



# **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](http://www.tceq.texas.gov/publications). If you have questions, contact the Municipal Solid Waste Permits Section by email to [mswper@tceq.texas.gov](mailto:mswper@tceq.texas.gov), or by phone at 512-239-2335.

Rules cited on the form and in these instructions are in Title 30 of the Texas Administrative Code (30 TAC) and may be viewed online at [www.tceq.texas.gov/goto/view-30tac](http://www.tceq.texas.gov/goto/view-30tac)<sup>1</sup>.

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 30 TAC Chapter 305, Subsection 305.43(c) for who may submit an application.

### **Preparing and Submitting an Application**

All pages of an application must include a page number and date. Revised pages must include the revision date in the header or footer of each sheet and indicate that the sheet is revised. [30 TAC 330.57(g)(5) and (6)]

### **Initial Application**

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

1. A paper original, one paper duplicate, and an [electronic duplicate](#)<sup>2</sup> of the application to the MSW Permits Section, and a duplicate directly to the [TCEQ Region Office](#)<sup>3</sup> for the area. Prepare the application in accordance with 30 TAC 330.57, and include:
  - a. Correspondence Cover Sheet (Form [TCEQ-20714](#)<sup>4</sup>);

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<sup>1</sup> [www.tceq.texas.gov/goto/view-30tac](http://www.tceq.texas.gov/goto/view-30tac)

<sup>2</sup> [www.tceq.texas.gov/downloads/permitting/waste-permits/msw/docs/msw-submit-electr.pdf](http://www.tceq.texas.gov/downloads/permitting/waste-permits/msw/docs/msw-submit-electr.pdf)

<sup>3</sup> [www.tceq.texas.gov/agency/directory/region](http://www.tceq.texas.gov/agency/directory/region)

<sup>4</sup> [www.tceq.texas.gov/downloads/permitting/waste-permits/forms/20714.docx](http://www.tceq.texas.gov/downloads/permitting/waste-permits/forms/20714.docx)

- b. Dated cover letter;
  - c. A description of the exact changes to be made to the permit or registration conditions, and supporting documents referenced by the permit or registration;
  - d. 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; and
  - e. An explanation of why the modification is needed.
2. 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 responses to notices of deficiency (NODs), submit a paper original, one paper duplicate, and an [electronic duplicate](#)<sup>5</sup> to the MSW Permits Section, and a duplicate directly to the [TCEQ Region Office](#)<sup>6</sup> for the area. Each paper copy and the electronic copy of the response package should include:

1. Correspondence Cover Sheet (Form [TCEQ-20714](#)<sup>7</sup>);
2. Dated cover letter, listing each of the review comments, and the response immediately following the comment, including the location of each revision by reference to part, section, and page number;
3. Page 1 of the application form, indicating that the submittal is for "Notice of Deficiency Response" with revision date indicated;
4. Other revised pages of the application form and attachments, with revision date indicated;
5. Newly completed Signature Page of the application form;
6. Unmarked copies of revised pages and any added pages, with revision date indicated; and
7. Marked (redline/strikeout) copy of revised and added pages, with revision date indicated, and marked copies of any deleted pages.

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<sup>5</sup> [www.tceq.texas.gov/downloads/permitting/waste-permits/msw/docs/msw-submit-electr.pdf](http://www.tceq.texas.gov/downloads/permitting/waste-permits/msw/docs/msw-submit-electr.pdf)

<sup>6</sup> [www.tceq.texas.gov/agency/directory/region](http://www.tceq.texas.gov/agency/directory/region)

<sup>7</sup> [www.tceq.texas.gov/downloads/permitting/waste-permits/forms/20714.docx](http://www.tceq.texas.gov/downloads/permitting/waste-permits/forms/20714.docx)

## **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 is 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](http://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. Electronic Versions of Application**

For modifications that require public notice, TCEQ will publish electronic versions of the applications online. Applicants must provide complete electronic copies of their initial applications, responses to notices of deficiencies, and the final technically complete versions.

### **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.

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](http://www.sos.texas.gov/corp/sosda/index.shtml).

### **Operator**

Enter Operator information. Operator is defined in 30 TAC 330.3.

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](http://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**

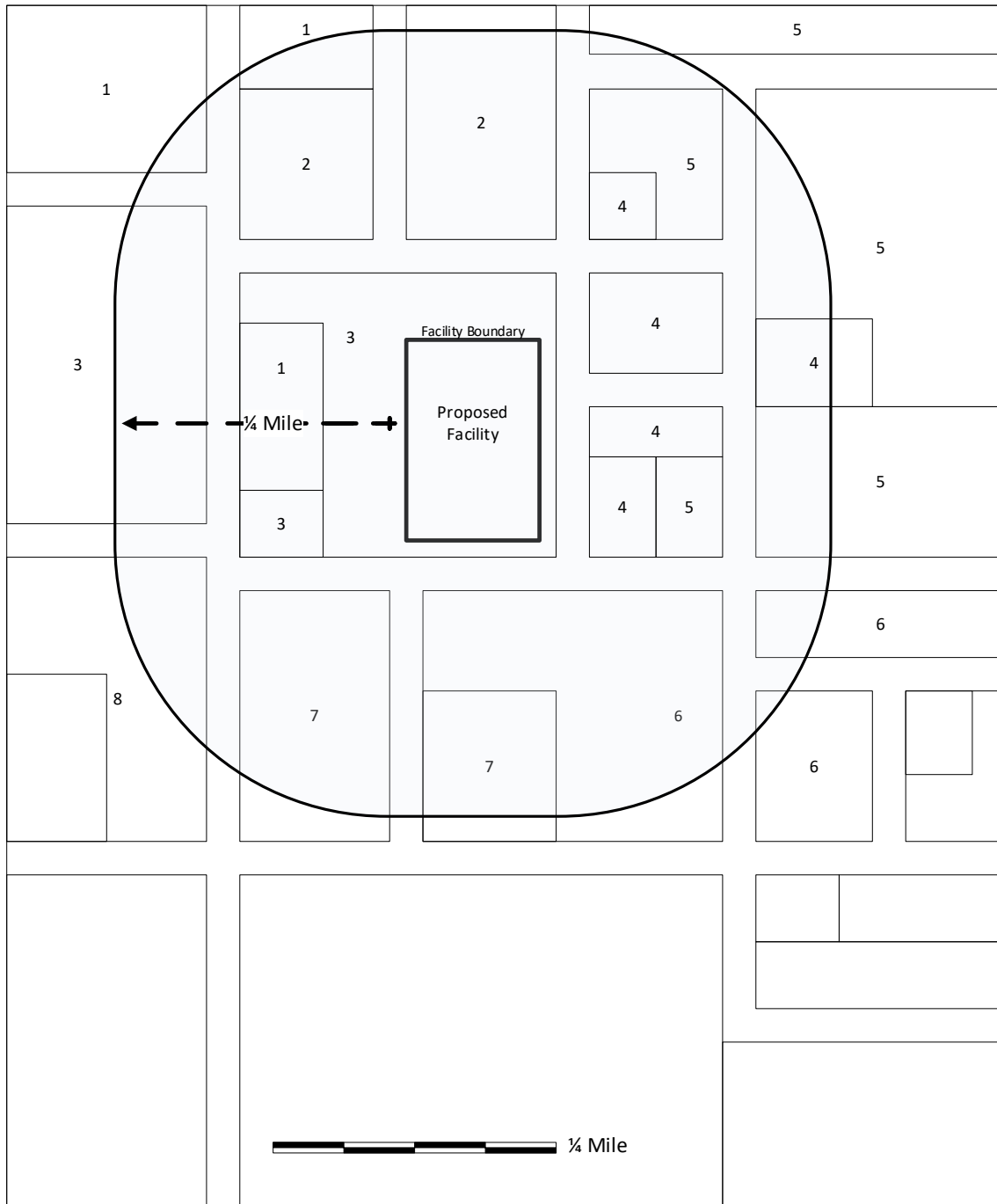
Provide marked (redline/strikeout) and unmarked revised title pages, tables of contents, text, tables, and drawings.

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

**Mineral Interest Ownership Under The Facility\***

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

**Facility Easement Holders\***

- |  |  |
|--|--|
| 1. GULF PIPELINE<br>11200 S FANNIN<br>HOUSTON TX 77002 | 2. TEXAS STAR UTILITIES<br>8100 COMMERCE ST<br>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/](http://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; and



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, _____,<br>(Printed Signatory Name)   | as _____<br>(Signatory Capacity) |
| As authorized signatory for _____<br>(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." |                                  |
| _____<br>(Property Owner's Signature)   | _____<br>(Date)                  |

#### For Processing Facilities:

| Property Owner Affidavit   |                                  |
|--|----------------------------------|
| "I/We, _____,<br>(Printed Signatory Name)  | as _____<br>(Signatory Capacity) |
| As authorized signatory for _____<br>(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. |                                  |
| _____<br>(Property Owner's Signature)  | _____<br>(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.