

## APPENDIX B

# PERMIT TIME FRAME REDUCTION AND TRACKING

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

- controlling air pollution
- managing hazardous and nonhazardous waste and 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 has 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.



*Canyon Lake. Credit: iStock.*

Figures B-1 through B-6 show the status of Priority 1 and Priority 2 projects at the end of fiscal 2022 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 (Figure B-4). The program did not meet the time frame goals for applications exclusive of Fast Track and HB 1964 applications.

Since September 2021, Water Rights Permitting has met time frame goals for HB 1964 applications and most Fast Track applications and has continued reducing the average processing times for these permits. Since fiscal 2016, the program reduced the number of pending water rights applications by 66%. As the total number of pending, uncontested water right applications have declined, so have the number of pending applications which exceed the processing goal. This reduction paves the way for the program to focus on processing applications that currently exceed time frames.

Water Quality Permitting did not meet the time frame goals. Applications that were contested, involved complex review, or received EPA objections



*Lake Austin. Credit: iStock.*

resulted in a backlog of applications. From fiscal 2021 to 2022, Water Quality Permitting reduced the backlog of applications by 60%. This reduction allows the program area to focus on processing applications that currently exceed time frames.

## 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, and case by case new source review (NSR) 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—11,285 between fiscal 2021 and 2022. During the same period, the Air Permitting program completed 44% of NSR projects automatically



through e-permitting with same-day response.

And for fee collection, during fiscal 2021 and 2022, the agency's e-Pay system processed over 100,000 fee payments and collected about \$56 million in fees.

## 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.
- Streamlining pre-injection units (PIU)



*Gorman Falls, Colorado Bend State Park. Credit: iStock.*

regulation for injection wells by removing redundant requirements for registering or permitting PIUs under 30 TAC Chapter 331.

- Initiating LEAN Management systems to improve processes.

### WATER RIGHTS PERMITS

- Implementing LEAN Management for processing water rights permits.
- 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.

### 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—created in the last biennium to identify efficiencies

and streamline the districts bond application process—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.
- Streamlining the internal review process for NSR applications so that administrative and technical reviews are conducted simultaneously and deficiencies are identified earlier in the process.
- Expanding the ePermits system to include case by case NSR permit applications and all standard permits applications, which were previously not available.
- Implementing changes to Title V permits to incorporate PBR requirements using a new PBR Supplemental Table with applications.
- 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 2021 and 2022, TCEQ tracked and issued 13 permits for major economic-development projects.



*Salt Basin Dunes, Guadalupe Mountains National Park. Credit: iStock.*

# PROCESSING TIMES FOR PERMITS, REVIEWS, AND AUTHORIZATIONS

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

Application Type	Received in FY21 and FY22	Processed in FY21 and FY22	Exceeding Target as of 8/31/2022	Minimum Processing Time (Days)	Maximum Processing Time (Days)	Average Processing Time (Days)	Target Maximum (Days)
<b>PRIORITY 1</b>							
New Source Review (NSR) New Permits	218	170	0	1	3,651	278	285
NSR Amendments	623	616	11	3	2,080	205	315
NSR New Permits – Federal Timeline	8	9	0	145	326	242	365
NSR Amendments – Federal Timeline	41	47	2	51	569	318	365
Federal NSR (Prevention Significant Deterioration, Nonattainment, 112g) New & Major Modifications	88	82	3	8	569	222	365
PBRs	6,674	6,667	1	1	105	12	45
Standard Permits (without public notice), Changes to Qualified Facilities (SB 1126) & Relocations	3,497	3,513	1	1	365	9	45
Standard Permits (with public notice)	327	294	0	6	184	75	150
Standard Permits for Concrete Batch Plants (with public notice)	191	246	0	35	213	86	195
<b>Priority 1 Totals</b>	<b>11,667</b>	<b>11,647</b>	<b>18</b>				
<b>PRIORITY 2</b>							
NSR Alterations & Other Changes	565	583	2	2	224	58	120
NSR Renewals	494	481	9	14	2,080	170	270
New Site Operating Permits (SOP)	94	100	0	77	790	361	365
SOP Revisions	429	454	30	1	1,747	231	365
SOP Renewals	347	373	35	66	2,675	356	365
New General Operating Permits (GOP)	94	100	0	31	229	102	120
GOP Revisions	226	239	0	1	361	139	330
GOP Renewals	130	141	0	14	262	138	210
<b>Priority 2 Totals</b>	<b>2,379</b>	<b>2,471</b>	<b>76</b>				
<b>OVERALL TOTALS</b>	<b>14,046</b>	<b>14,118</b>	<b>94</b>				



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

Application Type	Received in FY21 and FY22	Processed in FY21 and FY22	Exceeding Target as of 8/31/2022	Minimum Processing Time (Days)	Maximum Processing Time (Days)	Average Processing Time (Days)	Target Maximum (Days)
PRIORITY 1							
Industrial and Hazardous Waste (IHW) New Permits	6	3	0	267	329	299	450
IHW Class 3 Modifications	11	12	0	16	442	292	450
IHW Major Amendments	0	0	0	N/A	N/A	N/A	450
Municipal Solid Waste (MSW) New Permits	16	12	0	40	357	185	360
MSW Major Amendments	25	21	0	20	359	183	360
MSW Registered Transfer Stations	6	5	0	51	171	134	230
MSW Registered Liquid Waste Processor	2	1	0	160	160	160	230
<b>Priority 1 Totals</b>	<b>66</b>	<b>54</b>	<b>0</b>				
PRIORITY 2							
IHW Renewals	34	44	0	24	2,174	376	450
<b>Priority 2 Totals</b>	<b>34</b>	<b>44</b>	<b>0</b>				
<b>OVERALL TOTALS</b>	<b>100</b>	<b>98</b>	<b>0</b>				

TCEQ processed to a final decision 59 IHW and 39 MSW authorizations. The average processing time for these applications ranged from 134 to 376 days, which was within their respective targets.

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.

Figure B-3. Water Quality (Uncontested) Processing Times

Application Type	Received in FY21 and FY22	Processed in FY21 and FY22	Exceeding Target as of 8/31/2022	Minimum Processing Time (Days)	Maximum Processing Time (Days)	Average Processing Time (Days)	Target Maximum (Days)
PRIORITY 1							
New Permits (Major Facilities)	1	1	1	352	352	352	330
Major Amendments (Major Facilities)	50	61	18	212	3,493	646	330
New Permits (Minor Facilities)	284	178	20	1	1,200	290	330
Major Amendments (Minor Facilities)	132	109	22	142	1,248	355	300
Sludge Registrations	101	111	2	23	827	181	270
<b>Priority 1 Totals</b>	<b>568</b>	<b>459</b>	<b>62</b>				
PRIORITY 2							
Renewal Major Facilities	156	171	24	168	4,431	468	330
Renewal Minor Facilities	629	687	45	111	1,603	272	300
<b>Priority 2 Totals</b>	<b>785</b>	<b>858</b>	<b>69</b>				
<b>OVERALL TOTALS</b>	<b>1,353</b>	<b>1,317</b>	<b>131</b>				

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

Application Type	Received in FY21 and FY22	Processed in FY21 and FY22	Exceeding Target as of 8/31/2022	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]	62	65	69	42	3,646	1,255	300
Fast Track	89	120	4	3	2,342	250	300
HB 1964	19	19	0	35	428	84	90
<b>Priority 1 Totals</b>	<b>170</b>	<b>204</b>	<b>73</b>				

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

Application Type	Received in FY21 and FY22	Processed in FY21 and FY22	Exceeding Target as of 8/31/2022	Minimum Processing Time (Days)	Maximum Processing Time (Days)	Average Processing Time (Days)	Target Maximum (Days)
PRIORITY 1							
Water District Expedited Bond Applications	444	367	4	18	137	60	60
Water District Regular Bond Applications	284	353	2	1	824	165	180
Water District Expedited Escrow Releases & Surplus Fund Requests	113	122	1	1	183	58	60
Water District Regular Minor Applications	200	228	0	1	200	58	120
Water District Expedited Creation Applications	65	34	0	14	257	118	120
Water District Regular Creations & Conversions	48	65	0	127	982	286	180
Water Engineering Plan Reviews	5,038	4,994	0	1	88	58	60
Exceptions	2,729	2,824	4	1	184	78	100
Alternative Capacity Requirements	180	184	0	15	90	81	90
<b>Priority 1 Totals</b>	<b>9,101</b>	<b>9,171</b>	<b>11</b>				

TCEQ's Water Supply Authorization program completed reviews for 9,171 applications and authorizations, with an average processing time ranging from 58 to 286 days

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

Application Type	Received in FY21 and FY22	Processed in FY21 and FY22	Exceeding Target as of 8/31/2022	Minimum Processing Time (Days)	Maximum Processing Time (Days)	Average Processing Time (Days)	Target Maximum (Days)
<b>PRIORITY 1</b>							
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
Underground Injection Control (UIC) New Permits	10	2	4	263	357	310	390
UIC General Permit Notice of Registration	1	0	0	N/A	N/A	N/A	60
UIC Permit Major Amendments	9	0	9	N/A	N/A	N/A	390
UIC Class III Production Area Authorizations	0	0	0	N/A	N/A	N/A	390
<b>Priority 1 Totals</b>	<b>20</b>	<b>2</b>	<b>13</b>				
<b>PRIORITY 2</b>							
Uranium Radioactive Material License Renewals	1	0	2	N/A	N/A	N/A	885
Uranium Radioactive Material License Major Amendments	0	0	1	N/A	N/A	N/A	885
Uranium Radioactive Material License Minor Amendments	3	2	1	133	338	236	230
Low-Level Radioactive Waste, Radioactive Material License Renewals	0	1	0	761	761	761	990
Low-Level Radioactive Waste, Radioactive Material License Major Amendments	0	0	0	N/A	N/A	N/A	990
Low-Level Radioactive Waste, Radioactive Material License Minor Amendments	2	2	0	210	233	222	230
UIC Permit Renewals	18	27	12	245	1,135	776	390
UIC Class V Authorizations	140	142	2	2	307	45	60
<b>Priority 2 Totals</b>	<b>164</b>	<b>174</b>	<b>18</b>				
<b>OVERALL TOTALS</b>	<b>184</b>	<b>176</b>	<b>31</b>				

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.