



# No Exposure Certification (NEC) for Stormwater Discharges Associated with Industrial Activity under TPDES General Permit (TXR050000)

## IMPORTANT:

- Use the [INSTRUCTIONS](#) to fill out each question in this form.
- Once processed, your permit authorization can be viewed at: <http://www.tceq.texas.gov/goto/wq-dpa>

## APPLICATION FEE:

- You must pay the **\$200** Application Fee to TCEQ for the paper application to be complete. Pay a \$ 100 dollars reduced Application Fee by using ePermits
- Payment and Application must be mailed to separate addresses.
- You can pay online:
  - Go to <http://www.tceq.texas.gov/goto/epay>
  - Select Fee Type: GENERAL PERMIT INDUSTRIAL STORMWATER DISCHARGE NEC APPLICATION

- **Provide your payment information below, for verification of payment**

Mailed      Check/Money Order Number:

                  Check/Money Order Amount:

                  Name Printed on Check:

EPAY         Voucher Number:

                  Copy of Payment Voucher enclosed?      Yes

## REASON FOR APPLICATION:

Select the reason you are submitting this application:

- New authorization
- Change in operator for authorization number: TXRNE
- Renewal of authorization number: TXRNE

## Section 1. OPERATOR (Applicant)

- a) If the applicant is currently a customer with TCEQ, what is the Customer Number (CN) issued to this entity? CN
- b) What is the Legal Name of the entity (applicant) applying for this permit? (The legal name must be spelled exactly as filed with the Texas Secretary of State, County, or in the legal document forming the entity.)

c) What is the contact information for the Operator (Responsible Authority)?

Prefix (Mr. Ms. or Miss): [Click here to enter text.](#)

First and Last Name: [Click here to enter text.](#)

Suffix: [Click here to enter text.](#)

Title: [Click here to enter text.](#)

Credentials: [Click here to enter text.](#)

Phone Number: [Click here to enter text.](#)

Fax Number: [Click here to enter text.](#)

Email: [Click here to enter text.](#)

Mailing Address: [Click here to enter text.](#)

City, State, and Zip Code: [Click here to enter text.](#)

d) Indicate the type of Customer:

Individual

Limited Partnership

General Partnership

Trust

Sole Proprietorship (D.B.A.)

Corporation

Estate

Joint Venture

Federal Government

County Government

State Government

City Government

Other Government

Other: [Click here to enter text.](#)

e) Is this customer an independent entity?

Yes  No customer is government, subsidiary, or part of a larger corporation.

f) Number of Employees:

0-20

21-100

101-250

251-500

501 or higher

g) For Corporations and Limited Partnerships:

What is the Tax Identification Number issued by the State Comptroller: [Click here to enter text.](#)

What is the Charter Number issued by the Texas Secretary of State: [Click here to enter text.](#)

## Section 2. APPLICATION CONTACT

This is the person TCEQ will contact if additional information is needed about this application.

Is the application contact and contact information the same as the Operator identified in Section 1) above?

Yes, go to Section 3)

No, complete section below

Prefix (Mr. Ms. or Miss): [Click here to enter text.](#)

First and Last Name: [Click here to enter text.](#)

Suffix: [Click here to enter text.](#)

Title: [Click here to enter text.](#)

Credentials: [Click here to enter text.](#)

Organization Name: [Click here to enter text.](#)

Phone Number: [Click here to enter text.](#)

Fax Number: [Click here to enter text.](#)

Email: [Click here to enter text.](#)

Mailing Address: [Click here to enter text.](#)

City, State, and Zip Code: [Click here to enter text.](#)

### Section 3. REGULATED ENTITY (RE) INFORMATION ON PROJECT OR SITE

a) If this is an existing permitted site, what is the Regulated Entity Number (RN) issued to this site? RN [Click here to enter text.](#)

b) Name of project or site as known by the local community: [Click here to enter text.](#)

c) In your own words, briefly describe the primary business of the Regulated Entity: (Do not repeat the SIC and NAICS code): [Click here to enter text.](#)

d) County or counties if more than 1: [Click here to enter text.](#)

e) Latitude: [Click here to enter text.](#) Longitude: [Click here to enter text.](#)

f) Site Address/Location:

If the site has a physical address such as 12100 Park 35 Circle, Austin, TX 78753, complete Item 1.

If the site does not have a physical address, provide a location description in Item 2. Example: located on the north side of FM 123, 2 miles west of the intersection of FM 123 and Highway 1.

#### Item 1: Physical Address of Project or Site:

Street Number and Name: [Click here to enter text.](#)

City, State, and Zip Code: [Click here to enter text.](#)

#### Item 2: Physical Location of Project or Site:

Location description:

[Click here to enter text.](#)

City where the site is located or, if not in a city, what is the nearest city: [Click here to enter text.](#)

ZIP Code where the site is located: [Click here to enter text.](#)

### Section 4. GENERAL CHARACTERISTICS

a) Is this site located on Indian Country Lands?

- Yes, do not submit this application form. You must obtain authorization through EPA, Region 6.
- No, continue to item b).

b) What is the Primary Standard Industrial Classification (SIC) code that is within the range listed and corresponds with the selected activity or sector in the general permit? [Click here to enter text.](#)

c) If applicable, what is the Secondary SIC code(s)? [Click here to enter text](#)

**If the Secondary SIC code is 1411, 1422, 1423, 1429, 1442, 1446, 1474, 1475, 1479, 1481, or 1499, the following certification is required to qualify for coverage under this general permit:**

I certify that this application does not include any discharges from quarries located in the John Graves Scenic Riverway, in the Brazos River Basin, in Palo Pinto or Parker County, Texas, as described in Texas Water Code, Subchapter 26.553.  Yes

d) What is the Sector(s) that applies to the industrial activity at this facility? The Sector(s) must correspond to the primary SIC Code(s) listed above.

- |                                   |                                   |                                   |                                   |                                    |
|-----------------------------------|-----------------------------------|-----------------------------------|-----------------------------------|------------------------------------|
| <input type="checkbox"/> Sector A | <input type="checkbox"/> Sector G | <input type="checkbox"/> Sector M | <input type="checkbox"/> Sector S | <input type="checkbox"/> Sector Y  |
| <input type="checkbox"/> Sector B | <input type="checkbox"/> Sector H | <input type="checkbox"/> Sector N | <input type="checkbox"/> Sector T | <input type="checkbox"/> Sector Z  |
| <input type="checkbox"/> Sector C | <input type="checkbox"/> Sector I | <input type="checkbox"/> Sector O | <input type="checkbox"/> Sector U | <input type="checkbox"/> Sector AA |
| <input type="checkbox"/> Sector D | <input type="checkbox"/> Sector J | <input type="checkbox"/> Sector P | <input type="checkbox"/> Sector V | <input type="checkbox"/> Sector AB |
| <input type="checkbox"/> Sector E | <input type="checkbox"/> Sector K | <input type="checkbox"/> Sector Q | <input type="checkbox"/> Sector W | <input type="checkbox"/> Sector AC |
| <input type="checkbox"/> Sector F | <input type="checkbox"/> Sector L | <input type="checkbox"/> Sector R | <input type="checkbox"/> Sector X |                                    |

Sector AD. For Sector AD a copy of the letter from TCEQ requiring coverage under this general permit must be included with this application or coverage will be denied.

e) If applicable, select the Activity Code(s) that corresponds with the Sector.

- HZ                       SE                       LF                       TW

If seeking coverage based on federal effluent guidelines, select the qualifying activity type(s).

- |  |   |
|--|---|
| <input type="checkbox"/> Wet Decking Water                     | <input type="checkbox"/> Cement Manufacturing Materials |
| <input type="checkbox"/> Phosphorus Fertilizers                | <input type="checkbox"/> Asphalt Emulsion               |
| <input type="checkbox"/> Mining Sand, Gravel, or Crushed Stone |   |

## Section 5. NO EXPOSURE CHECKLIST

Answer each of the following questions to determine if your facility is eligible for the No Exposure exclusion.

**If you answer "yes" to any of these questions, you do not qualify for the No Exposure exclusion. You must complete the Notice of Intent form TCEQ-10382 to obtain coverage under this general permit.**

a) Are there any industrial materials or activities (including using, storing or cleaning industrial machinery or equipment, and areas where residuals from using, storing or cleaning industrial machinery or equipment remain) exposed to stormwater?

- Yes                       No

b) Are there any materials or residuals on the ground or in stormwater inlets from spills/leaks exposed to stormwater?

- Yes                       No

c) Are there materials or products from past industrial activity exposed to stormwater?

- Yes                       No

- d) Is there any material handling equipment (except adequately maintained vehicles) exposed to stormwater?  
 Yes       No
- e) Are there any materials or products during loading/unloading or transporting activities that may be exposed to stormwater?  
 Yes       No
- f) Are there any materials or products stored outdoors (except final products intended for outside use [e.g., new cars] where exposure to storm water does not result in the discharge of pollutants) that may be exposed to stormwater?  
 Yes       No
- g) Are there any materials contained in open, deteriorated or leaking storage drums, barrels, tanks, and similar containers that may be exposed to stormwater?  
 Yes       No
- h) Are there any materials or products handled/stored on roads or railways owned or maintained by the operator that may be exposed to stormwater?  
 Yes       No
- i) Is there any waste material (except waste in covered, non-leaking containers [e.g., dumpsters]) that may be exposed to stormwater?  
 Yes       No
- j) Are there any activities that include application or disposal of process wastewater that are not otherwise permitted?  
 Yes       No
- k) Is there any particulate matter or visible deposits of residuals from roof stacks and/or vents not otherwise regulated (i.e., under an air quality control permit) and evident in the stormwater discharge?  
 Yes       No

**Section 6. CERTIFICATION**

- a) I certify that I have obtained a copy and understand the terms and conditions of the General Permit TXR050000. Yes
- b) I certify that the activities at this site qualify for coverage under the general permit TXR050000. Yes
- c) I understand that a Notice of Termination (NOT) must be submitted when this authorization is no longer needed. Yes
- d) I certify that the full legal name of the entity applying for this permit has been provided and is legally authorized to do business in Texas. Yes

**Operator Certification:**

Operator Signatory Name: [Click here to enter text.](#)

Operator Signatory Title: [Click here to enter text.](#)

I 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 (use blue ink): \_\_\_\_\_ Date: \_\_\_\_\_

# Texas Commission on Environmental Quality General Permit Payment Submittal Form

**Use this form to submit your Application Fee only if you are mailing your payment.**

- Complete items 1 through 5 below.
- Staple your check in the space provided at the bottom of this document.
- Do not mail this form with your application form.
- Do not mail this form to the same address as your application form.

**Mail this form and your check to:**

*BY REGULAR U.S. MAIL*

Texas Commission on Environmental Quality  
Financial Administration Division  
Cashier's Office, MC-214  
P.O. Box 13088  
Austin, TX 78711-3088

*BY OVERNIGHT/EXPRESS MAIL*

Texas Commission on Environmental Quality  
Financial Administration Division  
Cashier's Office, MC-214  
12100 Park 35 Circle  
Austin, TX 78753

Fee Code: GPA

General Permit: TXR050000

1. Check / Money Order No: [Click here to enter text.](#)
2. Amount of Check/Money Order: [Click here to enter text.](#)
3. Date of Check or Money Order: [Click here to enter text.](#)
4. Name on Check or Money Order: [Click here to enter text.](#)
5. APPLICATION INFORMATION

If the check is for more than one application, list each Project/Site (RE) Name and Physical Address exactly as provided on the application form. **DO NOT SUBMIT A COPY OF THE APPLICATION WITH THIS FORM AS IT COULD CAUSE DUPLICATE PERMIT ENTRIES.**

If more space is needed, you may attach a list.

Project/Site (RE) Name: [Click here to enter text.](#)

Project/Site (RE) Physical Address: [Click here to enter text.](#)

Staple Check in This Space

# Instructions for No Exposure Certification (NEC) for Stormwater Discharges Associated with Industrial Activity TPDES General Permit TXR050000

## GENERAL INFORMATION

### Where to Send the No Exposure Certification (NEC) Form

#### BY REGULAR U.S. MAIL:

Texas Commission on Environmental Quality  
Stormwater Processing Center (MC-228)  
P.O. Box 13087  
Austin, Texas 78711-3087

#### BY OVERNIGHT/EXPRESS MAIL:

Texas Commission on Environmental Quality  
Stormwater Processing Center (MC-228)  
12100 Park 35 Circle  
Austin, TX 78753

### Application Fee

The application fee of \$200 for paper NECs or \$100 for filing electronically is required to be paid at the time the NEC is submitted. Failure to submit payment at the time the application is filed will cause delays in acknowledgment or denial of coverage under the general permit. Payment of the fee may be made by check or money order, payable to TCEQ, or through EPAY (electronic payment through the web).

#### Mailed Payments:

Use the attached General Permit Payment Submittal Form. The application fee is submitted to a different address than the NEC. Read the General Permit Payment Submittal Form for further instructions.

#### ePAY Electronic Payment: <http://www.tceq.texas.gov/epay>

When making the payment you must select Water Quality, and then select the fee category "General Permit Industrial Stormwater Discharge NEC Application". You must include a copy of the payment voucher with your application. Your NEC will not be considered complete without the payment voucher.

### TCEQ Contact List

Application – status and form questions:	512-239-3700, <a href="mailto:swpermit@tceq.texas.gov">swpermit@tceq.texas.gov</a>
Technical questions:	512-239-4671, <a href="mailto:swgp@tceq.texas.gov">swgp@tceq.texas.gov</a>
Environmental Law Division:	512-239-0600
Records Management - obtain copies of forms:	512-239-0900
Reports from databases (as available):	512-239-DATA (3282)
Cashier's office:	512-239-0357 or 512-239-0187

### No Exposure Certification Process

When your NEC 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 receiving regular mail delivery. Do not 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) **Acknowledgment of Coverage:** An Acknowledgment Certificate will be mailed to the operator. This certificate acknowledges coverage under the general permit.

or

**Denial of Coverage:** If the operator fails to respond to the NOD or the response is inadequate, coverage under the general permit may be denied. If coverage is denied, the operator will be notified.

### General Permit (Your Permit)

Coverage under the general permit begins 7 days after a completed NEC is postmarked for delivery to the TCEQ. For NECs submitted electronically through ePermits, provisional coverage under the general permit begins immediately following confirmation of receipt of the NEC form by the 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 website <http://www.tceq.texas.gov>. Search using keyword TXR050000.

### 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 (NOT) and the new operator must submit an NEC. The NOT and NEC must be submitted not later than 10 days prior to the change in status.

## INSTRUCTIONS FOR FILLING OUT THE FORM

**Change in Operator:** Provide the authorization number. This number will begin with TXRNE. Do not use TXR050000, that is the general permit number not your authorization number. Please note that authorizations under a general permit are not transferable. If the operator of the regulated entity changes, the present permittee must submit a Notice of Termination (NOT) and the new operator must submit an NEC. The NOT and NEC must be submitted not later than 10 days prior to the change in status.

**Renewal of General Permit:** Upon issuance of a renewed general permit, dischargers holding active authorizations under the expired general are required to submit a NEC to continue coverage. If a new NEC is not submitted by the deadline specified by TCEQ, existing authorizations under the expired general permit will be considered expired on that date.

Provide the authorization number. This number will begin with TXRNE. Do not use TXR050000, that is the general permit number not your authorization number.

If the permit number provided was terminated or denied, or was not provided, a new permit number will be issued.

## Section 1. Operator (Applicant)

If there is more than one operator, complete Attachment A for each additional operator.

### a) Customer Number (CN)

TCEQ's Central Registry assigns each customer a number that begins with CN, followed by nine digits. This is not a permit number, registration number, or license number. If the applicant is an existing TCEQ customer, the Customer Number is available at the following website: <http://www15.tceq.texas.gov/crpub/>. If the applicant is not an existing TCEQ customer, leave the space for CN blank.

### b) Legal Name of Applicant

Provide the current legal name of the applicant. The name must be provided exactly as filed with the Texas Secretary of State, or on the legal documents forming the entity as filed with the county. If filed in the county, provide a copy of the legal documents showing the legal name.

### c) Contact Information for the Applicant (Responsible Authority)

Provide information for the person signing the application in the Certification section. This person is also referred to as the Responsible Authority.

Provide a complete mailing address for receiving mail from the TCEQ. The mailing address must be recognized by the US Postal Service. You may verify the address on the following website: <https://tools.usps.com/go/ZipLookupAction!input.action>.

The phone number should provide contact to the applicant.

The fax number and e-mail address are optional and should correspond to the applicant.

### d) Type of Customer (Entity Type)

Check only one box that identifies the type of entity. Use the descriptions below to identify the appropriate entity type. Note that the selected entity type also indicates the name that must be provided as an applicant for an authorization.

#### Individual

An individual is a customer who has not established a business, but conducts an activity that needs to be regulated by the TCEQ.

#### Partnership

A customer that is established as a partnership as defined by the Texas Secretary of State Office (TX SOS). A Limited Partnership or Limited Liability Partnership (Partnership) is required to file with the Texas Secretary of State. A General Partnership or Joint Venture is not required to register with the state.

- **Partnership (Limited Partnership or Limited Liability Partnership):** A limited partnership is defined in the Act as a partnership formed by two or more persons under the provisions of Section 3 of the Uniform Limited Partnership Act (Art. 6132a, Revised Civil Statutes of Texas) and having as members one or more general partners and one or more limited partners. The limited partners as such are not bound by the obligations of the partnership. Limited partners may not take part in the day-to-day operations of the business. A Limited

Partnership must file with the Texas Secretary of State. A registered limited liability partnership is a general or limited partnership that is registered with the Texas Secretary of State. The partnership's name must contain the words "Registered Limited Liability Partnership" or the abbreviation "L.L.P." as the last words or letters of its name.

- **General Partnership:** A general partner may or may not invest, participates in running the partnership and is liable for all acts and debts of the partnership and any member of it. A General Partnership does not have limited partners. For a General Partnership, there is no registration with the state or even written agreement necessary for a general partnership to be formed. The legal definition of a partnership is generally stated as "an association of two or more persons to carry on as co-owners a business for profit" (Revised Uniform Partnership Act § 101 [1994]).
- **Joint Venture:** A joint venture is but another name for a special partnership. It might be distinguished from a general partnership in that the latter is formed for the transaction of a general business, while a joint venture is usually limited to a single transaction. That is, a joint venture is a special combination of persons in the nature of a partnership engaged in the joint prosecution of a particular transaction for mutual benefit or profit.

#### Trust or Estate

A trust and an estate are fiduciary relationships governing the trustee/executor with respect to the trust/estate property.

#### Sole Proprietorship (DBA)

A sole proprietorship is a customer that is owned by only one person and has not been incorporated. This business may:

- be under the person's name
- have its own name (doing business as or DBA)
- have any number of employees.

If the customer is a Sole Proprietorship or DBA, the 'legal name' of the individual business 'owner' must be provided. The DBA name is not recognized as the 'legal name' of the entity. The DBA name may be used for the site name (regulated entity).

#### Corporation

A customer that meets all of these conditions:

- is a legally incorporated entity under the laws of any state or country
- is recognized as a corporation by the Texas Secretary of State
- has proper operating authority to operate in Texas

The corporation's 'legal name' as filed with the Texas Secretary of State must be provided as applicant. An 'assumed' name of a corporation is not recognized as the 'legal name' of the 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. The government agency's 'legal name' must be provided as the applicant. A department name or other description of the organization is not recognized as the 'legal name'.

### Other

This may include a utility district, water district, tribal government, college district, council of governments, or river authority. Provide the specific type of government.

#### e) **Independent Entity**

Check No if this customer is a subsidiary, part of a larger company, or is a governmental entity. Otherwise, check Yes.

#### f) **Number of Employees**

Check one box to show the number of employees for this customer's entire company, at all locations. This is not necessary the number of employees at the site named in the application.

#### g) **Customer Business Tax and Filing Numbers**

These are required for Corporations and Limited Partnerships. These are not required for Individual, Government, and Sole Proprietors.

##### State Franchise Tax ID Number

Corporations and limited liability companies that operate in Texas are issued a franchise tax identification number. Enter the franchise tax identification number here.

##### TX SOS Charter (filing) Number

Corporations and Limited Partnerships required to register with the Texas Secretary of State are issued a charter or filing number. You may obtain further information by calling SOS at 512-463-5555.

## **Section 2. Application Contact**

Provide the name, title and contact information of the person that TCEQ can contact for additional information regarding this application.

## **Section 3. Regulated Entity (RE) Information on Project or Site**

#### a) **Regulated Entity Reference Number (RN)**

The RN is issued by TCEQ's Central Registry to sites where an activity is regulated by TCEQ. This is not a permit number, registration number, or license number. Search TCEQ's Central Registry to see if the site has an assigned RN at <http://www15.tceq.texas.gov/crpub/>. If this regulated entity has not been assigned an RN, leave this space blank.

If the site of your business is part of a larger business site, an RN may already be assigned

for the larger site. Use the RN assigned for the larger site.

If the site is found, provide the assigned RN and provide the information for the site to be authorized through this application. The site information for this authorization may vary from the larger site information.

An example is a chemical plant where a unit is owned or operated by a separate corporation that is accessible by the same physical address of your unit or facility. Other examples include industrial parks identified by one common address but different corporations have control of defined areas within the site. In both cases, an RN would be assigned for the physical address location and the permitted sites would be identified separately under the same RN.

**b) Name of the Project or Site**

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

**c) Description of Activity Regulated**

In your own words, briefly describe the primary business that you are doing that requires this authorization. Do not repeat the SIC Code description.

**d) County**

Provide the name of the county where the site or project is located. If the site or project is located in more than one county, provide the county names as secondary.

**e) Latitude and Longitude**

Enter the latitude and longitude of the site in degrees, minutes, and seconds or decimal form. For help obtaining the latitude and longitude, go to <http://www.tceq.texas.gov/gis/sqmapview.html>.

**f) Site Address/Location**

Item 1. If a site has an address that includes a street number and street name, enter the complete address for the site. If the physical address is not recognized as a USPS delivery address, you may need to validate the address with your local police (911 service) or through an online map site used to locate the site. Please confirm this to be a complete and valid address. Do not use rural route or post office box for a site location.

Item 2. If a site does not have an address that includes a street number and street name, provide a complete written location description. For example: "The site is located on the north side of FM 123, 2 miles west of the intersection of FM 123 and Highway 1."

Provide the city (or nearest city) and ZIP code of the site location.

**Section 4. General Characteristics**

**a) 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 6, in Dallas. Do not submit this application form to TCEQ.

**b) Primary Standard Industrial Classification (SIC) Code**

General Permit TXR050000 defines the industrial activity sectors listed on the NEC on

the basis of SIC and activity codes. For more information, go the TCEQ website at: [www.tceq.texas.gov](http://www.tceq.texas.gov) and search for "TXR050000". Select "Am I Regulated?"

Provide the SIC code that best describes the activity at the site. The SIC code must be within the range listed and correspond with the selected Activity or Sector in the general permit. It is possible that a Primary SIC Code relates to the overall operation of the business and is not a specific SIC Code that relates to the particular stormwater activity. You may determine the SIC code at <https://www.osha.gov/pls/imis/sicsearch.html>.

### c) Secondary SIC Code

If the facility has a secondary SIC Code, provide the secondary SIC Code.

For Industrial activities with Secondary SIC Codes 1411, 1422, 1423, 1429, 1442, 1446, 1474, 1475, 1479, 1481, or 1499 and within Palo Pinto or Parker counties, you must complete the certification statement. Provisional coverage will begin upon submittal of the NEC, however, the application will be reviewed by the program to determine eligibility. Approval is not automatic. Coverage under TPDES General Permit TXG500000 or an Individual Permit may be required. Contact the Stormwater and Pretreatment Team at (512)239-4671 for further information.

### d) Industrial Activity Sector

General Permit TXR050000 defines the 30 industrial activity sectors listed on the form on the basis of SIC and activity codes.

The need for a permit, and the eligibility for coverage under this general permit, is determined either by a facility's primary SIC code or by an Industrial Activity Code that is described in this general permit.

Sectors of industrial activity are divided into sub-sectors and further defined by SIC codes in the general permit. Operators of facilities with a primary SIC code that is included in the general permit must obtain authorization for discharges of stormwater associated with industrial activity and are eligible for coverage under this general TPDES permit.

Sector AD is used to provide permit coverage for facilities that are designated by the executive director as needing a permit to control pollution related to stormwater discharges and that do not meet the description of an industrial activity covered by Sectors A-AC. A facility that is not otherwise listed in the general permit is not eligible to apply for coverage under AD unless directed to do so in writing by the executive director. A copy of the letter from TCEQ will be required with the NEC.

For more information, go to the TCEQ web site at: [www.tceq.texas.gov](http://www.tceq.texas.gov). Search for key word 'TXR050000' and select "Am I Regulated" web page.

### e) Activity Code or Qualifying Activity Type

If any of the following narrative descriptions pertain to your facility, provide the appropriate activity code. This item is not applicable if the facility is defined under a Sector.

**HZ:** Hazardous waste treatment, storage, or disposal facilities, including those that are operating under interim status or a permit under Subtitle C of RCRA;

**LF:** Landfills, land application sites, and open dumps that receive or have received any industrial wastes, including those that are subject to regulation under Subtitle D of RCRA;

**SE:** Steam electric power generating facilities, including coal handling sites;

**TW:** Treatment works treating domestic sewage or any other sewage sludge or wastewater treatment device or system, used in the storage, treatment, recycling, and reclamation of municipal or domestic sewage.

If the facility generates or discharges stormwater from one of the following sources that is regulated by federal effluent limitations guidelines at 40 CFR Parts 400 through 471, and the industrial activity is described as the Secondary SIC Code, coverage is still attainable by selecting one of the Industrial Activity Types:

**Wet Decking Water** - Described in the Wet Storage Subcategory (Subpart I) of the Timber Products Processing Point Source Category (40 CFR Part 429).

**Phosphate Fertilizers** - Stormwater runoff that has come into contact with any raw materials, intermediate product, finished product, by-product or waste from areas of industrial activity described by SIC code 2874 (Phosphatic Fertilizers), as described in the Phosphate Subcategory (Subpart A) of the Fertilizer Manufacturing Point Source Category (40 CFR Part 418.)

**Asphalt Emulsion** - Stormwater runoff from asphalt paving and roofing emulsion production areas, as described in the Asphalt Emulsion Subcategory of the Paving and Roofing Materials (Tars and Asphalt) Manufacturing Point Source Category (40 CFR § 443.13).

**Cement Manufacturing Materials** - Stormwater runoff from cement manufacturing facilities (i.e., stormwater runoff from a process area, that has come into contact with raw materials, intermediate products, finished products, by-products, material storage piles or waste materials), as described in the Material Storage Piles Runoff Subcategory of the Cement Manufacturing Point Source Category (40 CFR § 411.32).

**Mining of Sand, Gravel, or Crushed Stone** - Stormwater and non-contaminated groundwater seepage from Construction Sand and Gravel mining operations (SIC 1442), Industrial Sand mining operations (SIC 1446), or Crushed Stone mining operations (SIC 1422 – 1429) (40 CFR Part 436).

## Section 5. No Exposure Checklist

If you answer "yes" to any of the questions in this section, you do not qualify for the No Exposure exclusion. Do not submit this form. You must complete the Notice of Intent form TCEQ-10382 to obtain coverage under this general permit.

## Section 6. Certifications

Failure to indicate "Yes" to ALL of the certification items may result in denial of coverage under the general permit.

The certification must bear an original signature of a person meeting the signatory requirements specified under 30 Texas Administrative Code §305.44.

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

The regulation that controls who may sign an application form is 30 Texas Administrative Code §305.44(a), which is provided below. According to this code provision, any corporate representative may sign an NEC 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 NEC or similar 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 NEC or similar form is 30 Texas Administrative Code §305.44(a), which is provided below. According to this code provision, only a ranking elected official or principal executive officer may sign an NEC 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 statutes under which your government entity was formed. An NEC 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 NEC 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).