

Texas Commission on Environmental Quality Fact Sheet - Air Permitting

Any person who plans to construct a new facility or engage in the modification of an existing facility, which emits air contaminants into the atmosphere, shall obtain authorization from the Texas Commission on Environmental Quality (TCEQ). The list of potential air quality authorizations are as follows:

De Minimis Facilities/Sources - Facilities/sources that meet the conditions of 30 Texas Administrative Code (TAC) § 116.119(a) are considered de minimis and do not have to obtain any registration or authorization prior to construction.

Permit by Rule Authorizations - If the operation emits less than 250 tons per year (tpy) of carbon monoxide (CO) or nitrogen oxides (NO_x); or 25 tpy of volatile organic compounds (VOC) or sulfur dioxide (SO₂) or inhalable particulate matter (PM); or 15 tpy of particulate matter with diameters of 10 microns or less (PM₁₀); or 10 tpy of particulate matter with diameters of 2.5 microns or less (PM_{2.5}); or 25 tpy of any other air contaminant except carbon dioxide, water, nitrogen, ethane, hydrogen, oxygen, and, unless there is a specific provision in an individual PBR to the contrary, greenhouse gases (GHGs), then the operation may qualify for permit-by-rule (PBR) requirements. The general requirements and specific PBRs are found in 30 TAC Chapter 106. There are 108 individual PBRs that may be claimed or registered. Note that the facility must meet all the established PBR requirements to claim a PBR.

Standard Permits - Standard permits are authorized under 30 TAC Chapter 116, Subchapter F and are available for the following project types: anhydrous ammonia storage and distribution; animal carcass incinerators; boilers; concrete batch plants; concrete batch plants with enhanced controls; cotton gins and cotton burr tub grinders; dry bulk fertilizer handling; electric generating units; feedmills, portable augers, and hay grinders; grain elevator/grain handling and portable grain augers; peanut-handling; municipal solid waste landfills; oil and gas facilities; pollution control projects; sawmills; temporary and permanent rock and concrete crushers; temporary and permanent hot mix asphalt plants; and temporary and permanent polyphosphate blenders. Owners/operators with facilities that meet the established standard permit criteria may qualify for a standard permit.

New Source Review (NSR) Permits - Owners/operators with facilities that do not qualify for PBRs or standard permits can submit an NSR case-by-case permit application (30 TAC Chapter 116). After receiving a complete application, the TCEQ staff will begin the administrative and technical review. During the administrative review, staff will determine if public notice is required and if so, will send the applicant the public notice package for publication and posting of signs. The publication starts a 30-day comment period. The technical review primarily relates to source identification and air emission quantification, analysis of the off-property health impacts of those emissions, determination of best available control technology, and applicability of any source category or emission-based state and federal regulations. The applicant may also be required to publish a second public notice and posting of signs around the proposed facility location for an additional 30-day comment period.

Flexible Permits - A flexible permit allows an owner/operator more flexibility in managing the operations by staying under an overall emissions cap or individual emission limitation. The owner/operator is allowed to structure the flexible permit to best serve their needs. Flexible permits follow the same permitting requirements discussed above for NSR permits.

Nonattainment Permits - If the facility is located in a nonattainment area designated by the U.S. Environmental Protection Agency, additional permitting requirements may apply. In addition to the requirements discussed above for NSR permits, nonattainment permit review is required if the facility has emissions above the major source and significant thresholds for the specific county designated as nonattainment. Nonattainment permitting requires the installation of the lowest achievable emission rate control technology and the acquisition of emission reductions to offset the proposed emissions increases.

Prevention of Significant Deterioration (PSD) Permits - If the new facility is a major stationary source (or construction is a major modification) located in attainment or unclassifiable area, a PSD permit will be required. In addition to the requirements discussed above for NSR permits, the PSD review will require additional

modeling. If emissions of GHGs from new construction or major modification do not meet or exceed the thresholds in 30 TAC § 116.164(a)(1) or (a)(2), no authorization for those GHG emissions is required.

Title V Federal Operating Permits - If the facility is major, per 30 TAC Chapter 122, the owner/operator of the facility must submit an abbreviated Title V permit application before the start-up. The TCEQ shall inform the applicant in writing of the deadline for submitting the remaining information. Submittal of a Title V permit application will not affect the start-up of the facility.

The following additional guidance is available at the following web addresses:

Before You Build: www.tceq.texas.gov/permitting/air/newsourcereview/before.html

Types of NSR Authorizations: www.tceq.texas.gov/permitting/air/guidance/authorize.html

Keyword Index to Air Permits by Rule: www.tceq.texas.gov/permitting/air/permitbyrule/pbr_index.html

Index of Common Permitted Facilities:

www.tceq.texas.gov/permitting/air/guidance/newsourcereview/nsr_fac_index.html

Public Notice Requirements: www.tceq.texas.gov/permitting/air/bilingual/how1_2_pn.html

New Source Review Application Tools: www.tceq.texas.gov/permitting/air/guidance/newsourcereview/nsrapp-tools.html

Fact Sheet - PSD and Nonattainment:

www.tceq.texas.gov/assets/public/permitting/air/factsheets/factsheet-psd-na-6241.pdf

Fact Sheet - PSD and Nonattainment Significant Emissions:

www.tceq.texas.gov/assets/public/permitting/air/factsheets/factsheets-psd-na-sigemiss-6240.pdf

Complying with an Air Permit: www.tceq.texas.gov/permitting/air/newsourcereview/after.html

Air Permitting Target Time Frames

Project Type	Issuance (Days)
Permits By Rule	45
Standard Permits (w/o public notice), Changes to Qualified Facilities (SB1126) and relocations	45
Standard Permits (with public notice)	150
Standard Permits for Concrete Batch Plants (with public notice)	195
New Source Review (NSR) New Permits	285
New Source Review Alterations and other changes	120
New Source Review Amendments	315
New Source Review Renewals	270
Federal New Source Review (Prevention of Significant Deterioration, Nonattainment, 112g, PAL) New and Major Modifications	365
Title V Federal Operating Permits - New Site Operating Permit (SOP)	365
Title V Federal Operating Permits - Site Operating Permit Revision	365
Title V Federal Operating Permits - Site Operating Permit Renewal	365
Title V Federal Operating Permits - New General Operating Permit (GOP)	120
Title V Federal Operating Permits - General Operating Permit Revision	330
Title V Federal Operating Permits - General Operating Permit Renewal	210

Note: All the listed issuance time frames are target goals.