TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

 Agricultural Operation
Land Application of Dairy Waste Notification Form

Notification form and instructions for dairy waste haulers, contractors, dairy processing plants, and landowners to land apply dairy waste on agricultural land 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 apply dairy waste on agricultural land under emergency conditions, as defined under 30 Texas Administrative Code (TAC), Chapter 321, Subchapter Q.

Complete and mail this form to the TCEQ Regional Office that services your area within **14 working days** of receiving and land applied dairy waste. This form should be completed if you are a dairy waste hauler, contractor, dairy processing plant, or a landowner of agricultural field that land applied dairy waste on agricultural land during emergency conditions.

**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.

# PART A: EMERGENCY CONDITION

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.

[ ]  Yes. If yes, how many days: Click here to enter a response.

[ ]  No.

# PART B: LANDOWNER INFORMATION OF THE AGRICULTURAL LAND

1. Landowner legal name: Click here to enter a response.
2. Mailing address: Click here to enter a response.
3. Telephone number: Click here to enter a response.
4. Email address: Click here to enter a response.
5. Customer Number (if you are a current TCEQ customer): Click here to enter a response.
6. Customer type (select one):

[ ]  Individual [ ]  Corporation [ ]  City [ ]  County [ ]  Federal [ ]  State

[ ]  General partnership [ ]  Limited partnership [ ]  Other: Click here to enter a response.

# PART C: AGRICULTURAL LAND USE AUTHORIZATION AND INFORMATION

1. Site name: Click here to enter a response.
2. Site location description or physical address: Click here to enter a response.
3. Regulated Entity Number (if you are a current TCEQ regulated entity): Click here to enter a response.
4. Latitude: Click here to enter a response.
5. Longitude: Click here to enter a response.
6. Current status of the land: [ ]  Fallow [ ]  Actively Farmed
7. Current uses of the land: [ ]  Cropland [ ]  Grass Hay or Pasture [ ]  Other: Click here to enter a response.
8. Total land application area, in acres: Click here to enter a response.
9. Name of receiving water body(ies): Click here to enter a response.
10. Segment number: Click here to enter a response.
11. Select the duration of use of the land for dairy waste application:

[ ]  Temporary [ ]  Permanent

1. Select the available type(s) of irrigation equipment for land application of dairy waste:

**Surface Spread**

[ ]  Liquid tanker with splash plate

[ ]  Liquid tanker with drop hoses

[ ]  Big gun irrigation system

[ ]  Center pivot irrigation system

**Incorporation**

[ ]  Tanker with knife injectors

[ ]  Tanker with shallow incorporation

[ ]  Drag hose with shallow incorporation

[ ]  Other: Click here to enter a response.

1. Primary [North America Industry Classification System](https://www.census.gov/naics/) (NAICS) Code: Click here to enter a response.
2. Site land type (Select one): [ ]  Private [ ]  County [ ]  District [ ]  Municipal

[ ]  Federal [ ]  State [ ]  Other: Click here to enter a response.

# PART D: SOURCE OF DAIRY WASTE

1. Indicate the source of the dairy waste is:

[ ]  In-State [ ]  Out-of-State

1. Do you transport the dairy waste for hire (on behalf of other generators)? [ ]  Yes [ ]  No
2. Is the dairy waste generated at your facility? [ ]  Yes [ ]  No
3. Name of tanker driver: Click here to enter a response.
4. Tanker license plate number: Click here to enter a response.
5. Name of hauling company: Click here to enter a response.
6. Address of the hauling company: Click here to enter a response.
7. Telephone number at physical address of the hauling company: Click here to enter a response.
8. Volume of dairy waste land applied, in gallons: Click here to enter a response.
9. Date(s) and time of application of dairy waste: Click here to enter a response.
10. Business type (select all that apply):

[ ]  Bulk milk transport tankers

[ ]  Certified hauler/sampler/receiver

[ ]  Cooperative

[ ]  Frozen dessert plants

[ ]  Milk for manufacturing purposes

[ ]  Pasteurization plants

[ ]  Producer dairy farms

[ ]  Retail raw milk

[ ]  Single service container manufacturing plant

[ ]  Transfer/receiving stations

[ ]  Other: Click here to enter a response.

# PART E: THIRD-PARTY CONTRACTOR APPLYING DAIRY WASTE

1. Name of third-party contractor: Click here to enter a response.
2. Name business is conducted under (DBA): Click here to enter a response.
3. Address of the third-party contractor: Click here to enter a response.
4. Telephone number at physical address of the third-party contractor: Click here to enter a response.
5. Name of person (source of dairy waste) that contracted with the third-party contractor: Click here to enter a response.
6. Address of the person (source of dairy waste): Click here to enter a response.
7. Telephone number at physical address of the person (source of dairy waste): Click here to enter a response.
8. Volume of dairy waste to be land applied, in gallons: Click here to enter a response.
9. Date(s) and time of application of dairy waste: Click here to enter a response.

# PART F: CERTIFICATIONS FOR WATER QUALITY AUTHORIZATION

## LANDOWNER

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)*

## PERSON REQUESTING TO USE THE LAND FOR DAIRY WASTE APPLICATION

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 Agricultural Operation Land Application of Dairy Waste Notification Form**

This form must be completed by any entity along the milk supply chain that handles dairy waste including bulk milk haulers, bulk milk samplers, milk transfer stations, cooperatives, processing plants, landowners of agricultural operations or third-party contractors hired to land apply dairy waste.

**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.

# Part A – Emergency Condition

Select the emergency condition(s) that caused the dairy waste to be land applied, provide the duration of the emergency condition(s) in days, and indicate if additional time was requested from the TCEQ Regional Office servicing the area.

# Part B – Landowner Information of the Agricultural Land

The owner of the agricultural land that will be used for land application of dairy will complete this section.

Provide your name, mailing address, telephone number, and email address. If you have any TCEQ-issued permits, provide your customer number (CN), and select the box next to the appropriate customer type.

# Part C – Agricultural Land Use Authorization and Information

Provide the name of the site, the site location description or physical address, regulated entity number (RN), latitude, and longitude. Indicate whether the land is currently fallow or actively farmed, and indicate if the land is currently used as cropland, grass hay/pasture, or other.

Provide the total land application area (acres) that was or will be used for land application of dairy waste, name of receiving water body(ies), and the segment number.

Select the duration of the use of the land whether temporary (one time use) or permanent.

Select the type of irrigation equipment that will be used or provide the name if it is not listed.

Indicate the land type whether private, county, district, municipal, federal, state or provide the land type if it is not listed.

# Part D – Source of Dairy Waste

Indicate if the dairy waste is generated outside of the State of Texas or inside of the state.

Indicate if you transport the dairy waste on behalf of other generators or if the dairy waste is generated at your facility.

Provide the name of the taker driver, license plate number, name and address of hauling company, and telephone number. Provide the volume of dairy waste and the date and time of land application.

Select the business type from the list or provide information if it is not listed

# Part E – Third-Party Contractor Applying Dairy Waste.

Complete this section if you are hired to apply dairy waste to agricultural land. Provide the name of the third-party contractor, the name under which you do business, address and telephone number.

Provide the legal name of the entity that hired you, their address and telephone number.

Provide the amount of dairy waste in gallons that was or will be land applied, and the date and time of application.

# **Part F – Signatures and Certifications**.

If you are the Owner of the land that is or will be used for land application of dairy waste, 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. 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 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).