



TCEQ Notice of Intent (NOI) for Concentrated Animal Feeding Operations under the General Permit TXG920000

IMPORTANT:

- Use the [INSTRUCTIONS](#) to fill out each question in this form.
- Use the [CHECKLIST](#) to make certain you filled out all required information. Incomplete applications WILL delay approval or result in denial.
- Once processed your permit can be viewed at <http://www.tceq.texas.gov/goto/wq-dpa>

APPLICATION FEE:

- You must pay the NOI Application Fee to TCEQ for the application to be considered complete. Payment and NOI must be mailed to separate addresses. See the instructions.
- Check the Fee Paid:
 - New permit for a facility not currently authorized - \$350
 - Significant expansion as defined in TXG920000 - \$350
 - Renewal of an existing permit - *\$100
 - Change in permittee of existing permit - *\$100
 - * Fee is \$75 if applying through ePermits

- **Provide your payment information below for verification of payment:**

Mailed Check/Money Order No.: _____
 Name Printed on Check: _____
 Copy of check enclosed

EPAY Voucher No.: _____
 Is the Payment Voucher copy attached? Yes

APPLICATION TYPE:

Select the application type and provide the permit number if required.

New permit for facility not currently authorized.

Yes – Technical Report (TCEQ-20111 Technical Report) is attached to this NOI.

Significant Expansion of a currently authorized facility under Permit Number: _____

Yes – Technical Report (TCEQ-20111 Technical Report) is attached to this NOI.

Renewal of existing Permit Number: _____

Yes – If TPDES Large CAFO, complete and attach Section D of the Technical Report (TCEQ-20111 Technical Report) to this NOI.

Change in Permittee of existing Permit Number: _____

1) OWNER (APPLICANT)

The owner of the CAFO is required to apply for the permit. If there is more than one owner then each entity must complete this section.

- a) If the applicant is currently a customer with TCEQ, what is the Customer Number (CN) issued to this entity? You may search for your CN at: <http://www.tceq.texas.gov/goto/cr-customer>

CN _____

- b) What is the Legal Name of the entity (applicant) applying for this permit?

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

- c) What is the contact information for the Owner (Responsible Authority)? The mailing address must be recognized by the US Postal Service. You may verify the address at: <https://tools.usps.com/go/ZipLookupAction!input.action>

Prefix (Mr. Ms. Miss): _____
First/Last Name: _____ Suffix: _____
Title: _____ Credential: _____
Phone Number: _____ Ext: _____ Fax Number: _____
E-mail: _____
Mailing Address: _____
Internal Routing (Mail Code, Etc.): _____
City: _____ State: _____ ZIP Code: _____
If outside USA: Territory: _____ Country Code: _____ Postal Code: _____

- d) Indicate the type of Customer (The instructions will help determine your customer type):

Individual	Limited Partnership	Sole Proprietorship-DBA
Joint Venture	General Partnership	Corporation
Trust	Estate	Federal Government
State Government	County Government	City Government
Other Government	Other: _____	

- e) Independent Owner? Yes No
(If governmental entity, subsidiary, or part of a larger corporation, check "No".)

- f) Number of Employees: 0-20 21-100 101-250 251-500 501 or higher

- g) Customer Business Tax and Filing Numbers:
(REQUIRED for Corporations and Limited Partnerships only)

State Franchise Tax ID Number: _____
Federal Tax ID: _____
Texas Secretary of State Charter (filing) Number: _____
DUNS Number (if known): _____

2) OPERATOR (APPLICANT)

Is the facility owned by one person and operated by another?

Yes – complete this section

No – go to Section 3)

a) If the operator is currently a customer with TCEQ, what is the Customer Number (CN) issued to this entity? You may search for your CN at:

<http://www.tceq.texas.gov/goto/cr-customer>

CN _____

b) What is the Legal Name of the operator (applicant) applying for this permit?

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

c) What is the contact information for the Operator (Responsible Authority)? The mailing address must be recognized by the US Postal Service. You may verify the address at:

<https://tools.usps.com/go/ZipLookupAction!input.action>

Prefix (Mr. Ms. Miss): _____

First/Last Name: _____ Suffix: _____

Title: _____ Credential: _____

Phone Number: _____ Ext: _____ Fax Number: _____

E-mail: _____

Mailing Address: _____

Internal Routing (Mail Code, Etc.): _____

City: _____ State: _____ ZIP Code: _____

If outside USA: Territory: _____ Country Code: _____ Postal Code: _____

d) Indicate the type of Customer (The instructions will help determine your customer type):

Individual Limited Partnership Sole Proprietorship-DBA

Joint Venture General Partnership Corporation

Trust Estate Federal Government

State Government County Government City Government

Other Government Other: _____

e) Independent Operator? Yes No
(If governmental entity, subsidiary, or part of a larger corporation, check “No”.)

f) Number of Employees: 0-20 21-100 101-250 251-500 501 or higher

g) Customer Business Tax and Filing Numbers:
(REQUIRED for Corporations and Limited Partnerships only)

State Franchise Tax ID Number: _____

Federal Tax ID: _____

Texas Secretary of State Charter (filing) Number: _____

DUNS Number (if known): _____

3) ANNUAL BILLING CONTACT

The Permittee is responsible for paying the annual fee. The annual fee will be assessed to permits active on September 1 of each year. TCEQ will send a bill to the address provided in this section. The Permittee is responsible for terminating the permit when it is no longer needed.

Is the billing contact and contact information the same as the Owner or Operator identified in Section 1) or Section 2) above?

Yes, specify which Permittee on the line below and go to Section 4).

No, provide the billing contact information

Prefix (Mr. Ms. Miss): _____
First/Last Name: _____ Suffix: _____
Title: _____ Credential: _____
Organization Name: _____
Phone Number: _____ Ext: _____ Fax Number: _____
E-mail: _____
Mailing Address: _____
Internal Routing (Mail Code, Etc.): _____
City: _____ State: _____ ZIP Code: _____

4) APPLICATION CONTACT

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

Is the application contact and contact information the same as the Owner or Operator identified in Section 1) or Section 2) above?

Yes, specify which applicant on the line below and go to Section 5).

No, provide the application contact information

Prefix (Mr. Ms. Miss): _____
First/Last Name: _____ Suffix: _____
Title: _____ Credential: _____
Organization Name: _____
Phone Number: _____ Ext: _____ Fax Number: _____
E-mail: _____
Mailing Address: _____
Internal Routing (Mail Code, Etc.): _____
City: _____ State: _____ ZIP Code: _____
Mailing Information if outside USA:
Territory: _____ Country Code: _____ Postal Code: _____

b) Is the facility currently in operation?

Yes

No – Previously authorized CAFOs renewing authorization must be operational within 18 months of the general permit issuance date or submit a notice of termination.

c) Is the site located on Indian Country Lands?

Yes – You must obtain authorization through EPA, Region VI.

No

d) Is the facility located in a protection zone of a sole source drinking water supply?

Yes – You must apply for a CAFO individual permit.

No

NA – Dry Litter Poultry Facility

e) Has a Pollution Prevention Plan been prepared as required by the general permit?

Yes

No – Coverage may be denied as the PPP is required at the time the NOI is submitted.

f) What is the name(s) of the receiving water body?

g) What is the segment number(s) of the receiving water body?

h) If this is a Change in Permittee, what is the proposed date of the transaction or date of transfer?

(You must submit this form to TCEQ 10 days prior to the transaction.)

Animal Type and Head Count

i) What are the currently authorized or proposed animal type, head count, and corresponding Primary Standard Industrial Classification (SIC) Code? (Enter below.)

- If this is a renewal or change in permittee, you cannot change the currently authorized animal type or head count.
- For a significant expansion, state the proposed change in animal type or head count.
Description of change:

SIC Code and Animal Type	Proposed	Currently Authorized
0241–Total Dairy Cattle		
How many of the total dairy cattle are milking cattle?		
0211–Beef Cattle Feedlot		
0212–Veal Calves		
0213–Total Swine		
How many of the total swine are less than 55 lbs?		
How many of the total swine are 55 lbs or Over?		
0253–Turkeys		
0272–Horses		
0214–Sheep or Lambs		
0252–Laying Hens		
Dry Manure		
Liquid Manure		
0251–Chickens/Broilers		
Dry Manure		
Liquid Manure		
0259–Ducks		
Dry Manure		
Liquid Manure		
Other animal type: _____ SIC Code of other animal type: _____		

Manure, Sludge, and/or Wastewater Production and Use

j) What is the duration of manure storage?
Temporary Storage

Storage for more than 30 days

k) What is the estimated amount of wastewater generated annually by the facility?
_____Acre-feet

l) What is the estimated amount of manure generated annually by the facility?
_____Tons

m) Is any manure, sludge, or wastewater transferred to another person?
Yes – Answer 1. and 2. below.

1. What is the estimated amount of wastewater transferred to other persons?
_____Acre-feet

2. What is the estimated amount of manure transferred to other persons?
_____Tons

No

n) Are you using alternative uses for manure, sludge and/or wastewater?

Yes – What is the alternative use(s) of manure, sludge and/or wastewater?

Compost Facility

Evaporation

Pelletizing

Contract Hauler

Energy Generation

Other: _____

No

o) For State Only-CAFO: Is any manure, sludge or wastewater land applied on Land Management Units?

Yes – Complete Table 1 below. Make additional copies of Table 1 as needed.

No

Table 1: Land Application Summary

Name used to identify the LMU	Acres	Estimated Application Rate (acre-inches/acre/yr or tons/ac/yr)

p) Are there Retention Control Structures (RCS)?

Yes – Complete Table 2 below. Make additional copies of Table 2 as needed.

No – Not applicable for dry litter poultry

Identify the RCSs that act in series or indicate that none act in series:

Table 2: Retention Control Structures (RCSs) Information

Name used to identify the RCS	Structure Type	Days of Storage	Required Capacity (acre-feet)	Drainage Area Acreage (acres)

Air Authorization

q) How are Air Emissions from this facility authorized?

Permit-by-Rule in 30 TAC Chapter 106 Subchapter F

Individual Air Quality Permit under 30 TAC Chapter 116

Air Standard Permit for Animal Feeding Operations in 30 TAC Section 321.43

If “Air Standard Permit” is selected complete 1. and 2. below, and complete the signature page for Air Standard Permit at the end of the application.

1. When did the facility start operations or plan to start operations? (Check one)
 - (a) Operation started after 8/19/1998
 Since the operation started after 8/19/1998, which option will the CAFO use to meet the requirement for the Air Standard Permit?
 1/2 mile buffer 1/4 mile buffer and odor control plan
 - (b) Operation started on or before 8/19/1998
 Since the operation started on or before 8/19/1998, which option will the CAFO use to meet the requirement for the Air Standard Permit?
 1/4 mile buffer odor control plan

2. Is a written letter of consent from an affected landowner being used in lieu of meeting the buffer distance specified?
 Yes – What is the First and Last Name of the affected landowner(s)?

 No
 Buffer is not required

Required Maps

In the event of a conflict between information on map and in the application, the information in the application is what will be authorized. No maps are required for a renewal application.

- r)** Provide an original USGS Topographic Map with scale showing the specific location of the production area and property boundaries. For currently authorized facilities, a high quality copy of a topographic map may be used in lieu of the original map.

Has the **USGS Topographic Map** been provided with this application? Yes

- s)** Provide a Site Map(s) clearly delineating and labeling the location of all operations and characteristics.

The map shall show the production area and include, at a minimum, pens and open lots, barns, berms, permanent manure storage areas, composting areas, control facilities including RCSs, water wells (abandoned and in use), surface water in the state, and dead animal burial site.

Each RCS listed above must be included and clearly crossed-referenced on the map.

Has the **Site Map** been provided with this application? Yes

- t)** Provide a Land Management Unit Map(s) clearly delineating and labeling each LMU listed in this application.

The map shall include, at a minimum, the following information: 1) the boundary and acreage of each LMU, 2) all buffer zones required by this permit, 3) the location of the production area, 4) water wells, abandoned and in use, which are on-site or within 500 feet of the facility boundary, 5) all surface water in the state located on-site and within one mile of the property boundary, and 6) the facility boundary.

Has the **Land Management Unit Map** been provided with this application? Yes

7) CERTIFICATION

Check Yes to the certifications below. Failure to indicate Yes to **ALL** items may result in denial of coverage under the general permit.

- a) I certify that I have obtained a copy and understand the terms and conditions of the general permit TXG920000. Yes
- b) I certify that the activities at this site qualify for coverage under the general permit TXG920000. Yes
- c) I understand that a Notice of Termination (NOT) must be submitted when this authorization is no longer needed. Yes
- d) I understand that permits active on September 1st of each year will be assessed an Annual Water Quality Fee. Yes
- e) I certify that the full legal name of the entity applying for this permit has been provided and is legally authorized to do business in Texas. Yes

NOTICE OF INTENT CHECKLIST

TXG920000

- 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.

This checklist is for use by the applicant to ensure a complete application. Missing information may result in denial of coverage under the general permit. (See NOI process description in the Instructions)

Application:

Application Fee was sent to TCEQ's Financial Administration Division Cashier's Office and the check information is listed OR the ePAY copy payment voucher is attached
Application type is selected
The permit number is provided – if for an existing authorized facility
The technical report is attached for new applications

APPLICANT OWNER (AND OPERATOR IF APPLICABLE) INFORMATION - Confirm each item is complete for each applicant:

Customer Number (CN) issued by TCEQ Central Registry
Legal name as filed to do business in Texas (Call TX SOS 512/463-5555)
Mailing address is complete & verifiable with USPS www.usps.com
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 contact and address is complete & verifiable with USPS www.usps.com

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 name
Business description
County
Latitude and longitude <http://www.tceq.texas.gov/gis/sqmaview.html>
Site physical address. Please do not use a rural route or post office box

GENERAL CHARACTERISTICS - Confirm each item is complete:

Authorization type is provided
Facility operation status
Indian Country Lands –the facility is not on Indian Country Lands
Facility is not located in a protected zone of a sole source drinking water supply
PPP has been prepared
Receiving water body and segment number
Animal type and head count – currently authorized and/or proposed
Manure, sludge & wastewater production and use information
LMU information if applicable
RCS information
Air Authorization Type
Air Standard Permit information –if applicable
USGS Map
Site Map – showing all RCSs listed
LMU Map – showing all LMUs listed

CERTIFICATION

Certification statements have been checked indicating "Yes"
Water Quality Certification statements have been signed by all applicants
Signature meets 30 Texas Administrative Code (TAC) §305.44 and is original
Air Standard Permit Certification statements have been signed by all applicants

Notice of Intent (NOI) for Concentrated Animal Feeding Operations under the General Permit TXG920000

General Information and Instructions

GENERAL INFORMATION

Where to Send the Notice of Intent (NOI):

BY REGULAR U.S. MAIL:

Texas Commission on Environmental Quality
Applications Review and Processing Team
(MC148)
P.O. Box 13087
Austin, Texas 78711-3087

BY OVERNIGHT/EXPRESS MAIL:

Texas Commission on Environmental Quality
Applications Review and Processing Team
(MC148)
12100 Park 35 Circle
Austin, TX 78753

TCEQ Contact List:

Application – status and form questions:	512/239-4671, CAFO@tceq.texas.gov
Technical questions:	512/239-4671, CAFO@tceq.texas.gov
Environmental Law Division:	512/239-0600
Records Management - obtain copies of forms:	512/239-0900
Reports from databases (as available):	512/239-DATA (3282)
Cashier's office:	512/239-0357 or 512/239-0187

Notice of Intent Process:

When your NOI 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 receiving regular mail delivery. Do not provide an overnight/express mailing address.

An application will not be declared administratively complete or approved if delinquent fees and/or penalties of \$25 or more are owed to the TCEQ. All such fees must be paid prior to approval of the NOI.

- 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 applicant contact. The applicant contact will have 30 days to respond to the NOD. The response will be reviewed for completeness.
- 3) **Technical Review:** Applications for a new facility or significant expansion of a currently authorized facility will be reviewed by technical staff when the administrative review is determined complete. If a technical item is incomplete or not verifiable, a NOD will be sent to the applicant's contact indicated in Section 4 of the NOI. The applicant will have 30 days to respond to the NOD. The response will be reviewed for technical completeness.
- 4) **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 **as stated in the general permit**. You should have a copy of your general permit when submitting your application. You may view and print the general permit [TXG920000](http://www.tceq.texas.gov) for which you are seeking coverage under, on the TCEQ web site <http://www.tceq.texas.gov>

General Permit Forms

ePermits online application forms

Get coverage faster than mailing the paper NOI or NOT. You can:

- renew an existing permit
- terminate an existing permit
- submit a Notice of Change

Sign up at <https://www3.tceq.texas.gov/steers/> and pay a lower application fee by filing online through ePermits.

Paper forms

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

Change in Permittee of existing permit

Authorizations under the general permit are not transferrable. If the permittee or one of the co-permittees changes, the current permittee(s) must submit a Notice of Intent and the previous permittee(s) must submit a Notice of Termination. The forms must be submitted no later than 10 days prior to the change. Please note that a letter will not make a change in permittee(s) effective. The NOT and NOI will not be processed until the TCEQ is notified that the transaction has occurred.

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 TCEQ will assign a Customer Number and Regulated Entity Number.

You can find the information on the Central Registry web site at <http://www15.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.

Fees associated with a General Permit

The general permit refers to two different fees that apply to the applicant submitting Notice of Intent (NOI) and authorized under the General Permit. Payment of the fees may be made by check or money order, payable to TCEQ, or through EPAY (electronic payment through the web).

Application Fee: This fee is required to be paid at the time the NOI is submitted. Failure to submit payment at the time the application is filed will cause delays in acknowledgment or denial of coverage under the general permit.

Mailed Payments:

Payment must be mailed under separate cover at one of the addresses below using the attached Application Fee submittal form. (DO NOT SEND A COPY OF THE NOI WITH THE APPLICATION FEE SUBMITTAL FORM)

BY REGULAR U.S. MAIL

Texas Commission on Environmental Quality
Financial Administration Division
Cashier's Office, MC-214
P.O. Box 13088
Austin, TX 78711-3088

BY OVERNIGHT/EXPRESS MAIL

Texas Commission on Environmental Quality
Financial Administration Division
Cashier's Office, MC-214
12100 Park 35 Circle
Austin, TX 78753

ePAY Electronic Payment: <http://www.tceq.texas.gov/goto/epay>

When making the payment you must select Water Quality, then select the fee category:

For Existing (Renewal or Change in Permittee applications): "General Permit Existing CAFO Wastewater Discharge Application"

For New/Significant Expansion: "General Permit New/Significant Expansion CAFO Wastewater Discharge Application"

You must include a copy of the payment voucher with your NOI. Your NOI will not be considered complete without the payment voucher.

Annual Water Quality Fee: This fee is assessed to permittees with an active authorization under the general permit on **September 1** of each year. The designated billing contact will receive an invoice for payment of the annual fee in December of each year. The payment will be due 30 days from the invoice date. A 5% penalty will be assessed if the payment is received by TCEQ after the due date. Annual fee assessments cannot be waived as long as the authorization under the general permit is active on **September 1**.

It is important for the permittees to submit a Notice of Termination (NOT) when coverage under the general permit is no longer required. A NOT is effective on the postmarked date of mailing the form to TCEQ. It is recommended that the NOT be mailed using a method that documents the date mailed and received by TCEQ.

Mailed Payments:

You must return your payment with the billing coupon provided with the billing statement.

ePAY Electronic Payment:

Go to <http://www.tceq.texas.gov/goto/epay>

You must enter your account number provided at the top portion of your billing statement. Payment methods include Mastercard, Visa, and electronic check payment (ACH). A single transaction over \$1000 can only be made by ACH.

INSTRUCTIONS FOR FILLING OUT THE NOI FORM

1) and 2) OWNER and OPERATOR if applicable (as defined in the general permit)

Important Note:

More than one entity may be required to apply for the permit as Co-Permittees.

The selected entity type indicates the name that must be provided as an applicant for a permit, registration or authorization. It also identifies when a co-applicant/co-permittee on an application for a permit, registration or authorization is required.

The owner of a facility must be the applicant identified on the application for authorization. If the facility is owned by one person and operated by another, the operator may be a co-applicant.

For a renewal, the application form must include the Owner as an applicant and may include the Operator as a co-applicant with the Owner. Changes to the permittee may be made at the time the permit is renewed.

a) Enter assigned 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 CN, leave the space for the CN blank. If this customer has already been assigned this number, enter the permittee's CN.

b) Legal Name

Provide the current legal name of the permittee, 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 the applicant is 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 the applicant is doing business, provide a copy of the legal documents showing the legal name.

c) Contact Information for the Owner/Operator Contact (Responsible Authority) Mailing Address

Enter the name and title of the person signing the application.

Provide a complete mailing address for receiving mail from the TCEQ. The address must be verifiable with the US Postal Service at <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.

Phone Number

The area code and phone number should provide contact to the operator. Leave Extension blank if this customer's phone system lacks this feature.

Fax Number and E-mail Address (Optional Information)

The fax number and e-mail address are optional and should correspond to the applicant's mailing address provided earlier.

d) Type of Customer (Entity Type)

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

Note that the selected entity type also indicates the name that must be provided as an applicant for a permit, registration or authorization. It also identifies when a co-applicant/co-permittee on an application for a permit, registration or authorization is required.

Sole Proprietorship – DBA

A sole proprietorship 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

If the customer is a Sole Proprietorship or DBA, the 'legal name' of the individual business 'owner' must be provided. The DBA name is not recognized as the 'legal name' of the entity. The DBA name may be used for the site name (regulated entity).

Individual (or DBA)

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

Partnership

- A customer that is established as a partnership as defined by the Texas Secretary of State Office (TX SOS). A Limited Partnership or Limited Liability Partnership (Partnership) is required to file with the Texas Secretary of State. A General Partnership or Joint Venture is not required to register with the state.
- **Partnership (Limited Partnership or Limited Liability Partnership):** A limited partnership is defined in the Act as a partnership formed by two or more persons under the provisions of Section 3 of the Uniform Limited Partnership Act (Art. 6132a, Revised Civil Statutes of Texas) and having as members one or more general partners and one or more limited partners. The limited partners as such are not bound by the obligations of the partnership. Limited partners may not take part in the day-to-day operations of the business. A Limited Partnership must file with the Texas Secretary of State. A registered limited liability partnership is a general or limited partnership that is registered with the Texas Secretary of State. The partnership's name must contain the words "Registered Limited Liability Partnership" or the abbreviation "L.L.P." as the last words or letters of its name.
- **General Partnership:** A general partner may or may not invest, participates in running the partnership and is liable for all acts and debts of the partnership and any member of it. A General Partnership does not have limited partners. For a General Partnership, there is no registration with the state or even written agreement necessary for a general partnership to be formed. The legal definition of a partnership is generally stated as "an association of two or more persons to carry on as co-owners a business for profit" (Revised Uniform Partnership Act § 101 [1994]).
- **Joint Venture:** A joint venture is but another name for a special partnership. It might be distinguished from a general partnership in that the latter is formed for the transaction of a general business, while a joint venture is usually limited to a single transaction. That is, a joint venture is a special combination of persons in the nature of a partnership engaged in the joint prosecution of a particular transaction for mutual benefit or profit.
- **Partnership Not Filed with Texas Secretary of State**
A customer that is established as a partnership as defined by the Texas Secretary of State Office (TX SOS). If the customer is a 'general partnership'

or 'joint venture' filed in the county (not filed with TX SOS), the legal name of each partner forming the 'general partnership' or 'joint venture' must be provided. Each 'legal entity' must apply as a co-applicant.

Corporation

A 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.
- The corporation's 'legal name' as filed with the Texas Secretary of State must be provided as applicant. An 'assumed' name of a corporation is not recognized as the 'legal name' of the entity.

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. The government agency's 'legal name' must be provided as the applicant. A department name or other description of the organization should not be included as a part of the 'legal name' as applicant.

Trust or Estate

A trust and an estate are not legal entities, but rather are fiduciary relationships governing the trustee/executor with respect to the trust/estate property. A Trustee and an Executor are considered the legal representatives of the trust/estate. Therefore, the Trust and Trustee or Estate and Executor must be identified as co-applicants/co-permittees. If there is more than one trustee or executor, each trustee or executor must be identified as a co-applicant/co-permittee with the Trust or Estate.

Other Government

A utility district, water district, tribal government, college district, council of governments, or river authority. Write in the specific type of government.

Other

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

e) Independent Owner

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

f) 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 application.

g) Customer Business Tax and Filing Numbers

These are required for Corporations and Limited Partnerships. These are not required for Individuals, Government, and Sole Proprietors.

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. 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. Enter this number here. 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.

3) ANNUAL BILLING CONTACT

An annual fee is assessed on each active authorization on September 1 of each year.

If the permit includes co-permittees, identify the permittee responsible for receiving and paying the annual fee.

Provide the complete mailing address where the annual fee invoice should be mailed. Verify the address with the USPS. It must be an address for delivery of regular mail, not overnight express mail. Also, provide a phone number of the operator's representative responsible for payment of the invoice.

If this address is outside the United States, enter the territory name, country code, and any non-ZIP mailing codes or other non-U.S. Postal Service features here. If this address is inside the United States, leave these spaces blank.

4) APPLICATION CONTACT

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

5) REGULATED ENTITY (RE) INFORMATION ON PROJECT OR SITE**a) Regulated Entity Reference Number (RN)**

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. If this regulated entity has not been assigned an RN, leave this space blank.

Search TCEQ's Central Registry to see if the larger site may already be registered as a regulated site at: <http://www.tceq.texas.gov/goto/cr-searchrn>

If the site is found, provide the assigned Regulated Entity Reference Number (RN) and provide the information for the site to be authorized through this application.

b) 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 name.

c) Description of Activity Regulated: In your own words, briefly describe the primary business that you are doing that requires this authorization. Do not repeat the SIC Code description. You can provide the NAICS code description.

d) County: Provide the name of the county or counties in which the regulated entity is located.

e) Latitude and Longitude

Enter the latitude and longitude of the CAFO production area in degrees, minutes, and seconds or decimal form. For help obtaining the latitude and longitude, go to:

<http://www.tceq.texas.gov/gis/sqmapview.html> or <http://msrmaps.com/advfind.aspx>

f) Site/Project (RE) Physical Address/Location Information: Enter the complete address for the site in Section A if the address can be validated through the US Postal Service. If the physical address is not recognized as a USPS delivery address, you may need to validate the address with your local police (911 service) or through an online map site used to locate a site. Please confirm this to be a complete and valid address. Please do not use a rural route or post office box for a site location.

If a site does not have an address that includes a street (or house) number and street name, enter NO ADDRESS for the street name in Section A. In Section B provide a complete written location description. For example: 'The site is located 2 miles west from intersection of Hwy 290 & IH35, located on the southwest corner of the Hwy 290 South bound lane.' Provide the city (or nearest city) and ZIP code of the facility location.

6) GENERAL CHARACTERISTICS

a) Authorization Type: Indicate if you are seeking a State Only-CAFO, TPDES Large-CAFO, TPDES Medium-CAFO or TPDES Small-CAFO as defined in the general permit:

TPDES Large CAFO: Any AFO which stables and confines and feeds or maintains for a total of 45 days or more in any 12-month period equal to or more than the numbers of animals specified in any of the categories in item i), Animal Information.

TPDES Medium CAFO: Any AFO that discharges pollutants into water in the state, either through a man-made ditch, flushing system, or other similar man-made device, or directly into water in the state, with the number of animals in item i), Animal Information.

TPDES Small CAFO: Any AFO that is designated by the executive director as a CAFO because it is a significant contributor of pollutants into water in the state and is not a large or medium CAFO.

State-only CAFO: An AFO that falls within the range of animals for a TPDES Medium CAFO and that is either located in the Dairy Outreach Program Area (DOPA) (Bosque, Comanche, Erath, Hamilton, Hopkins, Johnson, Rains, and Wood Counties), or an AFO designated by the Executive Director as a CAFO because it is a significant contributor of pollutants into or adjacent to water in the state.

b) Operational Status of CAFO

If an existing authorized CAFO that renews their authorization is not operational within 18 months of the general permit issuance date, the permittee must submit a notice of termination. Upon written request to the TCEQ Water Quality Division, the executive director may grant a one-time extension up to an additional 18 months.

c) Indian Country Lands

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 6, Dallas.

d) Protection Zone of Sole Source Drinking Water Supply: Any CAFO where any part of the production area of the CAFO is located or proposed to be located within the protection zone of a sole-source surface drinking water supply, except where the operation does not use a liquid manure handling system (dry litter poultry), must apply for an individual permit. The area within the watershed of a sole-source surface drinking water supply that is:

- 1) Within two miles of the normal pool elevation, as shown on a United States Geological Survey (USGS) 7 1/2 -minute quadrangle topographic map, of a sole-source drinking water supply reservoir;
- 2) Within two miles of that part of a perennial stream that is:
 - (a) A tributary of a sole-source drinking water supply; and
 - (b) Within three linear miles upstream of the normal pool elevation, as shown on a USGS 7 1/2-minute quadrangle topographic map, of a sole-source drinking water reservoir; or
- 3) Within two miles of a sole-source surface drinking water supply river, extending three linear miles upstream from the sole-source water supply intake point.

e) Pollution Prevention Plan (PPP): Indicate whether or not a PPP has been developed to meet the requirements for the General Permit by entering yes or no. If marking No, coverage may be denied as the PPP is required at the time the NOI is submitted to TCEQ. This plan must be available for a TCEQ investigator to review on request. Requirements for the development of the plan are in the general permit.

f) Identify the classified segment name of the water body where the potential discharge will reach.

g) The classified segment number of the water body where the potential discharge will reach is required. Find the segment number of the classified water body where wastewater will flow at <http://www.tceq.texas.gov/publications/gi/gi-316/>. For assistance, call the technical staff at 512/239-4671

h) If this is a Change in Permittee application, enter the date of the transaction or date of transfer.

i) Animal Information

The chart below lists all animal types and head counts that are covered by this general permit.

CAFO Type:	TPDES Large CAFO	TPDES Medium CAFO	TPDES Small CAFO	State-only CAFO*
Animal Type	Head Count Range	Head Count Range	Head Count Range	Head Count Range
Cattle other than mature dairy cattle or veal calves. Cattle includes but is not limited to heifers, steers, bulls and cow/calf pairs	>= 1,000	300 to 999	< 300	300 to 999

mature dairy cattle (milking or dry cows)	>= 700	200 to 699	< 200	200 to 699
veal calves	>= 1,000	300 to 999	< 300	300 to 999
swine each weighing 55 pounds or more	>= 2,500	750 to 2,499	< 750	750 to 2,499
swine each weighing less than 55 pounds	>= 10,000	3,000 to 9,999	< 3,000	3,000 to 9,999
Horses	>= 500	150 to 499	< 150	150 to 499
sheep or lambs	>= 10,000	3,000 to 9,999	< 3,000	3,000 to 9,999
turkeys	>= 55,000	16,500 to 54,999	< 16,500	16,500 to 54,999
chickens/broilers (other than laying hens if the operation does not use a liquid manure handling system)	>= 125,000	37,500 to 124,999	< 37,500	37,500 to 124,999
laying hens (if the operation uses liquid manure handling system)	>= 30,000	9,000 to 29,999	< 9,000	9,000 to 29,999
laying hens (if the operation does not use a liquid manure handling system)	>= 82,000	25,000 to 81,999	< 25,000	25,000 to 81,999
ducks (if the operation uses a liquid manure handling system)	>= 5,000	1,500 to 4,999	< 1,500	1,500 to 4,999
ducks (if the operation does not use a liquid manure handling system)	>= 30,000	10,000 to 29,999	< 10,000 ducks	10,000 to 29,999

*State-only CAFOs are defined as AFOs which are located in the dairy outreach program area (DOPA) or designated by executive as a CAFO. The DOPA includes the following counties: Bosque, Comanche, Erath, Hamilton, Hopkins, Johnson, Rains, and Wood.

Animal Type:

- Check the box for the type of animals that will be confined at this facility.
- If your animal type is of the swine species please mark one of the boxes indicating weight of swine at the facility. Check the box for 55 lbs or more if your facility contains swine that weigh more than 55 pounds, and provide the number of swine that weigh 55 lbs or more. Check the box for under 55 lbs if your facility contains swine that weigh less than 55 pounds, and provide the number of swine that weigh less than 55 lbs. Check the box for both if your facility contains swine that weigh both more and less than 55 pounds.
- If your animal type is Dairy Cattle, provide the total number of dairy cattle and the number of milking cattle.

For New NOIs, provide the proposed maximum capacity under the general permit as the “**Number Proposed**”.

For Significant Expansion NOI, provide the proposed maximum capacity under the general permit as the “**Number Proposed**” and provide the currently authorized information.

For Renewals, provide the currently authorized information.

Manure, Sludge, and/or Wastewater Production and Use

j) Identify the type of storage for the manure and wastewater by indicating if it is temporary storage (less than 30 days) or storage of more than 30 days.

k) & l) Provide the total amount of wastewater (acre-feet) and manure (tons) projected to be generated annually by the facility.

m) If the applicant’s facility is going to transfer manure, sludge, and/or wastewater off-site annually to other persons, provide the estimated annual quantity in tons of manure and acre-feet of wastewater that the applicant plans to transfer off-site.

n) If not land applying describe alternative use(s) of manure, sludge, and/or wastewater (e.g., composting, pelletizing, energy generation, contract hauler, etc.).

o) This is applicable to State Only-CAFO only. Identify if manure, sludge, and wastewater generated by the facility is to be land applied, if so complete the table listing the total number of Land Management Units (LMU), the total number of acres for each LMU, and the estimated application rate for each LMU. Make additional copies of the table if your facility contains more than six LMUs.

p) Retention Control Structures (RCS)

For a CAFO that does not use RCSs, check the “Not Applicable” box.

For CAFO that uses RCSs, indicate if they act in-series. For each RCS list the name used to identify the RCS, the type of structure (i.e. treatment lagoon, holding pond, storage pond, evaporation pond, or other), provide the total days of storage for each RCS, the required capacity, and the acreage of the drainage area. Make additional copies of the table if your facility contains more than six RCSs.

q) Air Authorization

All animal feeding operations, regardless of size, are required to obtain air quality authorization under the Texas Clean Air Act, Texas Health and Safety Code, Chapter 382, Subchapter C. Air quality authorization may be obtained by one of the following:

Permit By Rule, Chapter 106, Subchapter F (relating to animal confinement):

This is typically used for the smaller operations and dry litter poultry operations. Certain poultry operations require registration with a PI-7 through the Air Permits Division.

Individual permits under Chapter 116: This is one option to authorize facilities that cannot meet the permit by rule. The permit is processed by the Air Permits Division. For details, contact the Air Permits Division and request assistance on agricultural permitting for New Source Review at 512/239-1240.

Air Standard Permit for Animal Feeding Operations: Requirements for this authorization are located in Chapter 321, Subchapter B. Facilities which meet all of the requirements are eligible for coverage. If the facility cannot meet **all** the requirements, then coverage should be obtained under 1 or 2.

If you have existing air quality authorization, provide the air permit or registration number.

r) An original **USGS Topographic Map** with scale showing the specific location of the production area and property boundaries is required. For existing authorized facilities, a high quality copy of a topographic map may be used in lieu of the original map.

s) The **site map** shall show the production area and include, at a minimum, pens and open lots, barns, berms, permanent manure storage areas, composting areas, control facilities including RCSs, water wells (abandoned and in use), surface water, and dead animal burial site.

t) The **LMU map** shall include, at a minimum, the following information:

- 1) the boundary and acreage of each LMU,
- 2) all buffer zones required by this permit,
- 3) the location of the production area,
- 4) water wells, abandoned and in use, which are on-site or within 500 feet of the facility boundary,
- 5) all surface water in the state located on-site and within one mile of the property boundary,
- 6) the facility boundary.

7) 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).

8) CERTIFICATION FOR AIR STANDARD PERMIT FOR ANIMAL FEEDING OPERATIONS

Each permittee must sign and date this certification statement if requesting authorization under the Air Standard Permit for Animal Feeding Operations. If you are not requesting air authorization through this NOI, then there is no need to sign the certification.

Texas Commission on Environmental Quality General Permit Payment Submittal Form

Use this form to submit your Application Fee only if you are mailing your payment.

- Complete items 1 through 5 below:
- Staple your check in the space provided at the bottom of this document.
- Do not mail this form with your NOI form.
- Do not mail this form to the same address as your NOI.

Mail this form and your check to:

BY REGULAR U.S. MAIL

Texas Commission on Environmental
Quality
Financial Administration Division
Cashier's Office, MC-214
P.O. Box 13088
Austin, TX 78711-3088

BY OVERNIGHT/EXPRESS MAIL

Texas Commission on Environmental
Quality
Financial Administration Division
Cashier's Office, MC-214
12100 Park 35 Circle
Austin, TX 78753

Fee Code: GPA

General Permit:

TXG920000

1. Check / Money Order No: _____
2. Amount of Check/Money Order: _____
3. Date of Check or Money Order: _____
4. Name on Check or Money Order: _____
5. NOI INFORMATION

If the check is for more than one NOI, list each Project/Site (RE) Name and Physical Address exactly as provided on the NOI. **DO NOT SUBMIT A COPY OF THE NOI WITH THIS FORM AS IT COULD CAUSE DUPLICATE PERMIT ENTRIES.**

See Attached List of Sites (If more space is needed, you may attach a list.)

Project/Site (RE) Name: _____

Project/Site (RE) Physical Address:

Staple Check in This Space



Notice of Intent (NOI) for Concentrated Animal Feeding Operations under General Permit (TXG920000)

Technical Report for New and Significant Expansions

A) Pollutant Sources Management

1) Place a check in the box beside each potential pollutant source identified on the facility.

- | | | |
|-------------------|-----------------------|-------------------------|
| Manure | Compost | Lubricants |
| Sludge | Feed/Bedding | Bulk cleaning chemicals |
| Wastewater | Fuel storage tanks | Dead animals |
| Dust | Pesticides | Other: _____ |
| Silage stockpiles | Inorganic fertilizers | |

2) For each potential pollutant source, provide the management practices utilized. Management practices should address the collection, storage and final disposition of each potential pollutant source. Make additional copies of Table 1 as needed.

Table 1: Pollutant Source and Management

Potential Pollutant Source	Best Management Practice

C) Land Application

1) What is the critical Phosphorus Threshold based on the location of the facility?

200 ppm

350 ppm

2) What is the total number of acres available for land application?

D) Nutrient Management Plan (NMP). A Notice of Intent submitted for a New or Significant expansion must be accompanied by a certified Nutrient Management Plan.

1) Is this facility required to develop and implement a Nutrient Management Plan (NMP)?

Yes – Proceed to item 2) below

No – Not applicable to State Only-CAFO.

2) What is the date of the last review or revision of the NMP?

3) Is there any manure, sludge or wastewater land applied on Land Management Units (LMUs)?

Yes – Complete Table 3 and Table 4 below. Make additional copies of Table 3 and Table 4 as needed.

No

Table 3: Land Application Summary from NMP

Name used to identify the LMU(s)	Acreage	Crop(s) & Yield Goal(s)	Nitrogen Maximum Application Rates, lbs/ac	Phosphorus (as P ₂ O ₅) Maximum Application Rates, lbs/ac

Table 4: Data Elements for Phosphorus Index Rating

Name used to identify the LMU(s)						
Slope, %						
Dominant Hydrologic Soil Group						
Runoff Curve Number						
Soil Test P Level, index points						
Inorganic P ₂ O ₅ Application Rate, index points						
Organic P ₂ O ₅ Application Rate, index points						
Inorganic Method & Timing, index points						
Organic Method & Timing, index points						
Proximity of Application to Named Stream, index points						
Runoff Class, index points						
Soil Erosion, index points						
Total Index Points						
P Runoff Potential						
N-Leaching Index Test Required (Y/N)						
Soil Test Date						

- 4) Are alternative crops being proposed?
 Yes – Complete Table 5 below. Make additional copies of Table 5 as needed or you may attach a list of crops/yield goals to this application.

No

Table 5: Alternative Crop(s) and Yield Goal(s)

Applicable to all LMUs – Provide the information for the first LMU only.

Name used to identify the LMU(s)	Crop(s)	Yield Goal(s)

- 5) Has the NMP has been developed and certified by a Certified Nutrient Management Specialist?

Yes

No – Not applicable to State Only-CAFO

E) Public Notice Information

The applicant must file with the Chief Clerk a copy of an affidavit of the publication within 60 days of receiving the written instructions from the Office of Chief Clerk.

- 1) Name and address of person responsible for publishing notice of the Executive Director’s Preliminary Decision on the NOI and Technical Report:

Name: _____

Address: _____

Phone Number: _____

- 2) Name and address of a public location where the NOI, Executive Director’s Technical Summary, and CAFO General Permit may be reviewed by the public.

Name of Place: _____

Address of Place: _____

County of Place: _____

F) Attachments

Attach the following documents to this Technical Report:

- 1) Maps
 - (a) Vicinity map
 - (b) Runoff Control map
 - (c) NRCS Soil map

- 2) Professional Certifications
 - a) Recharge Feature Certification with supporting documents
 - b) RCS Design Calculations
 - c) RCS Hydrologic Connection (for significant expansion only)
 - d) RCS Constructed Capacity (for significant expansion only)

- 3) Land Application for TPDES Large CAFO
 - a) Copy of previous year's annual soil sampling analyses
 - b) Nutrient Management Plan

- 4) Air Standard Permit Summary Not requesting air authorization under the air standard permit.
 - a) Area Land Use map. This map must identify property lines, permanent odor sources, and distances and direction to any occupied residence or business structure, school (including associated recreational areas), structure containing a place of worship, or public park within one-mile radius of the permanent odor sources at the AFO. The map shall include the north arrow, scale of map, buffer distances, and date that the map was generated and the date that the distances were verified.
 - b) Odor Control Plan. Please provide if you selected an option with an odor control plan in Section r.i.a of the NOI.
 - c) Written Consent (if you are using consent letters in lieu of the buffer distance).

TECHNICAL REPORT CHECKLIST

TXG920000

- Did you complete everything? Use this checklist to be sure!

This checklist is for use by the applicant to ensure a complete application. Missing information may result in denial of coverage under the general permit. (See NOI process description in the Instructions)

TECHNICAL REPORT - Confirm each item is complete:

Pollutant Sources Management
RCS information
Land application
Copy of the Nutrient Management Plan is attached
Public notice information
Attachments



Notice of Intent (NOI) for Concentrated Animal Feeding Operations under General Permit (TXG920000)

Technical Report Instructions

A) Pollutant Sources and Management

- 1) Place a check in the box beside each potential pollutant source identified on the facility.
- 2) For each potential pollutant source, provide the management practices utilized. Management practices should address the collection, storage, and final disposition of each potential pollutant source.

B) Retention Control Structures (RCSs).

- 1) The 100 year flood plain is defined as any land area that is subject to a 1.0% or greater chance of flooding in any given year from any source. The Federal Emergency Management Agency (FEMA) has maps for most counties that may be used to determine if the control facilities are located in the 100 year flood plain. To obtain FEMA maps go to <http://www.fema.gov/> or call the FEMA Region VI office in Denton, Texas at (940) 898-5399.
- 2) Provide the designed volumes for each RCS according to the design calculations and RCS capacities which have been certified by the licensed Texas professional engineer. The certified documents should be located in your pollution prevention plan as required by the general permit. If the RCS has not been constructed, insert the proposed capacity. The constructed or proposed capacity must be equal to or greater than the required capacity. All volumes must be noted in acre-feet.

C) Land Application

- 1) For areas where the average annual rainfall is 25 inches or less and erosion control is adequate to keep erosion at the soil loss tolerance (T) or less and the closest edge of the field is more than one mile from a named stream, the Critical Phosphorus Threshold is 350 parts per million (ppm). For all other areas, the Critical Phosphorus Threshold is 200 ppm.
- 2) Indicate the total number of acres on-site and off-site that are available for land application. Areas that are buffered should not be included in the total acres.

D) Nutrient Management Plan (NMP). Application for a New or Significant expansion must be accompanied by a certified Nutrient Management Plan.

The requirement for a Nutrient Management Plan (NMP) is applicable to TPDES Large CAFOs only. The NMP must be in accordance with the Texas Natural Resources Conservation Service Conservation Practice Standard, Nutrient Management Code 590.

- 1) The NMP must be based on the recent version of the 590-633 CNMP Component (NMP/NUP) Worksheet utilizing the most recent annual analyses of soil, manure and wastewater. If you are an existing TPDES CAFO or seeking coverage as a TPDES CAFO, select the box indicating "Yes".
If you are an existing State Only CAFO or seeking coverage as a State Only CAFO, select the box indicating "No - Not applicable to State Only-CAFO".
- 2) Indicate the date of the last review or revision of the NMP.

- 3) Indicate if any manure, sludge or wastewater is land applied on the Land Management Units (LMUs). If the answer is “Yes” complete Table 3 and Table 4.

Table 3: Land Application Summary from NMP – For each field where manure and wastewater is (will be) land applied, provide the name, acreage, crop(s) to be planted or any other uses such as pasture or fallow fields, the realistic yield goal(s) for each crop, the maximum nitrogen and phosphorus recommendations, lbs/ac from the S_Crops.xls Table. A copy of the S_Crop.xls Table is available for download at the Texas A&M Agrilife Extension website <http://nmp.tamu.edu/>.

Table 4: Data Elements for Phosphorus Index Rating – Provide the data elements (site characteristic) from the phosphorus index worksheet for each field where manure and wastewater is (will be) land applied. See Table 1 or Table 2 of the NRCS Technical Notes–Agronomy Technical Note Number 15-Phosphorus Assessment Tool for Texas.

Table 5: Indicate whether alternative crop(s) and yield goal(s) or any other uses such as pasture or fallow fields are being proposed for the LMUs. If the answer is “Yes” and if the list of proposed alternative crop(s) and yield goal(s) provided for the first LMU is the same for ALL LMUs, select the check box that says “Applicable to all LMUs.” If you have a more extensive list of alternative crops/yield goals, you may attach the list to this application.

- 4) If you are a TPDES Large CAFO, indicate if the NMP has been developed and certified by a certified nutrient management specialist. **The requirement for a Nutrient Management Plan (NMP) is not applicable to State Only CAFOs.** If you are a State only CAFO, select the checkbox for “No-Not applicable to State Only CAFO.”

E) Public Notice Information.

The Office of Chief Clerk will send the person responsible for publishing notice, the notice of the Executive Director’s Preliminary Decision on the NOI, NMP, and Technical Report, for publishing in a newspaper in the country in which the CAFO is located or proposed to be located.

- 1) Provide the name and address of the person responsible for publishing notice of the executive director’s preliminary decision on the NOI and Technical Report. The person identified will receive the notice and instructions for publishing.
- 2) Provide the name and address of a public building where the NOI, NMP, Executive Director’s Technical Summary, and CAFO General Permit will be available for review and copying by the public. The public building must be in the county where the CAFO is or will be located.

F) Attachments.

- 1) Maps
 - a) Vicinity Map: This map must be a general highway map that shows the location of the CAFO in relation to the nearest town or the nearest intersection of two major (non-county) roads. All roads should be labeled.
 - b) Runoff Control Map: This map must show the direction of runoff flow in the production area.

- c) NRCS Soil Map. This map must show the location of the production area and LMUs in relation to the soil types located on the facility.
- 2) Professional Certifications. These documents must be certified by a licensed Texas professional engineer or licensed Texas professional geoscientist, in accordance with the general permit. They will be located in the Pollution Prevention Plan. The Recharge Feature Certification and supporting documents must include the following:
- a) Documentation of the sources and methods used to identify recharge features.
 - b) Documentation of the method used to identify and document any previously unidentified recharge features found during construction of the facility.
 - c) Any pertinent records of maps obtained from the sources searched for recharge features. At a minimum, these sources must include:
 - 1. Railroad Commission of Texas;
 - 2. a Groundwater Conservation District, if applicable;
 - 3. Texas Water Development Board;
 - 4. Texas Commission on Environmental Quality;
 - 5. Natural Resources Conservation Service;
 - 6. Previous owner of site, if available; and
 - 7. On-site inspection.
 - d) If recharge features are found on the property the applicant must submit a plan signed and sealed by a licensed Texas professional engineer or licensed Texas professional geoscientist to prevent impacts to an aquifer from any recharge feature present.
 - e) Narrative description of site specific geology, soils, hydrology, and subsurface geology.
 - f) Map identifying all recharge features with appropriate buffers.
 - g) Drillers well logs (if available) for wells on-site and within 500 feet of the property boundary.
 - h) Parts of the Pollution Prevention Plan required under Part III.A TXG920000 including:
 - 1. Part 4 (b) Soil Erosion;
 - 2. Part 4 (c) Well Protection Requirements;
 - 3. Part 4 (e) 100-year Floodplain;
 - 4. Part 12 (d) (7) Backflow Prevention;
 - 5. Part 12 (g) (1) Surface Water and Watercourses Buffer, (2) Sink Holes, and (3) Impaired Water Bodies; and
 - 6. Part 16 (b) Groundwater Monitoring Plan (if applicable).
- 3) Application.
- a) For a significant expansion, provide a copy of the previous year's annual soil sampling analyses.
 - b) Provide a copy of the current version of the NMP.

- 4) Air Standard Permit Summary. These attachments are only required if you are requesting air authorization under the air standard permit.
 - a) Area Land Use map. This map must identify property lines, permanent odor sources, and distances and direction to any occupied residence or business structure, school (including associated recreational areas), structures containing a place of worship, or public park within a one-mile radius of the permanent odor sources at the CAFO.
 - b) The map shall include a north arrow, scale of map, buffer distances, and date that the map was generated and the date that the distances were verified.
 - c) Odor Control Plan. Please provide if you selected an option with an odor control plan in Section r.i.a of the NOI.
 - d) Written Consent. Provide these if you are using consent letters in lieu of the buffer distance. Requirements for written consent letters can be found in 30 TAC 321.43(j) (2) (D).