Notice of Change (NOC) for Small Municipal Separate Storm Sewer Systems (MS4) authorized under the TPDES Phase II MS4 General Permit TXR040000

**IMPORTANT:** Use the [INSTRUCTIONS](#INSTRUCTIONS) to fill out each question in 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 The authorization number is not provided, is invalid, or is no longer active;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. The form does not have a wet ink signature;
3. The current permittee is not the applicant; and
4. The 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.**

# Section 1. CURRENT AUTHORIZATION INFORMATION

**What is the authorization or waiver to be changed?**

**TXR04** Click here to enter text. **or TXRMW** Click here to enter text.

What is the Customer Number (CN) issued to the permittee?

CN Click here to enter text.

What is the full Legal Name of the current permittee on this authorization?

Click here to enter text.

What is the Regulated Entity number assigned to this site?

RN Click here to enter text.

# SECTION 2. APPLICATION CONTACT

This individual will be contacted if there are questions about this application.

Prefix (Mr. Ms. Miss): Click here to enter text

First and Last Name: Click here to enter text Suffix: Click here to enter text

Title: Click here to enter text Credential: Click here to enter text

Organization Name: Click here to enter text

Phone Number: Click here to enter text Fax Number: Click here to enter text

E-mail: Click here to enter text

Mailing Address: Click here to enter text

Internal Routing (Mail Code, Etc.): Click here to enter text

City, State, and Zip Code: Click here to enter text

# Section 3. REQUESTED CHANGE TO AUTHORIZATION

What information has changed or needs to be corrected? Select one or more of the following options and provide the requested information.

  [ ]  Operator's legal name changed with the Secretary of State (SOS). Stop! Submit Core Data Form (TCEQ-10400).

  [ ]  Address and contact information for the operator. Stop! Submit Core Data Form (TCEQ-10400).

  [ ]  Site Information Corrections. Stop! Submit Core Data Form (TCEQ-10400).

  [ ]  Billing information changed. Complete item 1.

  [ ]  Change to the approved Stormwater Management Program (SWMP). Complete item 2.

1. **Billing Address and Contact Information**

Prefix (Mr. Ms. or Miss): Click here to enter text.

First and Last Name: Click here to enter text. Suffix: Click here to enter text.

Title: Click here to enter text. Credentials: Click here to enter text.

Organization Name: Click here to enter text.

Phone Number: Click here to enter text. Fax Number: Click here to enter text.

Email: Click here to enter text.

Mailing Address: Click here to enter text.

City, State, and Zip Code: Click here to enter text.

1. **Changes to the Approved SWMP**

Check the applicable item(s) to be changed or updated and provide the requested information for each item.

  [ ]  Add the 7th Minimum Control Measure (MCM) to the approved SWMP. Complete Attachment A, attach the MCM, and answer the following question: Are you seeking to use the 7th MCM only in the regulated (urbanized) area?

  [ ]  Yes

  [ ]  No – complete the following certification:

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

  [ ]  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. Attach the revisions to the approved SWMP. The request must include an explanation of why the BMP was eliminated, the effectiveness of the replacement BMP, and why the replacement BMP is expected to achieve the goals of the replaced BMP.

  [ ]  Other requested changes to the approved SWMP requiring TCEQ approval. Attach the revisions to the approved SWMP.

# Section 4. OPERATOR CERTIFICATION

Operator Signatory Name: Click here to enter text.

Operator Signatory Title: Click here to enter text.

I 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 (use blue ink): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Date: \_\_\_\_\_\_\_\_\_\_\_

**Attachment A**

**Cover Sheet for 7th Minimum Control Measure**

Complete this cover sheet and attach the MCM directly behind this page.

Operator Name: Click here to enter text.

Table 1: 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, the SWMP must include the following information.

|  |  |
| --- | --- |
| **Required Optional 7th MCM** | **SWMP page number** |
| Description of how construction activities will generally be conducted in order to take into consideration local conditions of weather, soils, and other site-specific considerations. | Click here to enter text. |
| 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, and extra territorial jurisdiction or other similar jurisdictional boundary). | Click here to enter text. |
| If the area included in this MCM includes areas outside the UA, then all MCMs will be implemented over those additional areas as well. | Click here to enter text. |
| 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 stormwater discharges if needed. | Click here to enter text. |
| General description of how a construction SWP3 will be developed for each construction site. | Click here to enter text. |

**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

Instructions for Notice of Change (NOC) for Small Municipal Separate Storm Sewer Systems (MS4) authorized under the TPDES Phase II MS4 General Permit (TXR040000)

# GENERAL INFORMATION

## Where to Send the Notice of Change (NOC)

**BY REGULAR U.S. MAIL:**

Texas Commission on Environmental Quality

ARP Team (MC-148)

P.O. Box 13087

Austin, Texas 78711-3087

**BY OVERNIGHT/EXPRESS MAIL:**

Texas Commission on Environmental Quality

ARP Team (MC-148)

12100 Park 35 Circle

Austin, TX 78753

## TCEQ Contact List

Small Business & 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 Change Process

When your NOC and/or Core Data Form are received by the program, the forms will be processed as follows:

1. **Administrative Review**: The form(s) will be reviewed to ensure the request is from the permittee on the authorization, the permit is active, and initial coverage was acknowledged. Each item on the forms 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 forms must be verified with the US Postal Service (USPS) as an address receiving regular mail delivery. Do not 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.**

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

## General Permit (Your Permit)

You may view and print your general permit on the TCEQ website [http://www.tceq.texas.gov](http://www.tceq.texas.gov/). Search using keyword TXR040000.

## 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 (NOT) and the new operator must submit a NOI and Core Data Form (TCEQ 10400). The NOT, NOI and Core Data Form must be submitted no later than 10 days prior to the change in status. Note that the NOT is effective on the postmark date. It may be necessary to not terminate the existing permit until coverage by the new entity is confirmed.

# INSTRUCTIONS FOR FILLING OUT THE FORM

## Section 1. Current Authorization Information

**Authorization Number**

Provide the authorization number. This number will begin with TXR040. Do not use TXR04000, that is the general permit number not your authorization number.

**Customer Number (CN)**

TCEQ assigns each customer a number that begins with CN, followed by nine digits. Your Customer Number can be found by conducting a search on the following website: <http://www15.tceq.texas.gov/crpub/>.

**Legal Name of Current Permittee**

Provide the legal name of the current permittee(s), as shown on your acknowledgement certificate.

**Regulated Entity Number (RN)**

TCEQ assigns each regulated site a number that begins with RN, followed by nine digits. This is not a permit number, registration number, or license number. Your Regulated Entity number can be found by conducting a search on the following website: <http://www15.tceq.texas.gov/crpub/>.

## Section 2. Application Contact

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

## Section 3. Requested Changes to the Authorization

**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, Billing Address Change, Regulated Entity Site Information Change, and/or Change to the Approved SWMP.**

**Operator Legal Name Change**

**Do not submit this form. This change must be made by completing and submitting a Core Data Form (TCEQ 10400).**

**Operator Address or Contact Information**

**Do not submit this form. This change must be made by completing and submitting a Core Data Form (TCEQ 10400).**

**Site Information Corrections**

**Do not submit this form. This change must be made by completing and submitting a Core Data Form (TCEQ 10400).**

**Billing Address and Contact Information**

Provide a complete mailing address for receiving mail from the TCEQ. The mailing address must be recognized by the US Postal Service. You may verify the address on the following website: [https://tools.usps.com/go/ZipLookupAction!input.action](https://tools.usps.com/go/ZipLookupAction%21input.action).

Provide the phone number, fax number and e-mail address.

**Change to the Approved SWMP**

**Adding 7th MCM: 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 A and the MCM must be provided.**

**Changing a BMP: Replacing a less effective or infeasible BMP specifically identified in the approved SWMP with an alternate BMP may be requested.** Attach the revisions to the approved SWMP. **The request must include an explanation of:**

* **why the BMP was eliminated;**
* **the effectiveness of the replacement BMP; and**
* **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 Changes: Other requested changes to the approved SWMP require written approval from TCEQ prior to implementing.**

## Sections 4 Operator Certification

The certification must bear an original signature of a person meeting the signatory requirements specified under 30 Texas Administrative Code §305.44.

IF YOU ARE A CORPORATION:

The regulation that controls who may sign an application form is 30 Texas Administrative Code §305.44(a), which is provided below. According to this code provision, any corporate representative may sign an NOC 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 NOC 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 NOC or similar form is 30 Texas Administrative Code §305.44(a), which is provided below. According to this code provision, only a ranking elected official or principal executive officer may sign an NOC 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 statutes under which your government entity was formed. An NOC 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 NOC 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).