

Texas Commission on Environmental Quality

Fact Sheet - Air 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 Texas Administrative Code (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 25 tpy of volatile organic compounds (VOC) or sulfur dioxide (SO₂) or inhalable particulate matter (PM); or 15 tpy of particulate matter with diameters of 10 microns or less (PM₁₀); or 10 tpy of particulate matter with diameters of 2.5 microns or less (PM_{2.5}); or 25 tpy of any other air contaminant except carbon dioxide, water, nitrogen, ethane, hydrogen, oxygen, and, unless there is a specific provision in an individual PBR to the contrary, greenhouse gases (GHGs), then the operation may qualify for permit-by-rule (PBR) requirements. The general requirements and specific PBRs are found in 30 TAC Chapter 106. There are 108 individual PBRs that 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: anhydrous ammonia storage and distribution; animal carcass incinerators; boilers; concrete batch plants; concrete batch plants with enhanced controls; cotton gins and cotton burr tub grinders; dry bulk fertilizer handling; electric generating units; feedmills, portable augers, and hay grinders; grain elevator/grain handling and portable grain augers; peanut-handling; municipal solid waste landfills; oil and gas facilities; pollution control projects; sawmills; temporary and permanent rock and concrete crushers; temporary and permanent hot mix asphalt plants; and temporary and permanent polyphosphate blenders. 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 an 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 posts signs around the proposed facility location. Publication starts a 30-day comment 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. Once technically complete, the applicant is also required to publish a second public notice, which includes another publication in a local newspaper and posting of signs around the proposed facility location. This second publication starts a second 30-day comment period.

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. Flexible permits follow the same permitting requirements discussed above for NSR permits.

Nonattainment Permits - If the facility is located in a nonattainment area, designated by the U.S. Environmental Protection Agency, additional permitting requirements may apply. In addition to the requirements discussed above for NSR permits, nonattainment permit review is required if the facility has emissions above the major source threshold for the specific county designated as nonattainment. Nonattainment permitting requires the installation of lowest achievable emission rate control technology and the acquisition of emission reductions to offset the proposed emissions increases.

Prevention of Significant Deterioration (PSD) Permits - If the facility is a major stationary source (or construction is a major modification) located in an attainment or unclassifiable area, a PSD permit will be required. In addition to the requirements discussed above for NSR permits, the PSD review will require additional modeling to determine if the new emissions will have an impact on the surrounding air quality which could affect compliance with the National Ambient Air Quality Standards. If emissions of GHGs from new construction or major modification do not meet or exceed the thresholds in 30 TAC § 116.164(a)(1) or (a)(2), no authorization for those GHG emissions is required.

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. Submittal of a Title V permit application will not affect start-up of the facility.

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

Before You Build: www.tceq.texas.gov/permitting/air/newsourcereview/before.html

Types of NSR Authorizations: www.tceq.texas.gov/permitting/air/guidance/authorize.html

Keyword Index to Air Permits by Rule: www.tceq.texas.gov/permitting/air/permitbyrule/pbr_index.html

Index of Common Permitted Facilities:

www.tceq.texas.gov/permitting/air/guidance/newsourcereview/nsr_fac_index.html

Public Notice Requirements: www.tceq.texas.gov/permitting/air/bilingual/how1_2_pn.html

Fact Sheet – PSD and Nonattainment:

www.tceq.texas.gov/assets/public/permitting/air/factsheets/factsheet-psd-na-6241.pdf.

Fact Sheet – PSD and Nonattainment Significant Emissions:

www.tceq.texas.gov/assets/public/permitting/air/factsheets/factsheets-psd-na-sigemiss-6240.pdf

Issued Permits: www.tceq.texas.gov/permitting/air/newsourcereview/after.html

Greenhouse gases: www.tceq.texas.gov/goto/ghg

Air Permitting Target Time Frames

Project Type	Issuance (Days)
New Source Review (NSR) New Permits	285
New Source Review Amendments	315
NSR New Permits - Federal Timeline	365
NSR Amendments - Federal Timeline	365
Federal New Source Review (Prevention of Significant Deterioration, Nonattainment, 112g) New and Major Modifications	365
Permits By Rule	45
Standard Permits (w/o public notice), Changes to Qualified Facilities (SB1126) and relocations	45
Standard Permits (with public notice)	150
Standard Permits for Concrete Batch Plants (with public notice)	195
Title V Federal Operating Permits - New Site Operating Permit (SOP)	365
Title V Federal Operating Permits - Site Operating Permit Revision	365
New Source Review Alterations and 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	365

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.