

Fact Sheet - Air Quality Permitting

Any person who plans to construct a new facility or engage in the modification of an existing facility which emits air contaminants into the atmosphere shall obtain authorization from the Texas Commission on Environmental Quality (TCEQ). The list of potential air quality authorizations are as follows:

De Minimis Facilities/Sources - Facilities/sources that meet the conditions of 30 TAC § 116.119(a) are considered to be de minimis and do not have to obtain any registration or authorization prior to construction.

Permit by Rule Authorizations - If the operation emits less than 250 tons per year (tpy) of carbon monoxide (CO) or nitrogen oxides (NO_x); or less than 25 tpy of total particulate matter (PM₁₀), sulfur dioxide (SO₂), total volatile organic compounds (VOC); or 25 tpy of any other air contaminant except carbon dioxide, water, nitrogen, methane, ethane, hydrogen, and oxygen then the operation may qualify for permit-by-rule (PBR) requirements, contained in 30 TAC Chapter 106. There are 120 individual PBRs which may be claimed. Note that the facility must meet all the established PBR requirements to claim a PBR.

Standard Permits - Standard permits are authorized under 30 TAC Chapter 116, Subchapter F and are available for the following project types: Animal carcass incinerators, boilers, concrete batch plants, concrete batch plants with enhanced controls, electric generating units, municipal solid waste landfills, oil and gas facilities, pollution control projects, sawmills, temporary and permanent rock and concrete crushers, and temporary and permanent hot mix asphalt plants. Owners/operators with facilities that meet the established standard permit criteria may qualify for a standard permit.

New Source Review (NSR) Permits - Owners/operators with facilities that do not qualify for PBRs or standard permits can submit a NSR permit application (30 TAC Chapter 116). The pre-construction permitting requirements consist of an administrative review and a technical review. Administrative review will take less than 30 days for a complete application. Once administratively complete, the applicant publishes notices in a local newspaper and post signs around the proposed facility location. Publication starts a 30-day comment period. If a public hearing request is received within the period, the applicant may be required to undergo a second public notice which by statute is a 30-day notice period. The technical review primarily relates to source identification and air emission quantification, analysis of the off-property health impacts of those emissions, determination of best available control technology, and applicability of any source category or emission-based state and federal regulations.

Flexible Permits - A flexible permit allows an owner/operator more flexibility in managing the operations by staying under an overall emissions cap or individual emission limitation. The owner/operator is allowed to structure the flexible permit to best serve their needs.

Nonattainment Permits - If the facility is located in a non-attainment area, designated by U.S. Environmental Protection Agency, additional permitting requirements may apply. Non-attainment permit review is required if the facility has emissions above the major source threshold for the specific county designated as non-attainment. Non-attainment permitting requires the installation of lowest achievable control technology emission controls, the acquisition of emission reductions to offset the proposed emissions increases, and a mandatory second public notice.

Prevention of Significant Deterioration (PSD) Permits - If the facility is a major stationary source, per Title 40 Code of Federal Regulations § 52.21(b)(1)(i), a PSD permit will be required. The PSD review will require additional modeling to determine if the new emissions will have a negative impact on the National Ambient Air Quality Standards of the surrounding air quality. The PSD review has a mandatory second public notice.

Title V Federal Operating Permits - If the facility is major, per 30 TAC Chapter 122, the owner/operator of the facility must submit an abbreviated Title V permit application before start-up. The TCEQ shall inform the applicant in writing of the deadline for submitting the remaining information. Note, that submittal of a Title V permit application will not affect start-up of the facility.

The following additional guidance is also available at the following web addresses:

Before You Build: <http://www.tceq.state.tx.us/permitting/air/newsourcereview/before.html>

Types of NSR Authorizations: <http://www.tceq.state.tx.us/permitting/air/guidance/authorize.html>

Keyword Index to Air Permits by Rule: http://www.tceq.state.tx.us/permitting/air/permitbyrule/pbr_index.html

Index of Common Permitted Facilities: http://www.tceq.state.tx.us/permitting/air/nav/nsr_fac_index.html

Public Notice Requirements: http://www.tceq.state.tx.us/permitting/air/bilingual/how1_2_pn.html

Issued Permits: <http://www.tceq.state.tx.us/permitting/air/newsourcereview/after.html>

Air Quality Permitting Target Time Frames

Project Type	Issuance (Days)
New Source Review (NSR) New Permits	240
New Source Review Amendments	270
NSR New Permits - Federal Timeline	330
NSR Amendments - Federal Timeline	330
Federal New Source Review (Prevention of Significant Deterioration, Nonattainment, 112g) New & Major Modifications	330
Permits By Rule	45
Standard Permits (w/o public notice), Changes to Qualified Facilities (SB1126) & relocations	45
Standard Permits (with public notice)	150
Title V Federal Operating Permits - New Site Operating Permit (SOP)	330
Title V Federal Operating Permits - Site Operating Permit Revision	330
New Source Review Alterations & other changes	120
Title V Federal Operating Permits - New General Operating Permit (GOP)	120
Title V Federal Operating Permits - General Operating Permit Revision	330
New Source Review Renewals	270
Title V Federal Operating Permits - General Operating Permit Renewal	210
Title V Federal Operating Permits - Site Operating Permit Renewal	330

Note: All the listed issuance time frames are target goals. The specific project type may be done more timely or may take additional time based on public comments, hearing requests, and deficient application information.