

Instructions for Filling out the Application for a Permit to Beneficially Land Apply Class B Sewage Sludge

The mailing address for submitting an application is:

Executive Director
Texas Commission on Environmental Quality
Attn: Business and Program Services Section
Applications Review and Processing Team (MC 148)
P.O. Box 13087
Austin, Texas 78711-3087

For Express Mail or Hand Delivery, the physical address is:

Executive Director
Texas Commission on Environmental Quality
Attn: Business and Program Services Section
Applications Review and Processing Team (MC 148)
Building F, Room 2101
12100 Park 35 Circle
Austin, Texas 78753

Telephone Inquiries

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|----------------|--|
| (512) 239-4671 | General Permit Information and Application Forms |
| (512) 239-4671 | Municipal Permits Team, Technical Information |
| (512) 239-0600 | Legal Division |

Copies of records and/or permits on file with the TCEQ, Records Management Office may be obtained for a minimal fee, by calling (512) 239-0900.

GENERAL FILING REQUIREMENTS AND INFORMATION

1. Please read the application form carefully. It has been designed to obtain specific information and anything that is missing or unclear will cause delays in the review process. If a particular item on the form does not apply to your situation mark it "NA" or "not applicable." If necessary explain why it does not apply. Falsification of any information is justification for denial of the application, fine or imprisonment (30 TAC, Section 305.44).
2. The completed application should be submitted as one original set and four complete copies at least 180 days prior to the date that the proposed land application is to occur for new or amended permits or 180 days prior to the expiration date for renewal applications. The original application set and two copies **should not be bound or submitted in notebooks, spirals or binders**. The additional copies of the application must also include all attachments and cover letter, as included with the original application.

ADMINISTRATIVE REPORT

Type of Application:

Indicate, by a checkmark, the type of application being submitted. If the application is to amend a permit, please list the major changes being proposed in the space provided.

Application Fee:

The application fee for filing a Class B Beneficial Land Use Permit Application is \$1,000 TO \$5,000 based on the quantity of sewage sludge to be applied annually. See the fee schedule in 30 TAC 312.9 (g)(4) to determine the appropriate fee.

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 applicant, and permit number of existing permit, and mailed to:

TCEQ
Revenues Section (MC 214)
P.O. Box 13088
Austin, Texas 78711-3088

To verify receipt of payment or any other questions you may have regarding payment of fees to the TCEQ, you may call the Revenues Section, Cashiers Office at (512) 239-0357.

Application Site:

If the land application site is within or adjacent to a publicly-owned wastewater treatment plant (WWTP) and the site is owned or operated by the WWTP, you can complete the application as part of your Domestic Wastewater Permit Application (TCEQ Forms 10053 and 10054). The WWTP's existing Municipal Wastewater Permit may be amended to authorize land application. Please contact the Municipal Permits Team at (512) 239-4671 for more information.

1. APPLICANT INFORMATION

a. Permittee Information

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 doing business. You may contact the SOS at 512/463-5555, for more information related to filing in Texas. If filed in the county where doing business, provide a copy of the legal documents showing the legal name.

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.

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 doing business. You may contact the SOS at 512/463-5555, for more information related to filing in Texas. If filed in the county where doing business, provide a copy of the legal documents showing the legal name.

Mailing Address

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

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

Fax Number and E-mail Address (Optional Information)

This number and E-mail address should correspond to applicant's mailing address provided earlier. This Providing contact information speeds the processing of your application if questions arise during the review.

Type of Entity

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.

Private Entities

Sole Proprietorship — D.B.A.: 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 — D.B.A., the 'legal name' of the individual business 'owner' must be provided. The D.B.A. name is not recognized as the 'legal name' of the entity. The D.B.A. 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's 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.

Partnership Not Filed with Texas Secretary of State

A customer that is established as a partnership as defined by the Texas Secretary of State's 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 that 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 or DBA is not recognized as the legal name of the entity.

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

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

Public Entities

Government Federal, State, County, or City

The customer is either an agency of one of these levels of government or a governmental body itself. The governmental body's official name must be provided. A department name or other description of the organization should not be included as a part the official name.

Other Government

Utility districts, school districts, river authorities, etc. should mark this selection and list the type of entities they are.

Independent Entity

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

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.

Business Identification Numbers

State Franchise Tax ID Number

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

Federal Tax ID

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

TX SOS Charter (filing) Number

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

DUNS Number

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

b. Co-Permittee Information

Complete this section only if the entity must be a co-permittee. If co-permittees are required, please indicate the address to be used on the permit and for permit correspondences (either the address provided for item 1.a or 1.b). See item 1.a for an example of the address that should be completed in the application.

c. Individual Information

If the applicant is an individual, provide information on the individual as required by the Texas Water Code. Complete the address as shown above in item 1.a. The address provided must be the individual's home address. As the facility owner, you need to provide the Customer Reference Number (CN).

2. BILLING CONTACT INFORMATION

An entity that holds an active permit will be assessed fees annually, based on the Annual Report due on September 1 (in accordance with 30 TAC §312.9, Sludge Fee Program). The annual fee is assessed on **September 1** of each year.

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 permittee's representative responsible for payment of the invoice.

Country Mailing Information

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.

3. APPLICATION CONTACT INFORMATION

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

4. PERMIT CONTACT INFORMATION

Provide the name, title and communication information of the person(s) the TCEQ can contact for additional information for the life of the permit.

5. NOTICE INFORMATION

a. Individual publishing the notices

Provide the name, company name, mailing address, telephone number and fax number of the person that will publish the notices required during the processing of the

application. Only one name can be provided. This individual 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 first notice; 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.

b. Method of receiving Notice of Receipt and Intent to Obtain a Water Quality Permit Package

Provide the method of receiving the required notice information. The day the application is declared Administratively Complete, the notice package will be sent via the method chosen by the applicant in the application. The notice package includes the TCEQ declaration of completeness, a notice ready for publication, instructions for publishing the notice, a publication affidavit, and a public notice verification form.

c. Contact in the Notice

Provide the person’s name, company name, mailing address, telephone number and fax number of the one individual that will be identified as the notice contact in the two notices that are mailed out and published as part of the permitting process. This individual may be contacted by the public to answer questions about all aspects of the permit application. If the mailing address is a P.O. Box, insert the P.O. Box number within the space provided for the P.O. Box. Insert suite numbers within the line provided for the street name.

d. Public Place Information

Provide the name and physical address for the public place where the complete application and draft permit and Technical Summary/Statement of Basis, and Fact Sheet, if applicable, will be made available for viewing and copying by the general public by the date the first notice is published. Please verify with the proper authority they will make the application available for public viewing and copying. The public place must be located within the county in which the facility is/will be located. The address must be a physical address. If the facility and or outfall is located in more than one county, a public viewing place for each county must be provided. **Post office box addresses are not acceptable.**

e. Bilingual Notice Requirements

Bilingual notice may be required for new permit applications, amendment applications and renewal applications, (not applicable for 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.

The applicant is required to call the bilingual/ESL coordinator for the nearest elementary and middle schools and obtain information to determine if an alternative language notice is required. 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.

6. REPORTING CONTACT

Provide the name and contact information of the person responsible for receiving any annual sludge correspondence.

7. REGULATED ENTITY (RE) AND SITE INFORMATION

Regulated Entity Reference Number (RN) is a number issued by TCEQ's Central Registry to sites (a location where a regulated activity occurs) regulated by TCEQ. This is not a permit number, registration number, or license number.

a. Name of the project or site

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. An RN will be assigned by Central Registry if this site is not currently regulated by TCEQ.

b. Site/Project (RE) Physical Address

If the existing permit includes an accurate description, indicate so by checking yes on the application form.

If the site has a physical address:

Enter the complete address of where the site is located. This address must be validated through 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 the site does not have an address that includes a street (or house) number and street name, enter NO ADDRESS for the street name

If a site does not have a physical address:

Provide a complete written location access 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." Do not provide directions to the facility. The location description must use easily identifiable landmarks found on the USGS map submitted with the application. The description must include the direction and distance in feet or miles from road intersections. If, however, the application is for a new facility or the

description is inaccurate, provide an accurate description. Two examples of acceptable location descriptions are: 1) The facility is located 2,600 feet southwest of the intersection of State Highway 20 and Farm-to-Market Road 1200; 2) The facility is located approximately 1.2 miles east of the intersection of Farm-to-Market Road 345 and County Road 10. **NOTE:** a new location requires a new (separate) permit - permits are site specific.

c. Zip Code

Provide the zip code where the facility or site is located.

d. County where site is located

Identify the county or counties where the facility or site is located. **PLEASE NOTE** that TCEQ cannot issue a Class B Beneficial Land Use Permit for a land application unit that is located both: (1) in a county that borders the gulf of Mexico (Aransas, Brazoria, Calhoun, Cameron, Chambers, Galveston, Jefferson, Kenedy, Kleberg, Matagorda, Nueces, San Patricio, and Willacy Counties); and (2) 500 feet or less from any water well or surface water.

e. Latitude and Longitude

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

[kkk'hwe'hm Ug\[cj #\]g#Xf\[\Yd^ha ` @hcb\]](http://www.kkkhwehmug.com/cj/#jg#xf\yd^ha`@hcb) or <http://msrmaps.com/advfind.aspx>

f. Owner of the beneficial land use area

Provide the name and contact information for the owner of the beneficial land use area. If the owner of the beneficial land use area is not the same as the applicant, the owner of the land and the applicant must complete the affidavit found on **page 7**. (Attach an additional sheet if more than one landowner.)

g. In your own words, briefly describe the primary business of the Regulated Entity in the space provided. (*Do not repeat the SIC and NAICS code*)

h. Indicate by a checkmark if the facility is located on Indian Land.

i. Indicate the size of the **property boundaries** of the site area (in acres) in the space provided. This includes the application area and buffer zone.

j. Indicate the size of the application area (in acres) in the space provided. This is the area where sludge/septage may be applied according to the buffer zone restriction in 30 TAC, Subsection 312.44 (c) and (d).

k. Indicate by a checkmark if the beneficial land use area is within the city limits, within the extraterritorial jurisdiction, or outside the extraterritorial jurisdiction of a city. Provide the city or municipality name in the space provided.

l. Indicate by checkmark the type(s) of waste to be applied.

m. Provide the anticipated date (mm/dd/yy) of the first application of the sludge after issuance or re-issuance of the permit in the space provided. (Please note that the permit

issuance time frame is approximately 330 days after receipt of application).

- n. Provide a copy of the nutrient management plan that has been prepared by a certified nutrient management specialist, in accordance with the practice standards of the Natural Resources Conservation Service of the United States Department of Agriculture.
- o. Provide the name and contact information of the County Judge in each County where the site is located (attach separate page if necessary)
- p. Provide a copy of the transporter registration letter.

8. WASTEWATER/WATER TREATMENT PLANT INFORMATION:

Provide the facility Name, TCEQ Permit Number, and location in the table provided. If multiple facilities are involved, please us an attachment.

9. MISCELLANEOUS INFORMATION

- a. List each person formerly employed by the TCEQ who represented your company and was paid for service regarding the application in the space provided.
- b/c Please note that effective September 1, 2006, the TCEQ will no longer issue, amend, or renew permits, registrations, certifications, or licenses to an entity or person who is delinquent on a penalty or fee owed to the TCEQ.

The TCEQ will not declare any application administratively complete that is submitted by a person or entity who is delinquent on a fee or penalty until the fee or penalty is paid, or if on an approved installment plan, that payments under the plan are current.

The TCEQ will withhold final action on an application until the fee or penalty is paid and the account is current, if after the application is considered administratively complete, we discover that the owner or entity who submitted the application is delinquent on a fee or penalty.

Please identify whether you owe any fees or penalties to the TCEQ. If fees or penalties are owed, please identify the type of fee or penalty owed, the amount past due, and the TCEQ identifying number. For penalties, please provide the TCEQ docket number. For further information on the Delinquent Fee & Penalty Protocol, see the TCEQ web site at: <http://www.tceq.texas.gov/agency/delin>

10. MAPS

- a. Provide an original, **full-sized USGS Topographic Map** with all required information. Indicate by a check mark that the information is provided. You are required to show the:
 - Applicant's property boundary
 - Sewage sludge disposal site
 - Irrigation area
 - New and future construction
 - All ponds

- Water wells, springs, surface water supply intakes, water treatment plants, potable water storage facility, and sewage treatment plants within 1/4 mile radius of sludge disposal/land application site
- b.** Submit a legible copy of a USDA Natural Resources Conservation Service (NRCS) Soil Map with soil legend indicating the following:
 - outline in red the location of the sludge disposal/land application (Exact duplicates of each map must be submitted with each copy of the application)
 - indicate the location of each grab sample
 - c.** Submit a copy of the Federal Emergency Management Agency (FEMA) Map, showing the sludge land application unit (outlined in red) and the surrounding area within one-quarter mile of the unit, with legend.
 - d.** Submit one original General Highway (County) Map showing all boundaries of the site area.

11. AFFECTED LANDOWNER INFORMATION

Required for **all** permit applications

- a.** Indicate by a check mark that the landowners map includes the scale, the applicant's property boundaries, the location of the beneficial land use area, the approximate property boundaries of all landowners located within 1/4 mile of the property boundaries where the beneficial land use area is located
- b.** Indicate by a check mark which format the landowners list is submitted (either a CD or 4 sets of labels)
- c.** The list of landowners must be cross referenced to the landowner map and include the following persons:
 - Landowners who live on land located within 1/4 mile of the property boundaries where the beneficial land area is/will be located
 - OR
 - All landowners located within 1/4 mile of the property boundaries where the beneficial land area is/will be located
- d.** Indicate by a check mark that the list of landowners is cross-referenced to the landowners map.
- e.** Provide the source of the landowner's names and mailing addresses in the space provided. Indicated whether the City, County, Tax Records, etc.)

12. INSURANCE INFORMATION

(This information is not required for an applicant that is a political subdivision (e.g., city, county, state agency, water district, etc.)

Note: The insurance policies required by this section must be maintained for the duration of the permit (Permits are normally issued for a term of five years).

- a. Submit the following document providing evidence of commercial liability insurance:**
- 1). *A certificate of insurance in regard to commercial liability, reflecting total coverage of not less than \$3 million per occurrence with an annual aggregate of not less than \$3 million, exclusive of legal defense costs. The certificate must be worded identically to the wording specified in §37.9145 of the Texas Administrative code (relating to Certificate of Insurance for Commercial Liability) or an endorsement worded identically to the wording specified in §37.9150 of the Texas Administrative Code (relating to Endorsement for Commercial Liability). The certificate of insurance must be issued by an insurance company authorized to transact business in the State of Texas and that has a rating of A- or better by A.M. Best Company).*
- b. Submit the following document providing evidence of environmental impairment insurance:**
- 1.) *A certificate of insurance in regard to environmental impairment, reflecting total coverage of not less than \$3 million per occurrence with a policy limit of not less than \$3 million, exclusive of legal defense costs. The certificate must be worded identically to the wording specified in §37.9155 of this title (relating to Certificate of Insurance for Environmental Impairment). The certificate of insurance must be issued by an insurance company authorized to transact business in the State of Texas and that has a rating of A- or better by A.M. Best Company).*

13. CERTIFICATION

Each entity applying for the permit is required to sign the certification statement. 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 application or similar form is 30 TAC §305.44(a)(1) (see below). According to this code provision, any corporate representative may sign an application 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 application 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 GOVERNMENT ENTITY

The regulation that controls who may sign an application or similar form is 30 TAC §305.44(a)(3) (see below). According to this code provision, only a ranking elected official or principal executive officer may sign an application 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 application 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 application 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 TCEQ's Environmental Law Division at 512/239-0600.