

**Texas Commission on Environmental Quality
Permit by Rule Applicability Checklist
Title 30 Texas Administrative Code § 106.4**

The following checklist was developed by the Texas Commission on Environmental Quality (TCEQ), **Air Permits Division**, to assist applicants in determining whether or not a facility meets all of the applicable requirements. Before claiming a specific Permit by Rule (PBR), a facility must first meet all of the requirements of **Title 30 Texas Administrative Code § 106.4** (30 TAC § 106.4), "Requirements for Permitting by Rule." Only then can the applicant proceed with addressing requirements of the specific Permit by Rule being claimed.

The use of this checklist is not mandatory; however, it is the responsibility of each applicant to show how a facility being claimed under a PBR meets the general requirements of 30 TAC § 106.4 and also the specific requirements of the PBR being claimed. If all PBR requirements cannot be met, a facility will not be allowed to operate under the PBR and an application for a construction permit may be required under 30 TAC § 116.110(a).

Registration of a facility under a PBR can be performed by completing **Form PI-7** (Registration for Permits by Rule) or **Form PI-7-CERT** (Certification and Registration for Permits by Rule). The appropriate checklist should accompany the registration form. Check the most appropriate answer and include any additional information in the spaces provided. If additional space is needed, please include an extra page and reference the question number. The PBR forms, tables, checklists, and guidance documents are available from the TCEQ, Air Permits Division Web site at: www.tceq.texas.gov/permitting/air/nav/air_pbr.html.

1. 30 TAC § 106.4(a)(1) and (4): Emission limits	
List emissions in tpy for each facility (add additional pages or table if needed):	
<ul style="list-style-type: none"> • Are the SO₂, PM₁₀, VOC, or other air contaminant emissions claimed for each facility in this PBR submittal less than 25 tpy? 	<input type="checkbox"/> YES <input type="checkbox"/> NO
<ul style="list-style-type: none"> • Are the NO_x and CO emissions claimed for each facility in this PBR submittal less than 250 tpy? 	<input type="checkbox"/> YES <input type="checkbox"/> NO
<i>If the answer to both is "Yes," continue to the question below. If the answer to either question is "No," a PBR cannot be claimed.</i>	
Has any facility at the property had public notice and opportunity for comment under 30 TAC Section 116 for a regular permit or permit renewal? (This does not include public notice for voluntary emission reduction permits, grandfathered existing facility permits, or federal operating permits.)	<input type="checkbox"/> YES <input type="checkbox"/> NO
<i>If "Yes," skip to Section 2. If "No," continue to the questions below.</i>	
If the site has had no public notice, please answer the following:	
<ul style="list-style-type: none"> • Are the SO₂, PM₁₀, VOC, or other emissions claimed for all facilities in this PBR submittal less than 25 tpy? 	<input type="checkbox"/> YES <input type="checkbox"/> NO
<ul style="list-style-type: none"> • Are the NO_x and CO emissions claimed for all facilities in this PBR submittal less than 250 tpy? 	<input type="checkbox"/> YES <input type="checkbox"/> NO
<i>If the answer to both questions is "Yes," continue to Section 2.</i>	
<i>If the answer to either question is "No," a PBR cannot be claimed. A permit will be required under Chapter 116.</i>	

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2. 30 TAC § 106.4(a)(2): Nonattainment check	
• Are the facilities to be claimed under this PBR located in a designated ozone nonattainment county?	<input type="checkbox"/> YES <input type="checkbox"/> NO
<i>If "Yes," please indicate which county by checking the appropriate box to the right.</i>	
(Moderate) - Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller counties:	<input type="checkbox"/> HGB
(Moderate) - Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall, Tarrant, and Wise counties:	<input type="checkbox"/> DFW
<i>If "Yes," to any of the above, continue to the next question. If "No," continue to Section 3.</i>	
• Does this project trigger a nonattainment review?	<input type="checkbox"/> YES <input type="checkbox"/> NO
• Is the project's potential to emit (PTE) for emissions of VOC or NO _x increasing by 100 tpy or more? <i>PTE is the maximum capacity of a stationary source to emit any air pollutant under its worst-case physical and operational design unless limited by a permit, rules, or made federally enforceable by a certification.</i>	<input type="checkbox"/> YES <input type="checkbox"/> NO
• Is the site an existing major nonattainment site and are the emissions of VOC or NO _x increasing by 40 tpy or more?	<input type="checkbox"/> YES <input type="checkbox"/> NO
<i>If needed, attach contemporaneous netting calculations per nonattainment guidance.</i>	
Additional information can be found at: www.tceq.texas.gov/permitting/air/forms/newsourcereview/tables/nsr_table8.html and www.tceq.texas.gov/permitting/air/nav/air_docs_newsourcereview.html	
<i>If "Yes," to any of the above, the project is a major source or a major modification and a PBR may not be used. A Nonattainment Permit review must be completed to authorize this project. If "No," continue to Section 3.</i>	
3. 30 TAC § 106.4(a)(3): Prevention of Significant Deterioration (PSD) check	
Does this project trigger a review under PSD rules?	
To determine the answer, review the information below:	
• Are emissions of any regulated criteria pollutant increasing by 100 tpy of any criteria pollutant at a named source?	<input type="checkbox"/> YES <input type="checkbox"/> NO
• Are emissions of any criteria pollutant increasing by 250 tpy of any criteria pollutant at an unnamed source?	<input type="checkbox"/> YES <input type="checkbox"/> NO
• Are emissions increasing above significance levels at an existing major site?	<input type="checkbox"/> YES <input type="checkbox"/> NO
PSD information can be found at: www.tceq.texas.gov/assets/public/permitting/air/Forms/NewSourceReview/Tables/10173tbl.pdf and www.tceq.texas.gov/permitting/air/nav/air_docs_newsourcereview.html	
<i>If "Yes," to any of the above, a PBR may not be used. A PSD Permit review must be completed to authorize the project.</i>	
<i>If "No," continue to Section 4.</i>	

**Permit by Rule Applicability Checklist
Title 30 Texas Administrative Code § 106.4**

4. 30 TAC § 106.4(a)(6): Federal Requirements	
<ul style="list-style-type: none"> Will all facilities under this PBR meet applicable requirements of Title 40 Code of Federal Regulations (40 CFR) Part 60, New Source Performance Standards (NSPS)? 	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NA
<i>If "Yes," which Subparts are applicable?</i>	
<ul style="list-style-type: none"> Will all facilities under this PBR meet applicable requirements of 40 CFR Part 63, Hazardous Air Pollutants Maximum Achievable Control Technology (MACT) standards? 	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NA
<i>If "Yes," which Subparts are applicable?</i>	
<ul style="list-style-type: none"> Will all facilities under this PBR meet applicable requirements of 40 CFR Part 61, National Emissions Standards for Hazardous Air Pollutants (NESHAPs)? 	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NA
<i>If "Yes," which Subparts are applicable?</i>	
<i>If "Yes" to any of the above, please attach a discussion of how the facilities will meet any applicable standards.</i>	
5. 30 TAC § 106.4(a)(7): PBR prohibition check	
<ul style="list-style-type: none"> Are there any air permits at the site containing conditions which prohibit or restrict the use of PBRs? 	<input type="checkbox"/> YES <input type="checkbox"/> NO
<i>If "Yes," PBRs may not be used or their use must meet the restrictions of the permit. A new permit or permit amendment may be required.</i>	
<i>List permit number(s):</i>	
6. 30 TAC § 106.4(a)(8): NO_x Cap and Trade	
<ul style="list-style-type: none"> Is the facility located in Harris, Brazoria, Chambers, Fort Bend, Galveston, Liberty, Montgomery, or Waller County? 	<input type="checkbox"/> YES <input type="checkbox"/> NO
<i>If "Yes," answer the question below. If "No," continue to Section 7.</i>	
<ul style="list-style-type: none"> Will the proposed facility or group of facilities obtain required allowances for NO_x if they are subject to 30 TAC Chapter 101, Subchapter H, Division 3 (relating to the Mass Emissions Cap and Trade Program)? 	<input type="checkbox"/> YES <input type="checkbox"/> NO

**Permit by Rule Applicability Checklist
Title 30 Texas Administrative Code § 106.4**

7. Highly Reactive Volatile Organic Compounds (HRVOC) check		
• Is the facility located in Harris County?	<input type="checkbox"/> YES <input type="checkbox"/> NO	
<i>If "Yes," answer the next question. If "No," skip to the box below.</i>		
• Will the project be constructed after June 1, 2006?	<input type="checkbox"/> YES <input type="checkbox"/> NO	
<i>If "Yes," answer the next question. If "No," skip to the box below.</i>		
• Will one or more of the following HRVOC be emitted as a part of this project?	<input type="checkbox"/> YES <input type="checkbox"/> NO	
<i>If "Yes," complete the information below:</i>		
	lb/hr	tpy
▶ 1,3-butadiene		
▶ all isomers of butene (e.g., isobutene [2-methylpropene or isobutylene])		
▶ alpha-butylene (ethylethylene)		
▶ beta-butylene (dimethylethylene, including both cis- and trans-isomers)		
▶ ethylene		
▶ propylene		
• Is the facility located in Brazoria, Chambers, Fort Bend, Galveston, Liberty, Montgomery, or Waller County?	<input type="checkbox"/> YES <input type="checkbox"/> NO	
<i>If "Yes," answer the next question. If "No," the checklist is complete.</i>		
• Will the project be constructed after June 1, 2006?	<input type="checkbox"/> YES <input type="checkbox"/> NO	
<i>If "Yes," answer the next question. If "No," the checklist is complete.</i>		
• Will one or more of the following HRVOC be emitted as a part of this project?	<input type="checkbox"/> YES <input type="checkbox"/> NO	
<i>If "Yes," complete the information below:</i>		
	lb/hr	tpy
▶ ethylene		
▶ propylene		