



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

INDIVIDUAL PERMIT APPLICATION FOR A
CONCENTRATED ANIMAL FEEDING OPERATION

A. AUTHORIZATION

Coverage: State Only TPDES

Application Type: New Renewal Major Amendment Minor Amendment

Media Type: Water Quality Air and Water Quality

For Existing Authorizations

EPA ID No. _____

Water Quality Permit Number: _____ Expiration Date: _____

Air Account Number: _____ Expiration Date: _____

List any other authorizations/permits, existing or pending, which pertain to pollution control activities conducted at this facility.

B. APPLICANT INFORMATION

Owner: _____

Co-Applicant(s): _____

Doing Business As or Point of Contact: _____

Mailing Address: _____

Billing Mailing Address: _____

Telephone No: _____ Fax No: _____

Check one:

The TCEQ has issued this Customer Reference Number to the applicant: CN _____

This person has not yet received a Customer Reference Number. A complete Core Data Form (TCEQ-10400) listing the applicant as the customer and this facility as the regulated entity is attached to this application.

For Corporations

Attach a State Comptroller of Texas letter of Certification for Account Status,

Charter Number as recorded with the Secretary of State for Texas _____

State Tax Id Number _____

For General Partnerships, Limited Partnerships, and Limited Liability Companies

Attach Partnership Agreement Papers showing recorded in County where project is located

Attach Certificate of Existence

For Individuals

Full Legal Name of Applicant(s) _____

Home Address: _____

City : _____ State: _____ ZIP Code: _____

Date of Birth: _____ Sex: _____

State Driver's License or Personal ID #: _____

Ownership

Does the applicant(s) own or lease the Land Management Units (LMUs)? Own Lease

Does the applicant(s) own or lease the land where the production area is located? Own Lease

Attach copies of tax records or deed

If leased, a copy of the long-term lease agreement is attached.

C. CONTACT INFORMATION

1. List each person formerly employed by the TCEQ who represented your company and was paid for service regarding the application.

2. List the following information for individuals or firms authorized to act on behalf of the applicant during the application process:

Name: _____ Company: _____

Telephone number: _____ Fax number: _____ Email Address: _____

Address: _____

3. Provide two names of individuals that can be contacted during the permit term:

Name: _____ Company: _____

Telephone number: _____ Fax number: _____ Email Address: _____

Address: _____

Name: _____ Company: _____

Telephone number: _____ Fax number: _____ Email Address: _____

Address: _____

D. PUBLIC NOTICE INFORMATION

1. Contact Person to be listed in the notice

Name: _____

Company: _____ Telephone number: _____

2. Person responsible for publishing notice in the newspaper:

Name: _____

Company: _____ Telephone number: _____

3. Preferred Method of Receiving Notice of Receipt and Intent to Obtain a Water Quality Permit Package & Instructions:

Fax Number: _____

E-mail Address: _____

Overnight/Priority mail: (self addressed, prepaid envelope required)

Regular Mail Address: _____

4. Application Viewing Information

Identify the public facility (*e.g. Public Library, Court House, City Hall*) where the complete application will be available for public viewing and copying. (*Note: This site must be in the county where the proposed activity is or will be located.*)

Public Building Name: _____

Street Address: _____

City: _____

County: _____

5. Bilingual Notice Requirements:

a. Is a bilingual program required by the Texas Education Code in the school district where the facility is located?

Yes No (If No, alternative language notice publication is not required; skip to item d.)

b. If Yes to question a, are students enrolled in a bilingual education program at either the elementary school or the middle school nearest to the facility?

Yes No (If Yes to questions a and b, alternative language publication is required; If No to question b, then consider the next question.)

c. If Yes to question a, are there students enrolled at either the elementary school or the middle school nearest to the facility who attend a bilingual education program at another location?

Yes No (If Yes to questions a and c, alternative language publication is required; If No to question c, then consider the next question.)

d. If Yes to question a, would either the elementary school or the middle school nearest to the facility be required to provide a bilingual education program but for the fact that it secured a waiver from this requirement, as available under 19 TAC §89.1205(g)?

Yes No (If Yes to questions a and d, alternative language publication is required; If No to question d, alternative language notice publication not required.)

e. If a bilingual education program(s) is provided by either the elementary school or the middle school nearest to the facility, which language(s) is required by the bilingual program? _____

E. FACILITY INFORMATION

1. Facility Type: Dairy-02410 Beef Cattle-02110 Swine-02130 Broiler-02510

Layers-02520 Sheep/Goats-02140 Auction-5154 Other _____

2. Existing Maximum Capacity: _____ Proposed Maximum Capacity: _____

3. What is the total LMU acreage? _____

4. Facility Location:

a. Please provide the physical address for the facility or a location description of the facility.

b. City where the facility is or will be located or the nearest city to the facility. _____

c. ZIP Code where the facility is or will be located: _____

d. County(ies) where the facility is or will be located: _____

5. Provide the latitude & longitude of the production area in degrees/minutes/seconds.

Latitude _____ ° _____ ' _____ " N Longitude _____ ° _____ ' _____ " W

6. For Amendments, describe all of the major changes proposed for the facility:

7. Check one:

The TCEQ has issued this Regulated Entity Number to the facility: RN _____

No Regulatory Entity Reference Number has been received for this facility. One or more completed Core Data Forms (TCEQ-10400) listing this facility as the regulated entity are attached.

8. Is facility located on Indian land? Yes No

9. Is any part of the CAFO, excluding land application area located within the protection zone of a sole source drinking water supply? Yes No

10. As required by Texas Water code 5.115, is any permanent school fund land affected by this application? Yes No

If Yes, Provide the location and foreseeable impacts and effects this application has on the land(s).

F. ADDITIONAL INFORMATION

NEW, MAJOR AMENDMENT, OR RENEWAL

Attach Completed Technical Information Packet (TCEQ-00760).

MINOR AMENDMENT

Provide a description of the proposed changes to the facility or permit. Include the following items if applicable:

Current Vicinity Map, Site Map, Runoff Control Map, and LMU Map

RCS Design Calculations

Land Application Rate Calculations

Current Copy of Tax Records or Deed showing ownership of the land

G. CERTIFICATION

Permit No. _____

I, _____, _____
(Print or Type Name) (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.

I further certify that I am authorized under 30 Texas Administrative Code §305.44 to sign this document and can provide documentation in proof of such authorization upon request.

Signature: _____ Date: _____
(Use Blue Ink)

Subscribed and Sworn to before me by the said _____ on this _____
day of _____, 20_____.

My commission expires on the _____ day of _____, 20_____.

Notary Public

[SEAL]

County, Texas



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

INSTRUCTIONS FOR COMPLETING AN INDIVIDUAL PERMIT APPLICATION FOR A CONCENTRATED ANIMAL FEEDING OPERATION

Concentrated animal feeding operations (CAFOs) in Texas are regulated by the Texas Commission on Environmental Quality (TCEQ). The following information provides assistance in completing the Individual Permit Application for a Concentrated Animal Feeding Operation Authorization (TCEQ-0728). If you need further assistance with this application or to request a different application, please visit our world wide web site at www.tceq.state.tx.us or call us at (512) 239-4671.

WHO SHOULD APPLY?

The **owner of the land** must be either the applicant or co-applicant. If the **owner of the facilities** is a separate entity or individual, then the owner of the facilities must be included as the applicant or co-applicant. For all TPDES applications, the **operator** must be listed as a co-applicant. A Certification page (Section G) must be completed for each applicant. If the ownership has changed, a separate application (TCEQ-20031) is necessary to transfer the authorization.

WHEN IS THE APPLICATION SUBMITTED?

For new and amendment applications, the completed application should be submitted at least 180 days before the date the proposed discharge or disposal is to occur. For renewal applications, the completed application must be submitted at least 180 days before the expiration date of the current permit.

HOW IS THE APPLICATION SUBMITTED?

Submit one original and one copy of the application with the appropriate fee to the:
TCEQ Water Quality Division
Applications Review and Processing Team (MC 148)
P.O. Box 13087
Austin, Texas 78711-3087

Also, submit one copy of the application to the appropriate TCEQ Regional Office. Regional office addresses may be obtained on the TCEQ website at www.tceq.texas.gov. If information is submitted at a later date in response to a TCEQ request for further information, please forward a copy of the requested information to the TCEQ regional office as well.

HOW MUCH IS THE APPLICATION FEE?

Minor Amendment - \$150.00
Renewal - \$315.00
New or Major Amendment - \$350.00

Application fees must be paid by check or money order made payable to the Texas Commission on Environmental Quality. Fees are to be **sent under separate cover** making reference to the type of application, name of the applicant, and permit number of existing permit, and mailed to:

TCEQ Revenues Section (MC 214)

P.O. Box 13088

Austin, Texas 78711-3088

To expedite the processing of the application, please provide a copy of the check with the application package. To verify receipt of payment or any other questions you may have regarding payment of fees to the TCEQ, please call the Revenues Section, Cashiers Office at (512) 239-0357. The applicant is responsible for the cost of publishing the public notice in the newspaper concerning the application for a permit. The applicant will be provided the information necessary to publish, including instructions, by the Applications Review and Processing Team for the first notice, and by the TCEQ Office of Chief Clerk for the second notice.

Important Note to all Applicants and Permittees: If your permit is in effect September 1, you will be assessed an annual Water Quality fee. It is the responsibility of the permittee to submit a cancellation or transfer form in a timely manner. Pursuant to 30 TAC Section 305.66, failure to pay fees is good cause for permit denial or revocation. If an applicant has outstanding fees, a proposed permit application will not be considered for approval by the Commission or Executive Director. For account balance information, contact the Financial Administration Division, Revenue Section, at (512) 239-0354.

HOW DO I OBTAIN MORE INFORMATION?

Information on wastewater permitting and the industrial wastewater permit applications are available on the TCEQ web page at http://www.tceq.texas.gov/nav/permits/wq_agri.html or by contacting the CAFO Permits Team of the Water Quality Division at 512-239-4671.

The Texas Administrative Code can be viewed through the Texas Secretary of State and the TCEQ web sites. The rules Internet address for the Secretary of State is [http://info.sos.state.tx.us/pub/plsql/readtac\\$ext.viewtac](http://info.sos.state.tx.us/pub/plsql/readtac$ext.viewtac). The Internet rules address for the TCEQ is <http://www.tceq.texas.gov/rules/index.html>.

HOW TO COMPLETE THE FORM.

THE INSTRUCTIONS MUST BE FOLLOWED WHILE COMPLETING THE APPLICATION. THE INFORMATION BEING SUBMITTED WILL NOT BE CLEAR UNLESS THE INSTRUCTIONS ARE FOLLOWED. All items must be answered. If an item is not answered, a Notice of Deficiency letter will be sent to the applicant's representative unless an explanation is provided as to why the item is not applicable. Failure to follow the instructions while completing the application may result in significant delays in processing the application.

THE APPLICATION FORM MAY NOT BE ALTERED IN ANY WAY. APPLICATIONS THAT ARE NOT IN THE SAME FORMAT AND PAGE NUMBERING SEQUENCE WILL NOT BE PROCESSED AND WILL BE RETURNED. QUESTIONS CANNOT BE DELETED OR REARRANGED.

A. AUTHORIZATION INFORMATION:

- **COVERAGE:** Texas Pollutant Discharge Elimination System (TPDES) applies to a facility that meets the definition of a Large CAFO. State Only applies to a facility that meets the definition of State-only CAFO, as defined in 30 Texas Administrative Code 321, Subchapter B. Select the appropriate type of coverage for your facility.
- **APPLICATION TYPE:** There are four alternatives available to the applicant: new applications, major amendments to existing authorizations, minor amendments or modifications to existing authorizations, or renewals of existing authorizations. Each type is described below. Select the appropriate application type for your facility.

New For applicants that currently do not operate under written authorization.

Major amendment For applicants that currently operate under written authorization and are requesting to change a substantive term, provision, requirement, or a limiting parameter of the authorization such as to expand capacity, add a wastewater storage pond, add land application fields, etc.

Minor amendment For applicants that currently operate under written authorization and are requesting to improve or maintain the permitted quality or method of disposal of waste if there is neither a significant increase of the quantity of waste nor a material change in the pattern or place of disposal.

Renewal For applicants that currently operate under written authorization and are requesting to renew that authorization.

- **MEDIA TYPE:** Each authorization may be issued to provide coverage under the Texas Water Code (TWC) and the Texas Health and Safety Code.

Water Quality All CAFOs are required to seek and obtain authorization under a water quality permit, except for dry litter poultry CAFOs.

Water & Air Quality For applicants requesting air quality authorization under the air quality standard permit in lieu of separate air quality authorization through a Chapter 116 permit or Chapter 106 Standard Exemption. The air quality standard permit requirements are described in 30 TAC Chapter 321, Subchapter B.

B. APPLICANT INFORMATION:

Identify the applicant and provide a mailing address, telephone number, and fax number for the applicant. It is the responsibility of the **Facility Owner** to apply for the permit and be the name of the entity on the permit. For all TPDES applications, the **operator** must be listed as a co-applicant. The mailing address provided by the applicant should also be an address where permit correspondences can be received. The mailing address provided will be used on the permit. Please verify that the mailing address is valid. The address is checked through the United States

Postal Service (USPS.com) for validity. **If the applicant for the permit is not the same as the current permittee, a separate application (TCEQ-20031) is necessary to transfer the authorization.**

As the facility owner, you need to provide the Customer Reference Number (CN). If you already have one because of another association with the TCEQ (e.g., public water supply, stormwater construction permit), provide that number in the space provided. If you do not have a CN, complete the TCEQ Core Data Form (TCEQ-10400). See the instructions to that form for more information on completing and submitting the form.

The applicant may either be a corporation, partnership, or an individual. Please provide the requested information for each applicant and co-applicant.

Corporations If the applicant is a corporation, the Charter Number on file with the Texas Secretary of State and the Tax Identification number on file with the State Comptroller of Texas must be provided. This information must show the applicant is in good standing with the Comptroller. If the applicant is not registered with the Texas Secretary of State or is not an individual, a copy of the agreement which formed the entity must be submitted. The agreement must be recorded in the county where the project is located. The application cannot be further processed unless the applicant is authorized to do business in the state of Texas. To obtain the certification, applicants may contact the Office of the State Comptroller of Public Accounts at www.cpa.state.tx.us or at 800-252-5555.

Partnerships Must provide documentation of their status to include a Certificate of Existence and/or Partnership Agreement Papers showing recorded in the where the project is located. Applicants may contact the Office of the Secretary of State at 512-463-5555.

Individuals Provide the full legal name, home mailing address, Date of Birth, gender, and State Driver's License or Personal ID # for **each** individual applicant.

- OWNERSHIP: Indicate if the applicant(s) own or lease the land management units (LMUs) and the land where the production area is located. The applicant must show documentation in the form of current tax records or a deed to demonstrate ownership of the property. For leased property, a long-term lease agreement must be attached.

C. CONTACT INFORMATION:

1. List each person formerly employed by the TCEQ who represented your company and was paid for service regarding the application. Any violation of the Health and Safety Code, Texas Water Code, or Government Code relating to conflict of interest may result in denial of the application or filing of charges with the appropriate office.

2. Please provide the requested information for any technical consultants that have prepared information for the application as well as any other individuals that may represent the applicant during the application process.
3. Provide the names of two individuals that can be contacted by the agency as needed during the term of the permit. Include their phone number and mailing address if different than the permanent address used for the permit. The individuals should be of the level of Vice President or higher of a corporation, or a General Partner of a Partnership.

D. PUBLIC NOTICE INFORMATION:

1. Provide the name, company name, and telephone number of the individual that will be identified as the notice contact in the two public notices that are mailed out and published as part of the permitting process. This individual may be contacted by the public to answer general and specific questions about all aspects of the permit application.
2. Provide the name, company name, and telephone number of the individual that will publish the public notices required during the processing of the application. Only one person can be provided. This person will be contacted to publish the required notices in a newspaper of the largest general circulation in the county where the facility is/will be located. This person must be available during the application processing since the “Notice of Receipt of Application and Intent to Obtain a Water Quality Permit” must be published within 30 days of the application being declared Administratively Complete.
3. Provide the preferred method of receiving the “Notice of Receipt of Application and Intent to Obtain a Water Quality Permit”. The day the application is declared Administratively Complete the notice package will be sent to person identified in item D.2. via the method selected. The notice package includes the TCEQ declaration of completeness, a notice ready for publication, instructions for publishing the notice, and a publication affidavit.

The second notice, “Notice of Application and Preliminary Decision” must be published within 30 days of a draft permit being filed with the Office of Chief Clerk (OCC). Detailed information may be obtained by referring to TCEQ’s website and 30 TAC Chapters 39, 50, 55, and 281 regarding notice, public comments, and response to comment procedures. All information necessary to publish the second notice, as well as proof of publication, will be mailed by the OCC. The address to mail the required information back to the TCEQ will be included in the information from the OCC.

4. Provide the name and physical address for the public place where the complete application, draft permit, and Fact Sheet, if applicable, must be made available for viewing and copying by the general public by the date the first notice is published. The public place must be located within the county in which the facility is/will be located. The address must be a physical address. **Post office box addresses are not acceptable.**

5. Bilingual notice may be required for new permit applications, major amendment applications and renewal applications, (not applicable for minor amendment or minor modification applications). If an elementary school or middle school nearest to the facility offers a bilingual program, notice may be required to be published in an alternative language. The Texas Education Code, upon which the TCEQ alternative language notice requirements are based, triggers a bilingual education program to apply to an entire school district should the requisite alternative language speaking student population exist. However, there may not exist any bilingual-speaking students at a particular school within a district which is required to offer the bilingual education program. For this reason, the requirement to publish notice in an alternative language is triggered if the nearest elementary or middle school, as a part of a larger school district, is required to make a bilingual education program available to qualifying students and the school either has students enrolled at such a program on-site, or has students who attend such a program at another location in satisfaction of the school's obligation to provide such a program as a member of a triggered district. If it is determined that a bilingual notice is required, the applicant is responsible for ensuring that the publication in the alternate language is complete and accurate in that language.

E. FACILITY INFORMATION:

1. Indicate the type of animal in confinement at the CAFO.
2. Provide the current and proposed maximum number of animals at the facility.
3. Provide the total acreage available for land application of waste.
- 4.a. Provide the physical address for the facility or a location description of the facility.
- 4.b. Provide the city where the facility is or will be located or the nearest city to the facility.
- 4.c. Provide the zip code where the facility is or will be located.
- 4.d. Provide the County or Counties where the facility is or will be located.
5. Provide the latitude & longitude of the production area in degrees/minutes/seconds.
6. For major and minor amendments, describe all changes proposed for the facility.
7. If the facility has a Regulated Entity Number (REN) because of another association with the TCEQ (e.g., public water supply, storm water construction permit), provide that number in the space provided. If the facility does not have a REN, complete the TCEQ Core Data Form (TCEQ-10400). See the instructions to that form for more information on completing and submitting the form.
8. Indicate if the facility is located on Indian land.
9. Indicate if any portion of the production area is within the protection zone of a sole source drinking water supply.
10. Indicate if any permanent school fund land will be affected by this application. If yes, provide the location and any impacts/effects this application will have on the land(s).

F. Additional Information

New, Major Amendment, and Renewal applications **must** be accompanied with a completed Technical Information Packet (TCEQ-00760). Minor Amendments must be accompanied by the designated maps, RCS Design Calculations, Land Application Rate Calculations, and documentation of ownership of the facility.

G. Certification

A Certification page (Section G) must be completed for each applicant. For example, a facility is owned by two individuals and operates by a trust, each of the two individuals must sign a certification and a trustee, as outlined in the trust, must sign a certification. For a corporation, any corporate representative may sign the certification, so long as the authority to sign has been delegated to that person in accordance with corporate procedures. All certifications must bear live signatures, include the title of the individual signing, and be dated.

TCEQ USE ONLY:

Application type:	<input type="checkbox"/> Renewal	<input type="checkbox"/> Major Amendment	<input type="checkbox"/> Minor Amendment	<input type="checkbox"/> New
County:	Admin Complete Date: _____			
Agency Receiving SPIF:	<input type="checkbox"/> Texas Historical Commission	<input type="checkbox"/> U.S. Fish and Wildlife		
	<input type="checkbox"/> Texas Parks and Wildlife	<input type="checkbox"/> Army Corps of Engineers		

SUPPLEMENTAL PERMIT INFORMATION FORM (SPIF)

This form is required for all TPDES applications

1. Permittee: _____
 2. Permit #: _____ (NPDES Permit No./EPA ID #) _____
 3. Address of the project (location description that includes street/highway, city/vicinity, and county).

 4. Provide the name, address, telephone and fax number of an individual that can be contacted to answer specific questions about the property.
Name: _____ Telephone number: _____
Company: _____ Fax number: _____
Address: _____
City: _____ State: _____ ZIP code: _____
 5. List the county in which the facility is located _____
 6. If the property is publicly owned and the owner is different than the permittee/applicant, please identify the owner _____
 7. Identify the name of the water body (receiving waters) or TCEQ segment number that will receive the discharge _____
 8. Please provide a 7.5 minute USGS quadrangle map with the project boundaries plotted and a general location map showing the project area. (This map is required in addition to the map in the administrative report.)
 9. Please provide photographs of any structures 50 years or older on the property.
-

10. Does your project involve any of the following? Select all that apply.

- Proposed access roads, utility lines, and construction easements
- Visual effects that could damage or detract from a historic property's integrity
- Vibration effects during construction, or as a result of project design
- Additional phases of development that are planned for the future
- Sealing of caves, fractures, sinkholes, or other karst features
- Disturbance of vegetation or wetlands

11. List proposed construction impact (surface acres to be impacted, depth of excavation, sealing of caves or other karst features)

12. Describe existing disturbances, vegetation & land use (plowing, other ground disturbances)

The following applies only to applications for New TPDES permits and Major Amendments to TPDES Permits:

13. List construction dates of any buildings or structures on the property.
property. _____

14. Provide a brief history of the property, and name of the architect/builder, if known.

The following applies for New, Amended and Renewal TPDES applications:

15. List each Retention Control Structure and its required capacity (in acre feet).

16. Provide the location and number of acres where wastewater and waste are land applied.

17. List the maximum number of head to be permitted.
