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Don't Mess With Texas – *Getting caught operating with an expired permit will cost you!*

It's customary for us to renew our driver's license prior to its expiration date to avoid getting a fine from the police. So why don't you renew your air permit prior to its expiration date to avoid getting a fine from the environmental police?

Everything nowadays has an expiration date. When you go into the grocery store to purchase a gallon of milk, what is the first thing that you look at? You guessed it, the expiration date. However, let's take this a step further. After you've purchased the milk and it sits in the fridge for a while, guess what? You still look at the expiration date. Now let's put this into perspective. What if you, the owner and/or operator of a facility, took that same approach with your facility's permit? The expiration date is printed right there on the front of the permit, so there is no reason to not know when it is time to renew it.

There is really no excuse! The [Texas Commission on Environmental Quality \(TCEQ\)](#) is required by the Texas Health and Safety Code § 382.055 (THSC § 382.055) and [Title 30 Texas Administrative Code](#) Chapter 116 (30 TAC Chapter 116), to provide written notice to the permit holder that the permit is scheduled for review. These notifications are mailed no less than 180 days prior to the expiration of the permit. All of the necessary information which should be included in the submittal is specified within the notification, as well as the timeline and procedures for submitting the renewal application.

Once the notification is received, the permit holder should complete the renewal application and return it to the TCEQ at least six months, but no earlier than 18 months prior to the expiration date of the permit. Based on the permit type, the following renewal schedule applies:

Permit Type	Renewal Frequency
New Source Review Permits	Issued before December 1, 1991 is subject for review 15 years after the date of issuance; or
	Issued on or after December 1, 1991 is subject for review every ten years after the date of issuance
	A permit issued on or after December 1, 1991 for a facility at a nonfederal source may contain a provision requiring the permit to be renewed at a period of between five and ten years
Federal Operating Permits	Every 5 years



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Untimely, incomplete renewal applications, and/or a complete failure to submit a renewal application at all, will result in the loss of the permit holder's authorization to operate after the expiration date. In this case, permit holders will also lose the opportunity to renew their permits and will have to reapply for a new permit and authorization to operate.

Now you might ask, what does this have to do with me? Well for starters, that's more money that you will have to spend reapplying for a new permit, versus spending the minimal amount on a renewal application fee. What sounds better, a fine with a maximum penalty amount of \$25,000 per day, or an application fee of \$600? Every day you operate without a permit is critical and plays a part in calculating the total penalty amount assessed to your facility.

Generally, environmental consulting firms submit the initial permit application on behalf of the facility. With no changes being made to the facility and no increase in emissions, an environmental specialist can prepare the applicable forms, request the original signatures from the facility's responsible official, and submit the renewal application within a day or so. In the event there are changes to be made, the preparation time could take longer.

In order to ensure an accurate and a timely completion of permit submissions, companies should be mindful of upcoming deadlines. Whether the task is handled in-house or is given to an outside source, a dedication to relevant deadlines must be a priority. Environmental consulting firms offer their services to ensure that deadlines are met and paperwork is complete. Environmental consulting firms with experience and a proven track record can help you to avoid costly fines and give you invaluable peace of mind.

The Author



Shonta' N. Moore, MS is an Environmental Specialist at [Fenstermaker](#) with 7 years of experience in air quality compliance and regulatory applicability. Ms. Moore possesses a Master's Degree in Environmental Toxicology and a Bachelor's Degree in Biology from Texas Southern University in Houston, TX. She is responsible for maintaining and managing the air permitting workload within Fenstermaker's Environmental Division. Her air permitting experience includes, but is not limited to, environmental auditing and environmental consulting for both oil and gas and power plant facilities. Ms. Moore has a working knowledge of rule interpretations, emission calculations, and compliance determinations as it relates to a specific entity. She is efficient in Title V, NSR, and PBR permitting. Particularly, she has experience with preparing and submitting permit applications for the oil and gas industry in Texas, Louisiana, and Mississippi. Ms. Moore develops and implements training for the growth and development of the air permitting sector of Fenstermaker's Environmental Division.

This paper emphasizes the importance of renewing permit applications in a timely manner to avoid the extensive fines and penalties which may be assessed as a result of operating without proper authorization. It is strongly advised that companies become aware of the facility's permit expiration date and take the necessary steps to remain in compliance with the state and federal regulations and permitting requirements.

Established in 1950, Fenstermaker is an experienced multi-disciplinary firm specializing in Survey & Mapping, Engineering, Environmental Consulting, and Advanced Technologies. Headquartered in Lafayette, LA, the company has over 300 team members providing professional services through multiple office and field locations across the U.S. For all disciplines and locations, the firm's principal mission is to be a vital partner in the success of their clients, and each individual is committed to providing exceptional customer service.