



Texas Commission on Environmental Quality

Instructions for Application Form for Municipal Solid Waste Permit or Registration Modification or Temporary Authorization

Form Availability

The Modification and Temporary Authorization application form—TCEQ 20650—is available on the TCEQ website site at www.tceq.texas.gov/publications. If you have questions, contact the Municipal Solid Waste Permits Section by email to mswper@tceq.texas.gov, or by phone at 512-239-2335.

The original of the application and copies should be submitted to:

MUNICIPAL SOLID WASTE PERMITS SECTION MC 124
WASTE PERMITS DIVISION
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
PO BOX 13087
AUSTIN TX 78711-3087

Application Submission

See [Title 30, Texas Administrative Code \(30 TAC\)](#)¹, Chapter 305, Subsection 305.43(c) for who may submit an application.

Initial Application

For modifications to a permit or registration, and for temporary authorization requests, submit:

1. An original application plus two unmarked copies, and one copy of marked (redline/strikeout) pages as an attachment to the original application. One of the two unmarked copies must be sent to the appropriate commission regional office;
2. A description of the exact changes to be made to the permit or registration conditions, and supporting documents referenced by the permit or registration;
3. Revised title pages, tables of contents, text, tables, and drawings. Individual engineering drawings and plans must be signed and sealed in accordance with 30 TAC 330.57(g)(2) and (3) and 330.57(h)(4)(D). Closure cost and post-closure care cost estimates must also be signed and sealed by a professional engineer.
4. An explanation of why the modification is needed; and

¹ www.tceq.texas.gov/goto/view-30tac

5. Payment of the application fee online or by check. If the application fee is paid by check, submit the check to the TCEQ Financial Administration Division and include a copy of the receipt with the application.

Application Revisions (NOD Responses)

For all notice of deficiency (NOD) responses, submit the revised original application plus two copies which include;

1. An original of the revised application plus two unmarked copies, and one copy of marked (redline/strikeout) pages as an attachment to the original of the revised application. One of the two unmarked copies must be sent to the appropriate commission regional office
2. Marked (redline/strikeout) and unmarked revised title pages, tables of contents, text, tables, and drawings;
3. Page 1 of the application form indicating the submission is for a Notice of Deficiency Response;
4. Other revised pages of the application form, and;
5. Newly completed Signature Page.

Application Data

1. Submission Type

If the form is being submitted in conjunction with a permit/registration modification or temporary authorization, or as a NOD response to an existing application, select the box indicating this reason for submittal.

2. Authorization Type

Select ONE box that indicates the type of authorization that the application represents.

3. Application Type

Select ONE box that indicates the application type for the submittal.

4. Application Fees

For modifications and temporary authorizations, the application fee is \$150. Select ONE box that indicates the method of payment of application fee for the submittal.

Payment may be made online using TCEQ e-pay at <www3.tceq.texas.gov/epay>. If payment is made online, enter the ePay Trace Number.

If fee is paid by check, send payment directly to the following address and include a photocopy of the check in the original application submitted to the MSW Permits Section.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
FINANCIAL ADMINISTRATION DIVISION MC 214
PO BOX 13087
AUSTIN TX 78711-3087

5. Application URL

For modifications without public notice, all modifications to an arid exempt landfill, or temporary authorization requests, the URL address of a publicly accessible internet web site is not required.

For permit modifications with public notice, provide the URL address of a publicly accessible internet web site where the application and all revisions to that application will be posted.

6. Party Responsible for Mailing Notice

For modifications that require notice, mark the box that indicates the party responsible for mailing notice, and provide a contact name and title.

7. Confidential Documents

The Commission has a responsibility to provide a copy of each application to other review agencies and to interested persons upon request and to safeguard confidential material from becoming public knowledge. Thus, the Commission requests that the applicant (1) be prudent in the designation of material as confidential and (2) submit such material only when it might be essential to the staff in their development of a recommendation.

The Commission suggests that the applicant NOT submit confidential information as part of the permit or registration application. However, if this cannot be avoided, the confidential information should be described in non-confidential terms throughout the application, cross-referenced, and submitted as a separate document or binder, and conspicuously marked "CONFIDENTIAL."

Reasons of confidentiality include the concept of trade secrecy and other related legal concepts which give a business the right to preserve confidentiality of business information to obtain or retain advantages from its right in the information. This includes authorizations under, 18 U.S.C. 1905 and special rules cited in 40 CFR Chapter I, Part 2, Subpart B.

The applicant may elect to withdraw any confidential material submitted with the application. However, the permit or registration cannot be modified if the application is incomplete.

8. General Facility Information

Provide general facility information as listed under this Section. Facility name provided in this Section should match the Regulated Entity Name (Item #23) in the TCEQ Core Data Form.

If the Regulated Entity Reference Number has not been issued for the facility, complete a TCEQ Core Data Form and submit it with this application.

9. Facility Type(s)

Select ALL boxes that apply to the facility. For facility types, refer to 30 TAC 330.5.

10. Description of the Revisions to the Facility

If the submittal is a modification application, provide a brief description of all revisions to the permit/registration conditions and supporting documents referenced by the permit/registration. Also, provide an explanation of why the modification is requested.

11. Facility Contact Information

Site Operator (Permittee or Registrant)

Enter Site Operator (Permittee/Registrant) information. Site Operator is defined in 30 TAC 330.3(142).

If the Site Operator (Permittee/Registrant) has filed with the Texas Secretary of State (SOS) as a Corporation, Limited Partnership or non-profit organization it will have been issued an SOS filing number which may be entered here. If the Site Operator (Permittee/Registrant) has not filed with the SOS, leave blank. Search for the SOS Filing number at www.sos.texas.gov/corp/sosda/index.shtml.

Operator

Enter Operator information. Operator is defined in 30 TAC 330.3(101).

If the Operator has filed with the SOS as a Corporation, Limited Partnership or non-profit organization it will have been issued an SOS filing number which may be entered here. If the Operator has not filed with the SOS, leave blank. Search for the SOS Filing number at www.sos.texas.gov/corp/sosda/index.shtml.

Consultant

Enter the consultant company's name and contact information responsible for the preparation of the application on behalf of the facility.

Agent in Service

If the application is submitted by a corporation or by a person residing out of state, the applicant must register an Agent in Service or Agent of Service with the Texas SOS office and provide a complete mailing address for the agent. The agent must be a Texas resident and the address provided for them should be within the State of Texas. Provide information if this is applicable for the facility. If not, enter "Not Applicable".

12. Ownership Status of the Facility

If the application is for a modification that changes the legal description, the property owner, or the Site Operator (Permittee or Registrant), and the Site Operator does not own all the facility units and all the facility property, provide information about the other owners.

Signature Page

Provide a notarized signature page with the initial application and with revisions.

Attachments

Marked and Unmarked Revised Pages

Provide marked (redline/strikeout) and unmarked revised title pages, tables of contents, text, tables, and drawings

Land Ownership Map

Provide a map that locates the property owned by adjacent and potentially affected landowners. The maps should show all property ownership within 1/4 mile of the facility, on-site facility easement holders, and all mineral interest ownership under the facility.

Land Ownership List

Provide the adjacent and potentially affected landowners' list, keyed to the land ownership map with each property owner's name and mailing address. The list shall include all property owners within 1/4 mile of the facility, easement holders, and all mineral interest ownership under the facility. Provide the property, easement holders', and mineral interest owners' names and mailing addresses derived from the real property appraisal records as listed on the date that the application is filed. Do not include elected officials and other interested parties that are not adjacent landowners on the landownership map and list.

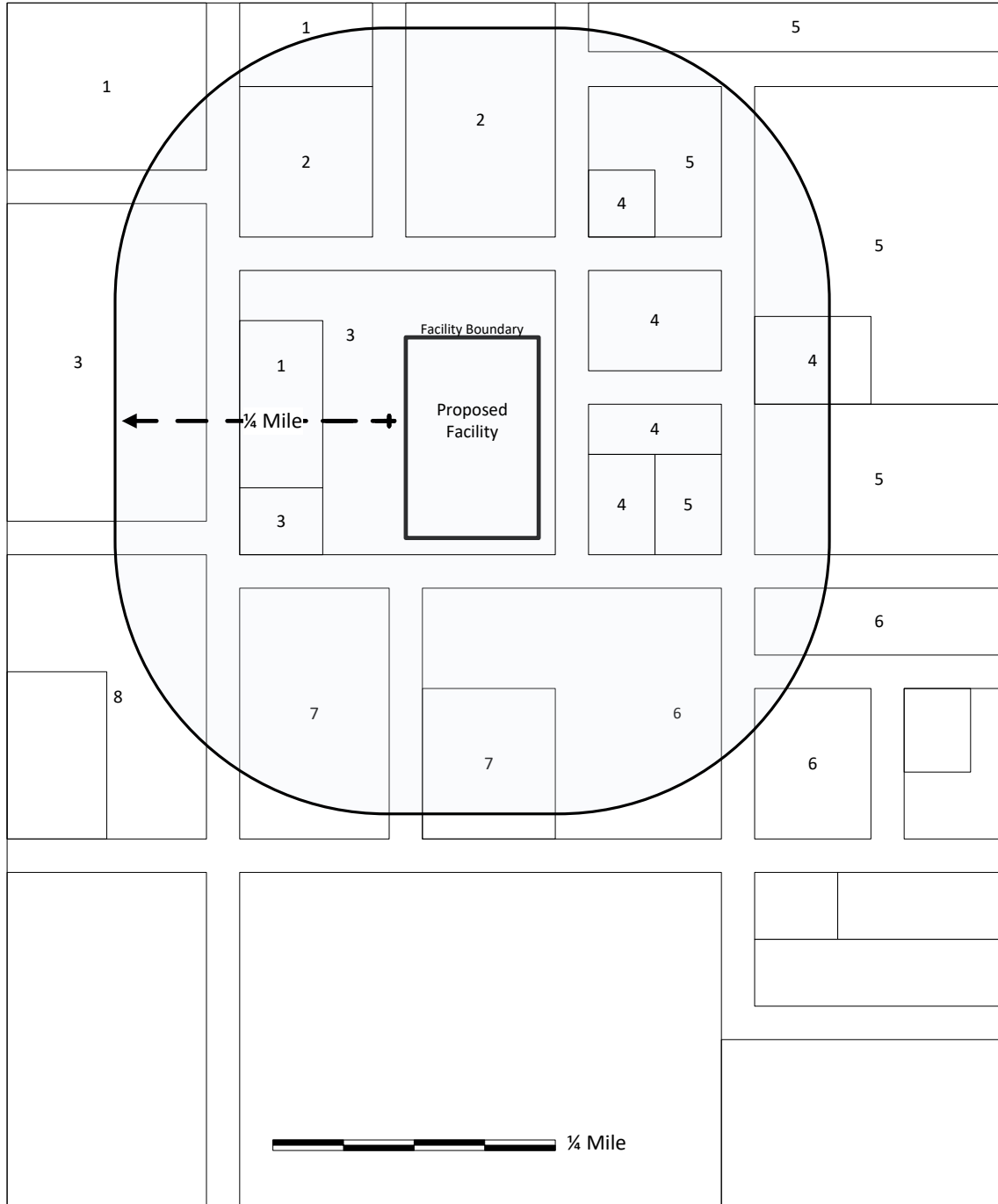


Figure 1. Sample land ownership map.

Landowners Cross-Referenced To Landowners Map

The persons identified below would be considered as affected persons.

- | | |
|---|---|
| 1. MR & MRS SAMUEL L DAVIS
11901 STAR BLVD
AUSTIN, TX 78759 | 5. JAXSON BREWING CO
4240 KNIGHTS BRIDGE
DALLAS TX 77640 |
| 2. MR & MRS EDWARD SANCHEZ
1405 LINE ROAD
WACO TX 76710 | 6. PLAINVIEW COMPANY
6647 CRAIGMONT LANE
HOUSTON TX 77590 |
| 3. TEX-LINK CORP
8411 NW HWY
HOUSTON TX 77590 | 7. ABC CHEMICALS INC
1212 ZIP STREET
DALLAS TX 77640 |
| 4. MR & MRS TED GOLDSBY
3210 LEON BLVD
WACO TX 76724 | 8. BIG-C BOTTLE CO
10024 REGIONAL BLVD
BOVINA TX 79402 |

Mineral Interest Ownership Under The Facility*

- | | |
|--|---|
| 1. BOB SANDERS
867 HOLLOWBEND ROAD
SEGUIN TX 78155 | 3. CAROL SANDERS
5309 MAPLE LANE
GAUSE TX 77857 |
| 2. TED HENDERSON
459 MAGUIRE AVE
HARPER TX 78631 | 4. ALICE HENDERSON
2222 LONGWAY
HDOOLE TX 76836 |

Facility Easement Holders*

- | | |
|--|--|
| 1. GULF PIPELINE
11200 S FANNIN
HOUSTON TX 77002 | 2. TEXAS STAR UTILITIES
8100 COMMERCE ST
DALLAS TX 75230 |
|--|--|

Figure 2. Sample landowners list for including in application.

TCEQ Core Data Form(s)

If the Site Operator (Permittee/Registrant) does not have a Customer Reference Number (CN Number), complete a TCEQ Core Data Form (TCEQ-10400) and submit it with this application. List the Site Operator (Permittee/Registrant) as the customer.

If Regulated Entity Reference Number (RN Number) has not been issued for the facility, complete a TCEQ Core Data Form (TCEQ-10400) and submit it with this application. List the Facility as the Regulated Entity.

If the Operator does not have a Customer Reference Number (CN Number), complete another TCEQ Core Data Form (TCEQ-10400) for the "Operator" and submit it with this application. List the Operator as the customer.

Under the following circumstances a TCEQ Core Data Form should be submitted:

- Your information is not yet in the Central Registry database or is incomplete
- Your information has changed from what is currently in the Central Registry database
- It is requested by the agency. You can check the status of your information in Central Registry on-line at www15.tceq.texas.gov/crpub/.

Signatory Authority Delegation

Provide documentation that the person signing the application meets the requirements of 30 TAC 305.44, Signatories to Applications. If the authority has been delegated, provide a copy of the document issued by the governing body of the Site Operator (Permittee/Registrant) or Operator authorizing the person that signed the application to act as agent for the owner or operator.

Fee Payment Receipt

As indicated in the form "Application Fees" section, if fee is paid by check, send a check for payment of application fees directly to the following address and include a photocopy of the check in the initial application submitted to:

FINANCIAL ADMINISTRATION DIVISION MC 214
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
PO BOX 13087
AUSTIN TX 78711-3087

Confidential Documents

The confidential information should be described in non-confidential terms throughout the application, cross-referenced, and submitted as a separate document or binder, and clearly marked "CONFIDENTIAL." Refer to Instructions, Section "Confidential Documents" for further detail.

Property Legal Description, Property Metes and Bounds Description, Metes and Bounds Drawings, and On-Site Easements

Provide a legal description of the facility including the following information, as required by 30 TAC 330.59(d)(1).

1. The abstract number, as maintained by the Texas General Land Office, for the surveyed tract of land.
2. A legal description of the property and the county, book, and page number or other generally accepted identifying reference of the current ownership record.
3. For property that is platted, the county, book, and page number or other generally accepted identifying reference of the final plat record that includes the acreage encompassed in the application and a copy of the Final Plat Record of Property.
4. A boundary metes and bounds description of the property signed and sealed by a registered professional land surveyor.

5. A boundary metes and bounds description and drawing for the facility signed and sealed by a registered professional land surveyor.
6. A drawing showing any on-site easements at the facility.

Property Owner Affidavit

Provide a Property Owner Affidavit according to the following examples.

For Landfills:

Property Owner Affidavit	
"I/We, _____, (Printed Signatory Name)	as _____, (Signatory Capacity)
As authorized signatory for _____, (Printed Name of Property Owner of Record)	
acknowledge that the State of Texas may hold me either jointly or severally responsible for the operation, maintenance, and closure and post-closure care of the facility. For a facility where waste will remain after closure, I acknowledge that I have a responsibility to file with the county deed records an affidavit to the public advertising that the land will be used for a solid waste facility prior to the time that the facility actually begins operating as a municipal solid waste landfill facility, and to file a final recording upon completion of disposal operations and closure of the landfill units in accordance with Title 30 Texas Administrative Code §330.19, Deed Restriction. I further acknowledge that I or the operator and the State of Texas shall have access to the property during the active life and post-closure care period."	
_____ (Property Owner's Signature)	_____ (Date)

For Processing Facilities:

Property Owner Affidavit	
"I/We, _____, (Printed Signatory Name)	as _____, (Signatory Capacity)
As authorized signatory for _____, (Printed Name of Property Owner of Record)	
acknowledge that the State of Texas may hold me either jointly or severally responsible for the operation, maintenance, and closure of the facility. I further acknowledge that I or the operator and the State of Texas shall have access to the property during the active life, and after closure for the purpose of inspection and maintenance, if required.	
_____ (Property Owner's Signature)	_____ (Date)

Figure 3. Example property owner affidavits for landfill and processing facilities.

Signatory Name

The name of the individual signing the affidavit. If the individual signing the affidavit is the property owner of record, enter the name on "Printed Signatory Name" line only and omit the "Signatory Capacity" and "Printed Name of Property Owner of Record" lines. Otherwise, provide all information requested below.

Signatory Capacity

Indicate under what authority the Signatory is signing on behalf of the property owner of record.

Property Owner Of Record

The person(s) who, according to public records, is/are the owner(s) of a particular property.

Verification of Legal Status (30 TAC 218.5 and 330.59(e))

Provide verification of legal status. Normally, this is a one-page certificate of incorporation (Certificate of Fact) issued by the Texas SOS (see additional Attachments List). If you choose to provide a verification of the legal status by another mechanism, provide it under this Attachment. Also, provide a list of all persons having over a 20% ownership in the proposed facility. See example table provided below:

Final Plat Record of Property

For the property that is platted, provide the county, book, and page number or other generally accepted identifying reference of the final plat record that includes the acreage encompassed in the application and a copy of the final plat (30 TAC 330.59(d)(1)(B)).

Assumed Name Certificate

If the Site Operator/ (Permittee/Registrant) or Operator is an individual and/or partnership doing business under an assumed name, it must attach to the application an assumed name certificate.