Maximum Processing Time	Average Processing Time (Days)	Target Maximum
Priority 1							
Water District Expedited Bond Applications	194	214	0	17	114	59	60
Water District Regular Bond Applications	180	264	3	7	331	152	180
Water District Expedited Escrow Releases & Surplus Fund Requests	100	130	0	10	105	52	60
Water District Regular Minor Applications	270	346	1	1	173	56	120
Water District Expedited Creation Applications	9	9	1	110	180	144	120
Water District Regular Creations & Conversions	16	17	5	114	352	196	180
Water Engineering Plan Reviews	4,310	4,123	1	1	111	53	60
Exceptions	2,132	2,172	1	1	189	75	100
Alternative Capacity Requirements	140	141	0	13	90	73	90
Priority 1 Totals	7,351	7,416	12				

From Sept. 1, 2015 through Aug. 31, 2016, the TCEQ's Water Supply Permitting program completed reviews for 7,416 applications and authorizations. As shown in Table B-5, the average processing time for the applications and authorizations completed during fiscal 2015 and 2016 ranged from 52 to 196 days. Of the total number of applications and authorizations processed, 99 percent met target timeframes.

Severe drought conditions over the last five years, as well as growing population trends, have resulted in public water systems considering new water resources and innovative and alternate treatment technologies.

Public water systems continue to experience water supply shortages and the requests for emergency authorizations and exceptions that require expedited technical and engineering reviews are increasing. The Water Supply program expedited many reviews to allow public water systems to receive funding and meet health-based drinking water quality regulations.

Figure B-6

Radioactive Materials Permits (Uncontested) Processing Times

Application Type	Received in FY15 and FY16	Processed in FY15 and FY16	Exceeding Target as of 8/31/16	Minimum Processing Time	Maximum Processing Time	Average Processing Time (Days)	Target Maximum
Priority 1							
Uranium Radioactive Material License Initial Issuance	1	0	0	N/A	N/A	N/A	885
Low-Level Radioactive Waste, Radioactive Material License Initial Issuance	0	0	0	N/A	N/A	N/A	990
Underground Injection Control New Permits	4	14	0	316	682	362	390
Underground Injection Control General Permits	0	0	0	N/A	N/A	N/A	60
Underground Injection Control Permit Major Amendments	12	11	0	261	552	331	390
Underground Injection Control Class III Production Area Authorizations	0	1	0	552	552	552	390
Underground Injection Control Class I Pre-Injection Unit Registrations	1	2	0	398	520	459	390
Priority 1 Totals	18	28	0				
Priority 2							
Uranium Radioactive Material License Renewals	0	0	3	N/A	N/A	N/A	885
Uranium Radioactive Material License Major Amendments	1	3	1	503	701	610	885
Uranium Radioactive Material License Minor Amendments	3	3	0	95	610	300	230
Low-Level Radioactive Waste, Radioactive Material License Renewals	0	0	2	N/A	N/A	N/A	990
Low-Level Radioactive Waste, Radioactive Material License Major Amendments	0	0	0	0	0	0	990
Low-Level Radioactive Waste, Radioactive Material License Minor Amendments	2	2	0	95	227	161	230
Underground Injection Control Permit Renewals	57	34	14	172	793	383	390
Underground Injection Control Class V Authorizations	163	175	2	2	671	42	60
Priority 2 Totals	226	217	22				
Overall Totals	244	245	22				

N/A: No permit action was completed within fiscal 2015-16.

In addition to the targeted initiatives to help streamline applications and reduce review times, Radioactive Materials permitting also conducted more meetings with applicants throughout the permitting and licensing process to ensure better understanding of regulations, forms, and procedures, and resolved minor issues and minor application deficiencies through phone calls or e-mails.

Additional Information:

Activity among Texas uranium producers has been slow because of the depressed uranium market. Several factors have contributed to this market status: a global oversupply of uranium, heightened safety and environmental concerns after the Fukushima nuclear power plant accident, and the premature closing of U.S. nuclear power plants because of the global availability of cheaper sources of energy. The TCEQ is currently processing an application for a radioactive material license authorizing uranium production.

Definitions for Tables

Number Received – The number of applications/permits/amendments received.

Number Processed – The number of applications/permits/amendments completed.

Exceeding Target – The total pending applications/permits/amendments exceeding agency target WITHOUT exceptions.

Minimum Processing Time (Days) – The minimum processing time of applications/permits/amendments WITHOUT exceptions.

Maximum Processing Time (Days) – The average processing time of applications/permits/amendments WITHOUT exceptions.

Average Processing Time (Days) – The average processing time of applications/permits/amendments WITHOUT exceptions.

Target Maximum – The maximum days allowed for processing the specific applications/permits/amendments.