



# TCEQ Notice of Intent (NOI) for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (MS4) under the TPDES Phase II MS4 General Permit (TXR040000)

### 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 automatic denial.
- Once processed your authorization can be viewed at: <http://www.tceq.texas.gov/goto/wq-dpa>

### APPLICATION FEE:

- You must pay the **\$100** Application Fee to TCEQ for the paper application to be complete.
- Payment and NOI must be mailed to separate addresses.
- Did you know you can pay on line?
  - Go to <https://www3.tceq.texas.gov/epay/index.cfm>
  - Select Fee Type: GENERAL PERMIT MS4 PHASE II STORM WATER DISCHARGE NOI APPLICATION
- **Provide your payment information below, for verification of payment:**

Mailed	Check/Money Order No.:	
	Name Printed on Check:	
EPAY	Voucher No.:	
	Is the Payment Voucher copy attached?	Yes

**One (1) copy of the NOI and Stormwater Management Program (SWMP) with the completed SWMP Cover Sheet MUST be submitted with the original NOI and SWMP.**

Is the copy attached?                      Yes

### RENEWAL: Is this NOI a Renewal of an existing Phase II MS4 General Permit Authorization?

**(Note: An authorization cannot be renewed after June 11, 2014.)**

- Yes    The existing authorization number is: TXR04\_\_\_\_\_
- (If an authorization number is not provided, a new number will be assigned.)**
- No

**1) OPERATOR (Applicant)**

**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 exact legal name must be provided.)

**c)** What is the contact information for the Operator (Applicant)? 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):

Federal Government

State Government

County Government

City Government

Other Government

**e)** Number of Employees:

0-20;

21-100;

101-250;

251-500; or

501 or higher

**2) ANNUAL BILLING CONTACT**

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

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

Yes, go to Section 3).

No, complete section below

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: \_\_\_\_\_

### 3) 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 Operator identified in Section 1) above?

Yes, go to Section 4).

No, complete section below

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: \_\_\_\_\_

### 4) REGULATED ENTITY (RE) INFORMATION

If the site of your business is part of a larger business site or if other businesses were located at this site before yours, a Regulated Entity Number (RN) may already be assigned for the larger site. Use the RN assigned for the larger site. 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 and provide the information for the site to be authorized through this application below. The site information for this authorization may vary from the larger site information.

- a) TCEQ issued RE Reference Number (RN): RN \_\_\_\_\_
- b) Name that is used to identify the small MS4 (Example: City of XXX MS4)  
\_\_\_\_\_
- c) Provide a brief description of the regulated MS4 boundaries: (Example: Area within the City of XXXX limits that is located within the xxx (e.g. Dallas) urbanized area):  
\_\_\_\_\_
- d) City where the largest residential population exists within the regulated MS4 boundaries:  
\_\_\_\_\_
- e) ZIP code where the largest residential population exists within the regulated MS4 boundaries:  
\_\_\_\_\_

f) County where the largest residential population exists within the regulated MS4 boundaries:

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Is the MS4 located within additional counties?

Yes – If Yes, what county (or counties)?

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No

g) Latitude: \_\_\_\_\_ Longitude: \_\_\_\_\_

## 5) GENERAL CHARACTERISTICS

a) Is the project/site located on Indian Country Lands?

Yes – If Yes, you must obtain authorization through EPA, Region 6.

No

b) What is applicant's Standard Industrial Classification (SIC) code?

SIC Code: \_\_\_\_\_

c) What is the category or level of the MS4 based on the population served?

**Level 1:** Operators of traditional small MS4s that serve a population of less than 10,000 within an urbanized area (UA).

**Level 2:** Operators of traditional small MS4s that serve a population of at least 10,000 but less than 40,000 within an UA.

This category also includes all non-traditional small MS4s such as counties, drainage districts, transpiration entities, military bases, universities, colleges, correctional institutions, municipal utility districts and other special districts regardless of population served within the UA, unless the non-traditional MS4 can demonstrate that it meets the criteria for a waiver from permit coverage based on the population served.

**Level 3:** Operators of traditional small MS4s that serve a population of at least 40,000 but less than 100,000 within an UA.

**Level 4:** Operators of traditional small MS4s that serve a population of 100,000 or more within an UA.

d) Has TCEQ "designated" the small MS4 as needing coverage under this general permit?

N/A

Yes

No - If No and no portion of the small MS4 is located within an UA as determined by the 2000 or 2010 Decennial Census by the U.S Bureau of Census requiring a NOI be submitted, the operator is not eligible for coverage under this general permit through the NOI.

**e) What is your annual reporting year?**

Calendar year

MS4 general permit year

Fiscal year – If Fiscal year, what is the last day of the fiscal year? \_\_\_\_\_

**f) Stormwater Management Program (SWMP)**

1. I certify that the SWMP submitted with this Notice of Intent has been developed according to the provisions of this general permit TXRO40000.

Yes

No – If No, the application is considered incomplete and may be returned.

2. I certify that the SWMP Cover Sheet is completed and attached to the front of the SWMP.

Yes

No – If No, the application is considered incomplete and may be returned.

3. Who is the person responsible for implementing or coordinating implementation of the SWMP? (Note: All contact information requested below is required.)

First/Last Name: \_\_\_\_\_

Title: \_\_\_\_\_

Company: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Ext: \_\_\_\_\_ Fax Number: \_\_\_\_\_

E-mail: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Internal Routing (Mail Code, Etc.): \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP Code: \_\_\_\_\_

**g) 7th Minimum Control Measure (MCM) for Municipal Construction Activities**

1. Is the MCM for authorization to discharge stormwater from municipal construction activities included with the attached SWMP?

Yes – If Yes, what are the boundaries within which those activities will occur? (Note: If the boundaries are located outside of the urbanized area, then the entire SWMP must also incorporate the additional areas.)

No

2. Is the discharge or potential discharge from regulated construction activities within the Recharge Zone, Contributing Zone, or Contributing Zone within the Transition Zone of the Edwards Aquifer?

Yes – If Yes, please note that a copy of the agency approved Water Pollution Abatement Plan (WPAP) required by the Edward Aquifer Rule (30 TAC Chapter 213) must be either included or referenced in the construction stormwater pollution prevention plan(s).

No

**h) Discharge Information**

1. What is the name of the water body (ies) receiving stormwater from the MS4?
2. What is the classified segment number(s) that receives discharges, directly or indirectly, from the small MS4?

Do you discharge directly or indirectly?

3. Are any of the surface water body (ies) receiving discharges from the small MS4 on the latest EPA-approved Clean Water Act (CWA) §303(d) list of impaired waters or the Texas Integrated Report of Surface Water Quality for CWA Sections 305(b) and 303(d)?

Yes – If Yes:

What is the name of the impaired water body (ies) receiving the discharge from the small MS4?

What is/are the pollutant(s) of concern?

No

4. Is the discharge into any other MS4 prior to discharge into surface water in the state?  
Yes – If Yes, what is the name of the MS4 Operator?

No

**i) Edwards Aquifer**

Is the discharge or potential discharge from the MS4 within the Recharge Zone, Contributing Zone, or Contributing Zone within the Transition Zone of the Edwards Aquifer?

Yes - If Yes, complete certification below by checking "Yes".

No

I certify that a copy of the TCEQ approved WPAP required by the Edwards Aquifer Rule (30 TAC Chapter 213) is either included or referenced in the SWMP.

Yes

**j) Public Participation Process**

The Office of Chief Clerk will send the operator or person responsible for publishing, the notice of the executive director's preliminary determination of the NOI and SWMP, in a newspaper of general circulation in the county where the small MS4 is located. If multiple counties, notice must be published at least once in the newspaper of general circulation in the county containing the largest resident population.

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. I will comply with the Public Participation requirements described in Part II.E.12 of the general permit.

Yes

No – If No, coverage under this general permit is not obtainable.

2. Who is the person responsible for publishing notice of the executive director's preliminary determination on the NOI and SWMP? (Note: All contact information requested below is required.)

First/Last Name: \_\_\_\_\_

Title: \_\_\_\_\_

Company: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Ext: \_\_\_\_\_ Fax Number: \_\_\_\_\_

E-mail: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Internal Routing (Mail Code, Etc.): \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP Code: \_\_\_\_\_

3. What is the name and location of the public location where copies of the NOI and SWMP, as well as the executive director's general permit and fact sheet, may be reviewed?

Name of Public Place:

Address of Public Place:

County of Public Place:

**6) 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 Phase II (Small) MS4 General Permit TXRo40000. Yes
- b) I certify that the small MS4 qualifies for coverage under the general permit TXRo40000. 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 authorization active on September 1<sup>st</sup> of each year will be accessed an Annual Water Quality Fee. Yes

**Operator Certification:**

I, \_\_\_\_\_  
*Typed or printed 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 and submit this document, and can provide documentation in proof of such authorization upon request.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
*(Use blue ink)*

## NOTICE OF INTENT CHECKLIST (TXR040000)

- 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 operator 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 Fee:

If paying by Check:

Check was mailed **separately** to the TCEQs Cashier's Office. (See Instructions for Cashier's address and Application address.)

Check number and name on check is provided in this application.

If using ePay:

The voucher number is provided in this application or a copy of the voucher is attached.

### AUTHORIZATION NUMBER:

Authorization number provided – if this application is for renewal of an existing authorization.

### OPERATOR INFORMATION - Confirm each item is complete:

Customer Number (CN) issued by TCEQ Central Registry

Legal name as filed to do business in Texas (Call TX SOS 512/463-5555)

Name and title of responsible authority signing the application

Mailing address is complete & verifiable with USPS. [www.usps.com](http://www.usps.com)

Phone numbers/e-mail address

Type of operator (entity type)

Number of employees

Billing address is complete & verifiable with USPS. <http://www.usps.com>

### REGULATED ENTITY (RE) INFORMATION ON PROJECT OR SITE - Confirm each item is complete:

MS4/Regulated Entity Name

Site description

Latitude and longitude <http://www.tceq.texas.gov/gis/sqmaview.html>

County

Site/project physical address. Do not use a rural route or post office box.

Business description

### GENERAL CHARACTERISTICS - Confirm each item is complete:

Indian Country Lands –the facility is not on Indian Country Lands

Standard Industrial Classification (SIC) Code [www.osha.gov/oshstats/sicscr.html](http://www.osha.gov/oshstats/sicscr.html)

Level of MS4

Qualifying TCEQ “Designated” small MS4

Annual Reporting Year

7<sup>th</sup> Minimum Control Measurement (MCM) for Municipal Construction Activities

Discharge information

Edwards Aquifer rule

Public participation information

### CERTIFICATION

Certification statements have been checked indicating “Yes”

Signature meets 30 Texas Administrative Code (TAC) 305.44 and is original.

Stormwater Management Program (SWMP), and completed SWMP Cover Sheet are attached to the NOI.

## STORMWATER MANAGEMENT PROGRAM (SWMP) COVER SHEET

### Confirm Each Minimum Control Measure (MCM) Below is Included in the SWMP

This cover sheet MUST be completed by indicating the page number where the requested item will be found in the SWMP. Provide the page number to the left of each item.

This cover sheet MUST be attached to the front of the SWMP.

Operator:

Operator name on NOI: \_\_\_\_\_

Assessment of program elements:

Program elements that were described in the previous permit have been assessed and modified as necessary. New elements have been developed and implemented as necessary.

N/A, If newly regulated MS4.

MCM 1: Public Education, Outreach, and Involvement

Page # (s) – Provide the page number (s) to the left of each item.

The SWMP includes the following required elements:

#### Requirements for all MS4s:

1. SWMP includes a stormwater education and outreach program to educate public employees, business, and the general public about hazards associated with the illegal discharges and improper disposal of waste and about the impacts stormwater can have on water quality, and steps they can take to reduce pollutants in stormwater.
2. Defines the goals and objectives of the program based on high-priority community-wide issues.
3. Identifies the target audiences.
4. Appropriate educational material is developed or used.
5. Education material is distributed.

SWMP Lists Best Management Practices (BMPs) used to fulfill this MCM. Examples of possible BMPs include, but are not limited to, the following:

- Classroom Education
- Use of media
- Education/Outreach for Commercial Activities
- Lawn and garden activities
- Promotional giveaways
- Water conservation practices for homeowners
- Outreach programs tailored to specific communities and children
- Stormwater educational materials
- Educational displays, pamphlets, booklets, and utility stuffers
- Webpage
- Storm drain stenciling
- Speakers to community groups
- Encouragement of proper lawn and garden care
- Encouragement of low impact development
- Support of pollution prevention for businesses

- Encouragement of water conservation practices
  - Encouragement of pet waste management
  - Stormwater hotlines
6. SWMP includes a program that complies with state and local public notice requirements.
  7. May include using public input in the implementation of the program.
  8. May include opportunities for citizen to participate in implementation of control measures.
  9. Ensure the public easily can find information about the SWMP.

SWMP Lists Best Management Practices (BMPs) used to fulfill this MCM. Examples of possible BMPs include, but are not limited to, the following:

- Stakeholder meetings
- Community hotline
- Coordination with school groups/scouting
- Listserver
- Stream cleanup and monitoring
- Adopt-A-Stream programs
- Incentives for businesses to participate, such as web links
- Volunteer monitoring
- Watershed Organization
- Storm drain stenciling programs
- Advisory/partner committees
- Mailing list development and use
- Reforestation programs
- Wetland plantings
- Coordinate volunteer programs.

SWMP includes measureable goals, and the method of measurement, for addressing stormwater quality

SWMP has been fully implemented, or includes a schedule of implementation not to exceed five (5) years from permit issuance date.

<b>MCM 2: Illicit Discharge Detection and Elimination</b>
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Page # (s) – Provide the page number (s) to the left of each item.

The SWMP includes the following required elements:

**Requirements for all MS4s:**

1. Description of program that will be used to detect, investigate and eliminate illicit discharges
2. MS4 map:
  - a. Location of all small MS4 outfalls operated by the MS4 and that discharge into waters of the U.S.
  - b. Location and name of all surface waters receiving discharge from the MS4s outfalls.
  - c. Priority areas, if applicable.
3. Methods for informing and training MS4 field staff.
4. Procedures for tracing the source of an illicit discharge.

5. Procedures for removing the source of the illicit discharge.
6. Facilitate public reporting of illicit discharges of water quality impacts associated with discharges into or from the small MS4.
7. Procedures for responding to illicit discharges and spills.
8. Inspections in response to complaints.

**Additional Requirements for Level 2, 3, and 4 small MS4s:**

For Level 2, 3, and 4 small MS4, procedures to prevent and correct leaking on-site sewage disposal systems.

**Additional Requirements for Level 3 and 4 small MS4s:**

Follow-up investigation after the illicit discharge has been eliminated.

**Additional Requirements for Level 4 small MS4s:**

1. Procedures for identifying and creating a list of priority areas within the small MS4s likely to have illicit discharges.
2. Implement a dry weather field screening program to assist in detecting and eliminating illicit discharges to the small MS4.

SWMP Lists Best Management Practices (BMPs) used to fulfill this MCM.

Examples of possible BMPs may include the following:

- List of non-stormwater discharges that will not be considered illicit
- Procedures to address illegal dumping
- Hazardous materials disposal opportunities
- Industrial/Business connections
- Addressing wastewater connections to MS4
- Addressing recreational sewage (boats/camping/etc.)
- System inspections
- Dye testing
- Recycling programs
- Informing public/employees/businesses of hazards associated with illicit discharges
- Identification of illicit discharges
- Used oil collection centers
- Public outreach and education programs regarding illicit discharges
- Publicize and facilitate public reporting

SWMP includes measurable goals, and the method of measurement, for addressing stormwater quality.

SWMP has been fully implemented, or includes a schedule of implementation not to exceed five (5) years from permit issuance date.

<b>MCM 3: Construction Site Stormwater Runoff Control</b>
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Page # (s) – Provide the page number (s) to the left of each item.

The SWMP includes the following required elements:

**Requirements for all MS4s:**

1. Description of program that will be developed, implemented and enforced, to address stormwater runoff from construction once acre and greater (including larger common plan).
2. Ordinance or other regulatory mechanism to require erosion and sediment controls, as well as sanctions to ensure compliance, to the extent allowable under state and local law.
3. Program requires construction site operators to implement erosion and sediment control – BMPs to minimize the discharge of pollutants.
  - a. Program requires soil stabilization measures, and implementation of BMPs to control pollutants from equipment and vehicle washing and other wash waters.
  - b. Program requires operators to minimize exposure to stormwater of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste, and other materials.
  - c. Minimize the discharge of pollutants from spills and leaks. As an alternative, ensure that the construction site has developed a stormwater pollution prevention plan in accordance with the TPDES Construction General Permit TXR150000.
4. Program prohibits illicit discharges such as wash out wastewater, fuels, oils, soaps, solvents, and dewatering activities.
5. Procedures for construction site plan review to consider water quality impacts.
6. Procedures for construction site inspections and enforcement of control measures, to the extent allowable under state and local law.
7. Procedures for receipt and consideration of information submitted by the public.
8. Procedures for MS4 staff training.

**Additional Requirements for Level 3, and 4 small MS4s:**

Includes an inventory of all permitted active construction sites greater than one acre or less than one acre if part of a larger common plan of development.

SWMP lists BMPs used to fulfill this MCM. Examples may include:

- Requirement to comply with TPDES CGP
- Notification to discharger of responsibilities under TPDES CGP
- Hire staff to review construction site plans
- Provide a web page for public input on construction activities
- Require overall construction site waste management
- Perform site inspections and enforcement
- Provide education and training for construction site operators
- Notify dischargers of requirement to obtain TPDES permit coverage
- Mechanism to prohibit discharges into MS4 where necessary

SWMP includes measurable goals, and the method of measurement, for addressing stormwater quality.

SWMP has been fully implemented, or includes a schedule of implementation not to exceed five (5) years from permit issuance date.

**MCM 4: Post-Construction Stormwater Management in New Development and Redevelopment**

Page # (s) – Provide the page number (s) to the left of each item.

The SWMP includes the following required elements:

**Requirements for all MS4s:**

1. Description of program that will be developed, implemented and enforced, to address stormwater runoff from new development and redeveloped sites that discharge into the small MS4 that disturb one acre or more, including projects that disturb less than one acre that are part of a larger common plan of development or sale.
2. Ordinance or other regulatory mechanism is in place or planned which will regulate discharges from new development and redevelopment projects.
3. Establish, implement, and enforce a requirement that owners or operators of new development and redeveloped sites design, install, implement, and maintain a combination of structural and non-structural BMPs appropriate for the community and that protects water quality.
4. Document and maintain records of enforcement actions.
5. Long-term operation and maintenance of post construction stormwater control measures is addressed.
6. Operation and maintenance is documented.

**Additional Requirements for Level 4 small MS4s:**

1. Develop and implement an inspection program to ensure that all post construction stormwater control measures are operating correctly and are being maintained.
2. Inspections are documented.

SWMP lists BMPs used to fulfill this MCM. Examples may include:

- Local ordinance in place or planned
- Guidance document for developers to utilize
- Specific BMPs established for particular watersheds
- List of appropriate BMPs provided to operators
- Elimination of curbs and gutters is encouraged
- Zoning takes into account stormwater issues
- Incentives for use of permeable choices, such as porous pavement
- Requirements for wet ponds or other BMPs for certain size sites
- Xeriscaping

SWMP includes measurable goals, and the method of measurement, for addressing stormwater quality.

SWMP has been fully implemented, or includes a schedule of implementation not to exceed five (5) years from permit issuance date.

The SWMP includes the following required elements:

**Requirements for all MS4s:**

1. An operation and maintenance (O&M) program, including an employee training component, in place or scheduled, to reduce/prevent pollution from municipal activities and municipally owned areas included but not limited to park and open space maintenance; street, road, or highway maintenance; fleet and building maintenance; stormwater system maintenance; new construction and land disturbances; municipal parking lots; vehicle and equipment maintenance and storage yards; waste transfer stations; and salt/sand storage locations.
2. Develop and maintain an inventory of the MS4's facilities and stormwater controls.
3. Inform or train staff involved in good housekeeping practices.
4. Waste from the MS4 is removed and properly disposed.
5. Contractors hired by the MS4 must be required to comply with operating procedures.
  - a. MS4 develop contractor oversight procedures.
6. MS4 evaluates O&M activities for their potential to discharge pollutants in stormwater for road and parking lot maintenance, bridge maintenance, cold weather operations, and right-of-way maintenance etc.
  - a. MS4 identifies pollutants of concern that could be discharged from the O&M activities.
  - b. MS4s develop and implement pollution prevention measures that will reduce discharge of pollutants from O&M activities.
  - c. MS4s inspects pollution prevention measures at MS4 facilities.
7. MS4 maintains structural controls.

**Additional requirements for Level 3 and 4 small MS4s:**

1. Storm sewer system O&M.
  - a. MS4 develops and implements an O&M program to reduce the collection of pollutants in catch basins and other surface structures.
  - b. MS4 develops a list of potential problem areas for increased inspection (for example, areas with recurrent illegal dumping).
2. Implement an O&M program to reduce discharge of pollutants from roads that might include a street sweeping and cleaning program, or inlet protection. The program includes an implementation schedule and a waste disposal procedure.
3. MS4 map identify MS4 facilities and stormwater controls.
4. MS4 assess its facilities for their potential to discharge pollutants into stormwater.
  - a. The MS4 identifies high priority facilities that have a high potential to generate stormwater pollutants. At a minimum, facilities include the MS4s maintenance yards, hazardous waste facilities, fuel storage locations, and any other facilities at which chemicals or other materials have a high potential to be discharge in stormwater.
  - b. The MS4 documents the result of the assessments.
5. The MS4 develops stormwater management Standard Operation Procedures for high priority facilities.
6. The MS4 implements stormwater controls at high priority facilities that address:
  - a. Good housekeeping

- b. De-icing and anti-icing storage
  - c. Fueling operations and vehicle maintenance
  - d. Equipment and vehicle washing
7. The MS4 develops and implements an inspection program that includes high priority facilities.

**Additional requirements for Level 4 small MS4s:**

MS4 has an application and management program for pesticides, herbicides, and fertilizers that address:

- a. Evaluating materials and activities used at public open spaces.
- b. Implementing the following practices to minimize generating pollutants related to landscaping.
  - i. Education for applicators and distributors
  - ii. Encouragement of non-chemical solutions for pest management
- c. Development of schedules that minimizes discharge of pollutants.
- d. Ensuring collection and proper disposal of unused pesticides, herbicides, and fertilizers.

SWMP lists BMPs used to fulfill this MCM. Examples may include:

- BMPs which address fleet vehicle maintenance/washing
- BMPs which address parking lot and street cleaning
- Catch basin and storm drain system cleaning
- Landscaping and lawn care (e.g. xeriscaping)
- Waste materials management
- Road salt application and storage practices
- Used oil recycling
- Pest management practices
- Fire training facilities
- BMPs which address roadway and bridge maintenance
- Golf course maintenance/waste disposal
- Disposal of cigarette butts
- Park maintenance (e.g., providing trash bags)

SWMP includes measurable goals, and the method of measurement, for addressing stormwater quality.

SWMP has been fully implemented, or includes a schedule of implementation not to exceed five (5) years from permit issuance date.

<b>MCM 6: Industrial Stormwater Sources</b>
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Page # (s) – Provide the page number (s) to the left of each item.

The SWMP includes the following required elements:

**Requirements for Level 4 MS4 only:**

Program to identify and control industrial stormwater sources that at least includes:

- a. MS4 landfills, other treatment, storage, or disposal facilities for municipal waste, hazardous waste treatment, storage, disposal and recovery facilities and facilities that are subject to Emergency Planning and Community Right-to-Know Act (EPCRA).
- b. Priorities and procedures for inspections and for implementing control measures for such discharges.

Optional 7<sup>th</sup> MCM: Municipal Construction Activities (only available within the regulated area where the MS4 operator meets the definition of construction site operator)

Page # (s) – Provide the page number (s) to the left of each item.

If this MCM is applicable, the SWMP includes the following information:

1. Description of how construction activities will generally be conducted so as to take into consideration local conditions of weather, soils, and other site specific considerations.
2. Description of the area that this MCM will address and where the MS4 operator's construction activities are covered (e.g. within the boundary of the urbanized area, the corporate boundary, a special district boundary, an extra territorial jurisdiction, or other similar jurisdictional boundary).
3. If the area included in this MCM includes areas outside of the UA, then all MCMs will be implemented over those additional areas as well.
4. Description provided for one of the following:
  - a. How contractor activities will be supervised or overseen to ensure that the Stormwater Pollution Prevention Plan (SWP3) requirements are properly implemented at the construction site(s); or
  - b. How the MS4 operator will make certain that contractors have a separate authorization for stormwater discharges if needed.
5. General description of how a construction SWP3 will be developed for each construction site.
6. Records of municipal construction activities authorized under this optional MCM.

# Notice of Intent (NOI) for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (MS4) under the TPDES Phase II MS4 General Permit (TXRo40000)

## 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  
(MC-148)  
P.O. Box 13087  
Austin, Texas 78711-3087

##### BY OVERNIGHT/EXPRESS MAIL:

Texas Commission on Environmental Quality  
Applications Review and Processing Team  
(MC-148)  
12100 Park 35 Circle  
Austin, TX 78753

#### TCEQ Contact List:

Small Business and Local Government Assistance	800/447-2827
Application – status and form questions:	512/239-4671
Technical questions:	512/239-4671
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 and SWMP 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. Never give 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 operator. The operator will have 30 days to respond to the NOD. The response will be reviewed for completeness.
- 3) **Technical Review of SWMP:** More information may be requested by phone or technical NOD letter mailed to the SWMP contact. The executive director's preliminary determination on the NOI and SWMP will be prepared and filed with the TCEQ Chief Clerk.
- 4) **Public Participation Process:** The TCEQ Chief Clerk will mail written instructions for publishing the executive director's preliminary determination on the NOI and SWMP at least once in the newspaper of general circulation in the county where the small MS4 is located. If applicable, a public meeting may be held.

- 5) **Acknowledgment of Coverage:** An Acknowledgment Certificate will be mailed to the operator. This certificate acknowledges coverage under the general permit.

-OR-

**Denial of Coverage:** Coverage may be denied if the operator fails to respond to the NOD, the response is inadequate, or find the NOI and SWMP do not meet the requirements of this general permit. If coverage is denied, the operator will be notified.

### **General Permit**

Coverage under the general permit begins upon approval of the NOI and the SWMP by TCEQ and after the public notice process has been completed. You should have a copy of the general permit when submitting your application. You may view and print the permit for which you are seeking coverage, on the TCEQ web site <http://www.tceq.texas.gov>. Search using key word TXR040000.

### **General Permit 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 Operator**

An authorization under the general permit is not transferable. If the operator of the regulated entity changes, the present permittee must submit a Notice of Termination and the new operator must submit a Notice of Intent. The NOT and NOI must be submitted concurrently not more than ten (10) calendar days after the change occurs.

### **TCEQ Central Registry Core Data Form**

The Core Data Form has been incorporated into this form. Do not send a Core Data Form to TCEQ. After final acknowledgment of coverage under the general permit, the program will assign a Customer Number 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 authorization number under the search field labeled *Additional ID*. Capitalize all letters in the authorization 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**

Payment of the fee 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 Circles  
Austin, TX 78753

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

When making the payment you must select Water Quality, and then select the fee category "General Permit MS4 Phase II Stormwater Discharge NOI 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's 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:** <http://www.tceq.texas.gov/epay>

You must enter your account number provided at the top portion of your billing statement.

Payment methods include American Express, MasterCard, Visa, and electronic check payment (ACH).

**INSTRUCTIONS FOR FILLING OUT THE NOI FORM**

**Renewal of General Permit:** Dischargers holding active authorizations under the expired General Permit are required to submit a NOI to continue coverage. The existing authorization number is required. If the authorization number is not provided or has been terminated, expired, or denied a new permit number will be issued.

**1) OPERATOR (Applicant)**

**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 an authorization 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.

**c) Operator Contact Information**

Provide the first and last name, and the title of the Operator (Applicant) Contact.

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.

The area code and phone number should provide contact to the operator. Leave Extension blank if not applicable.

The fax number and e-mail address are optional and should correspond to the operator.

**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.

**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.

**Other Government**

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

**e) 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.

**2) ANNUAL BILLING CONTACT**

An annual fee is assessed to each operator holding an active authorization under the general permit 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 operator's representative responsible for payment of the invoice.

**3) APPLICATION CONTACT**

Provide the name, title, and contact information of the person that TCEQ can contact for additional information regarding this application. This contact may be a consultant or entity other than the applicant.

**4) 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 an authorization number, registration number, or license number. If this regulated entity has not been assigned an RN, leave this space blank.

If the site of your business is part of a larger business site, a Regulated Entity Number (RN) may already be assigned for the larger site. Use the RN assigned for the larger site. 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. The site information for this authorization may vary from the larger site information.

An example is a chemical plant where a unit is owned or operated by a separate corporation that is accessible by the same physical address of your unit or facility. Other examples include industrial parks identified by one common address but different corporations have control of defined areas within the site. In both cases, an RN would be assigned for the physical address location and the permitted sites would be identified separately under the same RN.

**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) Describe the boundaries of the regulated portion of the small MS4.**

In your own words, briefly describe the boundaries of the regulated portion of the small MS4. Do not repeat the SIC Code description.

**d)** Provide the city where the largest residential population exists within the regulated MS4 boundaries. If there is no city within the boundaries of the MS4, provide the name of the nearest city.

**e)** Provide the ZIP code where the largest residential population exists within the regulated MS4 boundaries.

**f) County**

Identify the county or counties in which the regulated entity is located.

**g) 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:

<http://www.tceq.texas.gov/gis/sqmvview.html> or <http://nationalmap.gov/ustopo>

**5) GENERAL CHARACTERISTICS**

**a) 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. Do not submit this form to TCEQ.

Indian Country means (1) all land within the limits of any American Indian reservation under the jurisdiction of the U.S. government, notwithstanding the issuance of any patent, and including rights-of-way running throughout the reservation; (2) all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or outside the limits of a State; and (3) all Indian allotments, the Indian titles which have not been extinguished, including rights-of-way running through the same.

Indian Tribe means any Indian Tribe, band, nation, or community recognized by the Secretary of the Interior and exercising substantial governmental duties and powers.

**b) Standard Industrial Classification (SIC) code**

Provide the SIC code that best describes the operator's primary business. Common SIC Codes are provided below. For help with SIC codes, go to: [www.osha.gov/oshstats/sicser.html](http://www.osha.gov/oshstats/sicser.html)

- 9111 - Executive offices (such as for a city, county, ect.)
- 8221 - Colleges, Universities, and Professional Schools
- 8222 - Junior Colleges and Technical Institutes
- 9621 - Regulation and Administration of Transportation Programs
- 4111 - Local and Suburban Transit
- 4952 - Sewerage Systems
- 4971 - Irrigation Systems
- 9223 - Correctional Institutions
- 9511 - Air and Water Resource and Solid Waste Management (including flood control, drainage development, etc.)

**c) Category or level of the MS4**

The general permit defines MS4s by four different categories or levels, based on the population served within the 2010 UA. "Population served" means the residential population within the regulated portion of the small MS4 based on the 2010 Census, except for non-traditional small MS4s.

A reference map identifying the 2010 Census UAs can be found at [www.epa.gov/npdes/stormwater/urbanmaps](http://www.epa.gov/npdes/stormwater/urbanmaps)

**d) TCEQ "Designated" small MS4**

A small MS4 that is outside of urbanized area that is "designated" by TCEQ is eligible for coverage under this general permit. The small MS4 Operator must obtain authorization under this general permit or apply for coverage under an individual TPDES stormwater permit within 180 days of notification of their designation.

Information about urbanized areas (UAs) and a link to the UA maps are found on the EPAs website at: <http://cfpub1.epa.gov/npdes/stormwater/urbanmaps.cfm>

**e) Annual Reporting Year**

The annual report must address the previous reporting year. The selected reporting year cannot be changed during the permit year.

1. The first reporting year begins on the permit effective date (December 13, 2013) and lasts for a period of one (1) year.
2. If the MS4 selects the fiscal year, the first reporting year will last until the end of the fiscal year following the end of the first permit year.
3. If the MS4 selects the calendar year then the first reporting year will last until December 31, 2014.

**f) SWMP**

1. The NOI must include the SWMP when submitted to TCEQ for processing, and the Operator is required to certify the SWMP has been developed according to the general permit. Also, the SWMP Cover Sheet must be completed and placed to the front of the

SWMP. When completing the SWMP Cover Sheet, be sure to enter the page number and/or page range for each item under an MCM.

2. The general permit requires the name, address, phone number and fax number of the designated person responsible for implementing and coordinating implementation of the SWMP. All information is required with an exception of email, however, this information is desired.

Changes to the SWMP may require TCEQ approval. Changes must be submitted by Notice of Change to the same address as the NOI. Notice of Change will either be automatically approved or additional information may be request before approval.

**g) 7<sup>th</sup> Minimum Control Measure (MCM)**

1. Indicate if the municipality is seeking coverage under this general permit for municipal construction activities where the municipality meets the definition of “construction site operator”.
2. If authorization for municipal construction activities is proposed in this NOI the developed MCM must be included with the SWMP and the NOI must include a description of the boundaries covered in the MCM. The area included for this MCM must include only the regulated MS4 area; or it may include additional areas of the MS4 if all other MCMs are implemented over the additional area as well.

This coverage may be obtained after the original NOI is approved. This may be accomplished by submitting a Notice of Change that includes the developed MCM and a description of the proposed municipal construction activity boundaries addressed in the MCM. If the MS4 operator proposes to include additional areas outside of the regulated MS4, then the Notice of Change must also indicate that the MS4 operator will implement the entire SWMP over the additional areas.

3. If the discharge or potential discharge from regulated construction activities is within the Recharge Zone, Contributing Zone, or Contributing Zone within the Transition Zone of the Edwards Aquifer, then additional requirements may exist under the Edwards Aquifer Protection Program (30 TAC Chapter 213). For construction activities that will be regulated under TXR040000, the approved Contributing Zone Plan or Water Pollution Abatement Plan must be included or referenced as part of the construction site stormwater pollution prevention plan. For other activities regulated under 30 TAC Chapter 213, information must be included in the SWMP. Compliance with any Edwards Aquifer requirements is required in addition to the requirements of this general permit.

**h) Discharge Information**

1. The stormwater may be discharged directly to a receiving stream or through another **MS4\*** from your MS4. It eventually reaches a receiving water body such as a local stream or lake, possibly via a drainage ditch. You must provide the name of the surface water body that receives the discharge from the site (a local stream or lake). Please note that this general permit does not grant permission to use another MS4 as a conveyance of stormwater and certain non-storm water discharges along the discharge route.
2. Identify the classified segment number(s) receiving a discharge directly or indirectly. Go to the link below to find the segment number of the classified water body where wastewater would flow: [www.tceq.texas.gov/publications/gi/gi-316](http://www.tceq.texas.gov/publications/gi/gi-316)

3. Identify any surface water bodies receiving discharges from the small MS4 that are on the latest EPA-approved CWA § 303(d) list of impaired waters or the Texas Integrated Report of Surface Water Quality for CWA Sections 305(b) and 303(d).

The EPA approved CWA 303(d) list of impaired waters and Texas Integrated Report of Surface Water Quality for CWA Section 305(b) and 303(d) can be found at:  
[http://www.tceq.texas.gov/waterquality/assessment/305\\_303.html](http://www.tceq.texas.gov/waterquality/assessment/305_303.html)

4. Identify the **MS4\*** Operator name if the stormwater discharge is into an MS4.

**\*MS4 is an acronym for Municipal separate storm sewer system. MS4 is defined as** a separate storm sewer system owned or operated by a state, city, town, county, district, association, or other public body (created by or pursuant to state law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under state law such as a sewer district, flood control or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, that discharges to water in the state.

For assistance, you may call the technical staff of the Water Quality Assessment & Standards Section at 512/239-4671.

#### **i) Edwards Aquifer Rule**

See maps on the TCEQ website to determine if the site is located within the Recharge Zone, Contributing Zone, or Contributing Zone within the Transition Zone of the Edwards Aquifer at <http://www.tceq.texas.gov/field/eapp/viewer.html>

If the discharge or potential discharge is within the Recharge Zone, Contributing Zone, or Contributing Zone within the Transition Zone of the Edwards Aquifer, then additional requirements may exist under the Edwards Aquifer Protection Program (30 TAC Chapter 213). For activities regulated under 30 TAC Chapter 213, any required plans must be included in the SWMP. Compliance with any Edwards Aquifer requirements is required in addition to the requirements of this general permit.

#### **j) Public Participation**

The applicant must indicate on the NOI that it will comply with the public participation requirements described in Part II.D.12 of the general permit. The person responsible for receiving the information from the TCEQ Chief Clerk for publishing in the newspaper must be identified and all contact information must be provided.

After review of the NOI and SWMP is completed, the Office of Chief Clerk will mail the Executive Director's preliminary determination to the contact provided in the NOI for publishing in the newspaper of largest circulation in the county of the small MS4.

The comment period begins on the first date the notice is published and ends 30 days later, unless a public meeting is held. If a public meeting is held it will end at the closing of the public meeting.

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

If significant public interest exists, the executive director will direct the applicant to publish notice of the meeting and to hold the public meeting. The applicant must publish the notice of

public meeting at least 30 days prior to the public meeting and hold the meeting in the county where the MS4 is located.

## **6) CERTIFICATIONS**

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

### **Operator Certification:**

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).

# 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:

TXRo40000

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