

Facility Name:
Permittee/Registrant Name:
MSW Authorization #:
Initial Submittal Date:
Revision Date:



Texas Commission on Environmental Quality

Permit/Registration Modification and Temporary Authorization Application Form for an MSW Facility

1. Reason for Submittal

- Initial Submittal Notice of Deficiency (NOD) Response

2. Authorization Type

- Permit Registration

3. Application Type

- Modification with Public Notice Modification without Public Notice
 Temporary Authorization (TA) Modification for Name Change/Transfer

4. Application Fees

- Pay by Check Online Payment

If paid online, e-Pay Confirmation Number:

5. Application URL

Is the application submitted for a permit/registration modification with public notice?

- Yes No

If the answer is "Yes", enter the URL address of a publicly accessible internet web site where the application and all revisions to that application will be posted in the space provided: <http://>

6. Confidential Documents

Does the application contain confidential documents?

- Yes No

If "Yes", cross-reference the confidential documents throughout the application and submit as a separate attachment in a binder clearly marked "CONFIDENTIAL."

Facility Name:
MSW Authorization #:

Initial Submittal Date:
Revision Date:

7. General Facility Information

Facility Name:
MSW Authorization No.:
Regulated Entity Reference No.:
Physical or Street Address (if available):
City: County: State: Zip Code:
(Area code) Telephone Number:
Latitude: Longitude:

8. Facility Type(s)

Type I Type IV Type V
 Type I AE Type IV AE Type VI

9. Description of the Revisions to the Facility

Provide a brief description of all revisions to the permit/registration conditions and supporting documents referred by the permit/registration, and a reference to the specific provisions under which the modification/temporary authorization application is being made. Also, provide an explanation of why the modification/temporary authorization is requested:

Facility Name:
MSW Authorization #:

Initial Submittal Date:
Revision Date:

10. Facility Contact Information

Site Operator (Permittee/Registrant) Name:

Customer Reference No. (if issued)*: CN

Mailing Address:

City: County: State: Zip Code:

(Area Code) Telephone Number:

E-mail Address:

TX Secretary of State (SOS) Filing Number:

*If the Site Operator (Permittee/Registrant) does not have this number, complete a TCEQ Core Data Form (TCEQ-10400) and submit it with this application. List the Site Operator (Permittee/Registrant) as the Customer.

Operator Name¹:

Customer Reference No. (if issued)*: CN

Mailing Address:

City: County: State: Zip Code:

(Area Code) Telephone Number:

E-mail Address:

Charter Number:

¹If the Operator is the same as Site Operator/Permittee type "Same as "Site Operator (Permittee/Registrant)".
*If the Operator does not have this number, complete a TCEQ Core Data Form (TCEQ-10400) and submit it with this application. List the Operator as the customer.

Consultant Name (if applicable):

Texas Board of Professional Engineers Firm Registration Number:

Mailing Address:

City: County: State: Zip Code:

(Area Code) Telephone Number:

E-Mail Address:

Agent in Service Name (required only for out-of-state):

Mailing Address:

City: County: State: Zip Code:

(Area Code) Telephone Number:

E-Mail Address:

Facility Name:
MSW Authorization #:

Initial Submittal Date:
Revision Date:

11. Ownership Status of the Facility

Is this a modification that changes the legal description, the property owner, or the Site Operator (Permittee/Registrant)?

Yes No

If the answer is "No", skip this section.

Does the Site Operator (Permittee/Registrant) own all the facility units and all the facility property?

Yes No

If "No", provide the information requested below for any additional ownership.

Owner Name:

Street or P.O. Box:

City: County: State: Zip Code:

(Area Code) Telephone Number:

Email Address (optional):

Charter Number:

Facility Name:
MSW Authorization #:

Initial Submittal Date:
Revision Date:

Signature Page

I, _____,
(Site Operator (Permittee/Registrant)'s Authorized Signatory) (Title)

certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signature: _____ Date: _____

TO BE COMPLETED BY THE OPERATOR IF THE APPLICATION IS SIGNED BY AN AUTHORIZED REPRESENTATIVE FOR THE OPERATOR

I, _____, hereby designate _____
(Print or Type Operator Name) (Print or Type Representative Name)

as my representative and hereby authorize said representative to sign any application, submit additional information as may be requested by the Commission; and/or appear for me at any hearing or before the Texas Commission on Environmental Quality in conjunction with this request for a Texas Water Code or Texas Solid Waste Disposal Act permit. I further understand that I am responsible for the contents of this application, for oral statements given by my authorized representative in support of the application, and for compliance with the terms and conditions of any permit which might be issued based upon this application.

Printed or Typed Name of Operator or Principal Executive Officer

Signature

SUBSCRIBED AND SWORN to before me by the said _____

On this _____ day of _____, _____

My commission expires on the _____ day of _____, _____

Notary Public in and for

_____ County, Texas

(Note: Application Must Bear Signature & Seal of Notary Public)

Facility Name:
MSW Authorization #:

Initial Submittal Date:
Revision Date:

Permit/Registration Modification with Public Notice

(See Instructions for P.E. seal requirements.)

Required Attachments

Attachment No.

Land Ownership Map

Land Ownership List

Marked (Redline/Strikeout) Pages

Unmarked Revised Pages

Additional Attachments as Applicable- Select all those apply and add as necessary

- Signatory Authority
- Fee Payment Receipt
- Confidential Documents

Facility Name:
MSW Authorization #:

Initial Submittal Date:
Revision Date:

Permit/Registration Modification without Public Notice or TA

(See Instructions for P.E. seal requirements.)

Required Attachments (for Modifications only)

Attachment No.

Marked (Redline/Strikeout) Pages

Unmarked Revised Pages

Additional Attachments as Applicable- Select all those apply and add as necessary

- Signatory Authority
- Fee Payment Receipt
- Confidential Documents

Facility Name:
MSW Authorization #:

Initial Submittal Date:
Revision Date:

Permit/Registration Name Change/Transfer Modification

(See Instructions for P.E. seal requirements.)

Required Attachments

Attachment No.

TCEQ Core Data Form(s)

Property Legal Description

Property Metes and Bounds Description

Metes and Bounds Drawings

On-Site Easements Drawing

Land Ownership List

Land Ownership Map

Property Owner Affidavit

Verification of Legal Status

Evidence of Competency

Additional Attachments as Applicable- Select all those apply and add as necessary

- Signatory Authority
- Fee Payment Receipt
- Confidential Documents
- Final Plat Record of Property, if platted
- Assumed Name Certificate

Instructions

Permit Modification Application and Temporary Authorization Request Form for a Municipal Solid Waste Facility

Form Availability

This form, as well as other Municipal Solid Waste (MSW) documents and rules are available on the TCEQ Internet site at http://www.tceq.texas.gov/search_forms.html. The number for this form is 20650. For further instructions regarding completion of this form please send an e mail to mswper@tceq.state.tx.us or call 512-239-2335.

The original application and all copies should be submitted to:

Municipal Solid Waste Permits Section, MC124
Waste Permits Division
Texas Commission on Environmental Quality
P. O. Box 13087
Austin, Texas 78711-3087

Application Submittal

See 30 Texas Administrative Code (30 TAC) Section (§)305.43(c) for who can submit the application. The complete application should be typewritten or printed neatly in black ink. Any revised title pages, table of contents, and any individual engineering drawings and plans shall be signed and sealed in accordance with 30 TAC §330.57(g)(2) & (3) and §330.57(h)(4)(D). In addition, the closure cost and post-closure care cost estimates shall also be signed and sealed by a professional engineer.

For new modifications to an issued permit, new modifications to an issued registration, or for new temporary authorization requests, submit:

1. an original application plus two (2) unmarked copies, and one copy of marked (redline/strikeout) pages as an attachment to the original application. One of the two unmarked copies must be sent to the appropriate commission regional office;
2. a description of the exact changes to be made to the permit or registration conditions, and supporting documents referenced by the permit or registration;
3. an explanation of why the modification is needed; and
4. a check for payment of application fees transmitted directly to the TCEQ Financial Administration Division with a photocopy of the check included in the modification or temporary authorization application.

For all notice of deficiency (NOD) responses (administrative and/or technical), submit the revised original application plus two (2) copies which includes;

1. page 1 of the form to indicate that the submittal is for "Notice of Deficiency Response";
2. all revised pages of the form and/or attachments;
3. a new Signature Page; and
4. marked (redline/strikeout) and unmarked (revised) pages, with one full copy sent to appropriate commission regional office.

1. Reason for Submittal

If the form is being submitted in conjunction with a permit/registration modification or temporary authorization, or as a NOD response to an existing application, select the box indicating this reason for submittal.

2. Authorization Type

Select **ONE** box that indicates the type of authorization that the application represents.

3. Application Type

Select **ONE** box that indicates the application type for the submittal.

4. Application Fees

For modifications and temporary authorizations, the application fee is \$150. Select **ONE** box that indicates the method of payment of application fee for the submittal.

Payment may be made online using TCEQ e-pay at www.tceq.state.tx.us/e-services/. If payment is made online, enter the E-pay confirmation number.

If fee is paid by check, send payment directly to the following address and include a photocopy of the check in the original application submitted to the MSW Permits Section.

Texas Commission on Environmental Quality
Financial Administration Division, MC 214
P. O. Box 13087
Austin, Texas 78711-3087

5. Application URL

For modifications without public notice, all modifications to an arid exempt landfill, or temporary authorization requests, the URL address of a publicly accessible internet web site is not required.

For permit modifications with public notice, provide the URL address of a publicly accessible internet web site where the application and all revisions to that application will be posted.

6. Confidential Documents

The Commission has a responsibility to provide a copy of each application to other review agencies and to interested persons upon request and to safeguard confidential material from becoming public knowledge. Thus, the Commission requests that the applicant (1) be prudent in the designation of material as confidential and (2) submit such material only when it might be essential to the staff in their development of a recommendation.

The Commission suggests that the applicant **NOT** submit confidential information as part of the permit or registration application. However, if this cannot be avoided, the confidential information should be described in non-confidential terms throughout the application, cross-referenced, and submitted as a separate document or binder, and conspicuously marked "CONFIDENTIAL."

Reasons of confidentiality include the concept of trade secrecy and other related legal concepts which give a business the right to preserve confidentiality of business information to obtain or retain advantages from its right in the information. This includes authorizations under, 18 U.S.C. 1905 and special rules cited in 40 CFR Chapter I, Part 2, Subpart B.

The applicant may elect to withdraw any confidential material submitted with the application. However, the permit or registration cannot be modified if the application is incomplete.

7. General Facility Information

Provide general facility information as listed under this Section. Facility name provided in this Section should match the Regulated Entity Name (Item #23) in the TCEQ Core Data Form.

If the Regulated Entity Reference Number has not been issued for the facility, complete a TCEQ Core Data Form and submit it with this application.

8. Facility Type(s)

Select **ALL** boxes that apply to the facility. For facility types, refer to 30 TAC §330.5.

9. Description of the Revisions to the Facility

If the submittal is a modification application, provide a brief description of all revisions to the permit/registration conditions and supporting documents referenced by the permit/registration. Also, provide an explanation of why the modification is requested.

10. Facility Contact Information

Site Operator (Permittee/Registrant) Name

Enter Site Operator (Permittee/Registrant) information. Site Operator is defined in 30 TAC §330.3(142).

If the Site Operator (Permittee/Registrant) has filed with the Texas Secretary of State (SOS) as a Corporation, Limited Partnership or non-profit organization it will have been issued an SOS filing number which may be entered here. If the Site Operator (Permittee/Registrant) has not filed with the SOS, leave blank. Search for the SOS Filing number at: <http://www.sos.state.tx.us/corp/sosda/index.shtml>.

Operator Name

Enter Operator information. Operator is defined in 30 TAC §330.3(101).

If the Operator has filed with the SOS as a Corporation, Limited Partnership or non-profit organization it will have been issued an SOS filing number which may be entered here. If the Operator has not filed with the SOS, leave blank. Search for the SOS Filing number at: <http://www.sos.state.tx.us/corp/sosda/index.shtml>.

Consultant Name

Enter the consultant company's name and contact information responsible for the preparation of the application on behalf of the facility.

Agent in Service Name

If the application is submitted by a corporation or by a person residing out of state, the applicant must register an Agent in Service or Agent of Service with the Texas SOS office and provide a complete mailing address for the agent. The agent must be a Texas resident and the address provided for them should be within the State of Texas. Provide information if this is applicable for the facility. If not, enter "Not Applicable".

11. Ownership Status of the Facility

Corporation

The Customer meets all of the following:

- Is legally incorporated under the laws of any state or country
- Is recognized as a corporation by the Texas SOS
- Has proper operating authority to operate in Texas

Sole Proprietorship

This is a business 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 DBA)
- Have any number of employees
- Customers must register assumed names with the county

Government

City, County, State or Federal: This is either an agency of one of these levels of government or the governmental body itself (ex. Blanco County, City of Houston)

General Partnership

A general partnership is created when two or more persons associate to carry on a business for profit. A partnership generally operates in accordance with a partnership agreement, but there is no requirement that the agreement be in writing and no state-filing requirement.

Limited Partnership (LP & LLP)

This is a partnership formed by two or more persons, having one or more general partners and one or more limited partners. The limited partnership operates in accordance with a partnership agreement, written or oral, of the partners as to the affairs of the limited partnership and the conduct of its business. While the partnership agreement is not filed for public record, the limited partnership must file a certificate of limited partnership with the Texas SOS. The Texas SOS provides a form for the certificate of limited partnership which meets minimum state law requirements.

Government – Other

This is a utility district, water district, tribal government, college district, council of governments or river authority (ex. Lower Colorado River Authority).

Other

Fits none of the above descriptions.

Instructions - ATTACHMENTS

Property Legal Description, Property Metes and Bounds Description, Facility Legal Description, Facility Metes and Bounds Description, On-Site Easements, and Metes and Bounds Drawings

Provide a legal description of the facility including the following information, as required by 30 TAC §330.59(d)(1).

- a. The abstract number, as maintained by the Texas General Land Office, for the surveyed tract of land.
- b. A legal description of the property and the county, book, and page number or other generally accepted identifying reference of the current ownership record.
- c. For property that is platted, the county, book, and page number or other generally accepted identifying reference of the final plat record that includes the acreage encompassed in the application and a copy of the **Final Plat Record of Property**.
- d. A boundary metes and bounds description of the property signed and sealed by a registered professional land surveyor.
- e. A boundary metes and bounds description and drawing for the facility signed and sealed by a registered professional land surveyor.
- f. A drawing showing any on-site easements at the facility.

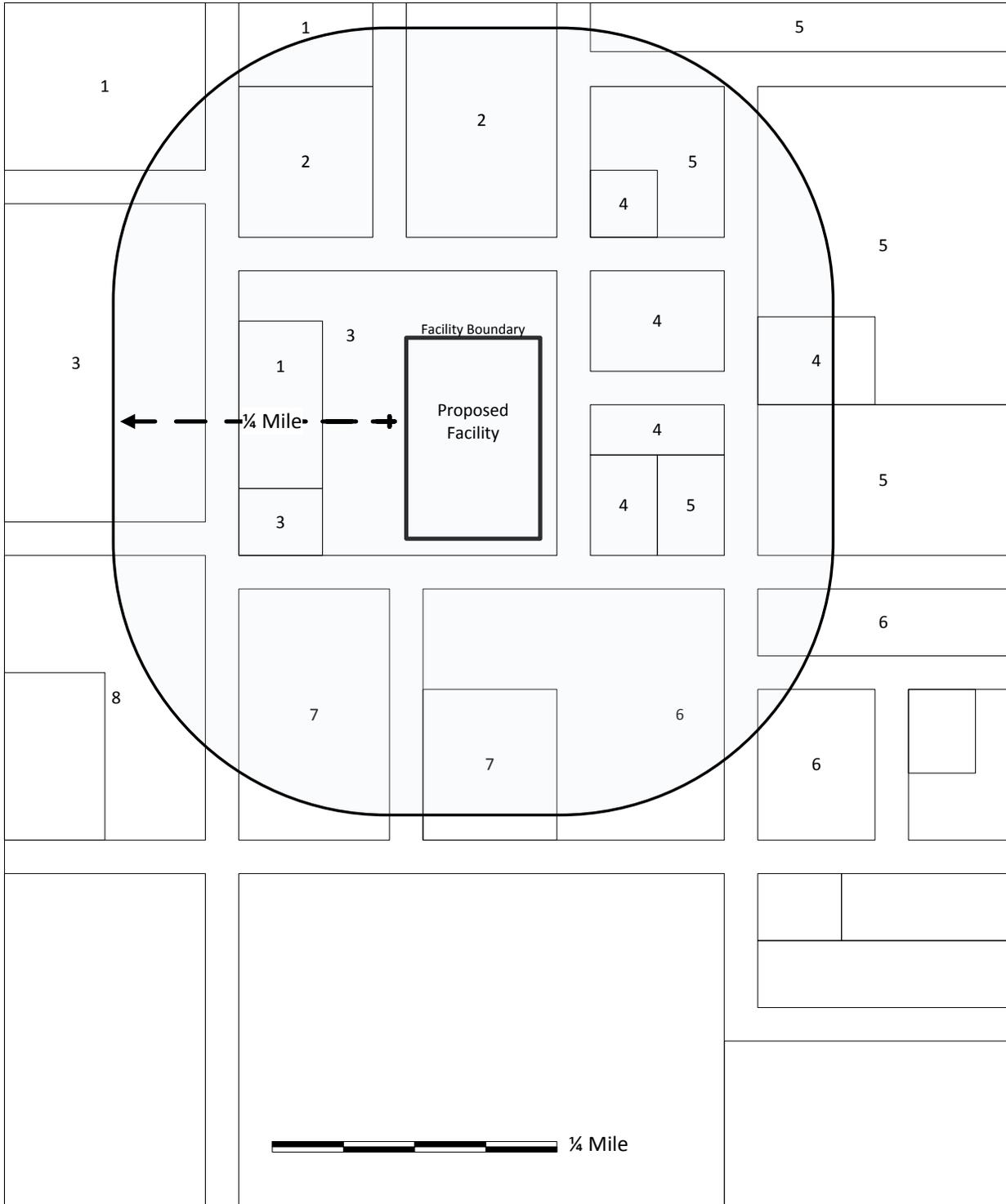
Land Ownership Map

Provide a map that locates the property owned by adjacent and potentially affected landowners. The maps should show all property ownership within 1/4 mile of the facility, on-site facility easement holders, and all mineral interest ownership under the facility.

Land Ownership List

Provide the adjacent and potentially affected landowners' list, keyed to the land ownership map with each property owner's name and mailing address. The list shall include all property owners within 1/4 mile of the facility, easement holders, and all mineral interest ownership under the facility. Provide the property, easement holders', and mineral interest owners' names and mailing addresses derived from the real property appraisal records as listed on the date that the application is filed. Do not include elected officials and other interested parties that are not adjacent landowners on the landownership map, list and labels.

Sample Land Ownership Map



Landowners Cross-Referenced To Landowners Map

The persons identified below would be considered as affected persons.

- | | |
|-------------------------------------------------------------------|-----------------------------------------------------------------|
| 1. MR & MRS SAMUEL L DAVIS
11901 STAR BLVD
AUSTIN, TX 78759 | 5. JAXSON BREWING CO
4240 KNIGHTS BRIDGE
DALLAS TX 77640 |
| 2. MR & MRS EDWARD SANCHEZ
1405 LINE ROAD
WACO TX 76710 | 6. PLAINVIEW COMPANY
6647 CRAIGMONT LANE
HOUSTON TX 77590 |
| 3. TEX-LINK CORP
8411 NW HWY
HOUSTON TX 77590 | 7. ABC CHEMICALS INC
1212 ZIP STREET
DALLAS TX 77640 |
| 4. MR & MRS TED GOLDSBY
3210 LEON BLVD
WACO TX 76724 | 8. BIG-C BOTTLE CO
10024 REGIONAL BLVD
BOVINA TX 79402 |

Mineral Interest Ownership Under The Facility*

- | | |
|----------------------------------------------------------|-------------------------------------------------------|
| 1. BOB SANDERS
867 HOLLOWBEND ROAD
SEGUIN TX 78155 | 3. CAROL SANDERS
5309 MAPLE LANE
GAUSE TX 77857 |
| 2. TED HENDERSON
459 MAGUIRE AVE
HARPER TX 78631 | 4. ALICE HENDERSON
2222 LONGWAY
HDOOLE TX 76836 |

Facility Easement Holders*

- | | |
|--------------------------------------------------------|----------------------------------------------------------------|
| 1. GULF PIPELINE
11200 S FANNIN
HOUSTON TX 77002 | 2. TEXAS STAR UTILITIES
8100 COMMERCE ST
DALLAS TX 75230 |
|--------------------------------------------------------|----------------------------------------------------------------|

*If available in Real Property Appraisal records as listed on the date that the application is filed.

In accordance with 30 TAC §39.5(b), submit this mailing list electronically. The electronic list must contain only the name, mailing address, city, state, and zip code with no reference to the lot number or lot location.

As an alternative to an electronic list, the applicant may elect to submit pre-printed mailing labels of this mailing list with the application. If you elect to provide the pre-printed mailing labels, use a label format that has 30 labels to a page (e.g. AVERY 5160). Each letter in the name and address must be capitalized, contain no punctuation, and the appropriate two-character abbreviation must be used for the state. Each entity listed must be blocked and spaced consecutively. Provide four complete sets of labels of the landowner list. Do not include elected officials and other interested parties that are not adjacent landowners on the landownership map, list and labels.

Verification of Legal Status (30 TAC §218.5 and §330.59(e))

Provide verification of legal status. **Normally**, this is a one-page certificate of incorporation (Certificate of Fact) issued by the Texas SOS (see additional Attachments List). If you choose to provide a verification of the legal status by another mechanism, provide it under this Attachment. Also, provide a list of all persons having over a 20% ownership in the proposed facility. See example table provided below:

List of All Persons Having Over 20% Ownership in the Facility:

Name	Title	Contact Information

Property Owner Affidavit

Provide a Property Owner Affidavit by using the appropriate format provided below.

Signatory Name

The name of the individual signing the affidavit. If the individual signing the affidavit is the property owner of record, enter the name on "Printed Signatory Name" line only and omit the "Signatory Capacity" and "Printed Name of Property Owner of Record" lines. Otherwise, provide all information requested below.

Signatory Capacity

Indicate under what authority the Signatory is signing on behalf of the property owner of record.

Property Owner Of Record

The person(s) who, according to public records, is/are the owner(s) of a particular property.

For Landfills:

Property Owner Affidavit	
"I/We, _____, as _____,	
(Printed Signatory Name)	(Signatory Capacity)
As authorized signatory for _____,	
(Printed Name of Property Owner of Record)	
acknowledge that the State of Texas may hold me either jointly or severally responsible for the operation, maintenance, and closure and post-closure care of the facility. For a facility where waste will remain after closure, I acknowledge that I have a responsibility to file with the county deed records an affidavit to the public advertising that the land will be used for a solid waste facility prior to the time that the facility actually begins operating as a municipal solid waste landfill facility, and to file a final recording upon completion of disposal operations and closure of the landfill units in accordance with Title 30 Texas Administrative Code §330.19, Deed Restriction. I further acknowledge that I or the operator and the State of Texas shall have access to the property during the active life and post-closure care period."	
_____	_____
(Property Owner's Signature)	(Date)

For Processing Facilities:

Property Owner Affidavit	
"I/We, _____, as _____,	
(Printed Signatory Name)	(Signatory Capacity)
As authorized signatory for _____,	
(Printed Name of Property Owner of Record)	
acknowledge that the State of Texas may hold me either jointly or severally responsible for the operation, maintenance, and closure of the facility. I further acknowledge that I or the operator and the State of Texas shall have access to the property during the active life, and after closure for the purpose of inspection and maintenance, if required.	
_____	_____
(Property Owner's Signature)	(Date)

Additional Attachments (as applicable)

TCEQ Core Data Form(s)

If the Site Operator (Permittee/Registrant) does not have a Customer Reference Number (CN Number), complete a TCEQ Core Data Form (TCEQ-10400) and submit it with this application. List the Site Operator (Permittee/Registrant) as the customer.

If Regulated Entity Reference Number (RN Number) has not been issued for the facility, complete a TCEQ Core Data Form (TCEQ-10400) and submit it with this application. List the Facility as the Regulated Entity.

If the Operator does not have a Customer Reference Number (CN Number), complete another TCEQ Core Data Form (TCEQ-10400) for the "Operator" and submit it with this application. List the Operator as the customer.

Only under the following circumstances should a TCEQ Core Data Form be submitted:

- Your information is not yet in the Central Registry database or is incomplete
- Your information has changed from what is currently in the Central Registry database
- It is requested by the agency. You can check the status of your information in Central Registry on-line at <http://www12.tceq.state.tx.us/crpub/>.

Signatory Authority Delegation

Provide documentation that the person signing the application meets the requirements of 30 TAC §305.44, Signatories to Applications. If the authority has been delegated, provide a copy of the document issued by the governing body of the Site Operator (Permittee/Registrant) or Operator authorizing the person that signed the application to act as agent for the owner or operator.

Fee Payment Receipt

As indicated in the form "Application Fees" section, if fee is paid by check, send a check for payment of application fees directly to the following address and include a photocopy of the check in the initial application submitted to:

Financial Administration Division, MC 214
Texas Commission on Environmental Quality
P. O. Box 13087
Austin, Texas 78711-3087

Confidential Documents

The confidential information should be described in non-confidential terms throughout the application, cross-referenced, and submitted as a separate document or binder, and clearly marked "CONFIDENTIAL." Refer to Instructions, Section "Confidential Documents" for further detail.

Final Plat Record of Property

For the property that is platted, provide the county, book, and page number or other generally accepted identifying reference of the final plat record that includes the acreage encompassed in the application and a copy of the final plat (30 TAC §330.59(d)(1)(B)).

Certificate of Fact (Certificate of Incorporation)

The Site Operator/ (Permittee/Registrant) or Operator shall provide verification of their legal status. If you choose to provide a one-page certificate of incorporation (Certificate of Fact) issued by the secretary of state, provide it as an attachment here.

Assumed Name Certificate

If the Site Operator/ (Permittee/Registrant) or Operator is an individual and/or partnership doing business under an assumed name, it must attach to the application an assumed name certificate.