

Implementation of the Expedited Permitting Program

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Request for Expedited Processing

Title 30 Texas Administrative Code (TAC) Chapter 101, Subchapter J allows an applicant to request the expedited processing of an application filed under 30 TAC Chapters 106, 116, or 122 if the applicant demonstrates that the purpose of the application will benefit the economy of this state or an area of this state. The Texas Commission on Environmental Quality (TCEQ) may expedite these applications, subject to the availability of commission resources for expediting permit applications.

To request expedited processing of an application, the applicant must submit an Expedited Permitting Request Form (Form APD-EXP), the Air Permitting Surcharge Payment Form (Form APD-APS), and the surcharge fee payment. Form APD-EXP can be found on the web at www.tceq.texas.gov/assets/public/permitting/air/Forms/NewSourceReview/20706.pdf. Form APD-APS can be found on the web at www.tceq.texas.gov/assets/public/permitting/air/Forms/NewSourceReview/20707.pdf.

For new applications, please submit the application, a cover letter requesting expedited processing, and the Form APD-EXP to the Air Permits Initial Review Team (APIRT). For pending applications, the applicant can submit only the cover letter and the Form APD-EXP to APIRT. Please send the surcharge fee payment and the Form APD-APS to the TCEQ's cashier's office at the address indicated on the form.

TCEQ will send an acceptance letter to the applicant by e-mail. Once TCEQ has verified that the appropriate surcharge has been received, the application will be expedited.

For permits by rule (PBRs) and standard permits that do not require public notice, an applicant is required to submit the application and the request for expedited processing through ePermits at www3.tceq.texas.gov/steers/. TCEQ will not accept hard copies. As part of the ePermits submission, an applicant will remit the surcharge fee payment through ePay.

Surcharge Amounts

The Air Permits Division (APD) requires a surcharge to cover the expenses incurred in the expedited processing of the permit application. An applicant must submit the payment of the surcharge when the applicant requests expedited processing. An application will not be expedited until TCEQ has verified that the appropriate surcharge has been received.

The surcharge amounts for the various air permit projects are listed as follows:

- PBRs and Standard Permits (which do not require public notice) - \$500 (**non-refundable**)
- Standard Permit (with public notice requirements) - \$3,000
- Title V General Operating Permit (GOP) - \$3,000
- Title V Site Operating Permit (SOP) - \$10,000
- New Source Review (NSR) case-by-case permit - \$10,000
- Federal NSR permits (Prevention of Significant Deterioration (PSD) including greenhouse gas PSD, Nonattainment (NA), Plantwide Applicability Limit (PAL), and Hazardous Air Pollutant (HAP)) - \$20,000

If the applicant applies for both an NSR case-by-case permit and a Federal NSR permit in an application, the applicant only has to submit the Federal NSR permit surcharge. Only one surcharge is required when applying for multiple federal permits if submitted in one application.

TCEQ will refund any unused portion of the surcharge for applications that have a remaining balance amount of \$450 and greater, with the exception of PBRs and standard permits with no public notice

APD may request an additional surcharge(s) if the costs associated with expedited processing of the application exceed the collected surcharge amount. The applicant's contact person indicated on the Form APD-EXP will be contacted by e-mail prior to the depletion of the initial surcharge amount. If the applicant elects not to provide additional funding to continue with the expedited process, the application will revert to a non-expedited project and will be reviewed according to standard agency timeframes. The project may also be re-assigned to a different reviewer.

Public Notice Procedures

- The applicant's public notice for an expedited application should include the following sentence in the text of the notice: "This application is being processed in an expedited manner, as allowed by the commission's rules in 30 Texas Administrative Code, Chapter 101, Subchapter J."
- Applicants should verify that the expedited notice language is included in the notice published in the paper. If notice is published without this language, the applicant may be required to re-publish. Applicants will not be required to re-publish notice if notice requirements have been fulfilled prior to requesting expedited permitting review.