

TCEQ PERMIT RENEWALS

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BACKGROUND:

PERMIT RENEWAL REGULATIONS AND TERMS

IN 1985, THE TEXAS LEGISLATURE AMENDED THE TEXAS CLEAN AIR ACT (TCAA), REQUIRING THAT PERMITS BE RENEWED EVERY FIVE YEARS. SUBSEQUENTLY, THE TEXAS LEGISLATURE AND THE TCEQ HAVE AMENDED THE RENEWAL REQUIREMENTS AND PERMIT TERMS. CURRENTLY, ANY PERMIT ORIGINALLY ISSUED BEFORE DECEMBER 1, 1991, IS SUBJECT TO REVIEW AND RENEWAL EVERY 15 YEARS; ANY PERMIT ORIGINALLY ISSUED ON OR AFTER DECEMBER 1, 1991, IS SUBJECT TO REVIEW AND RENEWAL EVERY 10 YEARS. TO FURTHER COMPLICATE THE ISSUE, THE EXECUTIVE DIRECTOR MAY (FOR CAUSE) REQUIRE A PERMIT TO BE REVIEWED AND RENEWED AT A PERIOD BETWEEN 5 AND 10 YEARS FOR PERMITS ORIGINALLY ISSUED ON OR AFTER DECEMBER 1, 1991.

The current requirements specify that the TCEQ shall notify the holder of a permit that the permit is scheduled for review and renewal. The notice is provided by certified or registered mail not less than 180 days prior to the expiration date of the permit. The holder of the permit must submit a permit renewal application (Form PI-1R) and supporting information to the TCEQ prior to the expiration date of the permit.

PERMIT RENEWAL REQUIREMENTS

The general requirements for permit renewals are stated in Rule 116.311. To be granted a permit renewal, the following general requirements must be met:

1. Any dockside vessel emissions associated with the facility complies with all rules and regulations of the commission and with the intent of the TCAA, including protection of the health and property of the public and minimization of emissions, to the extent possible, consistent with good air pollution practices.

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2. The facility is being operated in accordance with all requirements and conditions of the existing permit, including representations in the application for permit to construct and subsequent amendments, and any previously granted renewal, unless otherwise authorized for a qualified facility.
3. The facility meets the requirements of any applicable New Source Performance Standards, as listed under Title 40 CFR Part 60, promulgated by the EPA under the authority of the FCAA, Section 111, as amended.
4. The facility meets the requirements of any applicable emission standards for hazardous air pollutants, as listed under Title 40 CFR Part 61, promulgated by EPA under the authority of the FCAA Section 112, as amended.
5. The facility meets the requirements of any applicable maximum achievable control technology standard, as listed under Title 40 CFR Part 63, promulgated by the EPA under FCAA Section 112 or as listed under Chapter 113, Subchapter C of the TCEQ [relating to National Emission Standards for Hazardous Air Pollutants for Source Categories (FCAA Section 112, 40 CFR 63)].
6. The facility meets the requirements of Subchapter C of the TCEQ rules [relating to Hazardous Air Pollutants; Regulations Governing Constructed or Reconstructed Major Sources (FCAA, Section 112 (g), 40 CFR Part 63)].
7. A compliance history review of the facility is conducted in accordance with the procedures, as required by Chapter 60 of the TCEQ rules.
8. The facility under renewal review complies with public notification and comment procedures, as directed by the Executive Director.
9. The applicant for the permit renewal submits a renewal fee based on the total annual emissions from the permitted facility, as prescribed by the renewal fee schedule.

In addition to the above requirements, if the commission determines it necessary to avoid a condition of air pollution or to ensure compliance with otherwise applicable federal or state air quality control requirements, the renewal applicant may be required to submit additional information relating to emissions and their impacts on the surrounding area. As a result of emission impacts review, the commission may require that additional controls be installed on the facility. However, additional controls would only be required if the Executive Director determines them to be economically reasonable and technically practicable, considering the age of the facility and the impact of the emissions on the surrounding area.

OUR SERVICES AND APPROACH:

SAGE'S STEP-BY-STEP PERMIT RENEWAL ANALYSIS

TCEQ air permitting requirements are sometimes confusing and clients need assistance charting their way through the regulatory maze. Sage provides proven technical service in this area and recommends the following step-by-step analysis:

STEP 1 Sage analyzes the general requirements of Rule 116.311, and the specific applicability of each section to the facility under renewal review. To complete this task, Sage reviews and recalculates all emission rates, updating emission factors and calculation techniques as necessary.

STEP 2 Sage determines if the client's facility is in compliance with all permit maximum allowable emission rate table limits and determines if all representations in the original permit application are still appropriate. If any inconsistencies or conflicts are discovered, then the appropriate corrective action plan is developed and presented.

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STEP 3 Sage determines if there have been any Permits-By-Rule (PBRs) claimed at the facility and determines the appropriate “roll-in” strategy for the client.

STEP 4 If the commission determines that emissions impacts from the facility must be reviewed in detail, Sage provides the required modeling and air quality impacts analysis in support of the client’s renewal application. If the commission determines that additional control options must be considered by the client, Sage reviews all available control techniques applicable to the facility and ensures that only controls that are economically reasonable and technically practicable are considered.

STEP 5 Sage determines the Compliance History Rating for the site. If there are questions regarding how the rating was developed, Sage works with the TCEQ staff and the client to ensure that an accurate Compliance History Rating is calculated.

STEP 6 Sage completes and files the PI-1R form and helps develop all required data elements and any additional information, as required by the TCEQ. If there are any questions by the agency during the permit renewal review, Sage works with the agency to resolve issues.

ADMINISTRATIVE DATA

Sage coordinates with the client and the TCEQ to incorporate all relevant documentation in support of the permit renewal application. This includes all data elements of the Form PI-1R as required, including process descriptions, maps, process flow diagrams, and emissions calculations.

TIMING/PROCESS

The permit renewal application review can take six months or longer, depending upon the complexity of the permit, compliance history complications, additional emission impact analysis required by the agency, and agency backlog. Sage generally requires at least 60 days to prepare a permit renewal application package, depending upon the availability of the required documentation information.