



TCEQ REGULATORY GUIDANCE

Air Permits Division
RG-654 • May 2025

Air Curtain Incinerator Permitting Guidance

Two separate air permits may be required to operate an air curtain incinerator (ACI) in the state of Texas. The Permit by Rule (PBR) [106.496](#)¹ is a state permit required to construct. The Authorization to Operate (ATO) under General Operating Permit (GOP) [518](#)² is a Title V federal operating permit (FOP) needed to operate if applicable. If the site does not qualify for GOP 518, a Site Operating Permit (SOP) and case-by-case permit may be required. The permitting process for ACIs requires separate permit applications with different required forms for each permit and are reviewed by different air permitting sections at TCEQ.

Step #1: An application for PBR 106.496 is reviewed and approved by the Rule Registrations Section.

Step #2: A FOP is required depending on which regulations apply to the unit. An application for an ATO is reviewed and approved by the Operating Permits (Title V) Section.

The company should verify if the unit has ever been permitted by the TCEQ regardless of ownership. See "Searching Past Records" below for guidance. The unique TCEQ Regulated Entity Reference Number (RN) will be tied to the ACI unit's serial number. If the unit has been previously permitted, the company should use that RN on all future application submittals.

If you have additional questions, you may call the Air Permits Division (APD) at 512-239-1250. Ask for the Rule Registrations Section for questions relating to the PBR relocations or ask for the Operating Permits Section for questions relating to the ATO under GOP 518.

Step #1 – New Source Review (NSR) / Permit by Rule

- For the initial [PBR application](#),³ **it must be accepted and approved before the FOP may be issued.** The State of Texas Environmental Electronic Reporting System (STEERS) will capture site information based on your account or request information based on the core data form or PI-7 forms, or general rule questions. Three items will need to be uploaded via NSR STEERS to complete the PBR application:
 - The [106.496 Checklist](#),⁴

¹ www.tceq.texas.gov/permitting/air/permitbyrule/subchapter-v/air_curtain.html

² www.tceq.texas.gov/permitting/air/titlev/generalpermits/gop_no_518.html

³ www.tceq.texas.gov/permitting/air/permitbyrule/subchapter-v/air_curtain.html

⁴ www.tceq.texas.gov/permitting/air/permitbyrule/subchapter-v/air_curtain.html

- A **cover letter** describing the unit and how it meets the rule. (Example: *The ACI will use a trench and air manifold fan system and will be used only to burn trees, clean lumber, and brush from land clearing. The ACI meets the operational limits and daily operation requirements. The company states ash will be disposed of by being sent to a Type I landfill and be containerized with no hot coals.*), and
- A [TCEQ Core Data Form – 10400](#)⁵ that includes the location of the ACI.
- Once this application has been accepted, a site review will be requested to verify the unit’s distance to the nearest property line and any other facility with an air permit, or any ACI operating under PBR. If the unit is in storage, please include in your cover letter and let the permit reviewer know. The TCEQ regional office is allotted 10 business days to complete this task.
- Relocation of an ACI requires an Air Permits Division Relocation/Notification form ([TCEQ Form-20122](#)⁶) be submitted to APD. Keep a copy for your records.
- More information can be found online at [PBR 106.496: Air Curtain Incinerators](#).⁷

Step #2 – Federal Operating Permit Under Title V: General Operating Permit or Site Operating Permit

- A FOP is required if the ACI unit is applicable to any of the following regulations:
 - 40 CFR 60 Subpart CCCC, Standards of Performance for Commercial and Industrial Solid Waste Incineration Units
 - 30 TAC Chapter 113, Division 4, Emission Guidelines and Compliance Times for Commercial and Industrial Solid Waste Incineration Units That Commenced Construction On Or Before November 30, 1999
 - 30 TAC Chapter 113, Division 5, Emission Guidelines and Compliance Times for Other Solid Waste Incineration Units That Commenced Construction On Or Before December 9, 2004
- A FOP is NOT required for ACIs only subject to 40 CFR 60 Subpart EEEE, Standards of Performance for Other Solid Waste Incineration Units for Which Construction is Commenced After December 9, 2004, or for Which Modification or Reconstruction is Commenced on or After June 16, 2006.
- If a FOP is needed, an application for an ATO under GOP 518 must be submitted through Title V STEERS once the PBR authorization has been issued. The following documents should be submitted through STEERS:
 - A cover letter
 - ACI Application Form ([TCEQ Form – 20410](#)⁸)

⁵ www.tceq.texas.gov/permitting/air/permitbyrule/subchapter-v/air_curtain.html

⁶ www.tceq.texas.gov/permitting/air/forms/newsourcereview/nsr_notice_verify_forms.html

⁷ www.tceq.texas.gov/permitting/air/permitbyrule/subchapter-v/air_curtain.html

⁸ www.tceq.texas.gov/permitting/air/forms/titlev/administrative/tv_admin2_forms.html

- Form OP-CRO1 – Certification by Responsible Official ([TCEQ Form 10009](#)⁹)
- Form OP-ACPS – Application Compliance Plan and Schedule ([TCEQ Form – 10100](#)¹⁰)
- [TCEQ Core Data Form – 10400](#).¹¹
- Form OP-PBRSUP – Permits by Rule Supplemental Table ([TCEQ Form – 20875](#)¹²) for the PBR preconstruction authorization permit
- Once the application is submitted and accepted, it will be assigned to a permit reviewer.
- If the unit does not qualify for an ATO under GOP 518, then an application for an SOP needs to be submitted through Title V STEERS once the underlying Preconstruction Authorization(s) has been issued. The following documents should be submitted through STEERS:
 - A cover letter
 - Area Map
 - Plot Plan
 - Process Description
 - Process Flow Diagram
 - Form OP-1 – Site Information Summary ([TCEQ Form – 10002](#)¹³)
 - Form OP-CRO1 – Certification by Responsible Official ([TCEQ Form – 10009](#)¹⁴)
 - Form OP-ACPS – Application Compliance Plan and Schedule ([TCEQ Form – 10100](#)¹⁵)
 - Form OP-REQ1 – Application Area-Wide Applicability Determinations and General Information ([TCEQ Form – 10043](#)¹⁶)
 - Form OP-PBRSUP – Permits by Rule Supplemental Table ([TCEQ Form – 20875](#)¹⁷) for the PBR preconstruction authorization permit
 - Forms OP-SUM ([TCEQ Form – 10007](#)¹⁸), OP-REQ2 ([TCEQ Form – 10017](#)¹⁹), OP-REQ3 ([TCEQ Form – 10018](#)²⁰), and [OP-UA](#)²¹ forms as necessary

Searching Past Records

- To determine if the unit has been permitted previously, search [TCEQ Records Online](#).²²

⁹ www.tceq.texas.gov/permitting/air/forms/titlev/administrative/tv_admin4_forms.html

¹⁰ www.tceq.texas.gov/permitting/air/forms/titlev/comp/tv_comp_forms.html

¹¹ www.tceq.texas.gov/permitting/air/permitbyrule/subchapter-v/air_curtain.html

¹² www.tceq.texas.gov/permitting/air/forms/titlev/administrative/tv_admin4_forms.html

¹³ www.tceq.texas.gov/permitting/air/forms/titlev/administrative/tv_admin2_forms.html

¹⁴ www.tceq.texas.gov/permitting/air/forms/titlev/comp/tv_comp_forms.html

¹⁵ www.tceq.texas.gov/permitting/air/forms/titlev/comp/tv_comp_forms.html

¹⁶ www.tceq.texas.gov/permitting/air/forms/titlev/potential_requirements/tv_op_reqs_forms.html

¹⁷ www.tceq.texas.gov/permitting/air/titlev/site/site_experts.html

¹⁸ www.tceq.texas.gov/permitting/air/forms/titlev/administrative/tv_admin2_forms.html

¹⁹ www.tceq.texas.gov/permitting/air/forms/titlev/potential_requirements/tv_op_reqs_forms.html

²⁰ www.tceq.texas.gov/permitting/air/forms/titlev/potential_requirements/tv_op_reqs_forms.html

²¹ www.tceq.texas.gov/permitting/air/forms/titlev/unit-attributes/air-all-ua-forms

²² records.tceq.texas.gov/cs/idcplg?IdcService=TCEQ_SEARCH

- Find guidance on how to [search TCEQ records online](#).²³
- Select “Air / New Source Review Permit” or “Air / Federal Operating Permits” record series.

Select one or more search criteria below, and click on Search to view results.

Record Series: AIR / New Source Review Permit | Document Type: --- Select --- | Media: --- Select --- | Search | Reset

- Choose “Permits” for the “Document Type.” Then select the criteria for the search.
 - Primary ID = **Permit number** (or)
 - Secondary ID = **Project number**

STEERS Application Information

To apply for a permit, you will need to access to [STEERS](#).²⁴ Each permit application must be submitted separately via STEERS. Add “Air New Source Review Registrations” and “Air Federal Operating Permits” to your account.

STEERS Help:

Guidance and Help for Small Businesses

- [A Guide to Creating an Account in STEERS ePermitting](#).²⁵
- STEERS links for both [NSR and Title V help](#).²⁶
- [RG-531a: A Guide to Creating an Account in STEERS ePermitting](#).²⁷
- [RG-531b: A Guide to Obtaining Permits by Rule Authorizations in STEERS](#).²⁸
- [RG-531c: A Guide to Obtaining Title V Permits in STEERS ePermits](#).²⁹

If you have further questions or need additional support, the [Small Business and Local Government Assistance](#)³⁰ program provides technical assistance without the threat of enforcement.

- Call them toll free at (800) 447-2827.
- The nearest [Compliance Assistance Specialist](#)³¹ can be found on the Small Business and Local Government Assistance webpage.

²³ www.tceq.texas.gov/agency/data/records-services

²⁴ www3.tceq.texas.gov/steers/

²⁵ www3.tceq.texas.gov/steers/help/spa/spamain.html

²⁶ www3.tceq.texas.gov/steers/index.cfm?fuseaction=login.pgmdetails

²⁷ www.tceq.texas.gov/permitting/air/apd-steers.html

²⁸ www.tceq.texas.gov/permitting/air/apd-steers.html

²⁹ www.tceq.texas.gov/permitting/air/titlev/submittal.html

³⁰ www.tceq.texas.gov/assistance

³¹ www.tceq.texas.gov/assistance