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Texas Commission on Environmental Quality (TCEQ) records indicate the state's environmental regulator continues to process data center permits, actions that run counter to Gov. Greg Abbott's assurances that the agency would pause them.

Below is a summary of permits Public Citizen identified through a limited search of TCEQ's databases that began last week.

[Each permit record can be found here.](#)

[Data for each site and permit can be found here.](#)

[An interactive map of all permits is here.](#)

Major-Source Air Quality Permits

TCEQ issues a Notice of Application and Preliminary Decision (NAPD) following a technical review and a preliminary decision to issue a draft permit, setting a deadline for public comments.

On September 22, the TCEQ mailed NAPDs for three major-source air quality permits:

- VoltaGrid in Abilene, TX (Shackelford County) - [Vantage Frontier Data Center Campus](#)
- NRG in Grandview, TX (Hill County) - [NRG Prairie Energy Center](#)
- Nexus in Hubbard, TX (Hill County) - [Nexus Data Center: Hubbard](#)



TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

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Public Notice Results

NOTE: Click on the Mailed Date to view the Public Notice Descriptions when highlighted
If the date is not highlighted there is no Public Notice Description on the item.

NOTICE - PRELIM DECISION		
Principal Name	Permit Number	Mailed Date
DOW HYDROCARBONS AND RESOURCES LLC, CN606209690	48643	09/22/2026
NEXUS HUBBARD POWER LLC, CN606391142	183046 GHGPSDTX269 PSDTX1700	09/22/2026
NRG PRAIRIE ENERGY CENTER LLC, CN606495430	183570 GHGPSDTX272 PSDTX1706	09/22/2026
SPACE EXPLORATION TECHNOLOGIES CORP, CN602867657	182733	09/18/2026
VOLTAGRID LLC, CN606076008	182467 GHGPSDTX266 PSDTX1692	09/22/2026

While TCEQ has not set public comment deadlines for [VoltaGrid](#) or [NRG Prairie](#) permits, TCEQ records show that, despite the governor's mandate, the agency opened a public comment period for [Nexus Hubbard](#) on September 24, which closes Friday, October 23. Nexus is the largest of the three permits, seeking to authorize 24 million tons of pollution per year from the facility.

After the directive, TCEQ allowed VoltaGrid and Nexus to publish notice in a local paper, as required under normal circumstances. TCEQ documented its receipt of the newspaper publications for both on September 28. The agency reports that a public hearing was requested for Nexus on October 13.

Customer Name: **NEXUS HUBBARD POWER, LLC**
Legal Name: **Nexus Hubbard Power, LLC**
CN Number : **CN606391142**

Permit Information:

REGULATED ENTITY NUMBER: RN112221833

Permit	Account	Permittee Name	County	Region	City	State	Location
183046		NEXUS DATA CENTER HUBBARD	HILL	REGION 09 - WACO	HUBBARD	TEXAS	880 STATE HIGHWAY 171
GHGPSDTX269		NEXUS DATA CENTER HUBBARD	HILL	REGION 09 - WACO	HUBBARD	TEXAS	880 STATE HIGHWAY 171
PSDTX1700		NEXUS DATA CENTER HUBBARD	HILL	REGION 09 - WACO	HUBBARD	TEXAS	880 STATE HIGHWAY 171

FEE:

Permit	Action Type	Reference	Fee Receipt Number	Fee Amount Paid	Fee Refund Amount	Fee Receipt Date	Fee Payment Type
183046	INITIAL		WRS0067167	20000.00	0	02/13/2026	SURCHARGE
183046	INITIAL		WRS0067168	75000.00	0	02/13/2026	Wire

TRACKING ELEMENTS

TE Name	Start Date	Complete Date
PUBLIC HEARING REQUESTED (DATE)	10/13/2026	
PUBLIC NOTICE COMMENT PERIOD (TITLE V OR NSR #2)	09/24/2026	10/23/2026
2ND PUBLIC NOTICE FINALIZED AND SENT (DATE)	09/18/2026	
APPLICATION IS TECHNICALLY COMPLETE (DATE)	09/17/2026	

On October 7, Public Citizen asked TCEQ commissioners during a public meeting to clarify the issue for the public and withdraw the notices, but to date, the agency has not, instead continuing to advance these and other permits against the governor's directive.

Minor Source Air Quality Permits

This permit allows construction of a minor source of air emissions and is regulated by the federal Clean Air Act. Facilities that calculate emissions below the major-source threshold can claim minor-source permits, which do not include the opportunity for public notice and comment. In many instances, Public Citizen has observed that, despite potentially being major sources of emissions, data centers obtain minor permits first to gain permission to construct while avoiding public participation requirements. Two of the three major-source facilities above first obtained a minor-source permit from the TCEQ in 2025.

Data centers primarily obtain two types of minor air permits for behind-the-meter power and emergency backup power: the Standard Permit for Electric Generating Facilities and the Permit by Rule for diesel generators. Neither of these permits allows for public notice or public comment/participation.

TCEQ briefly reviews these permits, taking between 2-7 days from submission to issuance. The whole review for a Permit by Rule includes assignment to an engineer, the engineer's completion of an initial review, a deficiency cycle (if the application is incomplete), and lastly, the final package is sent to a supervisor for review before issuance.

While no minor-source air permits have been issued, the TCEQ has advanced at least four minor-source data center permits through the review process, despite the governor's directive to freeze all permits:

- On September 22, a [Permit by Rule](#) for [BT Gateway Data Center](#) in Royse City (Hunt County) moved from *Engineer Initial Review Completed* to *Final Package to Supervisor* status.
- On September 28, a [Permit by Rule](#) for Kilby Power Plant: [Project Kilby - Chevron and Microsoft](#) in Reeves, TX (Pecos County) moved from *Project Received* to *Engineer Initial Review Completed* status.
- On October 6, a [Permit by Rule](#) for [Edged Energy NFL](#) in Irving, TX (Dallas County) moved from *Project Received* to *Engineer Initial Review Completed* status.
- On October 14, a [Standard Permit](#) for Caldwell Power Generation Plant: [Edged Energy Campus Caldwell County](#) in Martindale, TX (Caldwell County) moved from *Project Received* to *Engineer Initial Review Completed* status.

The governor's directive to consider the data center audit findings and for the TCEQ to incorporate those findings into permitting decisions was not met for any permit that underwent a review without that information, which is not yet available.

Additionally, the agency issued eight certifications for Permit by Rule registrations, although one was later cancelled, between September 23 and October 16. Each is, effectively, an authorization a data center sought and was granted during the pause. This was likely accomplished by submitting a form called an APD-CERT, which is used to certify emissions from certain facilities subject to the Federal or Texas Clean Air Acts, lowering the site's potential to emit (PTE) by establishing one or more federally enforceable emission limits. These permits are listed in the Google Sheet linked at the top of this document in the Air Minor Permits tab.

Construction Stormwater Permits

This authorization grants the applicant legal permission to discharge stormwater from construction sites into local surface water. The federal Clean Water Act and the [Texas Pollution Discharge Elimination System \(TPDES\)](#), the state regulatory program that controls the discharge of pollutants into surface waters, require these permits. It is one of the first permits a data center needs to begin site clearing, grading or excavation that disturbs one acre or more of land.

Each of the eight permits listed below was approved and issued by the TCEQ on the same day they were applied for. Each is a new authorization, except for the Royse City Data Center permit, which was issued prior to the September 21 directive, but was subsequently modified by the applicant, approved and reissued by the TCEQ after the governor's directive:

- On September 22, TCEQ issued a [construction stormwater permit](#) to Ranger Excavating, L.P. for [Caldwell Valley Technology Park](#) located at 727 Farmers Road, Maxwell, TX in Caldwell County.
- On September 23, TCEQ issued a [construction stormwater permit](#) to DPR PCL Joint Venture, LLC, for [Abilene Data Center Buildings 9 & 10](#) (Stargate/Crusoe Abilene) located at 5502 Spinks Rd, Abilene, TX in Taylor County.
- On September 28, TCEQ issued a [construction stormwater permit](#) to TrinityGC for [NScale Data Center](#) located at 3013 FM 516 North Barstow, Barstow, TX in Ward County.
- On September 28, TCEQ issued a [construction stormwater permit](#) to Trinity GC for [NScale MAF 2-1 Grading Package](#) located at FM 516 Barstow, TX in Ward County.
- On September 29, TCEQ issued a modified [construction stormwater permit](#) to BT Gateway Data Center, LLC, for [Royse City Data Center](#) located at County Road 2658 and 2656, Royse City, TX in Hunt County. **Same facility as above in minor-source air permits.*
- On October 2, TCEQ issued a [construction stormwater permit](#) to MDC Building 1, LLC, for [Milam Data Center Building 1](#) (Stargate Milam/Open AI) located at US-77 and FM 134, Burlington, TX in Milam County.
- On October 8, 2026, TCEQ issued a [construction stormwater permit](#) to Everon Data Center Construction for [Google DFW 1.0](#) located at Silver Creek Road and Western Trade Drive, Fort Worth, TX in Tarrant County.
- On October 13, TCEQ issued a [construction stormwater permit](#) to Sitespan, LLC, for [San Antonio Karting Complex](#) located at 1000 Bolton Road, Marion TX in Guadalupe County.

Wastewater Permit

On October 1, the TCEQ approved the pending [industrial wastewater permit](#) #WQ0000395000 for an industrial wastewater treatment plant called Sandow Lakes Ranch filed by applicant SLR Property I, LP, located at 4069 Charles Martin Hall Road, Rockdale, Texas, in Milam County.

SLR Property I, a Texas-based real estate investment entity, purchased the 30,000-acre property in 2021, and renewed the existing wastewater permit. This is the former site of the [Alcoa Rockdale aluminum smelter](#), which was permanently closed in 2017. The TCEQ [permit application](#) states that “future discharges will be from commercial and industrial tenants and operations at the facility.”

On September 1, 2026, Bitdeer, a bitcoin mining company [that has leased space at its site](#) in Rockwall since 2018 for its major cryptocurrency mining facility, announced it had [acquired an additional 200 acres](#) within the complex, where it [intends to build and develop AI and High Performance Computing data center infrastructure](#). SLR is required to report a list of tenants that are contributing sources of wastewater to its collection system each year. The planned data center is not a named source in the permit, despite completing the real estate transaction prior to the permit’s issuance.