



Bioenergy Permitting and Authorizations

The following is a list of authorizations a bioenergy facility might need from the TCEQ. It is *not* a complete list of all possible authorizations. Instead, it is a summary of the most common authorizations a bioenergy facility may need.

Air

Permits by Rule (PBRs):

[Numerical Index to Air Permits by Rule](#)

PBR 106.4, General Requirements

PBR 106.261/262, Facilities

PBR 106.472, Organic and Inorganic Liquid Loading and Unloading

PBR 106.532, Water and Wastewater Treatment

PBR 106.301, Aqueous Fertilizer Storage:

PBR 106.183, Boilers, Heaters, and other Combustion Devices

PBR 106.492, Flares

PBR 106.512, Stationary Engines and Turbines (use if compressing the gas)

Standard Permits (SPs):

[MSW, 30 TAC Chapter 330, subchapter U](#)

[Electric Generating Unit](#)

Pollution Control Project (PCP) - for adding flares, firebox, etc. to control vent gases

Boiler Standard Permit

Case-by-Case New Source Review (NSR) Permits:

[Turbine to generate electricity](#)

[Internal combustion engine to generate electricity](#)

Biodiesel

More Information:

Sherrie McGowan, Sherrie.Mcgowan@tceq.texas.gov, 512-239-1325

Case-by-Case NSR chemical contact:

Dana Vermillion, P.E., Dana.Poppa-Vermillion@tceq.texas.gov, 512-239-1280

Case-by-Case NSR electric generating contact:

Sean O'Brien, Sean.Obrien@tceq.texas.gov, 512-239-1137

Case-by-Case NSR agricultural contact:

Ann Mosher, Ann.Mosher@tceq.texas.gov, 512-239-3753

Biodiesel Website: <www.tceq.texas.gov/publications/rg/rg-462.html>.

Wastewater

The Texas Water Code '26.121 requires an authorization from the Texas Commission on Environmental Quality for the discharge or disposal of wastes into or adjacent to waters in the state. Therefore, a proposed operation plans to discharge or dispose of wastewater in this manner, a wastewater permit is needed from the TCEQ Wastewater Permitting Section. Disposal by land application (irrigation or evaporation) requires authorization under a Texas Land Application Permit (TLAP) and a discharge directly to waters in the State (ditches, creeks, rivers, etc.) requires authorization under a Texas Discharge Elimination System (TPDES) permit.

More Information:

Website: <www.tceq.texas.gov/permitting/wastewater/industrial/TPDES_industrial_wastewater_steps.html>

Mike Lindner, mike.lindner@tceq.texas.gov, 512-239-3045

Stormwater

In addition, industrial facilities may be required to obtain two types of stormwater permits under TPDES—one for the operation phase and one for the construction phase.

Operation Phase

The need for a permit and the eligibility for coverage are determined by the facility's primary Standard Industrial Classification (SIC) code or by an Industrial Activity Code. Operators of facilities with a primary SIC code, or any Industrial Activity Code included in Part II Section A of the Multi-Sector General Permit (MSGP) (TXR050000) (see <www.tceq.texas.gov/permitting/stormwater/TXR05_sw_associated_definition.html>) must obtain authorization for discharges of stormwater associated with industrial activity.

However, even if a stormwater permit for industrial activities is not required, the facility is still required to comply with all the requirements of the Clean Water Act (CWA) and the Texas Water Code (TWA). If any stormwater discharge violates the CWA or the TWC, the facility would then be required to obtain an individual stormwater discharge permit.

Construction Phase

Stormwater discharges associated with stormwater activity from large and small sites require authorization under the General Construction Permit (CGP) TXR 150000. If the proposed construction of your facility is going to disturb more than five acres, a Notice of Intent (NOI) needs to be submitted to TCEQ to seek coverage under the GCP. As part of this permit, the operator must prepare and implement a stormwater pollution plan (SWPPP). If the disturbance is less than five (5) acres but more than one (1) acre, a NOI is not necessary; however a SWPPP still needs to be prepared and implemented. If the disturbance is less than one (1) acre, no construction stormwater permit is required.

More Information:

Website: <www.tceq.texas.gov/stormwater/sw_permits.html>

Rebecca Villalba, 512-239-4784, Rebecca.Villalba@tceq.texas.gov, or 512-239-4671

Water Rights/Availability

If the energy production facility uses State surface water, a water right permit will be needed. Chapter 11 of the Texas Water Code and Title 30, Texas Administrative Code, Chapter 295 and Chapter 297 outline provisions to use surface water.

More Information:

Website: <www.tceq.texas.gov/permitting/water_rights.html>

Ron Ellis, 512-239-1282, Ron.Ellis@tceq.texas.gov.

Groundwater

If the energy production facility uses groundwater, a permit from a local groundwater conservation district may be required for industrial use.

More Information:

Website: <www.tceq.texas.gov/groundwater/districts.html>

Mr. Kelly Mills, 512-239-4512, Kelly.Mills@tceq.texas.gov

Public Drinking Water

If the energy production facility provides water for potential human consumption to at least 25 individuals 60 days out of the year, a permit for the construction of a public water system will be required. This permit can be obtained through the submittal of sealed plans and specifications, along with an engineering report, as required by Title 30, Texas Administrative Code, Chapter 290.

More Information:

Website: <www.tceq.texas.gov/utilities/planrev.html>

Ms. Vera Poe, 512-239-6988, Vera.Poe@tceq.texas.gov>

Waste

Petroleum Storage Tanks:

Form 00659, Aboveground Storage Tank Registration

Form 00724, Underground Storage Tank Registration and Self-Certification

Form 00495, Underground and Aboveground Storage Tank Construction Notification

Hazardous or Industrial Waste:

Form 00002, Notification for Hazardous or Industrial Waste Management

Form 0524, Notification for Receiving and Recycling Hazardous or Industrial Waste

Form 0525, Generator Notification Form for Recycling Hazardous or Industrial Waste

Form 8700-12, RCRA Subtitle C Site Identification

Form 10400, Core Data

Municipal Solid Waste or Sludge Transporters:

Form 00481, Application to Register or Renew Registration as a Transporter of Municipal Sludge(s) and Similar Wastes

Form 00718, Sludge Transporter Registration Amendment

Form 10340, Application for Temporary Storage of Municipal Sludges and Similar Wastes by Registered Transporters

More Information:

Website: <www.tceq.texas.gov/permitting/waste_permits/waste_mgmt.html>

Forms: Edward Minter, <Edward.Minter@tceq.texas.gov>, 512-239-5262

30 TAC 335: [Industrial Solid Waste and Municipal Hazardous Waste](#),
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30 TAC 330: [Municipal Solid Waste](#)
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