



Texas Commission on Environmental Quality

Instructions for Public Notice: Notice of Receipt of Application and Intent to Obtain Permit (NORI) for Industrial and Hazardous Waste Permits

Your application has been declared administratively complete, and now you must comply with the following instructions. Please read all instructions carefully. If you have questions, contact the Waste Permits Division at WPD-PNV@tceq.texas.gov or (512) 239-2335. When contacting TCEQ regarding this application, please refer to the permit number at the top of the enclosed Notice of Receipt of Application and Intent to Obtain Permit.

A. Reviewing the Notice

We have enclosed the Notice of Receipt of Application and Intent to Obtain Permit (Notice). All necessary information is included in the Notice. Please read it carefully and notify us immediately if it contains any errors or omissions. You are responsible for ensuring the accuracy of all information published. However, you may not change the text or formatting of the Notice without prior approval from TCEQ. If you have any questions regarding the content of the notice, please contact the administrative reviewer of your application (named in the cover letter).

B. Publishing the Notice

You must follow these instructions when publishing the enclosed Notice.

1. Publish at your expense **within 30 calendar days** after the date of administrative completeness. Refer to the cover letter for the date of administrative completeness.
2. Preserve the original text and emphasis. The **bold** text of the enclosed Notice must be printed in the newspaper in a font style or size that distinguishes it from the rest of the notice (**bold** or *italics*). Failure to do so may require re-notice.
3. Publish at least once in a newspaper (or newspapers) meeting these two requirements. One newspaper may be used if it satisfies both requirements:
 - a. **First Requirement.** You must publish the Notice in **either**—
 - 1) The newspaper of largest circulation within the county where the facility is located or proposed to be located, **or**
 - 2) If the facility is located or proposed to be located in a municipality, any newspaper of general circulation in the municipality.
 - b. **Second Requirement.** You must publish the Notice in **either**—
 - 3) The newspaper of largest general circulation that is published in the county in which the facility is located or proposed to be located, **or**
 - 4) If a newspaper is not published in the county, any newspaper of general circulation in that county.

C. Publishing the Alternative Language Notice

Your permit application included an Alternative Language Notice Checklist. If your responses indicated that a Spanish-language translation of the Notice is required, then we have included it in this package. For further guidance, please review the following requirements.

1. You must publish an Alternative Language Notice if the **elementary** or **middle school** nearest to the facility or proposed facility:
 - a. Is required to provide a Bilingual Education Program as required by Texas Educ. Code, Chapter 29, Subchapter B, and 19 Texas Admin. Code § 89.1205(a)]
and
 - b. *At least one* of the following three conditions is met—
 - Students are enrolled in a Bilingual Education Program at that school; or
 - Students from that school attend a Bilingual Education Program at another location; or
 - The school that otherwise would be required to provide a BEP has been granted an exemption from the requirements to provide the program under 19 Texas Admin. Code § 89.1207(a).
2. If you are required to publish an Alternative Language Notice, then you must strictly follow these instructions:
 - a. The Notice must be written in the alternative language that is taught in the Bilingual Education Program.
 - b. You must publish the Alternative Language Notice in a newspaper (or other type of printed publication) that is—
 - Published primarily in the language taught in the Bilingual Education Program, and
 - Of general circulation in the county where the facility site is located. (**Exception:** If the facility is located or proposed to be located in a municipality, and there exists a qualifying alternative-language newspaper or publication of general circulation in the municipality, you must publish the notice only in the newspaper or publication in the municipality.)
 - c. The Notice must be translated as follows—
 - ***If translating into Spanish*** – The Spanish-language Notice is enclosed. You may not change the text or formatting of the Notice without prior approval from TCEQ. If the Notice is missing or insufficient, contact the administrative reviewer of your application (named in the cover letter).
 - ***If translating into a language other than Spanish*** – You must translate the entire Notice at your own expense and submit a copy to TCEQ for posting on the TCEQ website. Before publication, email a copy to the administrative reviewer of your application (named in the cover letter).

You must demonstrate a good faith effort to identify a newspaper or publication in the required language. If there is no general-circulation newspaper or publication printed in such language, then publishing in that language is not required. Publication in an alternative-language section or insert within a larger publication which is not printed primarily in that alternative language does not satisfy these requirements.

D. Posting the Application in a Public Place

Beginning on ***the first day of newspaper publication***, your administratively complete application must be available in a public place for review and copying by the public. You must make sure to meet these requirements.

1. The public place must be:
 - a. Located in the county where the facility is located or proposed to be located.

- b. Publicly owned or operated, such as a library, county courthouse, or city hall.
2. The application must remain in the public place until the end of the comment period.
3. During the technical review, you must update the publicly available application to include each application revision **within 10 business days** from the date you transmit the revision to TCEQ.
4. If the application was submitted to TCEQ with information marked as **confidential**, you must indicate in the public copy of the application that there is additional information in a confidential file. These portions of the application must be accompanied with the following statement:

"Any request for portions of this application that are marked as confidential must be submitted in writing, pursuant to the Public Information Act, to TCEQ Public Information Coordinator, MC 197, P.O. Box 13087, Austin, Texas 78711-3087."
5. You will document your performance of these duties on the attached Public Notice Verification Form. On this form, you will verify that a complete application and all subsequent revisions are available for review and copying in a public place as required by TCEQ's regulations and instructions. You must submit the form within **30 calendar days** after publication of the Notice.

E. Completing the Public Notice Verification Form

You must fill out and submit the attached Public Notice Verification Form. It contains six sections that must be complete and accurate:

- Applicant and Facility Information – *We have completed this section for you.*
- Alternative Language Determination – Recording your completion of required steps.
- Publication Availability for Alternative Language Notice – Documenting your good faith effort to publish the Alternative Language Notice (if applicable).
- Proof of Publication – Noting required attachments and previous submissions.
- Public Place for Viewing Application – Recording the location's name and address.
- Verification – *Unsigned verification forms will be returned.*

Sections F through H, below, provide instructions and deadlines for preparing and submitting the Public Notice Verification Form and supporting documents.

F. Preparing the Proof of Publication

Check each publication to ensure that the Notices were accurately published. If a Notice was not published correctly, you may have to republish. For **each** newspaper in which you published, obtain a *proof of publication* (a newspaper clipping or "tear sheet") that shows all of the following—

1. Entire text of Notice
2. Date of publication
3. Name of newspaper

G. Preparing the Publisher's Affidavits

On pages 5-7 of this document, you will find three Affidavit forms—

1. Publisher's Affidavit #1
2. Publisher's Affidavit #2
3. Alternative Language Publisher's Affidavit (to be used only if applicable)

You are responsible for ensuring that the enclosed Affidavit forms are completed and notarized according to the following requirements—

1. Make sure each Affidavit clearly identifies the applicant's name and permit number.
2. **Fill out both Affidavits #1 and #2.** *Important: Even if you are using one newspaper to satisfy all publication requirements, you must submit both affidavits.* Check the relevant boxes on both forms to show the criteria that the newspaper satisfies.

H. Submitting the Forms and Supporting Documents to TCEQ

1. **Within 10 business days** after the date of publication, email copies or scans of the *proof of publication* documents to the Waste Permits Division at WPD-PNV@tceq.texas.gov. (It is recommended that you retain the original newspaper clippings or tear sheets for your records.)
2. **Within 30 calendar days** after the date of publication, email copies or scans of the remaining documents to the Waste Permits Division at WPD-PNV@tceq.texas.gov.
 - a. Public Notice Verification Form for NORI
 - b. Publisher's Affidavits (You are encouraged to submit the Affidavits earlier, with the *proof of publication* documents, if you are able.)

If you fail to publish the Notice or submit proof of publication by the deadlines set forth above, TCEQ may suspend further processing of your application or take other action.

Publisher's Affidavit #1

For Industrial and Hazardous Waste Permit Applications

STATE OF TEXAS §

COUNTY OF _____ §

BEFORE ME, the undersigned notary public, on this day personally appeared,

_____ (*name of person representing newspaper*),

who being by me duly sworn, deposes and says that (s)he is the

_____ (*title of person representing newspaper*)

of the _____ (*name of newspaper*); that

(*Check applicable box*)

- ☐ this newspaper is the newspaper of largest circulation within the county in which the facility is located or is proposed to be located, or
- ☐ the facility is located or is proposed to be located in a municipality, and the newspaper is generally circulated in the municipality;

(*If using one newspaper to satisfy all publication requirements, you must still fill out Affidavit #2, checking the boxes indicating the criteria the newspaper satisfies.*)

and that the attached notice was published in said newspaper on the following date(s)—

by _____ (*newspaper representative's signature*).

Subscribed and sworn to before me this the _____ day of _____, 20____,

Notary Public in and for the State of Texas

(Personalized Seal)

Print or Type Name of Notary Public

My Commission Expires

Publisher's Affidavit #2

For Industrial and Hazardous Waste Permit Applications

STATE OF TEXAS §

COUNTY OF _____ §

BEFORE ME, the undersigned notary public, on this day personally appeared,

_____ (name of person representing newspaper),

who being by me duly sworn, deposes and says that (s)he is the

_____ (title of person representing newspaper)

of the _____ (name of newspaper); that

this newspaper is—

(Check applicable box)

- ☐ the newspaper of largest circulation that is published in the county in which the facility is located or proposed to be located, or
- ☐ a newspaper generally circulated within the county, and there is no newspaper published in the county;

(If using one newspaper to satisfy all publication requirements, you must still fill out Affidavit #2, checking the boxes indicating the criteria the newspaper satisfies.)

and that the attached notice was published in said newspaper on the following date(s)—

by _____ (newspaper representative's signature).

Subscribed and sworn to before me this the _____ day of _____, 20____,

Notary Public in and for the State of Texas

(Personalized Seal)

Print or Type Name of Notary Public

My Commission Expires

