

Bioenergy Permitting and Authorizations

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

Air

Please visit the [Air Permitting](#) web page for additional information.

Permits by Rule (PBR)

Select permits under Permits by Rule are available in our [Numerical Index](#) webpage. (Title 30, Texas Administrative Code (30 TAC) Chapter 106)

- 30 TAC 106.4: General Requirements
- PBR 106.261: Facilities (Emission Limitations)
- PBR 106.262: Facilities (Emission and Distance Limitations)
- 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)

- [Standard Air Permits for Municipal Solid Waste Facilities and Transfer Stations](#) (30 TAC Chapter 330 Subchapter U)
- Air Quality Standard Permit for [Electric Generating Units](#)
- Pollution Control Project (PCP) - for adding flares, firebox, etc. to control vent gases
- [Air Quality Standard Permit for Boilers](#)

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

- [NSR Guidance for Turbines](#)
- [NSR Guidance for Internal Combustion Engines](#)
- Biodiesel regulatory guide, [Biodiesel Manufacturing: Rules for Operating in Texas](#) (RG-462)

Water

Wastewater

If a proposed operation plans to discharge or dispose of wastewater into or adjacent to waters in the state, you'll need a wastewater permit from the TCEQ Wastewater Permitting Section. (Texas Water Code Chapter 26.121) The [industrial permit process](#) webpage describes the process.

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.

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), [SIC Codes for MSGP](#), must obtain authorization for discharges of stormwater associated with industrial activity. Find more information on the [Stormwater Multi-Sector General Permit for Industrial Facilities](#) webpage.

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 (TWC). If any stormwater discharge violates the CWA or the TWC, your 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](#) (GCP) TXR 150000. If the proposed construction of your facility is going to disturb more than five acres, submit a Notice of Intent (NOI) 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 acres but more than one acre, a NOI is not necessary; however, you must still prepare and implement a SWPPP. If the disturbance is less than one acre, no construction stormwater permit is required.

Water Availability

Water Rights

If the energy production facility uses State surface water, you will need a [water rights permit](#). Chapter 11 of the Texas Water Code and 30 TAC Chapter 295 and Chapter 297 outline provisions to use surface water.

Groundwater

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

Water Supply

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. You can obtain this permit through the submittal of sealed plans and specifications, along with an engineering report, as required by 30 TAC Chapter 290. See the [Submit Public Water System Plans for Review](#) webpage for additional guidance.

Waste

Petroleum Storage Tanks

Requirements for underground (UST) and aboveground (AST) storage tanks are provided in 30 TAC [Chapter 334](#) and outlined at [Petroleum Storage Tanks Registrations](#). Find additional information and the following forms on our [PST Forms and Guidance](#) webpage.

- TCEQ-00659, Aboveground Storage Tank Registration
- TCEQ-00724, Underground Storage Tank Registration and Self-Certification

- TCEQ-00495, Storage Tank Construction Notification

Hazardous or Industrial Waste

If the energy production facility stores, processes, recycles, or disposes of [industrial or hazardous waste](#) you will need a permit. Requirements are outlined in 30 TAC Chapter 335. Guidance for who must register and report for the industrial and hazardous waste registration and reporting program is available on the [Waste Registration and Reporting](#) webpage.

- TCEQ-00002, Notification for Hazardous or Industrial Waste Management
- TCEQ-00524, Notification for Receiving and Recycling Hazardous or Industrial Waste
- TCEQ-00525, Generator Notification Form for Recycling Hazardous or Industrial Waste
- Form 8700-12, EPA RCRA Subtitle C Site Identification Form
- TCEQ-10400, Core Data Form

Municipal Solid Waste or Sludge Transporters

Municipal solid waste requirements are outlined in 30 TAC Chapter 330 and at the [Sludge Transporter Registration webpage](#). You may need the following forms:

- TCEQ-00481, Municipal Sludge Transporter Registration, renewal, or Update
- TCEQ-10340, Application for Temporary Storage of Municipal Sludges and Similar Wastes by Registered Transporters