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 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 changes to application and paperwork requirements.

Permit Time Frame Tracking

One of the agency's primary goals is to issue well-written permits that protect human health and the environment, and to do so as efficiently as possible. TCEQ's Permit Time Frame Tracking process focuses on establishing time frames for processing permits and goals for adhering to those time frames. The goal in most program areas is to review 90% of all permit applications within the established time frames. Air Permitting has a goal to review 75% of all permit applications with 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. Amendment applications request 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 2020 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 TCEQ—such as obtaining U.S. Environmental Protection Agency (EPA) approval—that can significantly slow down application processing times.

Three permitting areas met their time frame goals:

- Air Permitting reviewed 75% of all permit applications within the established time frames despite an increase in applications that were more complex and required more time to review and issue.
- Water Quality Permitting reviewed 90% (within the 5% measure allocation) of all permit applications within established time frames while also resolving long standing permit applications not subject to permit processing time frames (for example, resolving long-standing EPA objections).
- Waste Permits reviewed 90% of all applications within established time frames.

Water Rights Permitting did not meet the time frame goals. Severe drought conditions that continued through 2015 required a focus on drought response, resulting in a backlog of applications. From fiscal 2016 to 2020, Water Rights Permitting reduced the number of pending water rights applications by approximately 53%. This reduction paves the way for the program area to focus on processing applications that currently exceed time frames.

Greater Efficiencies

The agency has identified several ways to streamline the permitting process, improving efficiencies and reducing paperwork requirements. Some of those measures are described below.

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

TCEQ's e-permitting options allow applicants to apply for a permit online and receive authorization within minutes. TCEQ has offered e-permitting, along with specific fee incentives, since 2008 and has implemented requirements for obtaining authorizations electronically for the large categories of stormwater general permits unless waivers are obtained.

In fiscal 2018, the Air Permitting program began requiring all permits by rule (PBR) applications to be submitted through the e-permitting system. Between fiscal 2019 and 2020, the Air Permitting program

expanded e-permitting to allow case by case new source review (NSR) and all standard permit applications be submitted through the e-permitting system.

The ePermits system has helped with Air Permitting's workload. With similar staffing, the number of completed projects submitted online significantly increased—10,814 between fiscal 2019 and 2020. During the same time period, the Air Permitting program completed 38% of NSR projects automatically through e-permitting with same-day response.

And for fee collection, during fiscal 2019 and 2020, the agency's e-Pay system processed over 80,000 fee payments and collected about $39 million in fees.

Implement targeted initiatives within permitting and authorization programs

Waste Permits:

- Holding pre-application meetings.
- Improving checklists, forms, and guidance documents to facilitate more consistent and complete applications.
- Consolidating application review processes to improve turnaround times.
- Implementing a LEAN Management system to improve processes.

Radioactive Material Licenses and UIC Permits:

- Holding pre-application meetings and communicating with the applicants during the permit review process to ensure a better understanding of TCEQ rules and procedures.
- Developing new and revised standard operating procedures and checklists for staff efficiency and consistency; also developing a quick reference guide for staff that includes a list of program specific rules and regulations.
- Streamlining the regulation for pre-injection units (PIU) associated with injection wells by removing redundant requirements for registering or permitting PIUs under 30 TAC Chapter 331.

Water-Rights Permits:

- Implementing LEAN Management for processing water rights permits.
- Establishing a separate, streamlined permitting process for specific applications that have no impact on other water rights or the environment (certain changes to the purpose of use, place of use, and location of diversion points), as provided for by House Bill 1964, 86th Legislature.
- Holding pre-application meetings to facilitate more complete applications.
- Revising forms, standard operating procedures, guidance, checklists, and templates to support smoother application processing.
- Continuing to implement extension and return policies.

Water Quality:

- Holding pre-application meetings to facilitate more complete applications.
- Working with applicants to achieve efficient publishing of public notices.
- Working to resolve significant policy and technical issues in permitting.
- Obtaining delegated authority to issue wastewater discharge permits for oil and gas facilities.

Water Supply:

- Holding pre-application meetings and providing checklists, guidance, and forms to facilitate more consistent and complete applications.
- Using an electronic submission process and updating the internal process to expedite review.

Air Permits:

- Developing electronic guidance tools and workbooks to improve application quality.
- Streamlining the internal review process for NSR applications so that administrative and technical reviews are conducted simultaneously and deficiencies are identified earlier in the process.
- Creating checklists to facilitate more consistent and complete internal reviews.
- Expanding the ePermits system to include case by case NSR permit applications and all standard permits applications, which were previously not available.
- Implementing changes to Title V permits to incorporate PBR requirements using a new PBR Supplemental Table with applications.
- Developing additional readily available permits (RAP) for specific types of facilities. TCEQ currently has four RAPs.

Expand the options for more standardized permitting by using general permits, standard permits, and PBRs

TCEQ offers over 20 types of standard permits, 104 PBRs, and six general operating permits (GOP) in the Air Permitting program; 13 general permits in its Water Quality program; six PBRs and three registrations by rule in the Waste Permitting program; and one general permit in the UIC program. Continuing to use these authorizations has reduced the time frames for processing permits.

Maintain an expedited permitting and authorization process for all economic-development projects

In addition to the time frame goals for processing standard permits, 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 2019 and 2020, TCEQ tracked and issued eight permits for major economic-development projects.

From Sept. 1, 2018 through Aug. 31, 2020, TCEQ processed to a final decision 33 industrial and hazardous waste (IHW) and 44 municipal solid waste (MSW) authorizations. As shown in Figure B-2, the average processing time for these applications ranged from 147 days to 433 days. These average times were within their respective targets.

In addition to the targeted initiatives to streamline applications and reduce review times, the Office of Waste continues to resolve minor issues and minor application deficiencies through phone calls and emails.

From Sept. 1, 2018 through Aug. 31, 2020, TCEQ's Water Supply Authorization program completed reviews for 8,266 applications and authorizations. As shown in Table B-5, the average processing time for the applications and authorizations completed during fiscal 2019 and 2020 ranged from 49 to 255 days.

Growth and development in the state has increased expedited bond application reviews. The Water Supply Division created a districts stakeholder workgroup to identify efficiencies and streamline the districts bond application process. The Districts Advisory Workgroup provides an open forum to discuss TCEQ's water district processes and procedures.

The Radioactive Materials Division met and communicated with applicants during the permitting and licensing process to improve their understanding of agency regulations, forms, and procedures. This allowed for a more streamlined resolution of application deficiencies and issues.

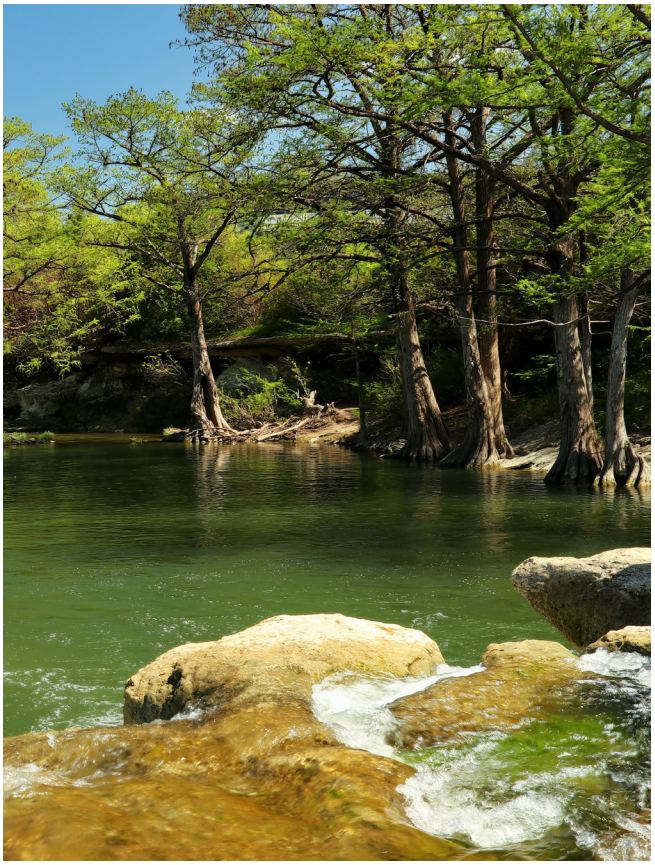

Figure B-1. Air Permits (Uncontested) Processing Times

Application Type	Received in FY19 and FY20	Processed in FY19 and FY20	Exceeding Target as of 8/31/20	Minimum Processing Time	Maximum Processing Time	Average Processing Time (Days)	Target Maximum
Priority 1							
NSR New Permits	162	227	2	42	2,711	321	285
NSR Amendments	650	914	26	2	2,536	372	315
NSR New Permits – Federal Timeline	15	22	1	91	504	344	365
NSR Amendments – Federal Timeline	59	56	6	51	1,185	399	365
Federal NSR (Prevention Significant Deterioration, Nonattainment, 112g) New & Major Modifications	99	119	7	8	2,264	404	365
PBRs	7,696	7,780	1	1	358	17	45
Standard Permits (w/o public notice), Changes to Qualified Facilities (SB1126) & Relocations	3,572	3,575	0	1	731	10	45
Standard Permits (with public notice)	144	140	0	13	167	87	150
Standard Permits for Concrete Batch Plants (with public notice)	373	370	0	1	199	84	195
Priority 1 Totals	**12,770**	**13,203**	**43**				
Priority 2							
NSR Alterations & Other Changes	864	859	0	1	1,680	56	120
NSR Renewals	452	670	21	2	3,098	423	270
New Site Operating Permits (SOP)	64	82	3	117	2,093	596	365
SOP Revisions	453	588	17	1	3,979	428	365
SOP Renewals	360	407	27	97	3,686	503	365
New General Operating Permits (GOP)	90	109	0	43	391	112	120
GOP Revisions	142	173	0	1	237	157	330
GOP Renewals	98	83	0	25	342	138	210
Priority 2 Totals	**2,523**	**2,971**	**68**				
Overall Totals	**15,293**	**16,174**	**111**				

Figure B-2. Waste Permits (Uncontested) Processing Times

Application Type	Received in FY19 and FY20	Processed in FY19 and FY20	Exceeding Target as of 8/31/20	Minimum Processing Time	Maximum Processing Time	Average Processing Time (Days)	Target Maximum
Priority 1							
IHW New Permits	2	3	0	416	416	416	450
IHW Class 3 Modifications	8	7	0	246	424	351	450
IHW Major Amendments	0	0	0	N/A	N/A	N/A	450
MSW New Permits	15	12	0	16	273	147	360
MSW Major Amendments	25	25	0	8	357	186	360
MSW Registered Transfer Stations	4	7	0	123	223	176	230
MSW Registered Liquid Waste Processor	0	0	0	N/A	N/A	N/A	230
Priority 1 Totals	**54**	**54**	**0**				
Priority 2							
IHW Renewals	22	23	1	38	1542	433	450
Priority 2 Totals	**22**	**23**	**1**				
Overall Totals	**76**	**77**	**1**				

Figure B-3. Water Quality Permits (Uncontested) Processing Times

Application Type	Received in FY19 and FY20	Processed in FY19 and FY20	Exceeding Target as of 8/31/20	Minimum Processing Time	Maximum Processing Time	Average Processing Time (Days)	Target Maximum
Priority 1							
New Permits (Major Facilities)	1	0	0	0	0	0	330
Major Amendments (Major Facilities)	70	56	24	224	3321	498	330
New Permits (Minor Facilities)	172	141	11	133	713	314	330
Major Amendments (Minor Facilities)	111	123	10	184	1,417	344	300
Sludge Registrations	92	71	7	35	433	175	270
Priority 1 Totals	**446**	**391**	**52**				
Priority 2							
Renewal Major Facilities	227	265	25	148	2,420	351	330
Renewal Minor Facilities	870	892	23	131	976	254	300
Priority 2 Totals	**1,097**	**1,157**	**48**				
Overall Totals	**1,543**	**1,548**	**100**				

Figure B-4. Water Rights Permits (Uncontested) Processing Times

Application Type	Received in FY19 and FY20	Processed in FY19 and FY20	Exceeding Target as of 8/31/20	Minimum Processing Time	Maximum Processing Time	Average Processing Time (Days)	Target Maximum
Priority 1							
Water Rights New Permits	83	72	48	10	3,190	625	300
Water Rights Amendments w/Notice	62	51	35	97	3,515	1,015	300
Water Rights Requiring Notice Review Pursuant to Work Session	2	25	8	295	2,373	1,104	300
Water Rights Amendments without Notice, Rio Grande Watermaster Area	40	46	2	82	1,418	290	180
Water Rights Amendments without Notice, Outside Rio Grande Watermaster Area	21	23	1	20	812	198	180
Priority 1 Totals	**208**	**217**	**94**				

Figure B-5. Water Supply Reviews/Authorizations Processing Times

Application Type	Received in FY19 and FY20	Processed in FY19 and FY20	Exceeding Target as of 8/31/20	Minimum Processing Time	Maximum Processing Time	Average Processing Time (Days)	Target Maximum
Priority 1							
Water District Expedited Bond Applications	409	341	0	4	118	53	60
Water District Regular Bond Applications	271	331	4	4	867	167	180
Water District Expedited Escrow Releases & Surplus Fund Requests	150	129	0	2	91	49	60
Water District Regular Minor Applications	237	278	0	8	428	56	120
Water District Expedited Creation Applications	30	16	0	93	201	130	120
Water District Regular Creations & Conversions	27	25	5	89	1,249	255	180
Water Engineering Plan Reviews	4,727	4,679	0	0	89	55	60
Exceptions	2,375	2,291	0	0	188	86	100
Alternative Capacity Requirements	173	176	0	53	107	80	90
Priority 1 Totals	**8,399**	**8,266**	**9**				

Figure B-6. Radioactive Materials Permits (Uncontested) Processing Times

Application Type	Received in FY19 and FY20	Processed in FY19 and FY20	Exceeding Target as of 8/31/20	Minimum Processing Time	Maximum Processing Time	Average Processing Time (Days)	Target Maximum
Priority 1							
Uranium Radioactive Material License Initial Issuance	0	1	1	N/A	1618	1618	885
Low-Level Radioactive Waste, Radioactive Material License Initial Issuance	0	0	N/A	N/A	N/A	N/A	990
UIC New Permits	0	2	N/A	N/A	N/A	N/A	390
UIC General Permit Notice of Registration	0	0	0	N/A	N/A	N/A	60
UIC Permit Major Amendments	3	3	0	280	280	280	390
UIC Class III Production Area Authorizations	1	1	0	34	34	34	90
UIC Class I Pre-Injection Unit Registrations	1	1	N/A	N/A	N/A	N/A	390
Priority 1 Totals	**5**	**8**	**1**				
Priority 2							
Uranium Radioactive Material License Renewals	1	0	N/A	N/A	N/A	N/A	885
Uranium Radioactive Material License Major Amendments	0	1	0	690	690	690	885
Uranium Radioactive Material License Minor Amendments	0	0	N/A	N/A	N/A	N/A	230
Low-Level Radioactive Waste, Radioactive Material License Renewals	0	0	N/A	N/A	N/A	N/A	990
Low-Level Radioactive Waste, Radioactive Material License Major Amendments	0	0	N/A	N/A	N/A	N/A	990
Low-Level Radioactive Waste, Radioactive Material License Minor Amendments	5	4	1	70	301	176	230
UIC Permit Renewals	38	20	4	272	1116	756	390
UIC Class V Authorizations	253	251	19	0	236	26	60
Priority 2 Totals	**297**	**276**	**24**				
Overall Totals	**302**	**284**	**25**				

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.