

**Waiver Request for Project Application Form
Non-Road and Stationary Equipment, Marine Vessel, and Locomotive
Replacement and Repower Projects**

**Emissions Reduction Incentive Grants (ERIG)
Supplemental Form 1: Program Waiver Request**

Texas Emissions Reduction Plan (TERP)
Texas Commission on Environmental Quality (TCEQ)
Solicitation No. 582-23-42338-ER

Activity Number _____

An activity represents the individual replacement or repower of a single piece of equipment.

Under Texas Health and Safety Code (THSC), §386.104(j), TCEQ may consider a request to waive one or more of the program requirements based on a finding of good cause.

- **This may include short lapses in operation due to economic conditions, seasonal work, or other circumstances.**
- **The burden is on the applicant to demonstrate why there is good cause to grant the waiver request.**

Refer to Appendix B of the ERIG Program Request for Grant Applications (RFGA) for TCEQ's basis for determining good cause.

Applicants requesting a waiver to one or more of the program requirements must complete Part A of this form. Applicants who have purchased third-party equipment, or who plan to purchase third-party equipment, from another entity for the purpose of replacing and disposing of the equipment under the ERIG Program must complete Parts A and B of this form.

Please complete a separate Supplemental Form 1 for each activity that includes a request to waive one or more of the program requirements and submit the completed form with the Project Application Form (TCEQ-20965/a, b, or c).

Part A: Good Cause Waiver of Ownership and Use Requirements

| Please choose the waiver(s) that applies to the activity. | |
|---|--|
| Waiver for the Ownership Requirement: The applicant has not continuously owned the equipment for the two years immediately preceding the application signature date. | |
| Waiver for the Usage Requirement: The equipment being replaced has not been operated in Texas for the two years immediately preceding the application signature date. | |
| In the space below, please provide a detailed explanation of good cause (see above) for the following: <ul style="list-style-type: none"> • Why the equipment being replaced does not meet the ownership and/or operation requirements. • How the replacement of the equipment will result in the projected NO_x emissions reductions. | |
| | |
| Please confirm whether the equipment being replaced will continue to be operated in Texas if a grant is not awarded by selecting yes or no from the dropdown menu. | |
| By signing this document, the applicant is certifying that all information provided is complete and accurate. | |
| Printed Name of Authorized Official: | |
| Signature of Authorized Official*: | |
| Date of Signature: | |

*Please complete the entire form before signing electronically. The ability to add, edit, or remove information will not be available after the application is electronically signed.

Part B: Good Cause Waiver for Ownership – Replacement and Disposition of Third-Party Equipment.

Applicants requesting a waiver to purchase non-road or stationary equipment, locomotives, or marine vessels from another entity (third-party) for the purpose of replacing and disposing of the equipment under the ERIG program must complete this section.

1. Required Information & Documentation

The applicant must provide the equipment information requested in Section 7 of the application and attach color photographs of the third-party equipment (including the engine) to the application.

2. Third-Party Equipment Certifications

By signing below, the applicant and current owner of the equipment certifies that the equipment meets the following requirements.

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| a. Operation. The equipment has been continuously operated in Texas for the two years immediately preceding the application signature date. |
| b. Condition. The vehicle is currently in operating condition and has a remaining useful life of 5 or more years. |
| c. Qualifying Equipment. The equipment will be replaced with a qualifying piece of equipment of the same horsepower range and used in the same application or vocation. |

3. Current Equipment Owner Signature

The information below must be completed and signed by the current equipment owner or company representative of the owner to establish permission to include the equipment in the application.

"I, the undersigned equipment owner/company representative, consent to the applicant including the equipment currently owned by me in this application. I understand that if awarded a grant, the applicant is obligated to own and destroy the equipment being replaced."

| | |
|---|--|
| Printed Name of the Equipment Owner: | |
| Name of Company Representative: If the owner of the equipment is a company, please provide the name of the Company Representative with signature authority. | |
| Signature of Equipment Owner/Company Representative*: | |
| Date of Signature: | |

4. Applicant Signature

| | |
|---|--|
| Printed Name of Authorized Official: | |
| Signature of Authorized Official*: | |
| Date of Signature: | |

*Please complete the entire form before signing electronically. The ability to add, edit, or remove information will not be available after the application is electronically signed.