

Permit Time-Frame Reduction and Tracking

The Texas Commission on Environmental Quality is charged with issuing permits and other authorizations for controlling air pollution, managing hazardous and nonhazardous waste and surface water, protecting water quality and safe and adequate drinking water, remediating soil and groundwater, and safely operating in situ mines.

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 average 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 as efficiently as possible. 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.

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 time-frame goals, or "target maximums," established by the agency for processing each type of permit 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 2016 in the following categories:

- air permits
- waste permits
- water quality permits
- water right permits
- water supply authorizations
- radioactive material licenses
- 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.

Air Permitting met the goal to review 65 percent of all permit applications within the established time frames despite an increase in applications that are more complex and require more time to review and issue.

Water Quality Permitting met the goal to review 90 percent (within the 5 percent measure allocation) of all permit applications within established time frames while also focusing efforts on resolving long standing permit applications not subject to permit processing time frames (for example, resolution of long standing EPA objections).

Water Rights Permitting did not meet the goals, due to the severe drought conditions that continued through 2015. The continued drought required a focus on priority-call responses, complex drought-related permit applications, and other drought-related activities, which resulted in a backlog of applications.

Waste Permits met the goal to review 90 percent of all applications within established timeframes.

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, which went online in 2008, makes it easier for the agency to add more applications. The TCEQ continues to offer fee incentives for water quality general permits obtained through the e-permitting system and has implemented requirements for obtaining authorizations electronically for the large categories of stormwater general permits unless waivers are obtained.

In 2015, the Air Permitting program added options that allow online submission of all permit-by-rule (PBR) applications and certain standard permit applications. In fiscal 2018, the Air Permitting program began requiring all PBR applications be submitted through the e-permitting system. Additionally, an "auto-issue" feature was added for other specific PBR authorizations, which results in an automatic registration letter after the application is completed appropriately.

The ePermits system has helped with Air Permitting's workload. With similar staffing, the number of completed projects submitted online significantly increased—4,314 in fiscal 2017-2018. Twenty-six percent of completed new source review (NSR) projects in FY18 were completed automatically through e-permitting with same-day response.

And for fee collection, during fiscal 2017 and 2018, the agency's e-Pay system processed over 82,000 fee payments and collected about \$33 million in fees.

Implement targeted initiatives within permitting and authorization programs.

Waste Permits:

- Holding pre-application meetings.
- Improvement of checklists, forms, and guidance documents to facilitate more consistent and complete applications.

- Consolidation of application review processes to improve turnaround times.

Radioactive Material Licenses and UIC Permits:

- Working with federal counterparts to streamline approvals of Aquifer Exemptions.
- Holding pre-application and post-application meetings to ensure a better understanding of TCEQ rules and procedures.
- Developed new and revised Standard Operating Procedures and checklists for staff efficiency and consistency; also developed a list of program specific rules and regulations as a quick reference guide for staff.

Water-Right Permits:

- Updating application forms and documents.
- Holding pre-application meetings to facilitate more complete applications.
- Making changes to the internal review process for applications requiring limited technical review and creating a new team to expedite them.
- Implementing form return and extension policies for applications.

Water Quality:

- Modifying policies and procedures to resolve longstanding EPA objections related to bacteria at industrial facilities without domestic sources, cooling water intake structures, municipal storm sewer systems, and dissolved solids at municipal facilities that had delayed permit issuance.
- The TCEQ initiated a special project to track and attempt resolution of the oldest 20 pending applications being delayed based on significant policy and technical issues. During the 2-year biennium, the TCEQ worked with the EPA on the resolution and issuance of 21 permit applications dating as far back to 2007, with an additional 23 dated applications being worked to be resolved and issued.
- The TCEQ and EPA Region 6 water quality program managers and staff held a Lean workshop between Dec. 5-7, 2017 for the Texas Pollutant Discharge Elimination System (TPDES) permitting program. Lean is a program established to evaluate and assess

work processes to gain efficiencies and reduce waste. The TCEQ and the EPA customized this program during the workshop to focus on cooperative relationships between both agencies and to reach agreements on how to reduce pending TPDES permit backlogs related to the EPA objecting to the TCEQ drafted TPDES water quality permits and develop procedures to reduce or eliminate future objections that delay timely permit issuance. At the beginning of the workshop in December 2017, a total of 48 objections on TPDES permits remained unresolved. Because of the cooperative efforts between both agencies, the backlog of pending unresolved EPA objections has been reduced to 16, a 67 percent reduction.

Water Supply:

- Holding pre-application meetings as needed.
- Checklists and forms to facilitate more consistent and complete applications.
- Guidance documents made available to regulated community.

Air Permits:

- Continuing to automate internal processes to shift resources to other areas of the division to help with project timeframes. The success of ePermits and automation has allowed for the shifting of nine staff members to more complex NSR permitting sections to help with case-by-case permit timeframes.
- Developing electronic guidance tools to improve application quality.
- Adding even more application and permit types into ePermits, some of which are same day responses. This includes expanding ePermits to case-by-case NSR permit applications.
- Enhancing administrative review to address application deficiencies, reduce erroneous public notices, and thereby improve the technical review process.
- Providing draft Title V operating permits online, instead of sending by email, which allows broader access and reduces paper.
- Adding a new ePermits module to automate Title V data entry to shift resources to other air permitting areas that will help with project timeframes.

- Developing additional readily available permits (RAPs) for specific types of facilities. The TCEQ currently has two RAPs available for simple cycle turbines and compressor stations.

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, 104 PBRs, and six general operating 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 Underground Injection Control program. The continued use of these authorizations has helped to reduce the time frames for processing permits.

Maintain an expedited permitting and authorization process for all economic-development projects.

In addition to the time-frame goals for processing 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 these types of projects. During fiscal 2017 and 2018, the TCEQ tracked and issued 16 permits for major economic-development projects.

From Sept. 1, 2016 through Aug. 31, 2018, the TCEQ processed to a final decision 51 industrial and hazardous waste (IHW) and 40 municipal solid waste (MSW) authorizations. As shown in Figure B-2, the average processing time for these applications ranged from 109 days to 590 days. These average times were within their respective targets, except for MSW registered transfer stations and IHW renewals.

In addition to the targeted initiatives to streamline applications and reduce review times, the Office of Waste was also able to resolve minor issues and minor application deficiencies through phone calls and emails.

From Sept. 1, 2016 through Aug. 31, 2018, the TCEQ's Water Supply Authorization program completed reviews for 8,261 applications and authorizations. As shown in Table B-5, the average processing time for the applications and authorizations completed during fiscal 2017 and 2018 ranged from 51 to 239 days.

Figure B-1. Air Permits (Uncontested) Processing Times

| Application Type | Received in FY17 and FY18 | Processed in FY17 and FY18 | Exceeding Target as of 8/31/18 | Minimum Processing Time | Maximum Processing Time | Average Processing Time (Days) | Target Maximum |
|-----------------------------------------------------------------------------------------------------------------|---------------------------|----------------------------|--------------------------------|-------------------------|-------------------------|--------------------------------|----------------|
| Priority 1 | | | | | | | |
| New Source Review (NSR) New Permits | 292 | 287 | 46 | 11 | 1,509 | 283 | 285 |
| New Source Review Amendments | 820 | 894 | 232 | 7 | 2,268 | 395 | 315 |
| NSR New Permits – Federal Timeline | 12 | 8 | 0 | 324 | 498 | 411 | 365 |
| NSR Amendments – Federal Timeline | 26 | 11 | 6 | 226 | 1,259 | 527 | 365 |
| Federal New Source Review (Prevention Significant Deterioration, Nonattainment, 112g) New & Major Modifications | 59 | 83 | 20 | 190 | 1,328 | 669 | 365 |
| Permits by Rule | 8,829 | 8,962 | 17 | 1 | 1,541 | 30 | 45 |
| Standard Permits (w/o public notice), Changes to Qualified facilities (SB1126) & relocations | 2,971 | 3,018 | 3 | 1 | 1,410 | 25 | 45 |
| Standard Permits (with public notice) | 101 | 105 | 0 | 2 | 208 | 93 | 150 |
| Standard Permits for Concrete Batch Plants (with public notice) | 342 | 324 | 0 | 3 | 361 | 82 | 195 |
| Priority 1 Totals | 13,452 | 13,692 | 324 | | | | |
| Priority 2 | | | | | | | |
| New Source Review Alterations & Other Changes | 796 | 818 | 15 | 2 | 1,410 | 79 | 120 |
| New Source Review Renewals | 552 | 711 | 199 | 14 | 2,268 | 367 | 270 |
| New Site Operating Permits (SOP) | 54 | 91 | 24 | 70 | 3,168 | 478 | 365 |
| Site Operating Permit Revisions | 500 | 477 | 88 | 1 | 3,136 | 295 | 365 |
| Site Operating Permit Renewals | 270 | 321 | 96 | 22 | 2,215 | 479 | 365 |
| New General Operating Permits (GOP) | 93 | 77 | 5 | 4 | 756 | 154 | 120 |
| General Operating Permit Revisions | 150 | 152 | 5 | 1 | 1,217 | 254 | 330 |
| General Operating Permit Renewals | 113 | 145 | 2 | 5 | 840 | 177 | 210 |
| Priority 2 Totals | 2,528 | 2,792 | 434 | | | | |
| Overall Totals | 15,980 | 16,484 | 758 | | | | |

Figure B-2. Waste Permits (Uncontested) Processing Times

| Application Type | Received in FY17 and FY18 | Processed in FY17 and FY18 | Exceeding Target as of 8/31/18 | Minimum Processing Time | Maximum Processing Time | Average Processing Time (Days) | Target Maximum |
|---------------------------------------|---------------------------|----------------------------|--------------------------------|-------------------------|-------------------------|--------------------------------|----------------|
| Priority 1 | | | | | | | |
| IHW New Permits | 2 | 4 | 0 | 358 | 474 | 416 | 450 |
| IHW Class 3 Modifications | 11 | 20 | 0 | 140 | 638 | 384 | 450 |
| IHW Major Amendments | 0 | 1 | 0 | N/A | N/A | N/A | 450 |
| MSW New Permits | 16 | 18 | 0 | 30 | 430 | 201 | 360 |
| MSW Major Amendments | 18 | 17 | 0 | 32 | 321 | 109 | 360 |
| MSW Registered Transfer Stations | 8 | 4 | 0 | 168 | 357 | 247 | 230 |
| MSW Registered Liquid Waste Processor | 0 | 1 | 0 | N/A | N/A | N/A | 230 |
| Priority 1 Totals | 55 | 65 | 0 | | | | |
| Priority 2 | | | | | | | |
| IHW Renewals | 18 | 26 | 2 | 17 | 1,536 | 590 | 450 |
| Priority 2 Totals | 18 | 26 | 2 | | | | |
| Overall Totals | 73 | 91 | 2 | | | | |

Figure B-3. Water Quality Permits (Uncontested) Processing Times

| Application Type | Received in FY17 and FY18 | Processed in FY17 and FY18 | Exceeding Target as of 8/31/18 | Minimum Processing Time | Maximum Processing Time | Average Processing Time (Days) | Target Maximum |
|-------------------------------------|---------------------------|----------------------------|--------------------------------|-------------------------|-------------------------|--------------------------------|----------------|
| Priority 1 | | | | | | | |
| New Permits (Major Facilities) | 2 | 5 | 0 | 259 | 326 | 293 | 330 |
| Major Amendments (Major Facilities) | 63 | 66 | 6 | 140 | 2,289 | 438 | 330 |
| New Permits (Minor Facilities) | 173 | 127 | 11 | 149 | 631 | 291 | 330 |
| Major Amendments (Minor Facilities) | 136 | 119 | 9 | 180 | 1,138 | 315 | 300 |
| Sludge Registrations | 35 | 77 | 0 | 13 | 665 | 109 | 270 |
| Priority 1 Totals | 409 | 394 | 26 | | | | |
| Priority 2 | | | | | | | |
| Renewal Major Facilities | 276 | 244 | 18 | 193 | 2,496 | 321 | 330 |
| Renewal Minor Facilities | 867 | 910 | 9 | 105 | 1,002 | 254 | 300 |
| Priority 2 Totals | 1,143 | 1,154 | 27 | | | | |
| Overall Totals | 1,552 | 1,548 | 53 | | | | |

Figure B-4. Water Rights Permits (Uncontested) Processing Times

| Application Type | Received in FY17 and FY18 | Processed in FY17 and FY18 | Exceeding Target as of 8/31/18 | Minimum Processing Time | Maximum Processing Time | Average Processing Time (Days) | Target Maximum |
|-----------------------------------------------------------------------------|---------------------------|----------------------------|--------------------------------|-------------------------|-------------------------|--------------------------------|----------------|
| Priority 1 | | | | | | | |
| Water Rights New Permits | 53 | 93 | 46 | 11 | 2,699 | 871 | 300 |
| Water Rights Amendments w/Notice | 28 | 65 | 41 | 190 | 3,488 | 1,288 | 300 |
| Water Rights Requiring Notice Review Pursuant to Work Session | 29 | 68 | 24 | 157 | 2,116 | 878 | 300 |
| Water Rights Amendments without Notice, Rio Grande Watermaster Area | 46 | 57 | 4 | 76 | 1,398 | 284 | 180 |
| Water Rights Amendments without Notice, Outside Rio Grande Watermaster Area | 37 | 44 | 2 | 30 | 645 | 183 | 180 |
| Priority 1 Totals | 193 | 327 | 117 | | | | |

Figure B-5. Water Supply Permits (Uncontested) Processing Times

| Application Type | Received in FY17 and FY18 | Processed in FY17 and FY18 | Exceeding Target as of 8/31/18 | Minimum Processing Time | Maximum Processing Time | Average Processing Time (Days) | Target Maximum |
|------------------------------------------------------------------|---------------------------|----------------------------|--------------------------------|-------------------------|-------------------------|--------------------------------|----------------|
| Priority 1 | | | | | | | |
| Water District Expedited Bond Applications | 316 | 284 | 2 | 21 | 158 | 59 | 60 |
| Water District Regular Bond Applications | 235 | 273 | 9 | 12 | 359 | 157 | 180 |
| Water District Expedited Escrow Releases & Surplus Fund Requests | 140 | 116 | 0 | 2 | 134 | 51 | 60 |
| Water District Regular Minor Applications | 392 | 392 | 1 | 0 | 230 | 48 | 120 |
| Water District Expedited Creation Applications | 9 | 10 | 0 | 131 | 386 | 188 | 120 |
| Water District Regular Creations & Conversions | 17 | 15 | 3 | 160 | 414 | 239 | 180 |
| Water Engineering Plan Reviews | 4,676 | 4,701 | 0 | 1 | 209 | 54 | 60 |
| Exceptions | 2,138 | 2,314 | 1 | 0 | 266 | 73 | 100 |
| Alternative Capacity Requirements | 159 | 156 | 0 | 3 | 108 | 75 | 90 |
| Priority 1 Totals | 8,082 | 8,261 | 16 | | | | |

Figure B-6. Radioactive Materials Permits (Uncontested) Processing Times

| Application Type | Received in FY17 and FY18 | Processed in FY17 and FY18 | Exceeding Target as of 8/31/18 | Minimum Processing Time | Maximum Processing Time | Average Processing Time (Days) | Target Maximum |
|----------------------------------------------------------------------------|---------------------------|----------------------------|--------------------------------|-------------------------|-------------------------|--------------------------------|----------------|
| Priority 1 | | | | | | | |
| 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 | 0 | 0 | 0 | N/A | N/A | N/A | 990 |
| Underground Injection Control New Permits | 3 | 1 | 0 | 178 | 178 | 178 | 390 |
| Underground Injection Control General Permits | 0 | 0 | 0 | N/A | N/A | N/A | 60 |
| Underground Injection Control Permit Major Amendments | 0 | 2 | 0 | 245 | 245 | 245 | 390 |
| Underground Injection Control Class III Production Area Authorizations | 0 | 0 | 0 | N/A | N/A | N/A | 90 |
| Underground Injection Control Class I Pre-Injection Unit Registrations | 0 | 3 | 3 | 523 | 722 | 596 | 390 |
| Priority 1 Totals | 3 | 6 | 3 | | | | |
| Priority 2 | | | | | | | |
| Uranium Radioactive Material License Renewals | 0 | 0 | 0 | N/A | N/A | N/A | 885 |
| Uranium Radioactive Material License Major Amendments | 1 | 0 | 0 | N/A | N/A | N/A | 885 |
| Uranium Radioactive Material License Minor Amendments | 1 | 1 | 1 | 290 | 290 | 290 | 230 |
| Low-Level Radioactive Waste, Radioactive Material License Renewals | 1 | 1 | 1 | 1,411 | 1,411 | 1,411 | 990 |
| Low-Level Radioactive Waste, Radioactive Material License Major Amendments | 0 | 0 | 0 | N/A | N/A | N/A | 990 |
| Low-Level Radioactive Waste, Radioactive Material License Minor Amendments | 1 | 1 | 1 | 345 | 345 | 345 | 230 |
| Underground Injection Control Permit Renewals | 9 | 20 | 19 | 407 | 886 | 674 | 390 |
| Underground Injection Control Class V Authorizations | 201 | 199 | 42 | 2 | 336 | 39 | 60 |
| Priority 2 Totals | 214 | 222 | 64 | | | | |
| Overall Totals | 217 | 228 | 67 | | | | |

Definitions for Tables

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

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

Exceeding Target – The total pending applications/permits/amendments exceeding agency target WITHOUT exceptions.

Minimum Processing Time (Days) – The minimum processing time of applications/permits/amendments WITHOUT exceptions.

Maximum Processing Time (Days) – The average processing time of applications/permits/amendments WITHOUT exceptions.

Average Processing Time (Days) – The average processing time of applications/permits/amendments WITHOUT exceptions.

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

Severe drought conditions beginning in 2010, as well as growing population trends, have resulted in public water systems considering new water resources and innovative and 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. The Water Supply program expedited many reviews to allow public water

systems to receive funding and meet health-based drinking water quality regulations.

Growth and development in the state has led to the increase in expedited bond application reviews. The Water Supply Division created a district’s stakeholder work group to identify efficiencies and streamline the districts bond application process. The Districts Advisory Workgroup provides an open forum to discuss the TCEQ’s water district processes and procedures.

In addition to the targeted initiatives to help streamline applications and reduce review times, the Radioactive Materials Division maintained regular communication with applicants through meetings, phone calls, and email throughout the permitting and licensing process to ensure better understanding of regulations, forms, and procedures, and resolved minor issues and minor application deficiencies through phone calls or emails.

Additional Information:

Activity among Texas uranium producers has been slow because of the depressed uranium market. Several factors have contributed to this market status: a global oversupply of uranium, heightened safety and environmental concerns after the Fukushima nuclear power plant accident, and the premature closing of U.S. nuclear power plants because of the global availability of cheaper sources of energy. The TCEQ is currently processing an application for a radioactive material license authorizing uranium production.

