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Air Permitting in Texas: Fact Sheet and Checklist

Provided by ClearPath Environmental Consulting

www.clearpathenv.com

Contact: info@clearpathenv.com – Partner with ClearPath for expert guidance on air permitting, compliance, auditing, and ISO management systems. We simplify the process for manufacturers, chemical plants, and refineries in Texas and nationwide, ensuring efficient approvals and regulatory adherence.

Purpose: This document provides an overview of air permitting requirements in Texas, including a fact sheet with key information and a basic checklist to help determine if you need a permit and how to proceed. As a marketing tool, it highlights how ClearPath Environmental Consulting, Inc. can assist with applications, exemptions, and compliance to save you time and reduce risks.

Fact Sheet: Air Permitting in Louisiana

Overview

Air permitting in Texas is regulated by the Texas Commission on Environmental Quality (TCEQ) under the Air Permits Division. Any person planning to construct a new facility or modify an existing one that emits air contaminants must obtain authorization, unless it qualifies as de minimis. The process ensures compliance with state rules (30 Texas Administrative Code - TAC) and federal regulations like the Clean Air Act. Permits focus on controlling emissions to protect air quality. tceq.texas.gov tceq.texas.gov

Key Criteria for Needing an Air Permit

- **Who Needs a Permit:** Facilities or sources that emit air contaminants (e.g., CO, NOX, VOC, SO₂, PM) from non-natural processes. This includes new constructions or modifications that increase emissions.
- **Emissions Thresholds:** Permits are required if emissions exceed de minimis levels or specific thresholds. For example:
 - Potential to emit (PTE) thresholds for Permit by Rule (PBR) qualification: <250 tons per year (tpy) of CO or NOX; <25 tpy of VOC, SO₂, or PM; <15 tpy of PM₁₀; <10 tpy of PM_{2.5}; or <25 tpy of any other air contaminant (except CO₂, water, nitrogen, etc., unless specified).

- Major sources: Typically, 100 tpy or more for criteria pollutants (varies by area and pollutant); subject to Title V operating permits.
- Toxic pollutants and greenhouse gases (GHGs) have additional considerations.
- **Portable Sources:** Evaluated based on site-specific operations, but overall PTE considered.

Exemptions

- **De Minimis Facilities/Sources:** No permit needed if meeting conditions in 30 TAC § 116.119(a) – very low emissions with no significant impact.
- **Insignificant Activities:** Certain low-emission activities may be exempt or qualify under PBR without full review.
- **Other Exemptions:** Some agricultural, residential, or minor sources; check TCEQ's lists for case-by-case determinations. If emissions are below PBR thresholds and conditions are met, registration may suffice instead of a full permit. tceq.texas.gov

Types of Permits and Actions

- **Permit by Rule (PBR):** For low-emission sources; 108 individual PBRs available under 30 TAC Chapter 106. Claim or register if all requirements (e.g., emission controls, recordkeeping) are met.
- **Standard Permits:** For specific industries/projects under 30 TAC Chapter 116, Subchapter F, such as boilers, concrete batch plants, oil and gas facilities, rock crushers, and municipal solid waste landfills. Submitted online via STEERS.
- **New Source Review (NSR) Permits:** Case-by-case for sources not qualifying for PBR or standard permits. Includes administrative/technical reviews, public notice (30-day comment period), best available control technology (BACT), health impact analysis, and compliance with regulations.
- **Flexible Permits:** Allow operations under an overall emissions cap for flexibility; follow NSR requirements.
- **Nonattainment Permits:** In EPA-designated nonattainment areas; require lowest achievable emission rate (LAER), emission offsets, and additional controls if emissions exceed major/significant thresholds.
- **Prevention of Significant Deterioration (PSD) Permits:** For attainment areas; involve air quality modeling. GHGs exempt if below thresholds in 30 TAC § 116.164.

- **Title V Federal Operating Permits:** For major sources; legally enforceable document consolidating requirements. Submit abbreviated application before startup.
- **Other Actions:** Administrative amendments, authorizations to construct, emission reduction credits (ERC), variances, and exemptions to test.tceq.texas.gov+2 more

Application Process

- **Determine Need:** Calculate PTE and check against thresholds/exemptions using TCEQ tools and guidance.
- **Submit Application:** Use forms from TCEQ website; many (e.g., standard permits) via STEERS online system. Include emissions data, site plans, control technologies, and modeling if required.
- **Reviews:** Administrative (completeness, public notice) and technical (emissions quantification, BACT/LAER, impacts).
- **Public Involvement:** 30-day comment periods; possible second notice.
- **Timelines (Target Goals):**
 - PBR: 45 days.
 - Standard Permits (no notice): 45 days; with notice: 150-195 days.
 - NSR New Permits: 285 days; Amendments: 315 days; Renewals: 270 days.
 - Federal NSR (PSD/Nonattainment): 365 days.
 - Title V: 120-365 days depending on type.
- **Before Changes:** Obtain authorization prior to construction or modification.
- **Assistance:** TCEQ Small Business and Local Government Assistance; contact TexasEnviroHelp@tceq.texas.gov

Resources

- TCEQ Air Permits Division: Contact via website or phone (512-239-1000).
- Rules: 30 TAC Chapters 106, 116, 122.
- Fact Sheets: Available for various permit types on TCEQ site.

Basic Checklist: Do I Need an Air Permit in Texas?

Use this checklist to evaluate your facility's air permitting needs. Mark "Yes/No" and note actions. For expert review, consult ClearPath Environmental Consulting, Inc.—we'll prepare your application and secure approvals.

Step 1: Assess Emissions

- Does your facility plan to construct or modify operations that emit air contaminants (e.g., CO, NOX, VOC, PM)?
- Is the potential to emit ≥ 250 tpy for CO/NOX, ≥ 25 tpy for VOC/SO₂/PM, or above other thresholds?
- For major sources: Does PTE exceed 100 tpy (or lower in nonattainment areas) for criteria pollutants?
- Do emissions involve GHGs or toxic pollutants exceeding specific limits?

Step 2: Check for Exemptions

- Does the facility meet de minimis conditions under 30 TAC § 116.119(a)?
- Can it qualify for a Permit by Rule (PBR) under 30 TAC Chapter 106 (e.g., low emissions, registered if needed)?
- Is it an insignificant activity or exempt (e.g., certain agricultural/mobile sources)?
- If yes to any, claim exemption or register; otherwise, proceed to permit.

Step 3: Prepare for Application

- Calculate emissions inventory and PTE.
- Determine permit type (PBR, Standard, NSR, Flexible, Nonattainment, PSD, Title V).
- Gather data: Site plans, control technologies (BACT/LAER), modeling if required.
- Review TCEQ guidance, rules, and Permits Procedures Manual.
- Submit via STEERS for applicable types.

Step 4: Submit and Monitor

- Apply before construction/modification.
- Address public notice and comment periods.
- Monitor status on TCEQ website.

- Comply with timelines and any additional requirements (e.g., offsets for nonattainment).

Next Steps with ClearPath: If "Yes" to needing a permit, let ClearPath handle the details. We offer full-service support, from gap analysis to submission, tailored for Texas industries. Reach out today for a free consultation!

Why Choose ClearPath? At ClearPath Environmental Consulting, Inc., we specialize in navigating Louisiana's air permitting maze. Our experts handle applications, exemptions, and compliance audits, ensuring your operations in chemical plants or refineries meet TCEQ standards efficiently. Contact us to avoid delays and fines.



4310 Ryan St., Suite 101, Lake Charles LA 70605

info@clearpathenv.com

225.280.9592

www.clearpathenv.com

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