



Notice of Change (NOC) to an Authorization or Waiver for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (MS4) under the TPDES Phase II MS4 General Permit (TXRo40000)

IMPORTANT – Please read the following information and [INSTRUCTIONS](#) before filling out this form.

This form will be returned for any of the following reasons:

- 1) The authorization number is not provided, is invalid, or is no longer active,
- 2) Wet ink signature of person meeting signatory requirements is not provided,
- 3) The current permittee is not the applicant, and;
- 4) A requested change in operator name is not a legal name change.

This form cannot be used for a change in Operator. Refer to the general permit for information.

What is the authorization or waiver to be changed? TXRo4_____ or TXRMW_____

1) OPERATOR (PERMITTEE):

a) What is the full Legal Name of the current Operator as on the authorization?

b) What is the Customer Number (CN) assigned to this operator? You may search for your CN at: <http://www12.tceq.texas.gov/crpub/index.cfm?fuseaction=cust.CustSearch>

CN _____

c) What is the Regulated Entity Reference Number (RN) assigned to this site?

RN _____

d) What is the name and title of the person signing the application? The person must be an executive official meeting signatory requirements in TAC §305.44.

Prefix (Mr. Ms Miss): _____

First/Last Name: _____ Suffix: _____

Title: _____ Credential: _____

2) APPLICATION CONTACT

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

Prefix (Mr. Ms. Miss): _____

First/Last Name: _____ Suffix: _____

Title: _____ Credential: _____

Organization Name: _____
Phone Number: _____ Extension: _____ Fax Number: _____
E-mail Address: _____
Mailing Address: _____
Internal Routing (Mail Code, Etc.): _____
City: _____ State: _____ ZIP Code: _____
Mailing Information if outside USA
Territory: _____ Country Code: _____ Postal Code: _____

3) REQUESTED CHANGE TO PERMITTED INFORMATION

What information has changed or needs to be corrected? Check one or more of the following options and enter the new information below.

Operator legal name change with Texas Secretary of State (TX SOS)

Note: Authorizations are not transferable. If a change in entity has occurred, this NOC is not attainable.

Address and contact information for operator or billing for annual fee

Site Information (Regulated Entity).

Note: Authorizations under a general permit are site specific. If a change in site location has occurred, this NOC is not attainable.

Change to the approved Stormwater Management Program (SWMP)

a) Operator Legal Name Change

1. What is the NEW active Legal Name with TX SOS or on other legal document?

New Legal Name: _____

2. What is the TX SOS Filing Number for us to confirm this official name change?
(This is only applicable to Limited Partnerships or Corporations.)

TX SOS Filing number: _____

b) Address and Contact Information Change

1. What information has changed? Check one or more as applicable.

Operator mailing address for permit correspondence

Billing address/contact for receiving Annual Fee Statement

2. Is the updated information the same for each selection?

Yes - Provide the updated information in the fields below.

No - Use Attachment 1 of the NOC to provide the updated address.

Prefix (Mr. Ms. Miss): _____

First/Last Name: _____ Suffix: _____

Title: _____ Credential: _____

Organization Name: _____

Phone Number: _____ Extension: _____ Fax Number: _____

E-mail Address: _____

Mailing Address: _____
Internal Routing (Mail Code, Etc.): _____
City: _____ State: _____ ZIP Code: _____
Mailing Information if outside USA:
Territory: _____ Country Code: _____ Postal Code: _____

c) Regulated Entity (RE) Site Information Correction or Update

1. Updated or corrected description of the regulated MS4 boundaries:

2. Other update to regulated entity information. Please explain.

d) Change to the Approved SWMP

Check the applicable item(s) to be changed or updated and complete the section for each item. Reference the attachment for each item.

Add the 7th Minimum Control Measure (MCM) to the approved SWMP.

Complete Attachment 2 of the NOC and the following question:

Are you seeking to use the 7th MCM only in the regulated (urbanized) area?

Yes – Attach the MCM with Attachment 2 of the NOC.

No – Attach the MCM with Attachment 2 of the NOC and indicate Yes to the following certification*:

I certify that the MS4 is in compliance with all of the MCMs listed in this general permit, in the MS4's additional area where the 7th MCM will be utilized.

Yes

*Failure to indicate YES to this certification will result in denial.

Request to update the approved SWMP, replacing a less effective or infeasible Best Management Practice (BMP) specifically identified in the SWMP with an alternate BMP. The request must include the following:

An explanation of why the BMP was eliminated.

An explanation of the effectiveness of the replacement BMP.

An explanation of why the replacement BMP is expected to achieve the goals of the replaced BMP.

Are the revisions to the approved SWMP attached?

Yes, enclosed as _____

Other requested changes to the approved SWMP requiring TCEQ approval.

Are the revisions to the approved SWMP attached?

Yes, enclosed as _____

4) 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)

**Attachment 1 to a NOC Form for Providing Address & Contact Information Related
to a Specific Authorization or Waiver under the Phase II MS4 General Permit
TXR040000**

Authorization or Waiver Number (required): TXR04 _____ or TXRMW _____

Provide additional address and contact information below. Incomplete and invalid addresses will not be used. Verify mailing addresses at: <https://tools.usps.com/go/ZipLookupAction!input.action>

A. Operator

Phone Number: _____ Extension: _____ Fax Number: _____
E-mail Address: _____
Mailing Address: _____
Internal Routing (Mail Code, Etc.): _____
City: _____ State: _____ ZIP Code: _____
Mailing Information if outside USA
Territory: _____ Country Code: _____ Postal Code: _____

B. Billing Contact Information and Address for Receiving Annual Fee Statement

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

Attachment 2 to a NOC Form for adding the Optional 7th Minimum Control Measure Related to a Specific Authorization or Waiver under the Phase II MS4 General Permit TXR040000

7th Minimum Control Measure Cover Sheet

This cover sheet MUST be completed by indicating the page number where the requested item will be found in the MCM. Provide the page number in the left column for each item. The questions relating to the Edwards Aquifer must also be answered.

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

Operator Name on NOI: _____

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

If this MCM is utilized applicable, SWMP must include the following information:

Page # (s)

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

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)

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.

Description provided for one of the following:

- 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
- How the MS4 operator will make certain that contractors have a separate authorization for storm water discharges if needed.

General description of how a construction SWP3 will be developed for each construction site.

Edwards Aquifer Rule

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 required by the Edwards Aquifer Rule (30 TAC Chapter 213) must be either included or referenced in the construction SWP3(s).

No

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GENERAL INFORMATION

Where to Send the NOC:

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

NOC Process:

1. Administrative Review: The form will be reviewed to ensure the request is from the permittee (operator) on the authorization, the permit is active and initial coverage was acknowledged. Each item on the form will be reviewed for a complete response. In addition, the operator's legal name change must be verified with Texas Secretary of State (if applicable). The address(s) on the form must be verified with the US Postal Service (USPS) as an address receiving regular mail delivery. Never give an overnight/express mailing address.

If an item is incomplete or not verifiable, the operator may be notified by letter, phone call or email. In some instances as noted at the beginning of the form, the request may simply be returned.

2. NOC Confirmation: An updated Acknowledgment Certificate will be mailed to the operator only if the NOC is to change information provided on the acknowledgment certificate. The original coverage effective date will not change.

General Permit (Your Permit) and Forms

You may view and print the general permit on the TCEQ web site <http://www.tceq.texas.gov>. Search using key word TXR040000. General Permit Forms (NOI, Waiver, NOT, and NOC) and instructions are available 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 NOT and the new operator must submit a NOI. The NOI must be submitted not later than 10 days prior to the change in Operator status. Note that the NOT is effective on the postmarked date. It may be necessary to not terminate the existing permit until coverage by the new entity is confirmed.

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. You can find the information on the Central Registry web site at <http://www12.tceq.texas.gov/crpub/index.cfm>.

You can search by the Regulated Entity (RN), Customer Number (CN) or Name (Permittee), or by your permit number under the search field labeled *Additional ID*.

The Customer (Permittee) is responsible for providing consistent information to the TCEQ, and for updating all CN and RN data for all associated authorizations as changes occur. For General Permits, a Notice of Change form must be submitted to the program area for approval to update the CN and RN data in central registry.

INSTRUCTIONS FOR FILLING OUT THE NOC FORM

1) Operator (Permittee)

a) Legal Name. Provide the current legal name of the permittee, as on the permit.

b) Customer Number (CN). TCEQ's Central Registry will assign each customer a number that begins with CN, followed by nine digits. You may search for your CN at: <http://www12.tceq.texas.gov/crpub/index.cfm?fuseaction=cust.CustSearch>.

If the name(s) provided do not match the current permittee name(s), this form will be returned. It is the responsibility of the permittee(s) to comply with the general permit.

Note: If a change is being made to the CN and the CN has other TCEQ authorization types, it is the entity's responsibility to update those authorizations at the same time. If an authorization has been cancelled or terminated, the name cannot be changed on the permit. Because of this, a new CN may be issued for the new name.

c) Regulated Entity Reference Number (RN). This 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. Search for your RN: <http://www12.tceq.texas.gov/crpub/index.cfm?fuseaction=regent.RNSearch>.

If the site has changed or the information provided indicates a new location, this form will be returned. It is the responsibility of the permittee to comply with the general permit.

d) Person Signing this Application. Provide the name and title of the person signing the application. The person must be an executive official meeting signatory requirements in TAC §305.44.

2) APPLICATION CONTACT

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

3) REQUESTED CHANGE TO PERMITTED INFORMATION

Check one or more of the available options indicating the information in the form that is to be updated. Provide the updated information for Legal Name Change, Address and Contact Information Change, Regulated Entity Site Information Change, and/or Change to the Approved SWMP.

a) Legal Name Change. Provide the new legal name. The permits are not transferable. If the operator changes, the old entity must terminate their permit and the new entity must submit a form for a new permit.

b) Address and Contact Information Change. Indicate the type of address and contact information that has changed from the original NOI or last NOC submitted to TCEQ.

If the address and/or contact information is the same for all types, then check each type and enter the information in the fields on the form. If some types have different information, then use the NOC ATTACHMENT 1. The permit number MUST be written on ATTACHMENT 1 to indicate it is a part of the NOC form for the permit being updated. The updates cannot be made without reference to the submitted NOC form.

Verify mailing addresses with USPS <https://tools.usps.com/go/ZipLookupAction!input.action> for regular mail delivery (not overnight express mail). If you find that the address is not verifiable please indicate the address is used by the USPS for regular mail delivery. Failure to provide a valid mailing address will delay or prohibit us from updating the permit.

Please note that address updates relating to a general permit authorization can ONLY be made through a Notice of Change. Address changes submitted through any other form cannot be processed.

c) Regulated Entity Site Information Change. The NOC form is only for use to update or correct information submitted on the original application or last NOC for the authorization. The authorization under a general permit is site specific. If this change is related to a new location, a Notice of Change is not attainable.

d) Change to the Approved SWMP

The optional 7th Minimum Control Measure (MCM) can be added through an NOC after approval of the NOI and SWMP. The MCM is limited to the regulated area, such as the portion of the MS4 located within an urbanized area or the area designated by TCEQ as requiring coverage. This MCM may also be utilized over additional portions of the MS4 as long as the MS4 is in compliance with all of the MCMs listed in the general permit.

If the NOC is to add MCM 7th then Attachment 2 of the NOC must be provided.

Replacing a less effective or infeasible BMP specifically identified in the approved SWMP with an alternate BMP may be requested. The request must include:

- an explanation of why the BMP was eliminated.
- an explanation of the effectiveness of the replacement BMP.
- an explanation of why the replacement BMP is expected to achieve the goals of the replaced BMP.

Unless denied by the TCEQ in writing, the change shall be considered approved and may be implemented by the permittee 60 days from submitting the request. Other requested changes to the approved SWMP require written approval from TCEQ prior to implementing.

4) 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) (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)(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).