

Public Notice Questions about Greenhouse Gas (GHG) Applications

1. What public notice requirements apply to GHG PSD permit applications?

GHG PSD permit applications are subject to the same public notice requirements as non-GHG PSD permits. Applicants are required to publish two public notices in newspapers of general circulation as required by § 39.603, Newspaper Notice. The first public notice is called Notice of Receipt of Application and Intent to Obtain Permit (NORI). The second public notice is called Notice of Application and Preliminary Decision (NAPD). However, if EPA published notice of your draft permit, you may be able to combine NORI and NAPD (see question 3). Sign posting and alternative language requirements also apply.

2. We have submitted a GHG PSD application directly to TCEQ. What actions do we need to take when TCEQ becomes the GHG permitting authority?

Air Permits Division (APD) staff will contact the responsible official listed on the Form PI-1 to verify that the GHG PSD application should be processed. Once verified, APD staff will create a GHG PSD project and initiate first public notice (NORI). The project will be assigned to a reviewer; preferably the same reviewer as for the associated non-GHG PSD permit application. The permit will go through second public notice (NAPD) after the technical review is complete.

3. We have submitted a GHG PSD application directly to EPA and have already been subject to EPA's public notice process. What actions do we need to take to have TCEQ review our application?

Submit a copy of the application to TCEQ so a project can be created. The application should include a completed Form PI-1 and proof of publication of public notice by EPA. APD will evaluate EPA's review of the pending application and will prepare a "combined" first (NORI) and second (NAPD) public notice package, as allowed by TCEQ rule 30 TAC § 39.412, Combined Notice for Certain Greenhouse Gases Permit Applications. The project will be assigned to a reviewer; preferably the same reviewer as for the associated non-GHG PSD permit application.

4. What is the difference between a "combined" and "consolidated" notice?

A "combined" notice includes both first and second public notices and can fulfill both requirements within a single 30-day period. This option is only available for GHG PSD applications that have been subject to EPA's public notice process (see question 3).

A "consolidated" notice is a NORI or a NAPD for a single application for both a GHG PSD permit and a non-GHG PSD permit, such that the issued permits will be in a consolidated permit document. This option is only available for applicants who submit a consolidated non-GHG PSD and GHG PSD application. Separate applications require separate notices, although they may be published in the same newspaper at the same time.

5. **We have submitted a GHG PSD application directly to EPA and have not been subject to EPA's public notice process. TCEQ issued our non-GHG PSD permit. What actions do we need to take to have TCEQ review our GHG PSD application?**

Submit a copy of the GHG PSD application to TCEQ using the Form PI-1, so a project can be created. APD will prepare the first public notice (NORI) package. The project will be assigned to a reviewer; preferably the same reviewer as for the associated non-GHG PSD permit application. The permit will go through second public notice (NAPD) after the technical review is complete.

6. **We have a pending non-GHG PSD permit application with TCEQ. What are our public notice requirements for the GHG PSD permit after we have submitted our GHG PSD application to TCEQ?**

A first public notice package will be prepared for the GHG PSD permit. Because these are separate applications, separate NORIs and NAPDs are required for the GHG PSD and non-GHG PSD, although they may be published in the same newspaper at the same time.

7. **Is there an advantage, specifically related to public notice, if the applicant submits a consolidated application (including both non-GHG and GHG) to the TCEQ?**

GHG PSD applications are subject to the opportunity for the public to submit comments and request public meetings regarding the application and draft permit, but are not subject to the contested case hearing process. Non-GHG PSD permit applications and draft permits are subject to the same public comment and meeting processes, but are also subject to requests for contested case hearings. Separate applications and separate public notices may reduce confusion during the public comment process. The separation may help the public better understand what portions of the project are associated with either the GHG PSD permit or the non-GHG PSD permit, and therefore direct their comments or hearing requests to the appropriate permit. However, there is no overall advantage to either of the applicant's choice to submit a consolidated application or two separate PSD applications.

8. **Do voluntary updates to my GHG permit require public notice?**

Changes to a GHG PSD permit that do not require a major modification can be made through a voluntary update. A voluntary update involving a change to a previous Best Available Control Technology determination requires notifying the public through one public notice comment period after the project is determined to be technical complete. The public notice allows the public to submit comments and public meeting requests. GHG permit actions are not subject to the contested case hearing process.