TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

**Animal Feeding Operation
Land Application and Storage of Dairy Waste Notification Form**

**Notification form and instructions for animal feeding operations to land apply dairy waste on land management unit(s) or store dairy waste in a retention control structure under emergency conditions.**

Texas Water Code (TWC), Section 26.121 prohibits the discharge of pollutants into or adjacent to water in the state except as authorized by a rule, permit, or order issued by the Commission.

You must notify the Texas Commission on Environmental Quality (TCEQ) if you land apply, and or dispose of dairy waste from an animal feeding operation (AFO) or concentrated animal feeding operation (CAFO) into a control or retention facility, including a lagoon or playa, and land application (by irrigation) associated with that disposal during emergency conditions, as defined under 30 Texas Administrative Code (TAC), Chapter 321, Subchapter B.

If you are the owner or operator of a dairy operation that land applied, transferred, or stored dairy waste in a control facility, complete and submit this form within 14 working days of the land application, transfer, or storage activity.

**IMPORTANT:** Use the [INSTRUCTIONS](#_INSTRUCTIONS_ON_HOW) to fill out each question in this form.

**APPLICATION FEE: A fee is not required for submission of this notification form.**

# SECTION 1: OWNER OR OPERATOR OF PERMITTED DAIRY CAFO

**Provide the requested information for the Owner or Operator of the Dairy CAFO facility that is operating under a TCEQ-issued permit.**

## OWNER

Legal Name of Owner: Click here to enter a response.

TCEQ Permit Number: Click here to enter a response.

Customer Number (CN): Click here to enter a response.

Regulated Entity Number (RN): Click here to enter a response.

Doing Business As: Click here to enter a response.

Mailing Address: Click here to enter a response.

City/State/Zip Code: Click here to enter a response.

Telephone: Click here to enter a response. Fax: Click here to enter a response.

Email: Click here to enter a response.

## ****OPERATOR****

Legal Name of Operator: Click here to enter a response.

TCEQ Permit Number: Click here to enter a response.

Customer Number (CN): Click here to enter a response.

Regulated Entity Number (RN): Click here to enter a response.

Doing Business As: Click here to enter a response.

Mailing Address: Click here to enter a response.

City/State/Zip Code: Click here to enter a response.

Telephone: Click here to enter a response. Fax: Click here to enter a response.

Email: Click here to enter a response.

# SECTION 2: OWNER OR OPERATOR OF NON-PERMITTED DAIRY AFO

**Provide the requested information for the Owner or Operator of a dairy AFO facility that is not operating under a TCEQ-issued permit.**

## ****OWNER****

Legal Name of Owner: Click here to enter a response.

Doing Business As: Click here to enter a response.

Mailing Address: Click here to enter a response.

City/State/Zip Code: Click here to enter a response.

Telephone: Click here to enter a response. Fax: Click here to enter a response.

Email: Click here to enter a response.

## ****OPERATOR****

Legal Name of Operator: Click here to enter a response.

Doing Business As: Click here to enter a response.

Mailing Address: Click here to enter a response.

City/State/Zip Code: Click here to enter a response.

Telephone: Click here to enter a response. Fax: Click here to enter a response.

Email: Click here to enter a response.

# SECTION 3: FACILITY LOCATION

**Provide the requested information for the site where the land application or storage activities occurred or will occur.**

Physical address or location description: Click here to enter a response.

Latitude: Click here to enter a response.

Longitude: Click here to enter a response.

# SECTION 4: EMERGENCY CONDITIONS

1. Select the reason for the land application of dairy waste (emergency condition) from the list below. Select “Other” if the reason is not listed and provide a brief description.

[ ]  Fire

[ ]  Flood

[ ]  Earthquake

[ ]  Hurricane

[ ]  Tornado or Wind

[ ]  Rain

[ ]  Ice

[ ]  Snowstorm

[ ]  Power failure

[ ]  Transportation failure

[ ]  Mechanical failure

[ ]  Interruption of
communication facilities

[ ]  Epidemic

[ ]  Riot

[ ]  Civil disturbance

[ ]  Enemy attack

[ ]  Actual or threatened act of lawlessness or violence

[ ]  Other: Click here to enter a response.

1. What is the duration of the emergency condition (number of days)?: Click here to enter a response.
2. Indicate if additional time was requested from the TCEQ Regional office.

[ ]  No [ ]  Yes. If yes, how many days: Click here to enter a response.

# SECTION 5: LAND APPLICATION OF DAIRY WASTE

Complete this section if you land applied dairy waste to your land management units (LMUs) or irrigated dairy waste from a retention control structure (RCS).

1. Name of the Land Management Unit(s): Click here to enter a response.
2. Location of the LMU that received the dairy waste: Click here to enter a response.
3. Latitude and Longitude of the LMU: Click here to enter a response.
4. Date(s) that dairy waste was applied to the LMU(s): Click here to enter a response.
5. What is the total volume of dairy waste applied, gallons: Click here to enter a response.
6. Was there any discharge(s) from the land application of the dairy waste?

[ ]  Yes. Provide an estimate of the volume that was discharged during the land application, in gallons: Click here to enter a response.

[ ]  No. Go to Section 6.

1. Complete Table 1 below with the land application information. Insert new rows if needed or make additional copies of the table. You may also attach your own list.

Table 1. Land Management Unit Summary

| **LMU Name** | **Acreage** | **Crops / Yields** | **Nitrogen Maximum Application Rates, Lbs/Acre** | **Phosphorus (as P2O5) Maximum Application Rate, Lbs/Acre** |
| --- | --- | --- | --- | --- |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |

1. NMP Certification for Permitted Dairy Operations.

Provide the date of the last review or revision of the NMP: Click here to enter a response.

Certify that the NMP has been developed and certified by a Certified Nutrient Management Specialist.

[ ]  Yes.

1. Certification for Non-Permitted Dairy AFO.

Certify that the Nutrient Application Rates for the LMUs were calculated.

[ ]  Yes.

# SECTION 6: STORAGE OF DAIRY WASTE IN A RETENTION CONTROL STRUCTURE

Complete this section if you stored dairy waste in a retention control structure (RCS) or playa.

1. What was the amount of dairy waste, in gallons? Click here to enter a response.
2. The dairy waste is stored in an [ ]  RCS or [ ]  Playa.
3. Provide the Control facility Information in the table below. Add new rows if you need it or make additional copies of the table. You may also attach your own copy.

Table 2. Retention Control Structure(s) (RCS) Information

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **RCS Name** | **Structure Type** | **Storage Days** | **Required Capacity, Acre-Feet** | **Certified Capacity, Acre-Feet** |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |

# SECTION 7: DAIRY WASTE TRANSFER

Complete this section if you transferred dairy waste.

1. Provide the name of the Recipient of the Dairy Waste: Click here to enter a response.
2. How many gallons were transferred? Click here to enter a response.
3. What was the disposal method?

[ ]  Storage in a Control Facility.

[ ]  Land Application, provide the following:

1. The number of acres that received the dairy waste. Click here to enter a response.
2. A location description or latitude and longitude of the land application area. Click here to enter a response.

# SECTION 8: ATTACHMENTS

Complete this section to confirm you attached the most recent facility maps to this form. Provide the attachment number.

* USGS Topographic Map [ ]  Yes. Click here to enter a response.
* Site Map [ ]  Yes. Click here to enter a response.
* Runoff Control Map [ ]  Yes. Click here to enter a response.
* Land Management Unit Map(s) [ ]  Yes. Click here to enter a response.

# SECTION 9: SIGNATURES AND CERTIFICATIONS

## CERTIFICATION FOR WATER QUALITY AUTHORIZATION

[ ]  Owner [ ]  Operator

A signature is required for each permittee. If more than two permittees, you must make additional copies of this section.

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, Section 305.44 to sign and submit this document, and can provide documentation in proof of such authorization upon request.

Signature: Date:

*(Use blue ink)*

[ ]  Owner [ ]  Operator

(Required only if there is more than one permittee)

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, Section 305.44 to sign and submit this document, and can provide documentation in proof of such authorization upon request.

Signature: Date:

*(Use blue ink)*

**Instructions for the Animal Feeding Operation Land Application and Storage of Dairy Waste Notification Form**

MAILING INFORMATION: Complete and mail this form to the [TCEQ Regional Office](https://www.tceq.texas.gov/agency/directory/region/reglist.html) that services your area within **14 working days** of the land application or storage of dairy waste in a control facility.

**APPLICATION FEE: A fee is not required for this notification form.**

# Section 1: Owner or Operator – Permitted Dairy

The Owner or Operator will complete this section if you have a TCEQ-issued permit to operate your dairy. You will find the TCEQ-issued numbers such as your Customer Number (CN) and Regulated Entity Number (RN) on the TCEQ web page at <https://www15.tceq.texas.gov/crpub/>.

Provide your legal name, permit number (the number will begin with TXG92xxxx if you are a general permit holder or the number will begin with WQ000xxxx000 if you are an individual permit holder), the name of your dairy as known by the Community in which your dairy is located, and your mailing address.

# Section 2: Owner or Operator – Non-Permitted Dairy

Complete this section if you **DO NOT** have a permit from TCEQ to operate your dairy. Provide your legal name, the name of your dairy, your mailing address, and the physical address or location description of your dairy.

# Section 3: Facility Location

Complete this section by providing the physical address or location description of your dairy, as well as the latitude and longitude of the dairy.

# Section 4: Emergency Condition

Select from the list the reason for the emergency condition(s). If the reason is not listed, check the “Other” box and list the reason in the space provided.

# Section 5: Land Application of Dairy Waste

Complete this section if you land applied dairy waste directly to any of your land management units (LMU), or if you irrigated dairy waste from a RCS to an LMU.

Provide the following information for the LMUs where you have applied dairy waste: the name, location, latitude and longitude, the date(s) that the dairy waste was applied to the LMU(s), the number of gallons, and if there was any discharge during the land application, indicate the approximate number of gallons.

Complete Table 1 for all the LMUs that received the dairy waste including the name and acreage of each LMU, the yields or proposed yields from the crops that are planted in the LMUs that received the dairy waste, and include the maximum lbs/acre of nitrogen and phosphorus that were land applied to each LMU for each of the crops.

If your dairy is operating under a permit from TCEQ, and you are a large TPDES CAFO, provide the date of the latest NMP for your dairy and check the box to certify the NMP was prepared by a Certified Nutrient Management Specialist.

If you are a non-permitted AFO, check the box to certify the nutrients application rates were calculated.

# Section 6: Storage of Dairy Waste in a Retention Control Structure

Complete this section if you stored dairy waste in a retention control structure, including playa by providing the number of gallons that was stored, and complete Table 2. Provide the name of the RCS, the structure type (treatment pond, storage pond, transfer pond, treatment and Storage Pond), the number of days of storage, the required capacity of the RCS, and the certified capacity of the pond.

If you have a permit with TCEQ, you may view and download the RCSs information from the TCEQ website at the following web addresses by using your general or individual permit number, TXG92**xxxx** or WQ000**xxxx**000 to search:

**General Permit Authorization** <https://www2.tceq.texas.gov/wq_dpa/index.cfm>.

**Individual Permit** <https://www6.tceq.texas.gov/wqpaq/index.cfm>.

# Section 7: Dairy Waste Transferred

Complete this section if you transferred dairy waste to another person for land application or storage in an RCS or control facility.

Provide the name of the dairy waste recipient, number of gallons, and disposal method.

Indicate it the dairy waste was disposed of in a retention control structure or land applied. If dairy waste was land applied, provide the number of acres that received the dairy waste and the location of the LMU.

# Section 8: Attachments

**USGS Topographic Map.** Provide a USGS Topographic Map with scale showing the specific location of the production area and facility boundaries.

**Site Map.** Provide a Site Map clearly delineating and labeling the location of all operations and characteristics. The map must show the production area and include, at a minimum, pens and open lots, barns, berms, permanent manure storage areas, composting areas, control facilities including RCSs, water wells (abandoned and in use), surface water in the state, and dead animal burial sites.

**Runoff Control Map.** Provide the map that shows the drainage areas of the RCSs. The map shall show the production area and include, at a minimum, pens and open lots, barns, berms, permanent manure storage areas, composting areas, control facilities including RCSs, water wells (abandoned, plugged and in use), surface water in the state. All structures on the map must be identified, and the map(s) must include arrows to show the direction of flow, and runoff and run-on diversions.

**LMU Map.** Provide a LMU Map clearly delineating and labeling each LMU listed in the application. The map must include, at a minimum, the following information: 1) the boundary and acreage of each LMU, 2) all buffer zones required by the general permit, 3) the location of the production area, 4) water wells, abandoned and in use, which are on-site or within 500 feet of the facility boundary, 5) all surface water in the state located on-site and within one mile of the facility boundary, and 6) the facility boundary.

# Section 9: Signatures and Certifications

If you are the Owner or Operator, provide your name, and sign. You must **use a pen with blue ink to sign**. The certification must also bear an original signature of a person meeting the signatory requirements specified under 30 Texas Administrative Code, Section 305.44.

## **IF YOU ARE A CORPORATION:**

The regulation that controls who may sign an application form is 30 Texas Administrative Code, Subsection 305.44(a), which is provided below. According to this code provision, any corporate representative may sign this form so long as the authority to sign such a document has been delegated to that person in accordance with corporate procedures. By signing this form, you are certifying that such authority has been delegated to you. TCEQ may request documentation evidencing such authority.

## **IF YOU ARE A MUNICIPALITY OR OTHER GOVERNMENT ENTITY:**

The regulation that controls who may sign an application form is 30 Texas Administrative Code, Subsection 305.44(a), which is provided below. According to this code provision, only a ranking elected official or principal executive officer may sign this 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. The signatory requirement may not be delegated to a government representative other than those identified in the regulation. By signing this 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 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, Section 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).