

TCEQ PUBLIC PARTICIPATION PROCESS IN ENVIRONMENTAL PERMITTING

FOR APPLICATIONS FILED BEFORE SEPTEMBER 1, 2015

ADMINISTRATIVE REVIEW OF PERMIT APPLICATION

Permit gets submitted to TCEQ. TCEQ staff reviews it to determine whether application includes necessary information. Once review is complete a Notice of Receipt of Application and Intent to Obtain Permit, or NORI is issued.

NORI

The NORI describes the location and nature of the proposed activity, lists agency and applicant contacts for obtaining additional information, and states the location of a public place where a copy of the application can be viewed and copied. The applicant is required to publish the NORI in a newspaper within 30 days after the TCEQ declares the application administratively complete.

RESPONDING TO THE PUBLIC NOTICE

All NORIs contain instructions for 1) submitting comments, getting on the mailing list, 2) requesting a public meeting, and 3) requesting a contested case hearing. These comments or requests to the TCEQ are all ways to respond to the public notice.

TECHINICAL REVIEW OF PERMIT APPLICATIONS

After an application is administratively complete, the ED's staff reviews the application to determine whether it satisfies state and federal regulatory requirements. If the application meets all the requirements, the ED issues a preliminary decision in a second notice, called the Notice of Application and Preliminary Decision, or NAPD. The NAPD provides an additional opportunity to 1) submit comments, 2) request a public meeting, 3) request a contested case hearing

CLOSE OF THE PUBLIC COMMENT PERIOD

Except for certain air applications, the public comment period ends no earlier than 30 days from the last publication date of the NAPD. If a public meeting is held after the close of the comment period, the comment period extends to the end of the public meeting. After the public comment period closes, the ED considers all timely filed comments to determine whether any issues that were raised require changes to the preliminary decision or the proposed permit, and prepares a written response to all relevant comments.

PROTESTING THE ED'S DECISION

Once the decision has been released by the ED, in many cases there are still three possible ways to contest it. You can: 1) request a contested case hearing; 2) request its reconsideration; 3) move to overturn it.

REVIEW OF REQUESTS FOR RECONSIDERATION & CONTESTED CASE HEARINGS

All timely filed requests for contested case hearings are considered at the commissioners' agenda meetings. Timely filed requests for reconsideration may also be considered at these meetings. At these meetings, the commissioners decide whether they will grant or deny the requests.

PROTESTING THE COMMISSIONERS' DECISION

If the commissioners issue a decision that approves a permit application, protestants may submit a motion for rehearing, requesting that the commissioners review their decision. This motion for rehearing is a prerequisite for appealing to the District Court, and must be submitted within 25 days after the date the decision was issued. If the commissioners do not act on the motion within 55 days after the date the decision was issued, or a later date approved by the commissioners, the motion is overruled by operation of law.

For more details, you may visit:

https://www.tceq.texas.gov/agency/decisions/participation/permitting-participation/pub_part.html