



# Low Rainfall Erosivity Waiver for Stormwater Discharges Associated with Construction Activity under TPDES General Permit (TXR150000)

**TCEQ Office Use Only**  
 Permit No.: \_\_\_\_\_  
 RN: \_\_\_\_\_  
 CN: \_\_\_\_\_

**IMPORTANT:**

- Use the attached **INSTRUCTIONS** when completing this form.
- After completing this form, use the attached **CUSTOMER CHECKLIST** to make certain all items are complete and accurate.
- Missing, illegible, or inaccurate items may delay final acknowledgment or coverage under the general permit.

**A. OPERATOR (applicant)**

1. If the applicant is currently a customer with TCEQ, what is the Customer Number (CN) issued to this entity? **CN**

2. What is the full Legal Name of the applicant?

*(The legal name must be spelled exactly as filed with the Texas Secretary of State, County, or in the legal document forming the entity.)*

3. What is the applicant's mailing address as recognized by the **US Postal Service**?

Address:	Suite No./Bldg. No./Mail Code:
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City:	State:	Country Code:	ZIP Code:
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Country Mailing Information (if outside USA).	Country Code:	Postal Code:
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4. Phone No.: ( )	Extension:
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5. Fax No.: ( )	E-mail Address:
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6. Indicate the type of Customer:

Individual	Sole Proprietorship-D.B.A.	Limited Partnership	
Corporation	Federal Government	General Partnership	
State Government	County Government	City Government	
Other:			

7. Independent Operator:      Yes      No (If governmental entity, subsidiary, or part of a larger corporation, check "No".)

8. Number of Employees:      0-20;      21-100;      101-250;      251-500; or      501 or higher

9. Customer Business Tax and Filing Numbers *(This item is not applicable to Individuals, Government, GP or Sole Proprietor.)*

**REQUIRED** for Corporations and Limited Partnerships

State Franchise Tax ID Number:	Federal Tax ID:
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TX SOS Charter (filing) Number:	DUNS Number (if known):
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**B. APPLICATION CONTACT**

If TCEQ needs additional information regarding this application, who should be contacted?

1. Name:	Title:	Company:
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2. Phone No.: ( )	Extension:
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3. Fax No.: ( )	E-mail Address:
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**C. REGULATED ENTITY (RE) INFORMATION ON PROJECT OR SITE**

1. TCEQ Issued RE Reference Number (RN) (if available): **RN**

2. Name of Project or Site (the name as known by the community where this facility/project is located):

*(example: phase and name of subdivision or name of project that's unique to the site)*

3. Physical Address of Project or Site: (enter in spaces below)

Street Number:	Street Name:
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City:	ZIP Code:	County (Counties if >1):
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4. If no physical address (Street Number & Street Name), provide a written location access description to the site:

*(Ex.: phase 1 of Woodland subdivision located 2 miles west from intersection of Hwy 290 & IH35 accessible on Hwy 290 South)*

5. Latitude:      N	Longitude:      W
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6. What is the primary business of this entity? In your own words, briefly describe the primary business of the Regulated Entity:

*(Do not repeat the SIC and NAICS code)*

7. What is the mailing address and contact information for the regulated entity?

Is the RE mailing address the same as the Operator?	Yes, same as Operator address	No, provide the address
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Street Number:	Street Name:
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City:	State:	ZIP Code:
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Did you complete everything? Use this checklist to be sure!

Are you ready to mail your form to TCEQ? Go to the General Information Section of the Instructions for mailing addresses.

Customer GP Waiver Checklist <b>TXR150000</b>	
√	This checklist is for use by the operator to ensure a complete application. Missing information may result in denial of coverage under the permit. (See Waiver Process description in the Instructions)
	Application Fee was sent to TCEQ's Cashiers's Office and the check information is listed, or the EPAY payment voucher is attached.
	OPERATOR INFORMATION - Confirm each item is complete: √ Customer Number (CN) issued by TCEQ Central Registry Legal Name as filed to do business in Texas (Call TX SOS 512/463-5555) Operator Mailing Address is complete & verifiable with USPS. <a href="http://www.usps.com">www.usps.com</a> Phone Numbers/E-mail Address Type of Operator (Entity Type) Independent Operator Number of Employees For Corporations or Limited Partnerships – Tax ID and SOS Filing numbers Billing Address is complete & verifiable with USPS. <a href="http://www.usps.com">www.usps.com</a>
	REGULATED ENTITY (RE) INFORMATION ON PROJECT OR SITE - Confirm each item is complete: √ Regulated Entity Reference Number (RN) (if site is already regulated by TCEQ) Site/Project Name/Regulated Entity Site/Project (RE) Physical Address Please do not use a rural route or post office box for a site location Latitude and Longitude <a href="http://www.tceq.texas.gov/gis/drgview.html">www.tceq.texas.gov/gis/drgview.html</a> or <a href="http://www.terraserver.com/">http://www.terraserver.com/</a> . Business description Site Mailing Address (checked same as operator or complete & verifiable with USPS. <a href="http://www.usps.com">www.usps.com</a> )
	GENERAL CHARACTERISTICS - Confirm each item is complete: √ Indian Country Lands –the facility is not on Indian Country Lands Standard Industrial Classification (SIC) code <a href="http://www.osha.gov/oshstats/sicsr.html">www.osha.gov/oshstats/sicsr.html</a> Estimated Start and End dates R Factor is <5 Acres disturbed is <5 and is not a part of common plan of development or sale where total acres disturbed in 5 or more acres Discharge Information (receiving water body, segment no. and MS4 Operator)
	CERTIFICATION Certification statements have been checked indicating “Yes” Signature meets 30 Texas Administrative Code (TAC) §305.44 and is original and has been provided for the Operator.

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## General Information and Instructions

### GENERAL INFORMATION

Where to Send the WAIVER and other related forms:

BY REGULAR U.S. MAIL

Texas Commission on Environmental Quality  
Stormwater Processing Center (MC228)  
P.O. Box 13087  
Austin, TX 78711-3087

BY OVERNIGHT/EXPRESS MAIL

Texas Commission on Environmental Quality  
Stormwater Processing Center (MC228)  
12100 Park 35 Circle  
Austin, TX 78753

TCEQ Contact list:

Application Processing Questions relating to the status and form requirements:	512/239-3700 or <a href="mailto:swpermit@tceq.texas.gov">swpermit@tceq.texas.gov</a>
Technical Questions relating to the general permit:	512/239-4671 or <a href="mailto:swgp@tceq.texas.gov">swgp@tceq.texas.gov</a>
Environmental Law Division:	512/239-0600
Records Management for obtaining copies of forms submitted to TCEQ:	512/239-0900
Information Services for obtaining reports from program data bases (as available):	512/239-DATA (3282)
Financial Administration's Cashier's office:	512/239-0357 or 512/239-0187

Waiver Process:

When your Waiver is received by the program, the form will be processed as follows:

- 1. Administrative Review:** Each item on the form will be reviewed for a complete response. In addition, the operator's legal name must be verified with Texas Secretary of State as valid and active (if applicable). The address(s) on the form must be verified with the US Postal service as an address receiving regular mail delivery. Never give an overnight/express mailing address.
- 2. Notice of Deficiency:** If an item is incomplete or not verifiable as indicated above, a notice of deficiency (NOD) will be mailed to the operator. The operator will have 30 days to respond to the NOD. The response will be reviewed for completeness.
- 3. Acknowledgment of Coverage:** An Acknowledgment Certificate will be mailed to the operator. This certificate acknowledges coverage under the general permit.  
-or-  
**Denial of Coverage:** If the operator fails to respond to the NOD or the response is inadequate, coverage under the general permit may be denied. If coverage is denied, the operator will be notified.

#### General Permit (Your Permit)

Coverage under the general permit begins on the **Estimated Start Date** and ends on the **Estimated End Date** as entered in the Waiver. You should have a copy of your general permit when submitting your application. You may view and print your permit for which you are seeking coverage, on the TCEQ web site [www.tceq.texas.gov](http://www.tceq.texas.gov).

#### General Permit Forms

The Waiver, Notice of Intent (NOI), Notice of Termination (NOT), and Notice of Change (NOC) with instructions are available in Adobe Acrobat PDF format on the TCEQ web site [www.tceq.texas.gov](http://www.tceq.texas.gov).

#### Change in Operator

An authorization under the general permit is not transferable. If the operator of the regulated entity changes, the present permittee must submit a Notice of Termination and the new operator must submit a new Waiver form. The forms must be submitted not later than 10 days prior to the change in Operator status.

#### TCEQ Central Registry Core Data Form

The Core Data Form has been incorporated into this form. **Do not send a core data form to TCEQ.**

After final acknowledgment of coverage under the general permit, the program will assign a Customer Number (CN) and Regulated Entity Number (RN). For Construction Permits, a new RN will be assigned for each Notice of Intent filed with TCEQ, since construction project sites can overlap with other Customers. The RN assigned to your construction project will not be assigned to any other TCEQ authorization.

You can find the information on the Central Registry web site at [www12.tceq.texas.gov/crpub/](http://www12.tceq.texas.gov/crpub/). You can search by the Regulated Entity (RN), Customer Number (CN) or Name (Permittee), or by your permit number under the search field labeled "Additional ID". Capitalize all letters in the permit number.

The Customer (Permittee) is responsible for providing consistent information to the TCEQ, and for updating all CN and RN data for all authorizations as changes occur. For General Permits, a Notice of Change form must be submitted to the program area.

## INSTRUCTIONS FOR FILLING OUT THE WAIVER FORM

### **A. OPERATOR** (As defined in the general permit.)

#### 1. TCEQ Issued Customer Number (CN)

TCEQ's Central Registry will assign each customer a number that begins with "CN," followed by nine digits. **This is not a permit number**, registration number, or license number.

- If this customer has not been assigned a Customer Reference Number, leave the space for the Customer Reference Number blank.
- If this customer has already been assigned this number, enter the operator's Customer Reference Number in the space provided.

#### 2. Legal Name

Provide the legal name of the facility operator, as authorized to do business in Texas. The name must be provided exactly as filed with the Texas Secretary of State (SOS), or on other legal documents forming the entity, that is filed in the county where doing business. You may contact the SOS at 512/463-5555, for more information related to filing in Texas. If filed in the county where doing business, provide a copy of the legal documents showing the legal name.

#### 3. Operator Mailing Address

Provide a complete mailing address for receiving mail from the TCEQ. The address must be verifiable with the US Postal Service at [www.usps.com](http://www.usps.com), for regular mail delivery (not overnight express mail). If you find that the address is not verifiable using the USPS web search, please indicate the address is used by the USPS for regular mail delivery.

#### 4. Phone Number

This number should correspond to this customer's mailing address given earlier. Enter the area code and phone number here. Leave "Extension" blank if this customer's phone system lacks this feature.

#### 5. Fax Number and E-mail Address

This number and E-mail address should correspond to operator's mailing address provided earlier. (Optional Information)

#### 6. Type of Entity

Check only one box that identifies the type of entity. Use the descriptions below to identify the appropriate entity type:

Individual is a customer who has not established a business, but conducts an activity that needs to be regulated by the TCEQ.

Sole Proprietorship— D.B.A. is a customer that is owned by only one person and has not been incorporated. This business may:

- be under the person's name
- have its own name ("doing business as," or d.b.a.)
- have any number of employees

Partnership is a customer that is established as a partnership as defined by the Texas Secretary of State's Office.

Corporation is the customer meets all of these conditions:

- is a legally incorporated entity under the laws of any state or country
- is recognized as a corporation by the Texas Secretary of State
- has proper operating authority to operate in Texas.

Government- Federal, state, county, or city government (as appropriate)

the customer is either an agency of one of these levels of government or the governmental body itself.

Other is Estate, Trust, etc.

the customer does not fit one of the above descriptions. Enter a short description of the type of customer in the blank provided.

#### 7. Independent Operator

Check "No" if this customer is a subsidiary, part of a larger company, or is a governmental entity. Otherwise, check "Yes."

#### 8. Number of Employees

Check one box to show the number of employees for this customer's entire company, at all locations. This is not necessarily the number of employees at the site named in the NOI.

#### 9. State Franchise Tax ID Number

Corporations and limited liability companies that operate in Texas are issued a franchise tax identification number. If this customer is a corporation or limited liability company, enter this number here.

#### Federal Tax ID

All businesses, except for some small sole proprietors, individuals, or general partnerships should have a federal taxpayer identification number (TIN). Enter this number here. Use no prefixes, dashes, or hyphens. Sole proprietors, individuals, or general partnerships do not need to provide a federal tax ID.

#### TX SOS Charter (filing) Number

Corporations and Limited Partnerships required to register with the Texas Secretary of State are issued a charter or filing number. You may obtain further information by calling SOS at 512/463-5555.

#### DUNS Number

Most businesses have a DUNS (Data Universal Numbering System) number issued by Dun and Bradstreet Corp. If this customer has one, enter it here.

### **B. Application Contact**

Provide the name, title and communication information of the person that TCEQ can contact for additional information regarding this application.

<p><b>C. REGULATED ENTITY (RE) INFORMATION ON PROJECT OR SITE</b></p> <p>1. Regulated Entity Reference Number (RN)  This is a number issued by TCEQ's Central Registry to sites (a location where a regulated activity occurs) regulated by TCEQ. This is not a permit number, registration number, or license number.</p> <ul style="list-style-type: none"> <li>• If this Regulated Entity has not been assigned a Regulated Entity Number, leave this space blank.</li> <li>• If this customer has been assigned this number, enter the operator's Regulated Entity Number.</li> </ul>
<p>2. Site/Project Name/Regulated Entity  Provide the name of the site as known by the public in the area where the site is located. The name you provide on this application will be used in the TCEQ Central Registry as the Regulated Entity. A new regulated entity number is assigned by Central Registry for each new construction Notice of Intent since the area under control of the operator may not be contiguous within a project site.</p>
<p>3. Site/Project (RE) Physical Address  Enter the complete address of where the site is located. This address must be validated through US Postal Service or your local police (911 service) as a valid address. Please confirm this to be a complete and valid address. In some rural areas, new addresses are being assigned to replace rural route addresses. Please do not use a rural route or post office box for a site location.</p> <p>If a site does not have an actual physical address that includes a street number and street name, enter NO ADDRESS for the street name. Then provide a complete written location access description. For example: "The site is located 2 miles west from intersection of Hwy 290 &amp; IH35, located on the southwest corner of the Hwy 290 South bound lane." This includes authorizations for construction projects such as highways and subdivision.</p> <p>Provide the city and ZIP code of the area where the facility is located. This information is required to complete the processing of your form.</p>
<p>4. Latitude and Longitude  Enter the latitude and longitude of the site in either degrees, minutes, and seconds or decimal form. For help obtaining the latitude and longitude, go to: <a href="http://www.tceq.texas.gov/gis/drgview.html">www.tceq.texas.gov/gis/drgview.html</a> or <a href="http://www.terraserver.com/">http://www.terraserver.com/</a>.</p>
<p>5. Description of Activity Regulated  In your own words, briefly describe the primary business being conducted at the site. (A description specific to what you are doing that requires this authorization - Do not repeat the SIC Code(s).)</p>
<p><b>SITE MAILING ADDRESS</b></p> <p>Provide a complete mailing address to be used by TCEQ for receiving mail at the site. In most cases, the address is the same as the operator. If so, simply place a check mark in the box. If you provide a different address, please verify the address with USPS as instructed above for the operator address.</p>
<p><b>D. GENERAL CHARACTERISTICS</b></p>
<p>1. <b>Indian Country Lands</b>  If your site is located on Indian Country Lands, the TCEQ does not have authority to process your application. You must obtain authorization through EPA, Region VI, Dallas. Do not submit this form to TCEQ.</p>
<p>2. <b>Standard Industrial Classification (SIC) code</b>  Provide the SIC code that best describes the construction activity being conducted at the site.  Common SIC Codes related to construction activities include: 1521 Construction of Single Family Homes; 1522 Construction of Residential Bldgs. Other than Single Family Homes; 1541 Construction of Industrial Bldgs. and Warehouses; 1542 Construction of Non-residential Bldgs. other than Industrial Bldgs. and Warehouses; 1611 Highway &amp; Street Construction, except Highway Construction; 1622 Bridge, Tunnel, &amp; Elevated Highway Construction; 1623 Water, Sewer, Pipeline &amp; Communications, and Power Line Construction. For help with SIC codes, go to: <a href="http://www.osha.gov/oshstats/sicser.html">www.osha.gov/oshstats/sicser.html</a></p>
<p>3. <b>Estimated Start and End Date</b>  Provide the date in which the construction activity will commence and the projected date in which the construction activity will be completed. The dates provided in this waiver must be used to calculate the R Factor for the site.</p>
<p>4. <b>R Factor &lt;5</b>  Check Yes if the calculated R Factor for the construction site is less than 5. If the construction site has an R Factor greater than or equal to 5, this waiver is not attainable and authorization to discharge stormwater must be obtained by following the provisions in the Construction General Permit (TXR150000).</p>
<p>5. <b>Estimated Area of Land Disturbed</b>  Check Yes if the construction activity disturbs 5 acres or more, or the construction activity is part of a larger common plan of development or sale that would disturb 5 acres or more. Otherwise, check No. Only construction activities that disturb less than 5 acres are eligible for this waiver. If Yes is selected, this waiver is not attainable and authorization to discharge stormwater must be obtained by following the provisions in the Construction General Permit (TXR150000).</p> <p>"Disturb" means any clearing, grading, excavating, or other similar activities. If you have any questions about this item, please call the stormwater technical staff at (512)239-4671.</p>
<p>6. <b>Discharge Information</b></p> <ol style="list-style-type: none"> <li>Identify the water body where the stormwater discharge or potential discharge will reach.</li> <li>Identify the classified segment number. Go to the link to find the segment number of the classified water body where wastewater will flow <a href="http://www.tceq.texas.gov/waterquality/monitoring/viewer.html">http://www.tceq.texas.gov/waterquality/monitoring/viewer.html</a>.</li> <li>Identify the MS4 Operator name if the stormwater discharge is into an MS4.</li> </ol> <p>For assistance, you may call the technical staff at 512/239-4671.</p>

**7. Edwards Aquifer Rule**

See maps on the TCEQ website to determine if the site is located within the Recharge Zone, Contributing Zone, or Contributing Zone within the Transition Zone of the Edwards Aquifer at [http://www.tceq.state.tx.us/compliance/field\\_ops/eapp/viewer.html](http://www.tceq.state.tx.us/compliance/field_ops/eapp/viewer.html).

If the discharge or potential discharge is within the Recharge Zone, Contributing Zone, or Contributing Zone within the Transition Zone of the Edwards Aquifer, a site specific authorization approved by the Executive Director under the Edwards Aquifer Protection Program (30 TAC Chapter 213) is required before construction can begin.

The general permit requires the approved Contributing Zone Plan or Water Pollution Abatement Plan to be included as a part of the Stormwater Pollution Prevention Plan. The certification must be answered "Yes" for coverage under the general permit.

**E. CERTIFICATIONS**

Failure to indicate "Yes" to ALL of the certification items may result in denial of coverage under the general permit.

The certification must bear an original signature of a person meeting the signatory requirements specified under 30 Texas Administrative Code (TAC) §305.44.

**IF YOU ARE A CORPORATION:**

The regulation that controls who may sign an NOI or similar form is 30 Texas Administrative Code §305.44(a)(1) (see below). According to this code provision, any corporate representative may sign an NOI or similar form so long as the authority to sign such a document has been delegated to that person in accordance with corporate procedures. By signing the NOI or similar form, you are certifying that such authority has been delegated to you. The TCEQ may request documentation evidencing such authority.

**IF YOU ARE A MUNICIPALITY OR OTHER GOVERNMENT ENTITY:**

The regulation that controls who may sign an NOI or similar form is 30 Texas Administrative Code §305.44(a)(3) (see below). According to this code provision, only a ranking elected official or principal executive officer may sign an NOI or similar form. Persons such as the City Mayor or County Commissioner will be considered ranking elected officials. In order to identify the principal executive officer of your government entity, it may be beneficial to consult your city charter, county or city ordinances, or the Texas statute(s) under which your government entity was formed. An NOI or similar document that is signed by a government official who is not a ranking elected official or principal executive officer does not conform to §305.44(a)(3). The signatory requirement may not be delegated to a government representative other than those identified in the regulation. By signing the NOI or similar form, you are certifying that you are either a ranking elected official or principal executive officer as required by the administrative code. Documentation demonstrating your position as a ranking elected official or principal executive officer may be requested by the TCEQ.

If you have any questions or need additional information concerning the signatory requirements discussed above, please contact the Texas Commission on Environmental Quality's Environmental Law Division at 512/239-0600.

**30 Texas Administrative Code**

**§305.44. Signatories to Applications.**

(a) All applications shall be signed as follows.

(1) For a corporation, the application shall be signed by a responsible corporate officer. For purposes of this paragraph, a responsible corporate officer means a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures. Corporate procedures governing authority to sign permit or post-closure order applications may provide for assignment or delegation to applicable corporate positions rather than to specific individuals.

(2) For a partnership or sole proprietorship, the application shall be signed by a general partner or the proprietor, respectively.

(3) For a municipality, state, federal, or other public agency, the application shall be signed by either a principal executive officer or a ranking elected official. For purposes of this paragraph, a principal executive officer of a federal agency includes the chief executive officer of the agency, or a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., regional administrator of the EPA).