



Language Access and Public Participation

Notices to the Public About Pending Permit Applications under Title 30 Texas Administrative Code (30 TAC) Section 39.426

Public Notice Requirement

What Types of Permit Applications Require Public Notice under 30 TAC Chapter 39?

TCEQ requires notice to the public of applications for new air, water, or waste permits that would authorize new facilities or regulated activities, as well as applications to amend, modify, or renew existing permits.

- When a permit application has been reviewed for all application requirements and is declared administratively complete, TCEQ requires the applicant to publish a Notice of Receipt of Application and Intent to Obtain Permit (NORI, or “first notice”).
- When a permit application has been technically reviewed for all regulatory and statutory requirements and the draft permit is complete, TCEQ requires the applicant to publish a Notice of Application and Preliminary Decision (NAPD, or “second notice”).
- Some permits, such as Concrete Batch Plant Standard Permit registrations, have a single consolidated notice.

Applicability of TCEQ’s Alternative Language Requirements

When Do TCEQ’s Alternative Language Requirements Apply to Notices?

When a permit applicant is required to publish notice about a pending permit application under 30 TAC Chapter 39, TCEQ’s alternative language requirements apply to the notice if the elementary or middle school nearest to a proposed facility is required to have a bilingual education program and 1) students are enrolled in the program at that school, 2) students from that school attend a bilingual education program at another location, or 3) the school is required to have such a program but has qualified for an exception. Under this rule, alternative language requirements do not apply if the school has an English as a second language (ESL) program.

For information on the difference between bilingual education programs and ESL programs, please visit the Texas Education Agency's webpage, [Bilingual and English as a Second Language Education Program](#)¹.

TCEQ's alternative language requirements also apply if the TCEQ Executive Director determines that notice in an alternative language is necessary to provide affected communities proper notice and meaningful access to TCEQ's permitting process.

Alternative Language Notices Published in Newspapers

Where Can I Find Alternative Language Public Notices About Permit Applications?

Alternative language public notices about permit applications, such as a NORI or a NAPD, can be found in a newspaper that is published primarily in the alternative language and circulated in the county or municipality where the facility proposed in the application would be located.

If Notice is Not Published in an Alternative Language Newspaper in My Area, Can I Still Receive Notice in an Alternative Language?

Yes. If there is not an alternative language newspaper available in the area and the alternative language notice requirements apply, a translated public notice will be posted on TCEQ's website and mailed out to all individuals on the mailing list.

Public Notices Published on the Internet

Can I Access Alternative Language Public Notices on the Internet?

Yes. Public notices about pending permit applications subject to alternative language requirements are published in the alternative language on TCEQ's website. Also, public notices about permit applications that are published in English include instructions for where on the internet individuals can access the public notice in an alternative language.

Mailing List

How Do I Add My Information to the Mailing List?

Each NORI includes instructions on how an individual can sign up for a mailing list to receive information about a permit application. Anyone who submits public comments, a request for a public meeting, a request for a contested case hearing, or a request for reconsideration of the Executive Director's decision on a permit application will be added to the mailing list to receive future public notices regarding that permit application. Individuals may also join the permanent mailing list for a specific permit

¹ <https://tea.texas.gov/academics/special-student-populations/english-learner-support/bilingual-and-english-as-a-second-language-education-programs>

number or the mailing list for a specific county by specifying which list they want to join and sending a request to the Office of the Chief Clerk at Texas Commission on Environmental Quality, Office of the Chief Clerk, MC 105, P.O. Box 13087, Austin, TX 78711-3087.

Access to Permit Applications and Application Summaries

Are There Summaries of Pending Permit Applications?

For permit applications subject to 30 TAC Chapter 39 and declared administratively complete on or after May 1, 2022, plain language summaries of pending permit applications are made available on TCEQ's website. These summaries can help individuals quickly locate basic information about a pending permit application. These summaries include a description of the function of a proposed facility, expected output of the facility, any expected pollutants that may be emitted or discharged by the facility, and how the applicant will control these pollutants according to TCEQ rules and other relevant statutory requirements made to protect human health and the environment. If an applicant is required to publish alternative language public notice, then a plain language summary of their application will also be translated into the alternative language and posted on TCEQ's website.

Where Can I Access Permit Applications?

Members of the public can copy and review permit applications in a public place, such as a public library, in the county or municipality where the facility proposed in the application would be located. The public location where a permit application is available for the public to review and copy will be named in the public notice for that permit. Applications will also be available to copy and review at the local TCEQ regional office for the proposed facility and at the central TCEQ office in Austin, Texas.

When completed, the TCEQ Executive Director's preliminary decision on the permit application and the draft permit will also be available to the public, along with the permit application, for copying and review at the public location named in the public notice and at the local regional and central TCEQ offices.

Public Meetings

Will Public Meetings Be Interpreted into an Alternative Language?

If members of the public submit comments in an alternative language at least two weeks before a public meeting is scheduled, or if interpretation services would serve significant public interest in the permit application, then the permit applicant is required to have a competent interpreter attend the meeting and provide accurate interpretation services during the meeting. Incompetent interpretation that does not satisfy the rule requirement may make it necessary for the applicant to hold another public meeting with competent alternative language interpretation.

Response to Public Comments

Can I Submit a Comment on a Pending Permit Application in an Alternative Language?

Yes. Public comment in an alternative language can be submitted by mail, online, or at a public meeting.

Members of the public can submit written comments in an alternative language by mail to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC 105, P.O. Box 13087, Austin, TX 78711-3087.

Members of the public can also submit written comments in an alternative language about a pending permit application electronically on the TCEQ website at www.tceq.texas.gov/goto/comment-on-pending.

During public meetings on pending permit applications, there is an informal question and answer session followed by an opportunity for the public to formally state their comments into the official record. Only oral comments stated during the formal comment period of the public meeting will be addressed in the Executive Director's Response to Public Comments. An individual attending a public meeting for a pending permit application can orally provide a comment in an alternative language during the formal comment period of the public meeting. Written comments about the permit application may also be submitted during the public meeting.

Will TCEQ Provide a Response to Public Comments About a Permit Application in an Alternative Language?

When comments are submitted in an alternative language, or when the Executive Director determines that a translated response to comments would serve a significant public interest, TCEQ may provide its written response to comments in an alternative language. TCEQ will consider several factors when making this determination, including the number of comments received in that language, whether the comments are substantive, whether the language is commonly spoken in the community where the proposed facility would be located, whether notice was required to be published in that language, and whether a translated response is necessary for the commenter to fully participate as a member of the public in TCEQ's permitting process.

Anyone who signed up for the mailing list, submitted public comments, requested a public meeting, requested reconsideration of the Executive Director's decision on the permit application, or requested a contested case hearing will receive mailed notice that TCEQ's translated response to comments is available online.

When TCEQ provides a translated response to comments, the Office of the Chief Clerk will also mail a letter in the alternative language that includes instructions for further public participation in TCEQ's permitting process. These instructions will include how to electronically access the Executive Director's decision on the permit application, as well as how to request reconsideration of that decision or a contested case hearing.

Response to Requests for Reconsideration or a Contested Case Hearing

Will TCEQ Provide a Response to a Request for Reconsideration or a Contested Case Hearing About a Permit Application in an Alternative Language?

TCEQ will provide a written response in an alternative language to anyone who submitted timely requests for reconsideration or a contested case hearing in that alternative language.

Commissioners' Agenda

Will TCEQ Provide Notice in an Alternative Language Before Requests for Reconsideration or a Contested Case Hearing are Scheduled for Agenda?

Before the requests for reconsideration or a contested case hearing are scheduled for consideration at a TCEQ Commissioners' Agenda meeting (or "agenda"), the Office of the Chief Clerk will mail notice of the Commissioners' Agenda meeting in an alternative language to all individuals who submitted requests in that alternative language. This notice will include information on how to participate in TCEQ's decision on the requests.

When Are Interpretation Services Used at Agenda?

If there is a timely hearing or reconsideration request submitted in an alternative language, then TCEQ will provide an oral interpretation of the commissioners' consideration of the requests in the alternative language.

Will Written Orders on Hearing Requests Be Translated?

TCEQ will provide a translation of the written order concerning the hearing requests to each individual who submitted a timely hearing request in an alternative language.

Notice of Contested Case Hearings

Will I Receive Notice in an Alternative Language Before a Contested Case Hearing Is Held About a Permit Application?

If the commission refers the application for a contested case hearing at the State Office of Administrative Hearings, then members of the public who submitted a timely hearing request in an alternative language will receive notice of the contested case hearing in an alternative language. Also, for permit applications that require notice to be published in an alternative language, the Office of the Chief Clerk will mail notice of the contested case hearing on the application in the same alternative language to individuals who submitted public comments or requests for reconsideration or a

contested case hearing in an alternative language. These notices will also be posted on TCEQ's website.

Translation Resources

What Resources Can TCEQ Use to Provide Translations?

TCEQ may use any resources available to translate documents into an alternative language, including machine translation.

Where Can I Find Information About the Source of a Translation?

A translated response to comments, response to hearing request, or response to request for reconsideration may include information about the source of the translation, as well as information on how to get answers to any questions about the translation.

Can I Translate a Response to Comments, if TCEQ Does Not Provide a Translation?

When TCEQ determines that translating a response to comments that were submitted in an alternative language is not required or necessary under the rules, the Office of the Chief Clerk will mail out a letter with information in English and in the alternative language on how to use translation tools to translate the response into an alternative language. Translation tools include automatic software systems that provide a translation based on the rules of an alternative language.

What If a Translation Contains an Error?

Any minor error in translation will not prevent, nullify, delay, or otherwise impair the effectiveness of TCEQ permitting decisions or other actions. Substantive errors in translation may require that a notice be re-mailed or re-published. Substantive errors in translation include, but are not limited to, errors in the permit applicant's information, the time or location of meetings, deadlines, log-in information for virtual meetings, and means to obtain more information about the subject of the notice.

Should an error in translation cause a document translated into an alternative language and the English language version of that document to have conflicting meanings, then the English language version will be considered as the original document and as containing the intended meaning.

Where Can I Find Additional Information?

- Find public notices and plain language summaries on pending permits under Title VI at www.tceq.texas.gov/goto/pending-app-info.
- Find out more information about Title VI compliance at TCEQ at www.tceq.texas.gov/goto/title-6.