

PERMIT TIME FRAME REDUCTION AND TRACKING

FY 2023-FY 2024

A scene from West Texas. [Credit: iStock]

The Texas Commission on Environmental Quality is charged with issuing permits and other authorizations for:

- controlling air pollution
- managing hazardous and nonhazardous waste
- surface water
- protecting water quality
- ensuring safe and adequate drinking water
- remediating soil and groundwater
- safely operating in situ mines

Texas Government Code Section 2005.007 requires 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 changes to application and paperwork requirements.

PERMIT TIME FRAME TRACKING

One of the agency's primary goals is to issue well-written permits that protect human health and the environment, and to do so as efficiently as possible.

TCEQ's Permit Time Frame Tracking process focuses on establishing time frames for processing permits and goals for adhering to those time frames. The goal in most program areas is to review 90% of all permit applications within the established time frames. Air Permitting and Water Rights Permitting have a goal to review 75% 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. Amendment applications request 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.

Tables B-1 through B-6 show the status of Priority 1 and Priority 2 projects at the end of fiscal 2024 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 TCEQ—such as obtaining U.S. Environmental Protection Agency (EPA) approval—that can significantly slow down application processing times.

Progress on Time Frame Goals

Two permitting areas met their time frame goals:

- Air Permitting reviewed 75% of all permit applications within the established time frames despite an increase in applications that were more complex and required more time to review and issue.
- Waste Permits reviewed 90% of all applications within established time frames.

Water Rights Permitting changed how it categorizes permit application types in October 2020 in response to implementation of House Bill (HB) 1964, 86th Legislature (Table B-4). In fiscal 2023 and 2024, the program did not meet the time frame goals for applications.

Since September 2023, Water Rights Permitting has met time frame goals for most HB 1964 applications and Fast Track applications and has continued reducing the average processing times for these permits. The program reduced the number of pending water rights applications from 320 in fiscal 2016 to 100 in fiscal 2024. The Water Rights Permitting program has shifted its focus to processing applications that currently exceed time frames.

Water Quality Permitting did not meet the time frame goal with 76% on time performance in fiscal 2023 and 67% in fiscal 2024. Exceptional economic growth in the state has resulted in increased application workloads. Additionally, increased public participation has resulted in more public meetings and public comments on applications. This has strained resources and resulted in a backlog of applications. To begin fiscal 2025, nearly 31% of the estimated 600 applications pending review are exceeding the time frame goal, therefore that goal will not be met in fiscal 2025. Progress towards meeting the time frame goal is unlikely to improve with current staffing.



Boathouse on Lake Tyler, Texas. [Credit: iStock]

GREATER EFFICIENCIES

The agency has identified several ways 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

TCEQ's e-permitting options allow applicants to apply for a permit online and receive authorization within minutes. TCEQ has offered e-permitting, along with specific fee incentives, since 2008 and has implemented requirements for obtaining authorizations electronically for the large categories of stormwater general permits unless waivers are obtained.

The Air Permitting program requires all permits by rule (PBR), standard permits, case by case new source review (NSR) and federal operating permit (FOP) applications be submitted through the ePermits system, which has helped with Air Permitting's workload. With similar staffing, the number of completed projects submitted online significantly increased—15,081 between fiscal 2023 and 2024. During the same period, the Air Permitting program completed 48% of NSR projects automatically through e-permitting with same-day response.

And for fee collection, during fiscal 2023 and 2024, the agency's e-Pay system processed over 109,000 fee payments and collected about \$74 million in fees.



Lost Mine Trail, Big Bend, Texas. [Credit: iStock]

Implement Targeted Initiatives Within Permitting and Authorization Programs

Waste Permits

- Holding pre-application meetings.
- Improving checklists, forms, and guidance documents to facilitate more consistent and complete applications.
- Consolidating processes for reviewing applications to improve turnaround times.
- Implementing a LEAN Management system to improve processes.

Radioactive Material Licenses and UIC Permits

- Holding pre-application meetings and communicating with the applicants during the permit review process to facilitate more consistent and complete applications.
- Developing new and revised procedures and checklists for staff efficiency and consistency; also developing a quick reference guide for staff, including program-specific rules and regulations.
- Initiating LEAN Management systems to improve processes.

Water Rights Permits

- Implementing continuous improvement practices and tools to water rights permitting.
- Establishing a separate, streamlined permitting process for specific applications that have no impact on other water rights or the environment (certain changes to the purpose of use, place of use, and location of diversion points), as provided for by HB 1964, 86th Legislature.

- Requiring pre-application meetings to facilitate more complete applications.
- Revising forms, standard operating procedures, guidance, checklists, and templates to support smoother application processing.
- Continuing to implement extension and return policies.

Water Quality

- Implementing new and revised program goals, standard operating procedures, and application tracking tools for staff.
- Establishing internal deadlines for each step of the permit review process to facilitate meeting permit time frames.
- Identifying time frame exceptions beginning September 2021.
- Holding pre-application meetings to facilitate more complete applications.
- Working with applicants to achieve timely publishing of public notices and addressing application deficiencies.
- Implementing electronic submittal methods for applicants and electronic application routing and review processes to facilitate efficient technical reviews.

Water Supply

- Holding pre-application meetings and providing checklists, guidance, and forms to facilitate more consistent and complete applications.
- Using electronic submission processes and updating internal processes to expedite reviews.
- Growth and development in the state led to an increase in expedited bond application reviews. The Districts Advisory Workgroup continues to provide an open forum to discuss TCEQ's water district processes and procedures.

Air Permits

- Continuing to develop and update electronic guidance tools and workbooks to improve application quality.
- Expanding the ePermits system to include Federal Operating Permits applications, which were previously unavailable.
- Developing additional standard permits for specific types of facilities.
- Developing additional readily available permits (RAP) for specific types of facilities. TCEQ currently has five RAPs.

Expand the Options for More Standardized Permitting by Using General Permits, Standard Permits, and PBRs

TCEQ offers over 20 types of standard permits, 104 PBRs, and six general operating permits in the Air Permitting program; 15 general permits in the Water Quality program; six PBRs and three registrations by rule in the Waste Permitting program; and one general permit in the UIC program. Continuing to use these authorizations has reduced 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, 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 2023 and 2024, TCEQ tracked and issued 19 permits for major economic-development projects.

PROCESSING TIMES FOR PERMITS, REVIEWS, AND AUTHORIZATIONS

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

Application Type	Received in FY 23 & FY 24	Processed in FY 23 & FY 24	Exceeding Target as of 8/31/24	Minimum Processing Time (Days)	Maximum Processing Time (Days)	Average Processing Time (Days)	Target Maximum (Days)
Priority 1							
New Source Review (NSR) New Permits	174	211	14	34	464	241	285
NSR Amendments	628	571	47	3	2568	243	315
NSR New Permits – Federal Timeline	15	10	0	18	364	258	365
NSR Amendments – Federal Timeline	35	36	0	120	969	370	365
Federal NSR (Prevention Significant Deterioration, Nonattainment, 112g) New & Major Modifications	81	72	1	18	1940	347	365
PBRs	7,900	7,920	0	1	140	12	45
Standard Permits (without public notice), Changes to Qualified Facilities (SB1126) & Relocations	5,100	5,099	0	1	305	9	45
Standard Permits (with public notice)	498	460	5	2	305	112	150
Priority 1 Totals	14,431	14,379	67				
Priority 2							
NSR Alterations & Other Changes	504	515	1	4	1501	75	120
NSR Renewals	753	656	34	14	2,568	172	270
New Site Operating Permits (SOP)	134	52	10	237	868	376	365
SOP Revisions	293	320	17	1	1,534	269	365
SOP Renewals	398	288	45	82	2949	397	365
New General Operating Permits (GOP)	94	72	0	61	241	127	120
GOP Revisions	168	140	0	2	706	125	330
GOP Renewals	92	96	2	28	312	153	210
Priority 2 Totals	2,436	2,139	109				
Overall Totals	16,867	16,518	176				

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

Application Type	Received in FY 23 & FY 24	Processed in FY 23 & FY 24	Exceeding Target as of 8/31/24	Minimum Processing Time (Days)	Maximum Processing Time (Days)	Average Processing Time (Days)	Target Maximum (Days)
Priority 1							
Industrial and Hazardous Waste (IHW) New Permits	4	4	0	388	629	509	450
IHW Class 3 Modifications	8	9	0	141	416	287	450
IHW Major Amendments	0	0	0	N/A	N/A	N/A	450
Municipal Solid Waste (MSW) New Permits	17	21	0	43	513	231	360
MSW Major Amendments	22	25	1	15	461	197	360
MSW Registered Transfer Stations	4	5	0	126	231	176	230
MSW Registered Liquid Waste Processor	0	1	0	NA	NA	NA	230
Priority 1 Totals	55	65	1				
Priority 2							
IHW Renewals	40	32	0	209	437	326	450
Priority 2 Totals	40	32	0				
Overall Totals	95	97	1				

TCEQ processed to a final decision 45 IHW and 52 MSW authorizations.

The average processing time for these applications ranged from 176 to 509 days.

In addition to the targeted initiatives to streamline applications and reduce review times, the Office of Waste continues to resolve minor issues and minor application deficiencies through phone calls and emails, improving the overall time frame for reviews.

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

Application Type	Received in FY 23 & FY 24	Processed in FY 23 & FY 24	Exceeding Target as of 8/31/24	Minimum Processing Time (Days)	Maximum Processing Time (Days)	Average Processing Time (Days)	Target Maximum (Days)
Priority 1							
New Permits (Major Facilities)	0	0	-	-	-	-	170
Major Amendments (Major Facilities)	78	33	29	40	557	168	170
New Permits (Minor Facilities)	285	164	81	59	701	155	170
Major Amendments (Minor Facilities)	185	88	46	35	443	141	170
Sludge Registrations	17	13	0	45	184	134	170
Priority 1 Totals	565	298	156				
Priority 2							
Renewal Major Facilities	208	88	111	67	461	132	170
Renewal Minor Facilities	870	602	171	45	638	133	170
Priority 2 Totals	1078	690	282				
Overall Totals	1643	988	438				

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

Application Type	Received in FY 23 & FY 24	Processed in FY 23 & FY 24	Exceeding Target as of 8/31/24	Minimum Processing Time (Days)	Maximum Processing Time (Days)	Average Processing Time (Days)	Target Maximum (Days)
Priority 1							
Water Rights Applications [excluding Fast Track and House Bill (HB) 1964]	36	54	62	42	3526	731	300
Fast Track	76	85	12	7	2,342	192	300
HB 1964	19	18	0	23	153	73	90
Priority 1 Totals	131	157	74				

Table B-5. Water Supply Reviews/Authorizations Processing Times

Application Type	Received in FY 23 & FY 24	Processed in FY 23 & FY 24	Exceeding Target as of 8/31/24	Minimum Processing Time (Days)	Maximum Processing Time (Days)	Average Processing Time (Days)	Target Maximum (Days)
Priority 1							
Water District Expedited Bond Applications	562	507	22	1	125	71	60
Water District Regular Bond Applications	259	305	5	1	357	168	180
Water District Expedited Escrow Releases & Surplus Fund Requests	107	96	0	2	64	34	60
Water District Regular Minor Applications	207	178	0	0	133	26	120
Water District Expedited Creation Applications	137	120	9	36	352	140	120
Water District Regular Creations & Conversions	33	56	2	144	895	237	180
Water Engineering Plan Reviews	5026	4944	0	0	80	59	60
Exceptions	2632	2632	0	0	246	84	100
Alternative Capacity Requirements	234	224	0	1	90	78	90
Priority 1 Totals	9197	9062	38				

TCEQ's Water Supply Authorization program completed reviews for 9197 applications and authorizations, with an average processing time ranging from 34 to 237 days.

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

Application Type	Received in FY 23 & FY 24	Processed in FY 23 & FY 24	Exceeding Target as of 8/31/24	Minimum Processing Time (Days)	Maximum Processing Time (Days)	Average Processing Time (Days)	Target Maximum (Days)
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
Uranium Radioactive Material License Major Amendments	1	0	1	N/A	N/A	N/A	885
Low-Level Radioactive Waste Radioactive Material License Major Amendments	1	0	0	N/A	N/A	N/A	990
Underground Injection Control (UIC) New Class I Permits	25	8	2	93	513	513	390
UIC Major Amendments	1	9	0	658	658	658	390
UIC General Permit Notice of Intent	0	0	0	N/A	N/A	N/A	120
UIC New Class III Area Permits and Production Area Authorizations	3	2	1	148	148	148	390
UIC Class V Authorizations (Aquifer Storage & Recovery and Aquifer Recovery)	2	2	0	N/A	N/A	N/A	180
UIC Class IV & V Authorizations and Amendments	119	114	1	3	442	52	90
Priority 1 Totals	152	135	5				
Priority 2							
Uranium Radioactive Material License Renewals	0	3	2	862	862	862	885
Uranium Radioactive Material License Minor Amendments	0	1	0	385	385	385	230
Low-Level Radioactive Waste, Radioactive Material License Renewals	1	0	0	N/A	N/A	N/A	990
Low-Level Radioactive Waste, Radioactive Material License Minor Amendments	2	2	0	142	273	208	230
UIC Permit Renewals	26	11	6	611	826	683	390
UIC General Permit Notice of Intent Renewals	5	0	5	N/A	N/A	N/A	240
Priority 2 Totals	34	17	13				
Overall Totals	186	152	18				

The Radioactive Materials Division met and communicated with applicants during the permitting and licensing process to improve their understanding of agency regulations, forms, and procedures. This allowed for a more streamlined resolution of application deficiencies and issues, improving the overall time frame for reviews.

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 maximum 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.