



**Waiver for Storm Water Discharges
from Small Municipal Separate Storm Sewer
Systems (MS4) under the
TPDES Phase II MS4 General Permit (TXR040000)**

TCEQ Office Use Only
Permit No.:
RN:
CN:

IMPORTANT:

- Use the attached **INSTRUCTIONS** when completing this form.
- After completing this form, use the attached **CUSTOMER CHECKLIST** to make certain all items are complete and accurate.
- Missing, illegible, or inaccurate items may delay final acknowledgment or coverage under the general permit.

A. OPERATOR (applicant)

1. If the applicant is currently a customer with TCEQ, what is the Customer Number (CN) issued to this entity?
CN

2. What is the full Legal Name of the applicant?

(The exact legal name must be provided.)

3. What is the applicant's mailing address as recognized by the **US Postal Service**?

Address:	Suite No./Bldg. No./Mail Code:
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City:	State:	ZIP Code:
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Country Mailing Information (if outside USA).	Country Code:	Postal Code:
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4. Phone No.: ()	Extension:
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5. Fax No.: ()	E-mail Address:
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6. Indicate the type of Customer:

Federal Government	State Government	County Government
City Government	Other Government	

7. Number of Employees: 0-20; 21-100; 101-250; 251-500; or 501 or higher

B. REGULATED ENTITY (RE) INFORMATION

1. Has the TCEQ issued a Regulated Entity Reference Number (RN) for the regulated MS4? Yes No

If Yes, what is the RN? **RN**
If No, TCEQ will assign the RN number after the NOI is submitted.

2. Name that is used to identify the small MS4 (Regulated Entity).
(Example: City of XXX MS4)

3. Provide a brief description of the regulated MS4 boundaries:
(Example: Area within the City of XXXX limits that is located within the xxx (e.g. Dallas) urbanized area city limits.)

4. a. What is the county where the largest residential population exists within the regulated MS4 boundaries?

b. Is the MS4 located within additional counties? Yes No
If yes, what county(s)?

5. What is the latitude and longitude of the approximate center of the regulated portion of the small MS4?

Latitude: N Longitude: W

6. What is the mailing address for the regulated entity?

Is the RE mailing address the same as the Operator? Yes, go to Section F. No, provide the address.

Street Number:	Street Name:
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City:	State: ZIP	Code:
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C. GENERAL CHARACTERISTICS		
The TCEQ may waive permitting requirements for small regulated MS4 operators if the criteria are met for Waiver Option 1 or Waiver Option 2. Indicate the Waiver Option you are seeking and complete the questions to determine if eligible for provisional waiver coverage. If the provisional waiver option is not attainable, a Notice of Intent is required.		
Which Waiver Option are you seeking? (Check and complete A or B)		
a. Waiver Option 1		
Answer the following questions to determine eligibility under Waiver Option 1:		
1. Does the portion of the MS4 located within an urbanized area serve a population of less than 1,000?	Yes	No
If "No", the small MS4 does not qualify for Waiver Option 1. If "Yes", go to question 2.		
2. Does the small MS4 contribute substantially to the pollutant loadings of a physically interconnected MS4 that is regulated by the NPDES/TPDES storm water program?	Yes	No
If "No", go to question 3. If "Yes", the small MS4 does not qualify for Waiver Option 1.		
3. Does the MS4 discharge to an impaired water body as defined on the state's inventory of impaired and threatened water bodies (the Federal Clean Water Act, 303(d) list)?	Yes	No
If "No", Waiver Option 1 is attainable. Proceed to next section. If "Yes", go to question 4.		
4. Does the small MS4 discharge any pollutant(s) that have been identified as a cause for impairment?	Yes	No
If "No", Waiver Option 1 is attainable. Proceed to next section. If "Yes", go to question 5.		
5. Is there an EPA approved or established TMDL that addresses the pollutant(s) of concern?	Yes	No
If "No", Waiver Option 1 is attainable. Proceed to next section. If "Yes", go to question 6.		
6. Has it been determined that storm water controls are not needed based on waste load allocations that are part of an EPA approved or established total maximum daily load (TMDL) that address the pollutants of concern?	Yes	No
If "No", the small MS4 does not qualify for Waiver Option 1. If "Yes", Waiver Option 1 is attainable. Proceed to next section.		
b. Waiver Option 2		
Answer the following questions to determine eligibility under Waiver Option 2:		
1. Does the portion of the MS4 located within an urbanized area serve a population of less than 10,000?	Yes	No
If "No", the small MS4 does not qualify for Waiver Option 2.		
2. Has the small MS4 Operator coordinated activities required to meet the waiver conditions with TCEQ?	Yes	No
If "No" to question 2, then provisional waiver authorization is not allowed, and this waiver will be denied. Before submitting this form, the small MS4 Operator must coordinate with the TCEQ staff to determine eligibility under this Waiver Option.		
If "Yes" to question 2, identify the TCEQ staff name and phone number working with the small MS4 Operator for coverage under this Waiver Option. If this information is not provided, this waiver will be denied.		
TCEQ Staff Name:		Phone Number:
2. I certify that any portion of the regulated MS4 is not located on Indian Country Lands? If No, you must obtain authorization through EPA, Region VI.	Yes	No
3. What is the Standard Industrial Classification (SIC) code (see instructions for common codes):		

4. Discharge Information	
a. What is the name of the receiving water body(s) from the MS4?	
b. What is the classified segment(s) that receives discharges, directly or indirectly, from the small MS4?	
c. Are any of the surface water bodies receiving discharges from the small MS4 on the latest EPA-approved CWA § 303(d) list of impaired waters? Yes No	
If Yes, what is the name of the impaired water body(s) receiving the discharges from the small MS4?	
d. Is the discharge into any other MS4 prior to discharge into surface water in the state? Yes No	
If Yes , what is the name of the MS4 Operator?	
D. CERTIFICATION	
Check "Yes" to the certifications below. Failure to indicate "Yes" to ALL items may result in denial of coverage under the general permit.	
I certify that I understand the terms and conditions of the general permit TXR040000.	Yes
I certify that the small MS4 qualifies for a waiver from permitting requirements under general permit TXR040000.	Yes
I understand that a Notice of Termination (NOT) must be submitted when this waiver is no longer needed.	Yes
Operator Certification:	
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 §305.44 to sign and submit this document, and can provide documentation in proof of such authorization upon request.	
Signature: _____ Date: _____	
<i>(Use blue ink)</i>	

Did you complete everything? Use this checklist to be sure!

Are you ready to mail your form to TCEQ? Go to the General Information Section of the Instructions for mailing addresses.

Customer GP Waiver Checklist TXR040000	
√	This checklist is for use by the operator to ensure a complete application. Missing information may result in denial of coverage under the permit. (See WAIVER Process description in the Instructions)
	<p>OPERATOR INFORMATION - Confirm each item is complete:</p> <p>√</p> <p>Customer Number (CN) issued by TCEQ Central Registry Operator Mailing Address is complete & verifiable with USPS. www.usps.com Phone Numbers/E-mail Address Type of Operator (Entity Type) Number of Employees</p>
	<p>REGULATED ENTITY (RE) INFORMATION ON PROJECT OR SITE - Confirm each item is complete:</p> <p>√</p> <p>MS4 Name/Regulated Entity Name Site Description Latitude and Longitude www.tceq.texas.gov/gis/drghelp.html#Latlong or http://www.terraserver.com/. Business description Site Mailing Address (checked same as operator or provided a complete & USPS verifiable address. www.usps.com)</p>
	<p>GENERAL CHARACTERISTICS - Confirm each item is complete:</p> <p>√</p> <p>Waiver Option 1 or 2? Does your MS4 qualify for Waiver Option 1 or 2? If selected Option 2, is the TCEQ contact person identified? Indian Country Lands –the facility is not on Indian Country Lands Standard Industrial Classification (SIC) code www.osha.gov/oshstats/sicsr.html Discharge Information (receiving water body, segment no., impaired water body(s) and MS4 Operator)</p>
CERTIFICATION	<p>Certification statements have been checked indicating “Yes” Signature meets 30 Texas Administrative Code (TAC) §305.44 and is original and has been provided for the Operator.</p>

**WAIVER for Storm Water Discharges from
Small Municipal Separate Storm Sewer Systems (MS4) under the
TPDES Phase II MS4 General Permit (TXR040000)
General Information and Instructions**

GENERAL INFORMATION

Where to Send the Waiver, and other related forms:

BY REGULAR U.S. MAIL

Texas Commission on Environmental Quality
Application Review & Processing Team (MC148)
P.O. Box 13087
Austin, TX 78711-3087

BY OVERNIGHT/EXPRESS MAIL

Texas Commission on Environmental Quality
Application Review & Processing Team (MC148)
12100 Park 35 Circle
Austin, TX 78753

TCEQ Contact list:

Application Processing Questions relating to the status and form requirements:	512/239-4671
Technical Questions relating to the SWMP, MCM and general permit:	512/239-4671 or swgp@tceq.texas.gov
Environmental Law Division:	512/239-0600
Records Management for obtaining copies of forms submitted to TCEQ:	512/239-0900
Information Services for obtaining reports from program data bases (as available):	512/239-DATA (3282)
Financial Administration's Cashier's office:	512/239-0357 or 512/239-0187

Waiver Process:

When your form is received by the program, the form will be processed as follows:

- 1. Administrative Review:** Each item on the form will be reviewed for a complete response. In addition, the operator's legal name must be verified with Texas Secretary of State as valid and active (if applicable). The address(s) on the form must be verified with the US Postal service as an address receiving regular mail delivery. Never give an overnight/express mailing address.
- 2. Notice of Deficiency:** If an item is incomplete or not verifiable as indicated above, a notice of deficiency (NOD) will be mailed to the operator. The operator will have 30 days to respond to the NOD. The response will be reviewed for completeness.
- 3. Technical Review :** More information may be requested by phone or technical NOD letter mailed to the operator.
- 4. Acknowledgment of Coverage:** An Acknowledgment Certificate will be mailed to the operator. This certificate acknowledges coverage under the general permit.

-or-

Denial of Coverage: Coverage may be denied if the operator fails to respond to any NOD, the NOD response is inadequate, or finds the MS4 does not meet the criteria for a waiver under of this general permit. The operator will be notified.

General Permit (Your Permit)

Provisional coverage under the general permit begins two days after postmarked for delivery to TCEQ. You should have a copy of your general permit when submitting your application. You may view and print your permit for which you are seeking coverage, on the TCEQ web site www.tceq.texas.gov.

General Permit Forms

The Notice of Intent (NOI), Waiver, Notice of Termination (NOT), and Notice of Change (NOC) with instructions are available in Adobe Acrobat PDF format on the TCEQ web site www.tceq.texas.gov.

Change in Operator

An authorization under the general permit is not transferable. If the operator of the regulated entity changes, the present permittee must submit a Notice of Termination and the new operator must submit a Notice of Intent or Waiver, if needed.. The NOT and NOI or Waiver must be submitted no later than 10 days prior to the change in Operator status.

TCEQ Central Registry Core Data Form

The Core Data Form has been incorporated into this form. **Do not send a core data form to TCEQ.**

After final acknowledgment of coverage under the general permit, the program will assign a Customer Number (CN) and Regulated Entity Number (RN). For MS4 Permits, a new RN will be assigned for each Waiver filed with TCEQ, since the MS4 boundaries can overlap with other Customers. The RN assigned to the MS4 will not be assigned to any other TCEQ authorization.

You can find the information on the Central Registry web site at www12.tceq.texas.gov/crpub/. You can search by the Regulated Entity (RN), Customer Number (CN) or Name (Permittee), or by your permit number under the search field labeled "Additional ID". Capitalize all letters in the permit number.

The Customer (Permittee) is responsible for providing consistent information to the TCEQ, and for updating all CN and RN data for all authorizations as changes occur.

For General Permits, a Notice of Change meeting signatory requirements must be submitted to the program area as required in the general permit.

INSTRUCTIONS FOR FILLING OUT THE WAIVER FORM

A. OPERATOR (As defined in the general permit.)

1. TCEQ Issued Customer Number (CN)

TCEQ's Central Registry will assign each customer a number that begins with "CN," followed by nine digits. **This is not a permit number**, registration number, or license number.

- If this customer has not been assigned a Customer Reference Number, leave the space for the Customer Reference Number blank.
- If this customer has already been assigned this number, enter the operator's Customer Reference Number in the space provided.

2. Legal Name

Provide the legal name of the MS4 operator, as authorized to do business in Texas. The name must be provided exactly as filed with the Texas Secretary of State (SOS), or on other legal documents forming the entity, that is filed in the county where doing business. You may contact the SOS at 512/463-5555, for more information related to filing in Texas. If filed in the county where doing business, provide a copy of the legal documents showing the legal name.

3. Operator Mailing Address

Provide a complete mailing address for receiving mail from the TCEQ. The address must be verifiable with the US Postal Service at www.usps.com, for regular mail delivery (not overnight express mail). If you find that the address is not verifiable using the USPS web search, please indicate the address is used by the USPS for regular mail delivery.

4. Phone Number

This number should correspond to this customer's mailing address given earlier. Enter the area code and phone number here. Leave "Extension" blank if this customer's phone system lacks this feature.

5. Fax Number and E-mail Address

This number and E-mail address should correspond to operator's mailing address provided earlier. (Optional Information)

6. Type of Entity

Check only one box that identifies the type of entity.

Government- Federal, state, county, or city government (as appropriate)
the customer is either an agency of one of these levels of government or the governmental body itself .

7. Number of Employees

Check one box to show the number of employees for this customer's entire company, at all locations.

B. REGULATED ENTITY (RE) INFORMATION ON PROJECT OR SITE

1. Regulated Entity Reference Number (RN) is issued by TCEQ's Central Registry to sites (a location where a regulated activity occurs) regulated by TCEQ.

A new regulated entity number is assigned by Central Registry for each new MS4 Waiver since the area under control of the operator may overlap with other regulated entities. This RN will be assigned during administrative review of the Waiver.

2. Site Name/Regulated Entity

Provide the name of the MS4 operation as known by the public in the area where the MS4 is located. The name you provide on this application will be used in the TCEQ Central Registry as the Regulated Entity.

3. Describe the boundaries of the regulated portion of the small MS4.

4. Name the county where the largest residential population exists within the MS4's regulated boundaries. If the regulated area falls within additional counties, provide the county names as secondary.

5. Latitude and Longitude

The Latitude and Longitude must be the approximate center of the regulated portion of the small MS4. Enter the latitude and longitude of the site in either degrees, minutes, and seconds or decimal form. For help obtaining the latitude and longitude, go to: www.tceq.texas.gov/gis/drghelp.html#Latlong or www.terraserver.com.

SITE MAILING ADDRESS

Provide a complete mailing address to be used by TCEQ for receiving mail. In most cases, the address is the same as the operator. If so, simply place a check mark in the box. If you provide a different address, please verify the address with USPS as instructed above for the operator address.

<p>C. GENERAL CHARACTERISTICS</p> <p>1. Indicate the waiver option you are seeking, and complete the questions for the selected waiver option to determine if eligible for the waiver option. If waiver option 2 is selected, the TCEQ staff working with the MS4 Operator must be identified on the form. Coordination with TCEQ staff is required to determine eligibility prior to submitting the waiver form.</p> <p>Source for a list of Urbanized Area (UA) maps in Texas, and the list of populations of cities and counties within the UAs: http://cfpub1.epa.gov/npdes/stormwater/urbanmapresult.cfm?state=TX.</p> <p>2. Indian Country Lands If your site is located on Indian Country Lands, the TCEQ does not have authority to process your application. You must obtain authorization through EPA, Region VI, Dallas. Do not submit this form to TCEQ.</p> <p>Indian Country means (1) all land within the limits of any American Indian reservation under the jurisdiction of the U.S. government, notwithstanding the issuance of any patent, and including rights-of-way running throughout the reservation; (2) all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or outside the limits of a State; and (3) all Indian allotments, the Indian titles which have not been extinguished, including rights-of-way running through the same.</p> <p>Indian Tribe means any Indian Tribe, band, nation, or community recognized by the Secretary of the Interior and exercising substantial governmental duties and powers.</p> <p>3. Standard Industrial Classification (SIC) code Provide the SIC code that best describes the operator's primary business. Common SIC Codes are provided below. For help with SIC codes, go to: www.osha.gov/oshstats/sicser.html</p> <p>9111, Executive offices (such as for a city, county, etc.) 8221, Colleges, Universities, and Professional Schools 8222, Junior Colleges and Technical Institutes 9621, Regulation and Administration of Transportation Programs 4111, Local and Suburban Transit 4952, Sewerage Systems 4971, Irrigation Systems 9223, Correctional Institutions 9511, Air and Water Resource and Solid Waste Management (including flood control, drainage development, etc.)</p> <p>4. Discharge Information</p> <p>a. The storm water may be discharged directly to a receiving stream or through another MS4* from your MS4. It eventually reaches a receiving water body such as a local stream or lake, possibly via a drainage ditch. You must provide the name of the surface water body(s) that receives the discharge from the site (a local stream or lake). Please note that this general permit does not grant permission to use another MS4 as a conveyance of storm water and certain non-storm water discharges along the discharge route.</p> <p>b. Identify the classified segment number(s) receiving a discharge directly or indirectly. Go to the link to find the segment number of the classified water body where wastewater will flow http://www.tceq.texas.gov/compliance/monitoring/water/quality/data/wqm/viewer/viewer.html.</p> <p>c. Identify any surface water bodies receiving discharges from the small MS4 that are on the latest EPA-approved CWA § 303(d) list of impaired waters.</p> <p>EPA approved CWA 303d list of impaired waters can be found at: http://www.tceq.texas.gov/compliance/monitoring/water/quality/data/wqm/305_303.html</p> <p>d. Identify the MS4* Operator name if the storm water discharge is into an MS4.</p> <p>*MS4 is an acronym for Municipal separate storm sewer system. MS4 is defined as a separate storm sewer system owned or operated by a state, city, town, county, district, association, or other public body (created by or pursuant to state law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under state law such as a sewer district, flood control or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, that discharges to water in the state.</p> <p>For assistance, you may call the technical staff of the Water Quality Assessment & Standards Section at 512/239-4671.</p>
<p>D. CERTIFICATIONS</p> <p>Failure to indicate "Yes" to ALL of the certification items may result in denial of coverage under the general permit.</p> <p>The certification must bear an original signature of a person meeting the signatory requirements specified under 30 Texas Administrative Code (TAC) §305.44.</p> <p>IF YOU ARE A CORPORATION:</p> <p>The regulation that controls who may sign an NOI or similar form is 30 Texas Administrative Code §305.44(a)(1) (see below). According to this code provision, any corporate representative may sign an NOI or similar form so long as the authority to sign such a document has been delegated to that person in accordance with corporate procedures. By signing the NOI or similar form, you are certifying that such authority has been delegated to you. The TCEQ may request documentation evidencing such authority.</p>

IF YOU ARE A MUNICIPALITY OR OTHER GOVERNMENT ENTITY:

The regulation that controls who may sign an NOI or similar form is 30 Texas Administrative Code §305.44(a)(3) (see below). According to this code provision, only a ranking elected official or principal executive officer may sign an NOI or similar 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 statute(s) under which your government entity was formed. An NOI or similar document that is signed by a government official who is not a ranking elected official or principal executive officer does not conform to §305.44(a)(3). The signatory requirement may not be delegated to a government representative other than those identified in the regulation. By signing the NOI or similar 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 the 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
§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).