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# Consolidated Permit Processing and Consolidated Permits Guidelines for Implementing House Bill 1228 75<sup>th</sup> Legislature



Consolidated Permit Processing and  
Consolidated Permits Guidelines  
for Implementing House Bill 1228  
75<sup>th</sup> Legislature

Prepared by

Office of the Chief Engineer

RG-319  
December 1998



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## Disclaimer

These guidelines are intended to assist persons in either requesting consolidated processing of individual environmental permit applications or consolidating environmental permits under Title 30 of the Texas Administrative Code (TAC) Chapters 33 and 39. Following this guidance is expected to result in applications that meet the regulatory standards required by the Texas Natural Resource Conservation Commission (Commission). This guidance is not regulation and should not be used as such. Persons should exercise discretion in using this guidance document. This guidance should be used along with other relevant information when either requesting consolidated processing of individual environmental permit applications or consolidating environmental permits.

## Introduction

This guidance document accompanies the rules included in Chapters 33 and 39. Chapter 33 addresses the process for requesting consolidated processing of individual environmental permit applications or consolidating environmental permits. The rules in Chapter 39 address the requirements for public notice during permit application and processing.

House Bill (HB) 1228, 75th Legislature, 1997, created a new Texas Water Code (TWC), Chapter 5, Subchapter J. The new statute creates a **voluntary** process for an applicant to request consolidated permit processing or the issuance of a consolidated permit. Title V Federal Operating Permits (Chapter 122 of Title 30 TAC) are prohibited from consolidation by the statute. The statute establishes a **voluntary** program by which an applicant can request consolidated permit processing. It also provides for the designation of a *lead permitting program* for coordination of application reviews, a *consolidated permit hearing* on all permits requested by the applicant, and (at the discretion of the applicant) issuance of a *consolidated environmental permit*.

The statute also allows an applicant to opt out of the process before public notice of the opportunity to request a hearing; the applicant may request separate *processing* either before or after referral to the State Office of Administrative Hearings (SOAH) depending on certain, specific circumstances. Regarding renewals, TWC §5.403 provides that the *term* for a consolidated permit is the shortest term set by any state or federal statute or rule governing any one of the authorizations consolidated by the permit. Furthermore, the statute clarifies the Commission's authority to modify, amend, or renew existing permits containing authority from more than one permit program (including the so-called "*one-stop*" permits).

As for *permit fees*, the statute requires that the fee for a consolidated permit be computed as if the permits that are consolidated had been processed separately. The Commission is authorized to reduce the fee for a consolidated permit if the processing results in savings to the agency.

## **The TNRCC Regulations**

To accommodate the statutory requirements for consolidated processing and consolidated permitting, the Commission adopted new Chapter 33 in Title 30 of the Texas Administrative Code. To allow for combined public notice, the Commission added §39.401 to Chapter 39. The rules provide general procedural requirements to implement the program.

## **Eligibility Requirements**

The consolidated processing, consolidated permitting, and combined hearing and notice features are **voluntary** in nature and will not increase permit requirements beyond what is required from the individual, media-specific permits. To be eligible for this process, applicants need only to have more than one environmental permit for which they want any or all of the benefits of consolidated processing, consolidated permitting, or combined notice.

## **Consolidated Permit Issues**

### **Initial Submittal Time lines**

Applicants who request consolidated permit processing or a consolidated permit must submit all of the applications to the executive director within a 30-day period [see §33.11 of the rules and §5.401(a) of the statute].

### **Public Notice**

Section 33.17 of the rules clarifies the requirements for the applicant to mail any notices that require individual mailings. In addition, applicants must satisfy all notice requirements whether through a set of notices to satisfy media-specific notice requirements or through a customized single notice. See “Combined Public Notice” on page 9 for more details.

### **Permit Fees**

The fee for a consolidated permit will be equal to the sum of the permit fees for the individual component permits. However, §33.15 of the rule allows the Commission to reduce the fee(s) for a consolidated permit application by rule



below the sum of the individual application fees if the Commission determines that consolidated application processing results in a savings to the agency. At this time these savings have not yet been determined. The agency intends to develop and implement tools for tracking these costs and determining the savings, if any, from consolidated permitting and consolidated processing.

### **Permit Format**

To ensure the effective processing of consolidated permits and to appropriately track costs associated with processing these permits, the chief engineer will assign a unique ID number to each individual application form. To avoid unnecessary duplication of information from one media-specific section of the consolidated permit to another, “boilerplate” information will be put on a cover sheet for the consolidated permit (see Appendix 1). The media-specific sections of a consolidated permit will not be renumbered, but each will be designated as a part of the consolidated permit with its own unique identification number. The continuation of media-specific numbers is necessary to ensure the accuracy of records management and billing.

### **Renewals**

Section 33.19 of the rule specifies that the term of a consolidated permit is the shortest term that would be required for any individual authorization. In addition, the rule allows applicants to renew or change a current permit covering more than one permitting program (e.g., “one-stop” permits) and keep the permit together or separate it into its individual components. Maintaining the single permit or separating it is solely at the discretion of the applicant.

Some kinds of permits and certain kinds of process requirements may be much easier to combine or consolidate than others. For example, because Section 5.403 of the statute and the rule state that the period of the consolidated permit is the shortest term of any individual permit, some combinations of permits are more likely than others. Applicants may choose some or all of their permits (with the exception of Title V Federal Operating Permits) for consolidation. Applicants should choose permits to consolidate as best fit their needs giving appropriate consideration to such matters as relative length of permit term and renewal requirements (see Appendix 2).

### **Changes and Requests for Separate Processing**

Section 5.402 of the statute and §§33.47, 33.49, and 33.51 of the rule allow the applicant to request consolidated permit applications be processed separately. The standards for granting this request vary in stringency with how far into the process

the application has proceeded. Section 5.404 of the statute allows current holders of consolidated permits to renew, amend, or modify them as a consolidated permit or process them separately.

Sections 33.21, 33.23, 33.25 and 33.29 of the rule authorize the amendment, transfer, correction, and modification of a consolidated permit at the request of the applicant. In general, the rules require that these changes or transfers be accomplished under all applicable Commission rules regarding changes and transfers for the programs included in the consolidated permit.

When an applicant requests a change to any part of a consolidated permit, the executive director will review appropriate statutes, rules, and practices to eliminate unnecessary inconsistencies and ensure that applicant meets the requirements of all affected media. This applies only to affected media using the stringency applicable to the appropriate programs. For example, changes to a consolidated permit that affect only the Underground Injection Control (UIC) program would be made according to the standard UIC process. It is not acceptable to mix and match programs and processes (e.g., changing portions of the permit related to the UIC program by using the RCRA modification process).

### **Denial, Suspension, and Revocation**

Section 33.27 of the rules states that denial, suspension, and revocation of a consolidated permit is required to be performed under all of the rules that are applicable to the media included in the consolidated permit.

## **Consolidated Application Processing**

The flow diagram shown in Appendix 3 describes the process to be used in processing applications for consolidated permits. The process includes a recommended presubmittal conference, notice of intent, applications and forms, lead program, permit review, and procedures for requesting separate processing of a consolidated application.

### **Presubmittal Conference**

Section 33.41 of the rules **recommends** that applicants considering a request for consolidated permit application processing also request a presubmittal conference to determine:

- types of permits to be consolidated,
- Time lines for submission of applications,
- notice and hearing requirements, and
- opportunities for pollution prevention and technical assistance

Applicants interested in requesting a presubmittal conference should contact the chief engineer at (512) 239-3900.

### **Notice of Intent to Request Consolidation**

Section 33.11 of the rule directs the Commission to “conduct coordinated application reviews and one consolidated permit hearing on all permits requested to be consolidated by the applicant and may issue one consolidated permit. On request of the applicant, the Commission shall issue one consolidated permit.” Section 33.43 of the rules requires an applicant to notify the Commission of the intent to request consolidated permit application processing. To ensure that the Commission correctly understands an applicant’s request for consolidated processing of multiple permits or the issuance of a consolidated permit, an applicant may submit the media-specific applications under a simple cover letter (see Appendix 4) or using Form 10068 (see Appendix 5).

*Simple Cover Letter.* The general format of the cover letter is described in Appendix 4. Applicants are required to list any attached media-specific applications they want consolidated. In addition, applicants must list which permit applications they want to receive consolidated processing. As a minimum, the cover letter must state that the applicant wants the attached media-specific applications to receive consolidated processing, a consolidated permit, or both. In addition, the applicant must include:

- applicant’s name,
- applicant’s address,
- location of the facility (equipment, site, or plant),
- the number and types of authorizations to be consolidated (for processing or permitting or both),
- the types of notices that the applicant wishes to combine (see “Combined Public Notice” on page 9), and
- the time period (not to exceed 30 days) in which the applicant will submit all applications intended for consolidation.

*Optional Consolidated Permitting Form.* As an alternative to the cover letter approach, an applicant may use an *optional* cover form, such as the Optional Consolidated Permitting Form 10068, included in Appendix 5. In addition to filling out the data on this form, applicants are required to complete *all* entries on individual application forms.

## **Applications and Forms**

In accordance with §33.13 of the rules, applicants will continue to use the application forms for the appropriate media-specific authorizations. These forms will be attached to the notice of intent (see page 5) and forwarded to the following address:

Consolidated Processing/Consolidated Permitting  
Chief Engineer  
Texas Natural Resource Conservation Commission  
MC-110  
P.O. Box 13087  
Austin, TX 78711-3087

## **Electronic Filing**

Requests for consolidated permitting or a consolidated permit may be filed in an electronic format. Contact the chief engineer at (512) 239-3900 to verify acceptable electronic formats prior to sending information electronically. Applications may be mailed to the TNRCC on a 3½-inch floppy diskette or e-mailed to the following address:

conpermt@tnrcc.state.tx.us

In addition to filing the electronic copy of the application, the applicant must mail a copy of the signature page or pages of the application (containing an original signature). *Note:* Maps, drawings, well logs, plans, documents with embossed professional engineer seals, among other documents, may need to be sent by mail or courier. Contact the chief engineer at (512) 239-3900 prior to sending any of these types of documents by e-mail or diskette.

## **Fees**

Payment of fees should be made at the time the application is submitted. Fees are to be calculated as if the permits that are to be consolidated were to be processed separately. Enclose with the payment a copy of page 1 of the application form and an itemized list showing each fee and associated program, so that the fees may be credited to the correct account. Applicants must send the appropriate filing fee to the following address:

TNRCC - Cashier MC-214  
Attention: Consolidated Permits  
PO Box 13088  
Austin TX 78711-3088

**Note:** Technical review of the application **will not** commence until after the Chief Engineer receives confirmation from the TNRCC cashier's office that the fee payment has been received.

## **Lead Program**

Section 5.401(b) of the statute requires the executive director to "designate one permit program as the lead program for coordination, and that program is the point of contact regarding the consolidated permit." Because the lead program plays a key role in timely consolidated processing and permit issuance, applicants need to understand how the lead program is determined and the role of the lead program in the process.

*Determining the Lead Program.* As stated above, the statute requires the executive director to determine which program will be the lead on a given applicant request. The executive director has authorized the chief engineer to act on his behalf. When a request is submitted, the chief engineer will review the applications to see if any driving issues push the application to a particular program office.

If there are no unusual driving issues, the request is routed based on a predetermined assessment of the application's needs. This alternative parallels the former "one-stop" permitting approach. In this approach, the driving environmental and public health issues on a site determine which program will be the lead program. For example, the Municipal Solid Waste Permits Section would be the lead on municipal landfills even though they could also have air and industrial waste permits. On the other hand, the New Source Review Permitting Division (Air) would be the lead on municipal waste incinerators; the Industrial and Hazardous Waste Permits Section would lead on underground injection wells and commercial hazardous waste facilities.

*The Role of the Lead Program.* After being designated by the chief engineer, the lead program notifies the applicant of the designation and functions as an information conduit and as scheduler/coordinator for the consolidated permitting process. As an information conduit, the lead program serves as the focal point for the applicant to communicate formally (in writing) with the Commission. Informal contacts, such as telephone calls, may be made directly between the media specialist and the applicant. Each media specialist will be responsible for informing the lead program of all ongoing discussions. As a scheduler/coordinator and primary contact on hearings proceedings, the lead program person will schedule the progress of the review and ensure time lines are met. Included in this role is compiling and forwarding public notice requirements where appropriate and the draft permit.

## **Extent of the Review**

To ensure that consolidated processing and consolidated permitting adequately protect public health and the environment, the lead program permit specialist will coordinate a thorough review of the applications. The lead program permit specialist will:

- integrate single-media concerns and incorporate pollution prevention (P2) into the permit review,
- enhance the many permit processes currently being used to shorten slack times,
- tighten coordination between program offices, and
- resolve potential conflicts between the different program requirements.

By incorporating P2 considerations into this process, the Commission will work with applicants to focus on how they can change their site processes to generate less waste and produce fewer emissions and releases.

## **Request for Separate Processing**

Applicants may request separate processing for a consolidated application. However, the flexibility and procedures used in granting this request depend largely on the timing of the request and, in some cases, the reasons for requesting separation. In addition, the executive director may, under certain circumstances, require separate processing or return parts of an application.

*By Executive Director.* Section 33.45 of the rules allows the executive director to require separate processing of the individual parts of a consolidated application. The executive director may also return parts of an application to an applicant if the he/she submits an incomplete application or if the applicant does not respond appropriately to one or more notices of deficiency. In notifying the applicant of this action, the executive director must give the reasons for taking the action.

*Before Public Notice.* Section 5.402(a) of the statute and §33.47 of the rules allow the applicant to request that the consolidated application receive separate processing any time before mailing or publishing any public notice of the opportunity to request a hearing. Requests by the applicant to this end are required to be submitted to the executive director in a timely fashion and include the applicant's name and a list of the applications to be separated.

*After Public Notice and Before Referral to SOAH.* Section 5.402(b) of the statute and §33.49 of the rules allow the executive director to separate the consolidated applications after public notice and before referral to SOAH when an applicant demonstrates "good cause." In this regard, "good cause" includes, but is not limited to:

- a change in the statutory or regulatory requirements governing a permit or
  - a substantial change in the facts surrounding the applications for permits.
- Requests by the applicants to this end are required to be submitted to the executive director in a timely fashion and include:
- the applicant's name,
  - a list of the applications to be separated, and
  - the applicant's demonstration of good cause.

*After Referral to SOAH.* Section 5.402(c) of the statute and §33.51 of the rules allow the applicant to have the consolidated applications processed separately after referral to SOAH. However, this separation may occur only after the applicant complies with Commission procedural rules regarding withdrawal of applications found in 30 TAC §80.25.

## **Combined Public Notice**

Section 5.406 of the statute states that the Commission "may adopt rules to effectuate the purposes of this subchapter, including rules providing for: (1) combined public notices of permits issued under the authority of this section...." Any notice given must satisfy all applicable regulatory and statutory requirements. Appendix 6 summarizes the federal and state statutory requirements concerning the eight public notice requirements for the ten different kinds of Commission permits.

To decrease costs associated with multiple public notice for the individual components of a consolidated permit or consolidated processing, applicants can combine notices where possible. For some combinations of certain kinds of permits and certain kinds of notices, a single, combined public notice may be much easier to accomplish than for other combinations. If requested by the applicant and, if possible, this notice will be done on a site-specific basis to *customize a single notice* for each of the notice events incorporating all applicable requirements. Notice requirements can be discussed at the presubmittal conference.

## **Small Business Assistance**

When preparing an application for a consolidated permit or a request for consolidated processing, owners of small businesses (100 employees or fewer) should be aware that the TNRCC has an office of Small Business Assistance to help them understand and navigate through the permitting process. Small Business Assistance staff may be reached at 1-800-447-2827.

## **Designation of Material as Confidential**

The TNRCC suggests that the applicant **not** submit confidential information as a part of the request for consolidated processing or the application for a consolidated environmental permit. However, if this cannot be avoided, the confidential information should be described in nonconfidential terms throughout the request or application. A separate document containing the confidential information should be submitted as an appendix. Each page of the confidential information should be conspicuously marked “CONFIDENTIAL.”

Reasons for confidentiality include the concept of trade secrecy and other related legal concepts that give business the right to preserve the confidentiality of business information to obtain or retain advantages resulting from the content of the information. The TNRCC will maintain information marked as being confidential in a separate file subject to review by the Texas attorney general of the information’s confidentiality under the Public Information Act, Texas Government Code Chapter 552.

## **Obtaining Publications**

Applicants or other interested parties may obtain the most current versions of this guidelines document (RG-319) or any of the associated forms by contacting the TNRCC’s Publications Unit at (512) 239-0028. The appendices that follow include the forms and form numbers used in the consolidated permit process.

Current copies of these publications may also be obtained through the TNRCC Web page: <http://www.tnrcc.state.tx.us/publications>

## **Information About Consolidated Permits and Processing**

Questions relating to requesting consolidated processing or the applying for a consolidated environmental permit can be sent by U.S. mail to this address:

TNRCC - Chief Engineer MC-110  
Attention: Consolidated Permits  
P.O. Box 13087  
Austin, TX 78711-3087

or by e-mail to this address: [conpermt@tnrcc.state.tx.us](mailto:conpermt@tnrcc.state.tx.us)



## Appendix 1: A Cover Sheet for the Consolidated Permit

(Date)

Ms. Jean Jones, P.E.  
Director, Safety, Health, and Environment  
Acme Power and Light Co.  
17910 IH-10 West  
San Antonio, Texas 78257

Re: Consolidated Permit No. CP00001  
BigBell #2 Power Generating Plant  
San Antonio, Bexar County

Dear Ms. Jones:

This is in response to your consolidated application, Form 10068, submitted on April 1, 1998 concerning the above-referenced facility. A consolidated permit for your new facility is enclosed. Consolidated Permit No. CP00001 has been issued in accordance with TAC Chapter 33 and corresponds to the following media-specific permits:

- ▶ NPDES Wastewater Permit No. TX003951222
- ▶ Air Quality Permit No.23002 (Account # BA-0002-K)
- ▶ Industrial and Hazardous Waste Permit No. ABC123

For tracking and future processing, your permit will retain both the consolidated permit number and the individual media permit numbers. Each media-specific component may contain several general and special conditions that define the level of operation, allowable emissions, and allowable discharges. In addition, the construction and operation of the facilities must be as represented in the application.

Pursuant to 30 TAC §33.15, this consolidated permit and all authorizations contained herein shall expire at midnight December 1, 2003. In addition, the holder of this permit should refer to TAC Chapter 33 for procedures on how to change or transfer a consolidated permit.

If you have any questions, please call the Chief Engineer's office at (512)239-3900.

Sincerely,

Chief Clerk  
Texas Natural Resource Conservation Commission

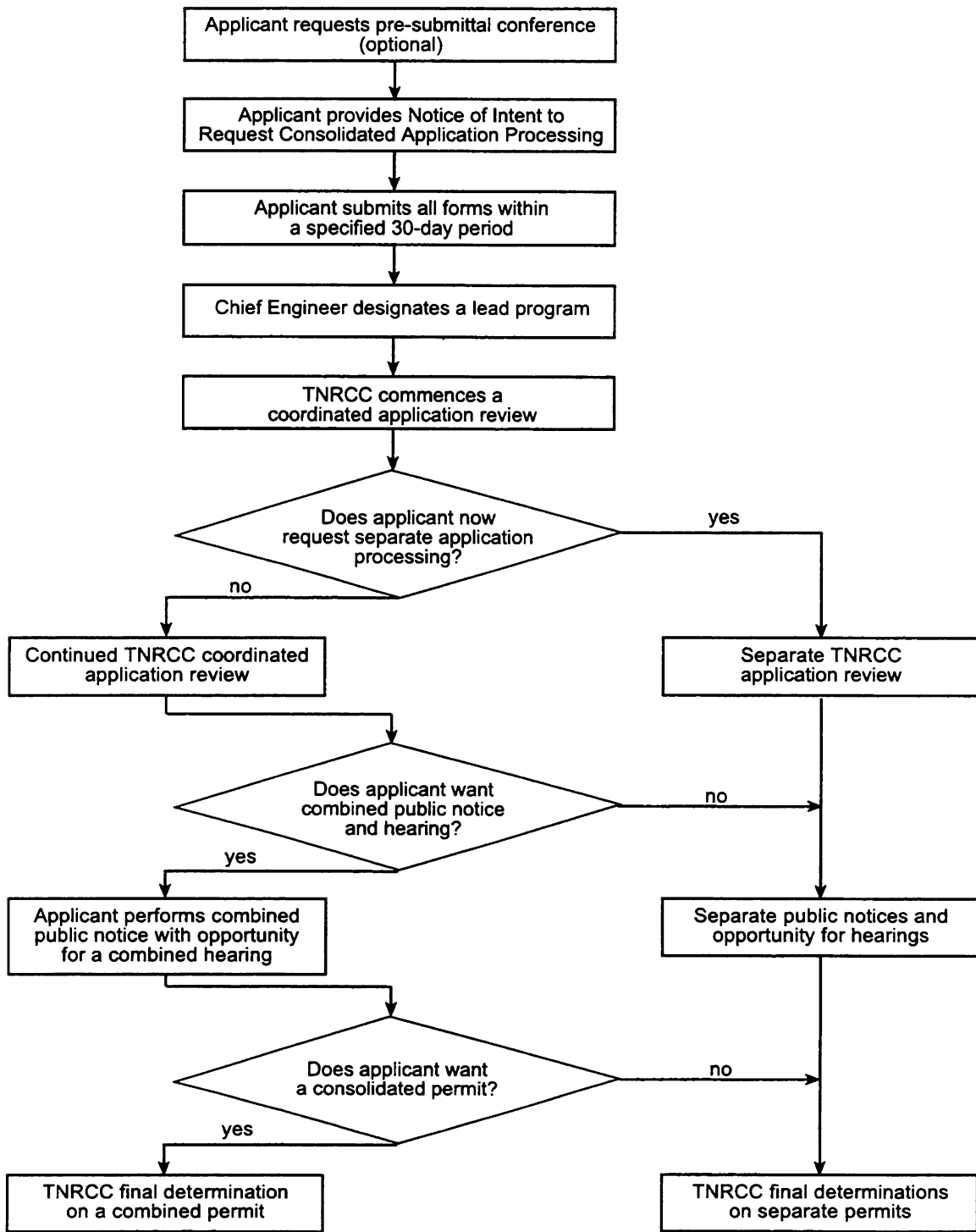
Enclosures

cc: Region, NSRPD Permits staff, Wastewater Permits staff, Waste Permits staff, Chief Engineer

**Appendix 2:  
Renewal Terms for Permit Types of Various Media**

<b>Media</b>	<b>Type of Permit</b>	<b>Term</b>
Air	New Source Review	10 years or less (by rule); 10 years (by policy)
	Prevention of Significant Deterioration	Life of project
Municipal Solid Waste	Type I (Standard Landfill)	Life of project
	Type IV (brush, construction)	Life of project
	Type V (separate solid waste processing facilities)	Life of project
	Type IX (gas recovery)	Life of project
Hazardous Waste	Radioactive Material	5 years (by policy)
	Underground Injection Control - Class I	10 years
	Underground Injection Control - Class III	Life of project
	Hazardous Waste	10 years
	Industrial Non-Hazardous Waste	10 years, or perpetual (by policy)
Water	Wastewater (Clean Water Act)	5 years
	Underground Injection Control - Class V	10 years
	CCNs	Perpetual
	Surface Water Rights	Perpetual; Term; Temporary

**Appendix 3: Process Flow Diagram Processing Applications for Consolidated Permits**



**Appendix 4: Notice of Intent to Consolidate - A Simple Cover Letter**

(Date)

Consolidated Processing/Consolidated Permitting  
Chief Engineer, MC-110  
Texas Natural Resource Conservation Commission  
P.O. Box 13087  
Austin, Texas 78711-3087

Dear Sirs:

I represent (insert company's name here). Our headquarters is located at (street address, city, state, ZIP). The facility (equipment, site, or plant) for which we seek consolidated permit processing or a consolidated permit include: (list the facility, equipment, site, or plant involved here) located at (street address, city, state, ZIP).

In accordance with 30 TAC 33.43, this letter notifies you of our intent to request consolidated permit processing or a consolidated permit (specify which is desired) for the following permits (list only those that are applicable to this specific request):

Air Quality [specify whether new or a change to existing permit (insert number here)];  
Municipal Solid Waste [specify whether new or a change to existing permit (insert number here)];  
Industrial and Hazardous Waste [specify whether new or a change to existing permit (insert number here)];  
Water Quality [specify whether new or a change to existing permit (insert number here)];  
Water Utility [specify whether new or a change to existing permit (insert number here)];  
Water Quantity [specify whether new or a change to existing permit (insert number here)];  
Radioactive Material [specify whether new or a change to existing permit (insert number here)];  
Underground Injection Control [specify whether new or a change to existing permit (insert number here)]; or  
Other TNRCC Issued Permits [specify whether new or a change to existing permit (insert number here)].

Additionally, we request combined public notice for the types of notices listed below. (See Attachment 6 of the Regulatory Guidance for a description of the types of notices required by program specific permits.)

We intend to have all of the permit applications listed above to you between (Date 1) and (Date 30). Should all the applications arrive sooner than the last date of this 30-day period, please process them once they have all arrived. Please call me at (insert phone number here) if you have any questions concerning this request or our applications.

Sincerely,

(Point of Contact's Name)  
(Point of Contact's Title)



**APPENDIX 5:**  
**TEXAS NATURAL RESOURCE CONSERVATION COMMISSION**  
**Optional Consolidated Permitting Form (TNRCC 10068)**

Applicants wishing to utilize the Consolidated Permitting Rules outlined in §33.43 should attach a completed copy of this form to any initial permit application package being submitted for review by the TNRCC. Applicants should be aware that this is not a stand alone document. In addition to completing this form, applicants will also need to submit media-specific application forms (i.e., Form PI-1 for Air Quality permits, Part A Application Form for Municipal Solid Waste permits...) for each type of permit they wish to consolidate. However, **applicants are not required to complete duplicate information that appears on the media-specific forms if the information has been adequately addressed on this form.** Please refer to the Consolidated Permitting Regulatory Guidance manual for more details on the consolidation process. Questions regarding this form or the consolidation process may be forwarded to any of the TNRCC permitting divisions in Austin at (512) 239-1000.

**I. APPLICATION INFORMATION**

A. Application Type:  -New Permit  - Change To Existing Permit(s)  - Change in Ownership

B. Type of permits being requested for consolidation:

- Air Quality                       - Water Quality                       - Radioactive Waste  
 - Municipal Solid Waste       - Water Utility                       - Underground Injection Control  
 - Industrial and Hazardous Waste       - Water Quantity       - Other \_\_\_\_\_

C. Are all applications being submitted in a single package with this Form \_\_\_\_?  -Yes  - No

If No, give date and permit type of previously      Date: \_\_\_\_\_ Type: \_\_\_\_\_

submitted applications you wish to consolidate:      Date: \_\_\_\_\_ Type: \_\_\_\_\_

**II. GENERAL FACILITY INFORMATION**

A. Plant SIC#: \_\_\_\_\_ Type of Facility: \_\_\_\_\_

B. Facility/Plant Name: \_\_\_\_\_

C. Brief Description of Business/Process/Product: \_\_\_\_\_

D. Nearest City: \_\_\_\_\_ County: \_\_\_\_\_

E. Physical Address or Location: \_\_\_\_\_ ZIP \_\_\_\_\_

F. Latitude: \_\_\_\_° \_\_\_\_' \_\_\_\_"N      Longitude: \_\_\_\_° \_\_\_\_' \_\_\_\_"W      (to nearest hundredth of a second)

G. TNRCC Facility/ Plant I.D. or account #s (type and #): Type: \_\_\_\_\_ I.D.#: \_\_\_\_\_

Type: \_\_\_\_\_ I.D.#: \_\_\_\_\_

H. TNRCC Permits (type and #):                      Type: \_\_\_\_\_ Permit Numbers: \_\_\_\_\_

Type: \_\_\_\_\_ Permit Numbers: \_\_\_\_\_

**III. OPERATOR / OWNER INFORMATION**

A. Operator: \_\_\_\_\_

(Entity legally responsible for permit; i.e., Owner or Operator of the facility)

B. Ownership status: \_\_\_\_\_

(ie: corporation, partnership, proprietorship, non-profit, municipal, federal, county...)

C. Operator's Texas State Comptroller's Tax ID No.: \_\_\_\_\_

D. Operator's Address (Person, Title, Address): \_\_\_\_\_ ZIP \_\_\_\_\_

Operator's Phone: ( ) \_\_\_\_ - \_\_\_\_ FAX: ( ) \_\_\_\_ - \_\_\_\_ Email: \_\_\_\_\_

E. Operator's Technical Contact (Person, Title, Address): \_\_\_\_\_ ZIP \_\_\_\_\_

Technical Contact's Phone: ( ) \_\_\_\_ - \_\_\_\_ FAX: ( ) \_\_\_\_ - \_\_\_\_ Email: \_\_\_\_\_

**Please indicate desired recipient of all correspondence:  - Permittee or  - Technical Contact**

F. Owner of Facility: \_\_\_\_\_

(If different from operator; include names of proprietor/general partner(s) if applicable)

Owner's Texas State Comptroller's Tax ID No.: \_\_\_\_\_

Owner's address (Person, Title, Address): \_\_\_\_\_ ZIP \_\_\_\_\_

**IV. AUTHORIZATION FOR CONSOLIDATION**

Name (print): \_\_\_\_\_

Title: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**This application should be mailed to the TNRCC, Office of \_\_\_\_\_ (MC-\_\_\_\_), P.O.Box 13087, Austin, TX 78711-3087.**

**Appendix 6**  
**TABLE OF NOTICE REQUIREMENTS FOR NEW PERMITS**  
**TYPES OF NOTICES (RULE, STATUTORY AND FEDERAL REQUIREMENTS FOR NEW PERMITS)**

HSC - Health & Safety Code    TWC - Texas Water Code    CFR - Code of Federal Regulations    AEA - Atomic Energy Act of 1954, as amended

	Notice of Intent	Notice of Receipt of an Application	Notice of Receipt of an Application and Admin Completeness	Notice of Application (draft permit and opportunity for hearing)	Notice of Public Meeting Required	Notice of Public Meeting Requested	Notice of Public Hearing	Notice of Final Determination
<b>AIR (NSR)</b>	N/A	HSC 382.0516	TWC 5.115(b)	HSC 382.056 40 CFR 52.21(q) 51.166(q) 30 TAC 116.132(a) 116.132(b) 116.133 116.132(c) 55.21(d)(2) 55.31(b) 55.21(d)(3)	N/A	30 TAC 52.25(b)(2)	HSC 382.031 30 TAC 55.26(d) 39.201	30 TAC 116.137(b)
<b>MSW</b>	HSC 361.0665 361.063	HSC 361.079	HSC 361.079	HSC 361.079	HSC 361.0791	HSC 361.079(b) 30 TAC 39.101(d)	PRACTICE HSC 361.081	N/A

	Notice of Intent	Notice of an Application	Notice of Receipt of an Application and Admin Completeness	Notice of Application (draft permit and opportunity for hearing)	Notice of Public Meeting Required	Notice of Public Meeting Requested	Notice of Public Hearing	Notice of Final Determination
<b>Nonhaz Industrial Solid Waste</b>	HSC 361.063(c) 361.0641  30 TAC 335.391(b)	HSC 361.0641 361.079(c)  30 TAC 39.103(b) 30 TAC 39.103(c)	[see HSC 361.079(c)]  TWC *5.115(b)	HSC 361.088 361.089  30 TAC 39.5 39.13 39.103(d)	HSC 361.0791(b)	PRACTICE 30 TAC 39.5(g) 39.13	HSC 361.079(a) 361.081(a)  30 TAC 39.5 (g) 39.103(f)	N/A
<b>RCRA</b>	HSC 361-063(c) 361.0641  30 TAC 39.103(a) 39.103(b) 39.13 335.391(c)	HSC 361.0641 361.079(c)  30 TAC 39.13 39.103(b)	[see HSC 361.079(c)]  TWC *5.115(b)	40 CFR 124.10  HSC 361.080 361.081 (c) 361.088 361.089  40 CFR 124.10  30 TAC 39.5 39.13  39 TAC 39.103(d)	HSC 361.0791 361.081(c) 361.082(d)  30 TAC 39.1(g) 39.13 39.103(e)	Required for all new applications; see above 30 TAC 39.5(g) 39.13 39.103(e)	HSC 361.080 361.081(a) 361.082(c)  40 CFR 124.10  30 TAC 39.5(g) 39.103(f)	(to be adopted for continued RCRA authorization)

	Notice of Intent	Notice of Receipt of an Application	Notice of Receipt of an Application and Admin Completeness	Notice of Application (draft permit and opportunity for hearing)	Notice of Public Meeting Required	Notice of Public Meeting Requested	Notice of Public Hearing	Notice of Final Determination
<b>UIC HAZ</b>	HSC 361.063(c) 361.0641  30 TAC 39.251(a) 39.251(b)	HSC 361.079(c) 361.0641  30 TAC 39.251(b)	TWC *5.115(b)  30 TAC 39.251(c)	40 CFR 124.10  HSC 361.080 361.081 (new) 361.082  30 TAC 39.251(d)	HSC 361.0791  30 TAC 39.251(e) 39.5(g)	30 TAC 39.251(e) 39.5(g)	HSC 361.0791 361.080 361.081(a)  40 CFR 124.10  30 TAC 39.251(f)	N/A
<b>UIC Nonhaz</b>	HSC 361.063(c) 361.0641  30 TAC 39.251(a) 39.251(b)	HSC 361.079(c) 361.0641  30 TAC 39.251(b)	TWC *5.115(b)  30 TAC 39.251(c)	40 CFR 124.10  HSC 361.081(new)  30 TAC 39.251(d)	N/A	30 TAC 39.251(e)	40 CFR 124.10  30 TAC 39.251(f) 39.251(f)(3) (B)	N/A
<b>UIC Uranium</b>	30 TAC 39.251(a)	39 TAC 39.251(b)	TWC *5.115(b)  30 TAC 39.251(c)	40 CFR 124.10  30 TAC 39.251(d)	N/A	30 TAC 39.251(e)	40 CFR 124.10  30 TAC 39.251(f)	N/A



	Notice of Intent	Notice of an Receipt of an Application	Notice of an Receipt of an Application and Admin Completeness	Notice of Application (draft permit and opportunity for hearing)	Notice of Public Meeting Required	Notice of Public Meeting Requested	Notice of Public Hearing	Notice of Final Determination
<b>RAD</b>	N/A	N/A	TWC *5.115(b) 30 TAC 39.301	HSC 401.114 AEA §2021(o)(3) 30 TAC 39.303	N/A	N/A	HSC 401.114 30 TAC 39.309	N/A
<b>Water Rights</b>	N/A	N/A	TWC 5.115 11.132 11.143	N/A	N/A	N/A	TWC 11.133	N/A

	Notice of Intent	Notice of Receipt of an Application	Notice of Receipt of an Application and Admin Completeness	Notice of Application (draft permit and opportunity for hearing)	Notice of Public Meeting Required	Notice of Public Meeting Requested	Notice of Public Hearing	Notice of Final Determination
<b>Weather Modification</b>	TWC 18.084 18.085 18.086	N/A	N/A	By State Rule Only	N/A	N/A	LGC 375.024  30 TAC 293.12(g) 394.243 293.145 293.173 293.180 291.28 291.107  TWC 36.305 49.322 49.231(e) 54.240 13.246  GC 2001.051	N/A
<b>Levee</b>	N/A	TWC 16.236	TWC 5.115	N/A	N/A	N/A	30 TAC 301.56(h)	N/A

	Notice of Intent	Notice of Receipt of an Application	Notice of an Application and Admin Completeness	Notice of Application (draft permit and opportunity for hearing)	Notice of Public Meeting Required	Notice of Public Meeting Requested	Notice of Public Hearing	Notice of Final Determination
<b>Water Quality</b>	N/A	30 TAC 312.13 (sludge)	TWC 5.115(b)	40 CFR 124.10 TWC 26.028 39.151	N/A	N/A	TWC 26.022 40 CFR 124.10	N/A
<b>Water Utilities</b>	N/A	N/A	281.17(d)	TWC 13.301 13.246 13.187 291.106 291.109 291.22	N/A	N/A	GC 2001.051	50.19(a) 50.33(b)
<b>Districts</b>	N/A	N/A	N/A	49.011 49.231 LGC 395.080 54.032 49.351 36.305 49.322 293.12 293.145 293.173 293.15(c) 293.132	N/A	N/A	GC 2001.051	N/A



**Appendix 7**  
**List of Notices by Type per Program Area**

Notice	Statute Cite	TX Rule Cite (All 30 TAC)	Brief Description
<b>Air Notices for New Permits</b>			
Intent	n/a	n/a	n/a
Receipt of an Appl.	382.0516 HSC	n/a	NSRPD sends a letter to state senators and representatives of the district where the new permit will be issued/located.
Receipt of an appl. & admin. completeness	5.115(b) TWC	n/a	Not practiced by Air because there is no way to determine a definitive list of "affected parties" given the widely dispersive nature of pollutants in air.
Application (draft permit and opportunity for hearing)	382.056 HSC  40 CFR 52.21 (q) 40 CFR 51.166(q)	116.132(a) 116.132(b) 116.133 116.132(c) 55.21(d)(2) 55.31(b)	At applicant's expense: Publication required in newspaper of general circulation in the municipality (or nearest) where the facility will be located. Two articles in separate sections in the paper (one in public notices section) on two consecutive publications of the newspaper. Sign posting within 10 feet of line property paralleling a street or public thoroughfare not more than 1500 feet apart. Bilingual notice if nearest middle or elementary school has a bilingual education program (all of the above in the appropriate language(s)). 30-day comment period. For state permits, notice may be authorized before technical review is complete. Federal permits (PSD and Nonattainment) require that the notice occur only after a final draft permit and preliminary determination are complete. Comment period is 30 days.
Public meeting required	n/a	n/a	See below.
Public meeting requested	n/a	55.25(b)(2)	OPA shall hold a public meeting when there is a significant degree of public interest or when appropriate to assure adequate public participation. In practice, OPA authorizes meetings and will issue, or prepare and require the applicant to publish, notice of a public meeting in the same newspaper as the draft permit/opportunity for hearing notice was published.
Public hearing	382.031HSC	39.201 55.26(d)	The chief clerk shall mail notice to the applicant, executive director, public interest counsel, and the persons making a timely hearing request at least 30 days before the first meeting at which the commission considers the request. Other cases may be referred directly to SOAH. If there is a hearing, the CCO prepares the notice and sends to applicant to publish notice.
TNRCC final action	n/a	116.137(b)	Persons submitting comments pursuant to 116.136(a) shall be notified in writing of the final Agency action at the same time the applicant is notified.
<b>Air Notice for Permit Renewals</b>			
Intent	n/a	n/a	n/a
Receipt of an Appl.	382.0516 HSC	n/a	NSRPD sends a letter to state senators and representatives of the district where the renewed permit is located.

Notice	Statute Cite	TX Rule Cite (All 30 TAC)	Brief Description
Public meeting required	n/a	n/a	See below.
Public meeting requested	n/a	55.25(b)(2)	OPA shall hold a public meeting when there is a significant degree of public interest or when otherwise appropriate to assure adequate public participation. In practice, OPA authorizes meetings and will issue, or prepare and require the applicant to publish, notice of a public meeting in the same newspaper as the draft permit/opportunity for hearing notice was published.
TNRCC final action	n/a	116.137(b)	Persons submitting comments pursuant to 116.136(a) shall be notified in writing of the final Agency action at the same time the applicant is notified.
Appl. (draft permit & opportunity for hearing)	382.056 HSC	116.312 points to the following:  116.132(a) 116.132(b) 116.133 116.132(c) 55.21(d)(3) 55.31(b)	At applicant's expense: Publication required in newspaper of general circulation in the municipality (or nearest) where the facility is located. Two articles in separate sections in the paper (one in public notices section) on two consecutive publications of the newspaper. Sign posting within 10 feet of line property paralleling a street or public thoroughfare not more than 1500 feet apart. Bilingual notice if nearest middle or elementary school has a bilingual education program (all of the above in the appropriate language(s)). 15-day comment period. Limits the opportunity for a public hearing. Renewals cannot be issued if changes in operation or emissions increases attributable to other than computational changes or previous oversights are included. Any tangible, significant change must be accomplished via amendment prior to issuing the renewal. The amendment is processed according to normal procedures (BACT, impacts, notice when triggered), then the renewal is issued. If a hearing request is received on the renewal, SB 1125 states that the hearing will not be granted unless there is an increase in allowable emissions. By virtue of complying with the regulations stemming from SB 1125, and completing the amendment first, there are no increases in emissions. PSD and Nonattainment permits do not require renewal, therefore no notice requirements other than state.
Public hearing	382.031HSC	55.26(d) 39.201	The chief clerk shall mail notice to the applicant, executive director, public interest counsel, and the persons making a timely hearing request at least 30 days before the first meeting at which the commission considers the request. Other cases may be referred directly to SOAH. Where there is a hearing, the CCO prepares the notice and sends to applicant to publish notice.
<b>Air Notices for Permit Amendments</b>			
Intent	n/a	n/a	n/a
Receipt of an appl.	382.0156HSC 382.0516HSC	n/a	NSRPD sends a letter to state senators and representatives of the district where the new permit will be issued/located.
Receipt of appl. & admin. completeness	5.115(b) TWC	n/a	Not practiced by Air because there is no way to determine a definitive list of "affected parties" given the widely dispersive nature of pollutants in air.

Notice	Statute Cite	TX Rule Cite (All 30 TAC)	Brief Description
Application (draft permit and opportunity for hearing)	382.056 HSC  40 CFR 52.21(q) 40 CFR 51.116(q)	116.132(a) 116.132(b) 116.133 116.132(c) 55.21(d)(2)	At applicant's expense, by policy only if increases are greater than 25/250 TPY, or if new contaminants (not noticed before), or if Region/Local requests for good cause: Publication required in newspaper of general circulation in the municipality (or nearest) where the facility will be located. Two articles in separate sections in the paper (one in public notices section) on two consecutive publications of the newspaper. Sign posting within 10 feet of the line property paralleling a street or public thoroughfare not more than 1500 feet apart. Bilingual notice if nearest middle or elementary school has a bilingual education program (all of the above in the appropriate language(s)). For state permits notice may be authorized before technical review is complete. 30-day comment period. Only require notice for "major modifications" of 25/250 TPY increases (after netting within the contemporaneous window). PSD and Nonattainment require that the notice occur only after a final draft permit/preliminary determination are complete.
Public meeting required	n/a	n/a	See below.
TNRCC final action	n/a	116.137(b)	Persons submitting comments pursuant to 116.136(a) shall be notified in writing of the final Agency action at the same time the applicant is notified.
Public meeting requested	n/a	55.25(b)(2)	OPA shall hold a public meeting when there is a significant degree of public interest or when otherwise appropriate to assure adequate public participation. In practice, OPA authorizes meetings and will issue, or prepare and require the applicant to publish, notice of a public meeting in the same newspaper as the draft permit/opportunity for hearing notice was published.
Public hearing	HSC 382.031	55.26(d) 39.201	The chief clerk shall mail notice to the applicant, executive director, public interest counsel, and the persons making a timely hearing request at least 30 days before the first meeting at which the commission considers the request. Other cases may be referred directly to SOAH. Where there is a hearing, the CCO prepares the notice and sends to applicant to publish notice.
<b>RCRA Hazardous Waste Public Notice Requirements for Class 1, 1(I), 2, and 3 permit modifications</b>			
Intent	none	335.391(b)	n/a
Receipt of an application	HSC 361.0641 361.079(c)	39.11 39.13 39.107 39.109 305.69	For class 2 and 3 modifications: The permittee must send a notice of the modification request to all persons listed in 39.13 and must cause this notice to be published in a major local newspaper of general circulation. This notice must be mailed and published within 7 days before or after the date of submission of the modification request to the TNRCC, and the permittee must provide to the commission evidence of the mailing and publication. This notice also announces a 60-day comment period and a public meeting. TNRCC sends a summary copy of the permit application to other governmental agencies at this time. For class 3 modifications, this notice also serves as the opportunity to request a hearing.
Receipt of appl (and admin completeness)	HSC 361.079(c)	n/a	n/a

Notice	Statute Cite	TX Rule Cite (All 30 TAC)	Brief Description
Appl. (draft permit and opportunity for hearing)	40 CFR 124.10 124.10(a)(ii) HSC 361.080, .088 & .089	39.5 39.13 & 17 39.109(c)	For class 3 modification the notice for opportunity of a hearing is included as part of the permittee's initial notice of submittal of the modification to the TNRCC. There is no right to a hearing for class 1, 1(1), and 2 modifications, per 55.21(g).
Public meeting required		39.5(g) 39.107 39.109 305.69	For class 2 and 3 modifications the notice of the public meeting is included as part of the permittee's notice of submittal above. The permittee must hold a public meeting no earlier than 15 days after the publication of the notice required in above and no later than 15 days before the close of the 60-day comment period. The meeting must be held to the extent practicable in the vicinity of the permitted facility.
Public meeting requested	HSC 361.0791(a) 361.082(d))	39.5(g) 39.13 39.109(b)	For Class 3 modifications the permittee publishes notice once each week during the 3 weeks preceding the meeting in a newspaper of largest general circulation that is published in the county in which the facility is located or proposed to be located. If a newspaper is not published in the county, the notice must be published in a newspaper of general circulation in the county in which the facility is located or proposed to be located. The Chief Clerk mails notice to persons listed in 39.13.
Public hearing	HSC 361.0791 361.080(b) 40 CFR 124.10(b)(2) 124.10(c)	39.5(g) 39.103(f)	For a class 3 modifications: The Chief Clerk mails notice to persons listed in 39.13. Applicant publishes notice once each week during the 3 weeks preceding the hearing in a newspaper of largest general circulation that is published in the county in which the facility is located or proposed to be located. If a newspaper is not published in the county, the notice must be published in a newspaper of general circulation in the county in which the facility is located or proposed to be located. Applicant broadcasts notice on local radio station that broadcast to an area that includes all of the county in which the facility is located. Public notice of a public hearing shall be given at least 30 days before the hearing.
Final determination	40 CFR 270.42	305.69(b) 305.69(c) 305.69(g)	Class 1 modifications are self-implemented changes made by the permittee. The permittee must notify the executive director of the modification by certified mail or other means that establish proof of delivery within 7 calendar days after the permittee has put a change into effect. This notification must specify the changes being made to permit conditions or supporting documents referenced by the permit and must explain why they are necessary. The permittee must send notice of the modification request by first-class mail to all persons listed in 39.13. This notification must be made within 90 calendar days after the permittee puts the change into effect.
Cont.			For class 1(1) modifications the permittee must send notice of the modification request by first-class mail to all persons listed in §39.13 within 90 calendar days after the ED approves the request. For class 2 & 3 modifications the CCO notifies all persons listed in 39.13 within 10 working days of any decision to grant or deny a Class 2 or 3 permit modification request. The CCO also notifies such persons within 10 working days after an automatic authorization for a Class 2 modification goes into effect.
<b>Nonhazardous Industrial Solid Waste Public Notice Requirements for new permits, renewals, and major and minor amendments</b>			
Intent	None	335.391(b)	n/a



Notice	Statute Cite	TX Rule Cite (All 30 TAC)	Brief Description
Receipt of an application	HSC 361.0641 361.079(c)	39.103(b), 39.103(c)	For new appls, major amends, and renewals the CCO mails notice to state senator, representative, and to persons listed in 39.13. For new appls, major amends, and renewals a summary copy of the permit appl is sent to other governmental agencies at this time, not at ACD as allowed in 39.103(c).
Receipt of an appl & admin completeness)	HSC 361.079(c)]	n/a	n/a
Public meeting required	n/a	n/a	n/a
Public meeting requested	none	39.5(g) 39.13	As a practice, the TNRCC would probably have the applicant publish notice once each week during the 3 weeks preceding the meeting in a newspaper of largest general circulation that is published in the county in which the facility is located or proposed to be located. If a newspaper is not published in the county, the notice would be published in a newspaper of general circulation in the county in which the facility is located or proposed to be located. The CCO mails notice to persons listed in 39.13.
Appl. (draft permit and opportunity for hearing)	HSC 361. 088 361.089	39.5 39.13 39.103(d) 39.5 39.13 39.17	For new appls, major amends, and renewals. After preparation of the draft permit and at the applicant's expense, the applicant must publish at least once the commission's notice in a newspaper of largest general circulation that is published in the county in which the facility is located or proposed to be located. If a newspaper is not published in the county, the notice would be published in a newspaper of general circulation in the county in which the facility is located or proposed to be located. The deadline to file public comment or hearing requests for ISW appls is not less than 30 days after newspaper publication. The CCO mails notice to persons listed in 39.13. For minor amendments. There is no right to a hearing for minor amendments, per 30 TAC 55.21(g), therefore no opportunity to request a hearing for a minor amend. The CCO mails notice to persons listed in 39.13. These persons have 10 days after mailing to file public comment.
Final determination	None	n/a	n/a
Public hearing	HSC 361.079(a) 361.081(a)	39.5(g) 39.103(f)	For new appls, the applicant mails notice to each residential or business address and owner of real property within ½ mile of the facility. For major amend or renewals, the CCO mails notice to persons listed in 39.13. For new appls, major amends, and renewals the applicant publishes notice at least once in a newspaper of general circulation that is published in the county in which the facility is located or proposed to be located and in each county and area which is adjacent or contiguous to each county wherein the proposed facility is located. Public notice of a public hearing shall be given at least 30 days before the hearing.
<b>Nonhazardous Industrial Solid Waste Public Notice Requirements for Class 1, 1(1), 2, and 3 permit modifications</b>			
Intent	None	335.391(b)	n/a

Notice	Statute Cite	TX Rule Cite (All 30 TAC)	Brief Description
Receipt of an application	HSC 361.0641 361.079(c)	39.11 39.13 39.107 39.109 305.69	For class 2 and 3 modifications: The permittee must send a notice of the modification request to all persons listed in 39.13 and must cause this notice to be published in a major local newspaper of general circulation. This notice must be mailed and published within 7 days before or after the date of submission of the modification request to the TNRCC, and the permittee must provide to the commission evidence of the mailing and publication. This notice also announces a 60-day comment period and a public meeting. TNRCC sends a summary copy of the permit appl to other governmental agencies at this time. For class 3 modification, this notice also serves as the opportunity to request a hearing.
Receipt of an application (& admin completeness)	HSC 361.079(c)	n/a	n/a
Public meeting required	None	39.5(g) 39.107 39.109 305.69	For class 2 and 3 modifications the notice of the public meeting is included as part of the permittee's notice of submittal above. The permittee must hold a public meeting no earlier than 15 days after the publication of the notice required in above and no later than 15 days before the close of the 60-day comment period. The meeting must be held to the extent practicable in the vicinity of the permitted facility.
Public meeting requested	None	39.5(g) 39.13	As a practice, the TNRCC would probably have the applicant publish notice once each week during the 3 weeks preceding the meeting in a newspaper of largest general circulation that is published in the county in which the facility is located or proposed to be located. If a newspaper is not published in the county, the notice would be published in a newspaper of general circulation in the county in which the facility is located or proposed to be located. The CCO would probably mail notice to persons listed in 39.13.
Appl (draft permit and opportunity for hearing)	HSC 361.088 361.089	39.5 39.13 39.109(c)	For class 3 modification the notice for opportunity of a hearing is included as part of the permittee's initial notice of submittal of the modification to the TNRCC. For class 1, 1(1), and 2 modifications there is no right to a hearing.
Public hearing		39.5(g) 39.103(f)	For a class 3 modification the CCO mails notice to persons listed in 39.13. Applicant publishes notice once each week during the 3 weeks preceding the hearing in a newspaper of largest general circulation that is published in the county in which the facility is located or proposed to be located. If a newspaper is not published in the county, the notice must be published in a newspaper of general circulation in the county in which the facility is located or proposed to be located. Applicant broadcasts notice on local radio station that broadcast to an area that includes all of the county in which the facility is located. Public notice shall be given at least 30 days before the hearing.
Final determination	40 CFR 270.42	305.69(b) 305.69(c) 305.69(g)	Class 1 modifications are self-implemented changes made by the permittee. The permittee must notify the ED of the modification by certified mail or other means that establish proof of delivery within 7 calendar days after the permittee has put a change into effect. This notification must specify the changes being made to permit conditions or supporting documents referenced by the permit and must explain why they are necessary. The permittee must send notice of the modification request by first-class mail to all persons listed in 39.13. This notification must be made within 90 calendar days after the permittee puts the change into effect.

Notice	Statute Cite	TX Rule Cite (All 30 TAC)	Brief Description
Cont.			For class 1(1) modifications the permittee must send notice of the modification request by first-class mail to all persons listed in 39.13 within 90 calendar days after the ED approves the request. For class 2 and 3 modifications. The CCO notifies all persons listed in 39.13 within 10 working days of any decision to grant or deny a Class 2 or 3 permit modification request. The CCO also notifies such persons within 10 working days after an automatic authorization for a Class 2 modification goes into effect.
<b>UIC Hazardous Notices for new permits, renewals, transfers and major and minor amendments</b>			
Intent	HSC 361.063 361.0641	39.251(a) 39.251(b)	Applicant mails notice to county judge of the county in which the facility is located. If facility is in municipality, applicant mails notice to mayor. CCO mails notice to state senator and representative.
Receipt of an application	HSC 361.079(c) 361.0641	39.251(b)	CCO mails notice to state senator and representative.
Receipt of an application and admin completeness	TWC 5.115(b)	39.251(c)	CCO mails notice to adjacent landowners and mineral rights owners within the cone of influence, and to school land board if required.
Appl (draft permit and opportunity for hearing)	40 CFR 124.10 HSC 361.080 361.081 361.082	39.251(d)	After preparation of the draft permit and at the applicant's expense, the applicant must publish the commission's notice in a newspaper of general circulation in the county in which the facility is located and in each county and area which is adjacent or contiguous county in which the proposed facility is located. (This does not apply to transfers and minor amendments.)  The CCO must mail the commission's notice of the application to adjacent landowners and mineral rights owners within the cone of influence, and to local governments located in the county of the facility. (This does apply to permit renewals or minor amendments.) The ED shall give public notice that a draft permit has been prepared.
Public meeting required	HSC 361.0791 (new or major amendment)	39.251(e) 39.5(g)	Applicant publishes notice once each week during the 3 weeks preceding the meeting in a newspaper of largest general circulation that is published in the county in which the facility is located or proposed to be located. If a newspaper is not published in the county, the notice must be published in a newspaper of general circulation in the county in which the facility is located or proposed to be located.
Public meeting requested		39.251(e) 39.5(g)	Applicant publishes notice once each week during the 3 weeks preceding the meeting in a newspaper of largest general circulation that is published in the county in which the facility is located or proposed to be located. If a newspaper is not published in the county, the notice must be published in a newspaper of general circulation in the county in which the facility is located or proposed to be located.
Final action	n/a	n/a	n/a
Public hearing	HSC 361.0791 361.080 40 CFR 124.10(b)(2) 124.10(c)	39.251(f)	Applicant publishes notice once each week during the 3 weeks preceding the meeting in a newspaper of largest general circulation that is published in the county in which the facility is located or proposed to be located. If a newspaper is not published in the county, the notice must be published in a newspaper of general circulation in the county in which the facility is located or proposed to be located. The CCO must mail the commission's notice of the application to adjacent landowners and mineral rights owners within the cone of influence, and to local governments located in the county of the facility.

Notice	Statute Cite	TX Rule Cite (All 30 TAC)	Brief Description
Cont.			For new facilities, the applicant mails notice to each residential or business address and owner of real property within ½ mile of the facility. Applicant broadcasts notice on local radio station that broadcast to an area that includes all of the county in which the facility is located. Public notice of a public hearing shall be given at least 30 days before the hearing.
<b>UIC Nonhazardous Notices for new permits, renewals, transfers and major and minor amendments</b>			
Intent	HSC 361.063(c) 361.0641	39.251(a) 39.251(b)	Applicant mails notice to county judge of the county in which the facility is located. If facility is in municipality, applicant mails notice to mayor. CCO mails notice to state senator and representative.
Receipt of an application	HSC 361.079(c) 361.0641	39.251(b)	CCO mails notice to state senator and representative.
Admin completeness	TWC 5.115(b)	39.251(c)	CCO mails notice to adjacent landowners and mineral rights owners within the cone of influence, and to school land board if required.
Appl. (draft permit & opportunity for hearing)	40 CFR 124.10 HSC 361.081	39.251(d)	After preparation of the draft permit and at the applicant's expense, the applicant must publish the commission's notice in a newspaper of general circulation in the county in which the facility is located and in each county and area which is adjacent or contiguous county in which the proposed facility is located. ( This does not apply to minor amendments or transfers.) The CCO must mail the commission's notice of the application to adjacent landowners and mineral rights owners within the cone of influence, and to local governments located in the county of the facility. ( This does apply to permit renewals or minor amendments and transfers.) The ED shall give public notice that a draft permit has been prepared.
Public meeting required	n/a	n/a	n/a
Public meeting requested	n/a	39.251(e)	Applicant publishes notice once each week during the three weeks preceding the meeting in a newspaper of largest general circulation that is published in the county in which the facility is located or proposed to be located. If a newspaper is not published in the county, the notice must be published in a newspaper of general circulation in the county in which the facility is located or proposed to be located.
Public hearing	40 CFR HSC 361.081	39.251(f) 39.251(f)(3)(B)	Applicant publishes notice once in a newspaper of general circulation that is published in the county in which the facility is located or proposed to be located and in each county and area which is adjacent or contiguous to each county wherein the proposed facility is located. The CCO must mail the commission's notice of the application to adjacent landowners and mineral rights owners within the cone of influence, and to local governments located in the county of the facility. For new facilities, the applicant mails notice to each residential or business address and owner of real property within ½ mile of the facility. Public notice of a public hearing shall be given at least 30 days before the hearing.
Final action	n/a	n/a	n/a
<b>UIC Uranium Notices for new permits, renewals and major and minor amendments</b>			

Notice	Statute Cite	TX Rule Cite (All 30 TAC)	Brief Description
Intent		39.251(a)	Applicant mails notice to county judge of the county in which the facility is located. If facility is in municipality, applicant mails notice to mayor.
Receipt of an application		39.251(b)	CCO mails notice to state senator and representative.
Admin completeness	TWC 5.115(b)	39.251(c)	CCO mails notice to adjacent landowners and mineral rights owners within the cone of influence, and to school land board if required.
Appl (draft permit and opportunity for hearing)	40 CFR 124.10	39.251(d)	After preparation of the draft permit and at the applicant's expense, the applicant must publish the commission's notice in a newspaper of general circulation in the county in which the facility is located and in each county and area which is adjacent or contiguous county in which the proposed facility is located. (This does not apply to minor amendments.) The CCO must mail the commission's notice of the application to adjacent landowners and mineral rights owners within the cone of influence, and to local governments located in the county of the facility. (This does apply to permit renewals or minor amendments.) The ED shall give public notice that a draft permit has been prepared.
Public meeting required	n/a	n/a	n/a
Public meeting requested	n/a	39.251(e)	Applicant publishes notice once each week during the 3 weeks preceding the meeting in a newspaper of largest general circulation that is published in the county in which the facility is located or proposed to be located. If a newspaper is not published in the county, the notice must be published in a newspaper of general circulation in the county in which the facility is located or proposed to be located.
Public hearing	40 CFR	39.251(f)	Applicant publishes notice once in a newspaper of general circulation that is published in the county in which the facility is located or proposed to be located and in each county and area which is adjacent or contiguous to each county wherein the proposed facility is located. The CCO must mail the commission's notice of the application to adjacent landowners and mineral rights owners within the cone of influence, and to local governments located in the county of the facility. Public notice of a public hearing shall be given at least 30 days before the hearing.
Final action	n/a	n/a	n/a
<b>UIC Uranium Notices for production area authorizations (new and amendments)</b>			
Intent		n/a	
Receipt of an application		n/a	
receipt of an application and admin completeness	TWC 5.115(b)	39.253(b)	Chief clerk mails notice according to 39.13.
Appl (draft permit and opportunity for hearing)	n/a	39.253(c)	The CCO must mail the commission's notice of the appl according to 39.13. The ED shall give public notice that a draft permit has been prepared.
Public meeting required	n/a	n/a	n/a
Public meeting requested		n/a	ED may call and conduct public meetings in response to public comment ... when there is significant interest ...
Final action	n/a	n/a	n/a

Notice	Statute Cite	TX Rule Cite (All 30 TAC)	Brief Description
Public hearing	40 CFR	39.253(d)	Applicant publishes notice once in a newspaper of largest general circulation that is published in the county in which the facility is located or proposed to be located. If a paper is not published in the county, the notice must be published in a newspaper of general circulation in the county in which the facility is located or proposed to be located. The CCO must mail the commission's notice according to 39.13. Public notice of a public hearing shall be given at least 30 days before the hearing.
<b>Municipal Solid Waste Notices for new and amended permits</b>			
Intent/Receipt of an appl and admin completeness	HSC 361.0665 361.0641 361.063	39.101,b 39.5 & 39.13 281.17,(d)&(e) 330.50	361.0665 calls for a notice of intent as does 101. The CCO prepares and initiates publication of a Notice of Receipt of an Appl & Declaration of Admin Comp per 281.17 to satisfy this requirement and the Notice of Intent in 39.101. As per 361.0641, representatives and senators are notified. 361.063 and 330.50 are for a preapplication process that requires notice.
Receipt of appl (draft permit & opportunity for public hearing	361.079	39.101,(c) 39.13 39.5 281.17,(f)	CCO prepares and initiates publication of a Notice of Application for a Municipal Solid Waste Management Facility Permit or Permit Amendment. This notice includes information regarding the draft permit and the opportunity to request a public hearing.
Public meeting	361.0791,b	39.101,(d)	<i>New</i> permits require a public meeting. No requirement for notice of public meeting for an amended permit. If there is a request from the public for a meeting a notice will be published.
Public hearing	361.081	39.101,(e)	Handled by CCO if valid request for hearing is received.
<b>Buried Radioactive Material License Notices for new licenses, renewals, and major and minor amendments</b>			
Notice of Intent	n/a	n/a	
Receipt of an application	n/a	n/a	
Receipt of an appl & admin completeness	TWC 5.115(b)	39.301 39.305	CCO mails notice to mayor and health authorities of city, county judge and health authorities of county, any person who submitted a written request to be notified of licensing actions, applicant, and adjacent landowners.
Public meeting required	n/a	n/a	n/a
Public meeting requested	n/a	n/a	n/a
Public hearing	HSC 401.114(b) 401.114(c)	39.309	CCO mails notice to mayor and health authorities of city, county judge and health authorities of county, any person who submitted a written request to be notified of licensing actions, applicant, and adjacent landowners. Agency publishes notice of hearing in accordance with 313 GC. Agency send notice by certified mail to adjacent property owners. Public notice of a public hearing must be mailed not later than the 31st day before the date of the hearing.
Final action	n/a	n/a	n/a

Notice	Statute Cite	TX Rule Cite (All 30 TAC)	Brief Description
Appl (draft permit and opportunity for hearing)	HSC 401.116 401.114 AEA 2021(o)(3)	39.303	After preparation of the draft permit and at the applicant's expense, the applicant must publish the commission's notice in a newspaper of general circulation in the county in which the facility is located or if no newspaper is published in the county or counties in which the facility is or will be located, in a newspaper of general circulation in each county adjacent to the county in which the facility is located. In addition, the applicant published an advertisement outside the notice section of the newspaper that directs the reader to the notice section for the details of the proposed licensing action.
Cont.			CCO mails notice to mayor and health authorities of city, county judge and health authorities of county, any person who submitted a written request to be notified of licensing actions, applicant, and adjacent landowners. (This does not apply to minor amendments.) CCO mails notice to mayor and health authorities of city, county judge and health authorities of county, any person who submitted a written request to be notified of licensing actions, applicant, and adjacent landowners, any person ED or CCO chooses to add, and the applicant. Amendments may take effect immediately. Agency publishes notice once in the Texas Register and in a newspaper of general circulation in the county in which the licensed activity is located and shall give notice to any person who has notified the agency in advance of the desire to receive notice of proposed amendments. Before granting or renewing a license, the agency shall give notice and opportunity for hearing.
<b>Low Level Radioactive Waste Disposal Facility License Notices for new licenses, renewals and major and minor amendments</b>			
Intent	n/a	n/a	
Receipt of an application	n/a	n/a	
Receipt of an application and admin completeness	TWC 5.115(b)	39.301	CCO mails notice to mayor and health authorities of city, county judge and health authorities of county, any person who submitted a written request to be notified of licensing actions, applicant, and adjacent landowners.
Public meeting required	n/a	n/a	n/a
Public meeting requested	n/a	n/a	n/a
Public hearing	HSC 401.114(b) 401.114(c)	39.309	CCO mails notice to mayor and health authorities of city, county judge and health authorities of county, any person who submitted a written request to be notified of licensing actions, applicant, and adjacent landowners. Agency publishes notice of hearing in accordance with 313 GC. Agency send notice by certified mail to adjacent property owners. Public notice of a public hearing must be mailed not later than the 31st day before the date of the hearing.
Final action	n/a	n/a	n/a

Notice	Statute Cite	TX Rule Cite (All 30 TAC)	Brief Description
Notice of Application (draft permit and opportunity for hearing)	HSC 401.116 HSC 401.114(a) AEA 2021(o)(3)	39.303	After preparation of the draft permit and at the applicant's expense, the applicant must publish the commission's notice in a newspaper published in the county or counties in which the facility is or will be located. If no newspaper is published in the county or counties in which the facility is or will be located, a written copy of the notice shall be posted at the courthouse door and five other public places in the immediate locality to be affected. The notice shall be posted for at least 31 days. CCO mails notice to mayor and health authorities of city, county judge and health authorities of county, any person who submitted a written request to be notified of licensing actions, applicant, and adjacent landowners. (This applies to all license actions.) CCO publishes notice in the Texas Register. (This applies only to amendments.) Amendments may take effect immediately. Agency publishes notice once in the Texas Register and in a newspaper of general circulation in the county in which the licensed activity is located and shall give notice to any person who has notified the agency in advance of the desire to receive notice of proposed amendments. Before granting or renewing a license, the agency shall give notice and opportunity for hearing.
<b>Water Quality Notices for new permits, renewals and major and minor amendments</b>			
Intent	n/a	n/a	n/a
Receipt of an application	n/a	n/a	n/a
Receipt of an application and admin completeness	TWC 5.115(b)	39.151	After determination of an application being admin complete, the notice is mailed by the CCO to affected persons, county and state officials, and the applicant. (This does not apply to permit renewals or minor amendments.)
Public hearing	TWC 26.022 40 CFR 124.10(b)(2)	39.151	If the Commission grants a request for hearing, the applicant must publish at least once in a newspaper regularly published or circulated in each county where, by virtue of the county's geographical relation to the subject matter of the hearing, the commission has reason to believe persons reside who may be affected by the action that may be taken as a result of the hearing. Public notice of a public hearing shall be given at least 30 days before the hearing.
Public meeting required	n/a	n/a	n/a
Public meeting requested	n/a	n/a	n/a
Final action	n/a	n/a	n/a
Application (draft permit & opportunity for hearing)	TWC 26.028 40 CFR 124.10(a)(ii)	39.151 39.13(7)(8)	After preparation of the draft permit and at the applicant's expense, the applicant must publish the commission's notice in a newspaper regularly published or circulated within each county where the proposed facility or discharge is located and in each county affected by the discharge. ( This does not apply to minor amendments.) The applicant must serve or mail the commission's notice of the application to persons who in the judgement of the commission may be affected. ( This does not apply to permit renewals or minor amendments.) For any application involving an average daily discharge of 5 million gallons or more, the applicant shall serve or mail the commission's notice to each county judge in the county or counties located within 100 statute miles of the point of discharge who have requested in writing that the commission give notice. The ED shall give public notice that a draft permit has been prepared.



Notice	Statute Cite	TX Rule Cite (All 30 TAC)	Brief Description
<b>Water District Notices</b>			
Receipt of Application (creations; except for Municipal Management Districts) Standby Fees  Impact Fees	TWC 49.011  49.231  LGC 395.080	293.12  293.145  293.173	CCO send notice to applicant, who is to cause the notice (1) to be published once a week for 2 consecutive weeks with last publication at least 30 days prior to Commission action, and (2) posted on bulletin board used for legal notices in the county in which the District will be located. CCO send notice to applicant, who is to cause the notice (1) to be published once a week for 2 consecutive weeks with last publication at least 30 days prior to Commission action, and (2) mailed to each owner of undeveloped property and each mortgagee of record who submitted a written request to be informed, at least 30 days prior to Commission action. CCO send notice to applicant, who is to cause the notice (1) to be published once a week for 2 consecutive weeks with last publication at least 30 days prior to Commission action, and (2) mailed to each owner of property in the service area at least 30 days prior to Commission action.
Public Hearing Dissolutions  Fire Plan  Conversion to MUD or Additional Powers  Creation of Municipal Management District	TWC 36.305 49.322  49.351  54.032  LGC 375.024	293.132  --  293.15(c)  --	CCO send notice to be published once a week for 2 consecutive weeks with first publication 30 days before day of hearing and (2) give notice of hearing by mail to directors of District by record. CCO send notice to applicant, who is to cause the notice to be posted in at least 2 public places in the District ≥ 5 days before hearing. CCO send notice to applicant, who is to cause the notice to be published once a week for 2 consecutive weeks with first publication at least 14 days before hearing. Commission shall cause notice to be (1) published once a week for 2 consecutive weeks with first publication at least 31 days before hearing, (2) mailed to each county and municipality who has requested to be notified of the creation of a District in their county or municipality respectively, and (3) sent to petitioner who shall cause notice to be mailed, to each person who owns property in the proposed District who did not sign the petition, at least 30 days before the hearing.





