

# Permit Time-Frame Reduction and Tracking

The Texas Commission on Environmental Quality is charged with issuing permits and other authorizations for the control of air pollution, the management of hazardous and nonhazardous waste, the management of surface water, the protection of water quality, the remediation of soil and groundwater, and the safe operation of *in situ* mines and water and wastewater utilities.

Texas Government Code 2005.007 requires the TCEQ to report every two years on its permit application system, showing the periods adopted for processing each type of permit issued and any changes enacted since the last report.

The biennial update also includes a statement of the minimum, maximum, and median time periods for processing each type of permit—from the date a request is received to the final permitting decision. Finally, the report describes specific actions taken to simplify and improve the entire permitting process, including application and paperwork requirements.

## Permit Time-Frame Tracking

One of the agency's primary goals is to issue well-written permits that are protective of human health and the environment, and to do so in the most efficient manner possible. Each year, the TCEQ receives more than 100,000 applications for various types of permits, licenses, registrations, and authorizations.

The TCEQ's Permit Time-Frame Tracking process focuses not only on establishing time frames for processing permits, but also on establishing goals for adhering to the time frames. The goal in most program areas is to review 90 percent of all permit applications within the established time frames.

At the end of fiscal 2014, the permitting backlog had decreased to 748, compared to 868 at the end of fiscal 2012. Each type of TCEQ authorization tracked within this process is prioritized as follows:

- **Priority 1.** These projects require agency action before applicants may begin operations. This category includes uncontested applications for new permits

and for amendments to existing permits requesting changes from current permit requirements.

- **Priority 2.** These projects allow permit applicants to continue operating while the agency processes the request. This category includes uncontested applications for renewals of existing permits to continue under existing permit conditions.

The agency established time-frame goals for processing each type of permit. These goals, or "target maximums," vary by program area and by environmental media.

Figures B-1 through B-6 show the status of Priority 1 and Priority 2 projects at the end of fiscal 2014 in the following categories:

- air permits
- waste permits
- water quality permits
- water right permits
- water supply authorizations
- licenses for radioactive materials and uranium
- permits and authorizations for underground injection control (UIC)

Excluded from the data are projects that were contested or that involved significant review or approval outside of the TCEQ, such as obtaining EPA approval, that can significantly slow down the application processing times.

The backlog numbers for air permitting continue to be below the goals, due to the ongoing workload increase in permit-by-rule registrations for oil and gas operations. Water rights permitting numbers are below the goals, due to the ongoing, severe drought conditions that required a focus on priority-call responses, which diverted resources from permitting activities.

## Greater Efficiencies

The agency has identified several measures that will help to streamline the permitting process, improving efficiencies

and reducing paperwork requirements. Some of those measures are described below.

### **Expand options for applicants for online permitting, notification, and payment.**

The TCEQ's e-permitting options allow applicants to apply for a permit online and receive authorization within minutes. This feature went online in 2008 and makes it easy for the agency to add more applications. The TCEQ has also established fee incentives for water quality general permits obtained through the e-permitting system.

In 2014, the Water Quality Permitting Program added enhancements to the e-permitting system to improve user experiences, which resulted in increased usage of the system. Also, an electronic permitting application for the Aggregate Production Operation registration program was created.

The Air Permitting Program added an option to allow for online completion of oil and gas related notifications and air permitting requirements. In October 2012, this option, which had only been available for counties in the Barnett Shale, was expanded for use statewide. In December 2013, owners began having the option to submit air permitting change-of-ownership requests through the e-permitting system.

Another transaction available electronically is the notifications of oil and gas well completions required to satisfy federal air requirements. Additionally, electronic permitting of maintenance, startup, and shutdown (MSS) emissions for various industries, including oil and gas sites, ensures faster responses for the regulated community. Finally, since May 2014, companies are able to submit a registration for all permit-by-rule (PBR) applications through the e-permitting system.

During fiscal 2013 and 2014, the agency's ePay system processed about 76,800 fee payments and collected about \$23 million in fees.

### **Implement targeted initiatives within permitting programs.**

Waste Permits:

- The introduction of several new checklists and forms to facilitate more consistent and complete applications.
- Adding updates related to pending applications to the TCEQ website to keep stakeholders more informed.

Radioactive Materials Licenses, Uranium Licenses, UIC Permits:

- Revised application forms in 2013 to improve readability and clarity.

- Holding pre-application meetings with current or prospective regulated entities and post-application meetings with applicants to ensure a better understanding of TCEQ rules and procedures.

Water-Right Permits:

- Creation of a new team to focus on non-permitting tasks that were previously assigned to the permitting team.
- Two positions have been dedicated to tracking, troubleshooting, prioritizing, and expediting permits.

Water Quality:

- Expediting permit applications related to drought preparedness or drought contingency plans.

Air Permits:

- Providing an enhanced administrative-review process to address deficiencies in applications to reduce erroneous public notices and improve the information provided for the technical-review process.
- Providing draft Title V Operating Permits online, instead of via e-mail, which allows for broader access and reduces the use of paper.

### **Expand the options for more standardized permitting through the use of general permits, standard permits, and permits by rule.**

The TCEQ offers over 20 types of standard permits in the air permitting program; 13 general permits in its water quality program; six permits by rule and three registrations by rule in the waste permitting program; and one general permit in the UIC program. The continued use of these authorizations has helped to reduce the time frames for the processing of permits.

In March 2014, a new general permit was developed for evaporation ponds, which reduces the application processing time from 330 days to less than 90.

### **Maintain an expedited permitting process for all economic-development projects.**

In addition to the time-frame goals for the processing of standard permits, the TCEQ maintains an expedited permitting process for economic-development projects. TCEQ personnel meet regularly with the Governor's Office of Economic Development and Tourism to prioritize economic-development projects. During fiscal 2013 and 2014, the TCEQ tracked and issued 26 permits for major economic-development projects.

Figure B-1

**Air Permits (Uncontested) Processing Times**

Application Type	Received in FY13 and FY14	Processed in FY13 and FY14	Exceeding Target as of 8/31/14	Minimum Processing Time	Maximum Processing Time	Average Processing Time (Days)	Target Maximum
<b>Priority 1</b>							
New Source Review (NSR) New Permits	299	286	45	18	2,099	358	285
New Source Review Amendments	967	880	145	3	2,027	315	315
NSR New Permits – Federal Timeline	1	1	0	386	386	386	365
NSR Amendments – Federal Timeline	1	4	1	303	1,045	766	365
Federal New Source Review (Prevention Significant Deterioration, Nonattainment, 112g) New & Major Modifications	103	92	12	18	1,763	763	365
Permits by Rule	13,647	14,161	33	1	479	65	45
Standard Permits (w/o public notice), Changes to Qualified facilities (SB1126) & relocations	2,261	2,260	24	1	391	42	45
Standard Permits (with public notice)	138	138	0	14	78	82	150
Standard Permits for Concrete Batch Plants (with public notice)	284	240	1	5	391	109	195
<b>Priority 1 Totals</b>	<b>17,701</b>	<b>18,062</b>	<b>261</b>				
<b>Priority 2</b>							
New Source Review Alterations & Other Changes	1,660	1,634	8	1	497	70	120
New Source Review Renewals	977	831	100	12	1,092	200	270
New Site Operating Permits (SOP)	65	71	3	70	794	70	365
Site Operating Permit Revisions	576	531	17	1	1,317	180	365
Site Operating Permit Renewals	427	292	28	22	1,881	377	365
New General Operating Permits (GOP)	104	97	5	6	271	70	120
General Operating Permit Revisions	146	144	0	4	717	111	330
General Operating Permit Renewals	97	129	2	7	567	121	210
<b>Priority 2 Totals</b>	<b>4,052</b>	<b>3,729</b>	<b>163</b>				
<b>Overall Totals</b>	<b>21,753</b>	<b>21,791</b>	<b>424</b>				

Figure B-2

**Waste Permits (Uncontested) Processing Times**

Application Type	Received in FY13 and FY14	Processed in FY13 and FY14	Exceeding Target as of 8/31/14	Minimum Processing Time	Maximum Processing Time	Average Processing Time (Days)	Target Maximum
<b>Priority 1</b>							
IHW New Permits	5	4	0	440	589	506	450
IHW Class 3 Modifications	13	10	0	14	462	325	450
IHW Major Amendments*	0	0	0	0	0	0	450
MSW New Permits	8	15	0	19	630	229	360
MSW Major Amendments	16	21	0	78	736	361	360
MSW Registered Transfer Stations	3	5	0	176	326	272	230
MSW Registered Liquid Waste Processor	0	2	0	217	217	217	230
<b>Priority 1 Totals</b>	<b>45</b>	<b>57</b>	<b>0</b>				
<b>Priority 2</b>							
IHW Renewals	38	38	1	198	1,302	560	450
<b>Priority 2 Totals</b>	<b>38</b>	<b>38</b>	<b>1</b>				
<b>Overall Totals</b>	<b>83</b>	<b>95</b>	<b>1</b>				

\* No stand-alone IHW major amendments were submitted during fiscal 2013-14. All IHW major amendments processed during the biennium were part of an IHW permit renewal application.

From Sept. 1, 2012 through Aug. 31, 2014 the TCEQ processed to a final decision 52 Industrial and Hazardous Waste (IHW) and 43 Municipal Solid Waste (MSW) authorizations. As shown in Table B-2, the average processing time for these applications ranged from 217 days to 560 days. These average processing times were within their respective targets, with the exception of IHW New Permits, IHW Renewals, and MSW Major Amendments and MSW Registered Transfer Stations. MSW Major Amendments only slightly exceeded its goal.

New initiatives to help streamline applications and reduce review times include the introduction of several checklists and forms to assist in more consistent and complete applications, adding updates related to pending applications to the TCEQ webpage to keep stakeholders more informed, and resolving minor issues and minor application deficiencies through phone calls or emails.

**Definitions**

**Number Received** – The number of applications/permits/amendments received.

**Number Processed** – The number of applications/permits/amendments completed.

**Total Under Review** – The total number of applications/permits/amendments pending as of the report date.

**Average Processing Time (Days)** – The average processing time of applications/permits/amendments completed over the previous 12 month period, WITHOUT exceptions.

**Target Maximum** – The maximum days allowed for processing the specific applications/permits/amendments of that row.

**Number Under Review Exceeding Target** – The total pending applications/permits/amendments exceeding target WITHOUT exceptions.

**Percent Exceeding Target** – The Total Number Under Review Exceeding Target divided by the Total Under Review.

Figure B-3

**Water Quality Permits (Uncontested) Processing Times**

Application Type	Received in FY13 and FY14	Processed in FY13 and FY14	Exceeding Target as of 8/31/14	Minimum Processing Time	Maximum Processing Time	Average Processing Time (Days)	Target Maximum
<b>Priority 1</b>							
New Permits (Major Facilities)	7	4	0	235	352	314	330
Major Amendments (Major Facilities)	67	16	22	181	835	346	330
New Permits (Minor Facilities)	197	118	7	120	811	295	330
Major Amendments (Minor Facilities)	144	91	7	176	788	300	300
Sludge Registrations	46	45	1	23	309	109	270
<b>Priority 1 Totals</b>	<b>461</b>	<b>274</b>	<b>37</b>				
<b>Priority 2</b>							
Renewal Major Facilities	236	156	20	154	919	275	330
Renewal Minor Facilities	1,098	860	19	42	973	229	300
<b>Priority 2 Totals</b>	<b>1,334</b>	<b>1,016</b>	<b>39</b>				
<b>Overall Totals</b>	<b>1,795</b>	<b>1,290</b>	<b>76</b>				

Figure B-4

**Water Rights Permits (Uncontested) Processing Times**

Application Type	Received in FY13 and FY14	Processed in FY13 and FY14	Exceeding Target as of 8/31/14	Minimum Processing Time	Maximum Processing Time	Average Processing Time (Days)	Target Maximum
<b>Priority 1</b>							
Water Rights New Permits	88	55	82	12	1,247	367	300
Water Rights Amendments w/Notice	65	38	61	24	1,531	471	300
Water Rights Requiring Notice Review Pursuant to Work Session	46	54	30	70	1,165	457	300
Water Rights Amendments without Notice, Rio Grande Watermaster Area	54	49	7	5	497	225	180
Water Rights Amendments without Notice, Outside Rio Grande Watermaster Area	29	23	1	38	353	147	180
<b>Priority 1 Totals</b>	<b>282</b>	<b>219</b>	<b>181</b>				
<b>Overall Totals</b>	<b>282</b>	<b>219</b>	<b>181</b>				

Figure B-5

**Water Supply Permits (Uncontested) Processing Times**

Application Type	Received in FY13 and FY14	Processed in FY13 and FY14	Exceeding Target as of 8/31/14	Minimum Processing Time	Maximum Processing Time	Average Processing Time (Days)	Target Maximum
<b>Priority 1</b>							
Water District Expedited Bond Applications	173	162	3	18	138	69	60
Water District Regular Bond Applications	185	216	2	8	698	161	180
Water District Expedited Escrow Releases & Surplus Fund Requests	88	99	0	2	84	38	60
Water District Regular Minor Applications	272	289	0	1	707	51	120
Water District Expedited Creation Applications	10	8	1	107	178	132	120
Water District Regular Creations & Conversions	8	5	0	71	321	188	180
Certificates of Convenience & Necessity—New or Amended*	191	269	17	14	598	219	180
Certificates of Convenience & Necessity—Transfers*	89	79	20	86	714	339	365
Water Engineering Plan Reviews	4,027	3,699	0	1	133	30	60
Exceptions	1,390	1,475	5	1	232	86	100
Alternative Capacity Requirements	106	114	0	9	205	80	90
<b>Priority 1 Totals</b>	<b>6,539</b>	<b>6,415</b>	<b>48</b>				
<b>Overall Totals</b>	<b>6,539</b>	<b>6,415</b>	<b>48</b>				

\*The Certificate of Convenience and Necessity Program transferred to the Public Utility Commission of Texas as of September 1, 2014.

From September 1, 2012 through August 31, 2014, the TCEQ's Water Supply Division completed reviews for 6,415 applications and authorizations. As shown in Table B-5, the average processing time for the applications and authorizations completed during fiscal 2013 and 2014 ranged from 30 to 339 days. Of the total number of applications and authorizations processed, 91 percent met target timeframes.

Severe drought conditions, as well as growing population trends, have resulted in public water systems considering new water resources and innovative/alternate treatment technologies. Public water systems continue to experience water supply shortages and the requests for emergency authorizations and exceptions that require expedited technical and engineering reviews are increasing. Additionally, the Water Supply Division expedited many reviews to allow public water systems to receive funding and meet health-based drinking water quality regulations.

Figure B-6

**Radioactive Materials Permits (Uncontested) Processing Times**

Application Type	Received in FY13 and FY14	Processed in FY13 and FY14	Exceeding Target as of 8/31/14	Minimum Processing Time	Maximum Processing Time	Average Processing Time (Days)	Target Maximum
<b>Priority 1</b>							
Uranium Radioactive Material License Initial Issuance	0	0	0	n/a	n/a	n/a	885
Low-Level Radioactive Waste, Radioactive Material License Initial Issuance	1	1	0	352	352	352	990
Underground Injection Control New Permits	17	6	0	212	375	337	390
Underground Injection Control General Permits	0	0	0	n/a	n/a	n/a	60
Underground Injection Control Permit Major Amendments	9	10	2	212	351	275	390
Underground Injection Control Class III Production Area Authorizations	1	2	1	277	457	367	390
Underground Injection Control Class I Pre-Injection Unit Registrations	3	2	1	236	381	308	390
<b>Priority 1 Totals</b>	<b>31</b>	<b>21</b>	<b>4</b>				
<b>Priority 2</b>							
Uranium Radioactive Material License Renewals	0	0	3	n/a	n/a	n/a	885
Uranium Radioactive Material License Major Amendments	3	2	1	130	622	376	885
Uranium Radioactive Material License Minor Amendments	2	1	0	141	141	141	230
Low-Level Radioactive Waste, Radioactive Material License Renewals	1	0	1	n/a	n/a	n/a	990
Low-Level Radioactive Waste, Radioactive Material License Major Amendments	4	4	0	302	387	365	990
Low-Level Radioactive Waste, Radioactive Material License Minor Amendments	21	21	4	31	602	147	230
Underground Injection Control Permit Renewals	21	27	4	212	742	370	390
Underground Injection Control Class V Authorizations	190	207	1	1	1,097	66	60
<b>Priority 2 Totals</b>	<b>242</b>	<b>262</b>	<b>14</b>				
<b>Overall Totals</b>	<b>273</b>	<b>283</b>	<b>18</b>				

n/a: No permit action was completed within fiscal 2013-14.

Figure B-6 cont.

## **Radioactive Materials Permits (Uncontested) Processing Times**

New initiatives to help streamline applications and reduce review times include revisions of application forms in 2013, holding pre-application meetings with current or prospective regulated entities, conducting more meetings with applications to better ensure understanding of regulations, forms, and procedures, and working to resolve minor issues and minor application deficiencies through phone calls or emails.

### **Additional Information:**

New activity among Texas uranium producers has been slow because of the depressed world uranium market. No new licenses were issued in the last two years. However, TCEQ uranium staff members have completed technical review work on two major amendments for expansions at two *in situ* uranium facilities and have begun work on a third major amendment expansion in this biennium.

Most of the amendment requests received from uranium licensees in the last two years have been approved as administrative amendments. Uranium staff completed 11 administrative amendments including the release of two sub-sites for unrestricted use and personnel changes in two radiation safety officers. Staff also completed a license termination that resulted in the release of three more sub-sites but did not result in a major or minor licensing action.

The TCEQ Uranium Program is also reviewing reclamation and closure activities at the three legacy impoundment sites: RGR Panna Maria, ExxonMobil Ray Point, and ConocoPhillips Conquista. RGR continues to work through complex groundwater issues related to their Alternate Concentration Limit amendment. ConocoPhillips and ExxonMobil are pursuing soil decontamination campaigns and are planning on opening up small areas of their capped impoundments to dispose of that contaminated soil. Overall, these facilities have demonstrated slow, but steady progress towards closure.