****TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

APPLICATION TO TRANSFER A WASTEWATER PERMIT OR CAFO PERMIT

If you have questions about completing this form please contact the Applications Review and Processing Team at 512-239-4671.

# SECTION 1. CURRENT PERMIT INFORMATION

What is the Permit Number? Click here to enter text.

What is the EPA I.D. Number? TX Click here to enter text.

What is the Current Name on the Permit?

Click here to enter text.

What is the Customer Number (CN) for the current permittee? CN Click here to enter text.

What is the Regulated Entity Reference Number (RN): RN Click here to enter text.

For Publicly Owned Treatment Works (POTWs) Only:

1. Does this permit require implementation of an approved pretreatment program by the POTW? Yes [ ]    No [ ]
2. Does this permit have a domestic reclaimed water authorization associated with it? NOTE: **The domestic reclaimed water authorization associated with this permit will be cancelled on the same date the transfer took place**. See instructions for more information.

Yes [ ]    No [ ]

# SECTION 2. FACILITY OWNER (APPLICANT) INFORMATION

1. What is the Legal Name of the facility owner?

Click here to enter text.

1. What is the Customer Number (CN) issued to this entity? CN Click here to enter text.
2. Complete and attach a Core Data Form (TCEQ-10400) for this customer.

# SECTION 3. CO-APPLICANT INFORMATION

Complete this section only if another person or entity is required to apply as a co-permittee.

1. What is the Legal Name of the co-applicant applying for this permit?

Click here to enter text.

1. What is the Customer Number (CN) issued to this entity? CN Click here to enter text.
2. Complete and attach a Core Data Form (TCEQ-10400) for this customer.

# SECTION 4. APPLICATION CONTACT INFORMATION

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

Application Contact First and Last Name: Click here to enter text.

Title: Click here to enter text. Credentials: Click here to enter text.

Company Name: Click here to enter text.

Mailing Address: Click here to enter text.

City, State, and Zip Code: Click here to enter text.

Phone Number: Click here to enter text. Fax Number: Click here to enter text.

E-mail Address: Click here to enter text.

# SECTION 5. PERMIT CONTACT INFORMATION

This is the person TCEQ will contact if additional information is needed during the term of the permit.

Permit Contact First and Last Name: Click here to enter text.

Title: Click here to enter text. Credentials: Click here to enter text.

Company Name: Click here to enter text.

Mailing Address: Click here to enter text.

City, State, and Zip Code: Click here to enter text.

Phone Number: Click here to enter text. Fax Number: Click here to enter text.

E-mail Address: Click here to enter text.

# SECTION 6. SITE INFORMATION

Site Name: Click here to enter text.

# SECTION 7. LEASE AND EASEMENT REQUIREMENTS

**A.** Landowner where the facility is or will be located:

Landowner Name: Click here to enter text.

If this individual is not the same person as the facility owner or co-applicant, attach one of the following documents:

* A lease agreement or deed recorded easement, if the facility is NOT a fixture of the land, or
* A deed recorded easement if the facility IS a fixture of the land.

**B.** Landowner of the effluent disposal site:

Landowner Name: Click here to enter text.

If this individual is not the same person as the facility owner or co-applicant, attach a lease agreement.

**C.** For CAFOs: Attach the following records:

* Warranty Deed or Property Tax Records
* Lease Agreement (for land management units that are not owned by the facility owner or co-applicant)

Facility Size on the proof of ownership, in acres: Click here to enter text.

# SECTION 8. TRANSFER DATE

What is the date that the transfer of operator or ownership will occur? Click here to enter text.

# SECTION 9. REPORTING AND BILLING INFORMATION

**A.** Please identify the individual for receiving the reporting forms.

First and Last Name: Click here to enter text.

Title: Click here to enter text. Credentials: Click here to enter text.

Company Name: Click here to enter text.

Mailing Address: Click here to enter text.

City, State, and Zip Code: Click here to enter text.

Phone Number: Click here to enter text. Fax Number: Click here to enter text.

E-mail Address: Click here to enter text.

**B.** Please identify the individual for receiving the annual fee invoices.

First and Last Name: Click here to enter text.

Title: Click here to enter text. Credentials: Click here to enter text.

Company Name: Click here to enter text.

Mailing Address: Click here to enter text.

City, State, and Zip Code: Click here to enter text.

Phone Number: Click here to enter text. Fax Number: Click here to enter text.

E-mail Address: Click here to enter text.

# SECTION 10. DELINQUENT FEES OR PENALTIES

Do you owe fees to the TCEQ? Yes [ ]    No [ ]

Do you owe any penalties to the TCEQ? Yes [ ]    No [ ]

If you answered yes to either of the above questions, provide the amount owed, the type of fee or penalty, and an identifying number.

Click here to enter text.

# TRANSFEROR SIGNATURE (Current Facility Owner)

I consent to the transfer of the permit and 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 Section 305.44 to sign this document and can provide documentation in proof of such authorization upon request.

Facility Owner Name: Click here to enter text.

Title: Click here to enter text.

Signature: Date:

SUBSCRIBED AND SWORN to before me by the said on

this day of , 20

My commission expires on the day of , 20

(Seal) Notary Public

County, Texas

Below is a text box for signature, date, and notary public certification.

# TRANSFEROR SIGNATURE (Current Facility Co-Applicant)

Complete if a co-applicant is on the current permit.

I consent to the transfer of the permit and 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 Section 305.44 to sign this document and can provide documentation in proof of such authorization upon request.

Facility Co-Applicant Name: Click here to enter text.

Title: Click here to enter text.

Signature: Date:

SUBSCRIBED AND SWORN to before me by the said on

this day of , 20

My commission expires on the day of , 20

(Seal) Notary Public

County, Texas

# TRANSFEREE SIGNATURE (New Facility Owner)

I certify that a change of ownership of the facility for the subject permit has been issued will occur as indicated in the application. As a condition of the transfer, I do hereby declare that:

The transferee will be the owner of the existing treatment facility from which wastewater is discharged, deposited or disposed or the facilities required to comply with the permit will be constructed as described in the application considered by the TCEQ prior to the issuance of the permit.

The transferee possesses a copy of the permit, understands the terms and conditions therein, and does accept and assume all obligations of the permit.

The transferee assumes financial responsibility for the proper maintenance and operation of all waste treatment and disposal facilities required by the permit or which may be required to comply with the permit terms and conditions. The transferee certifies that the transfer is not made for the purpose of avoiding liability for improper actions carried out prior to the date of transfer. Neither is the transfer made for the purpose of transferring responsibility for improper operations to an insolvent entity.

The transferee certifies under penalty of law that this document 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 known violations and revocation of this permit.

New Facility Owner: Click here to enter text.

Title: Click here to enter text.

Signature: Date:

SUBSCRIBED AND SWORN to before me by the said on

this day of , 20

My commission expires on the day of , 20

(Seal) Notary Public

County, Texas

# TRANSFEREE SIGNATURE (New Facility Co-Applicant)

Complete if a co-applicant is required.

I certify that a change of ownership of the facility for the subject permit has been issued will occur as indicated in the application. As a condition of the transfer, I do hereby declare that:

The transferee will be the operator of the existing treatment facility from which wastewater is discharged, deposited or disposed or the facilities required to comply with the permit will be constructed as described in the application considered by the TCEQ prior to the issuance of the permit.

The transferee possesses a copy of the permit, understands the terms and conditions therein, and does accept and assume all obligations of the permit.

The transferee assumes financial responsibility for the proper maintenance and operation of all waste treatment and disposal facilities required by the permit or which may be required to comply with the permit terms and conditions. The transferee certifies that the transfer is not made for the purpose of avoiding liability for improper actions carried out prior to the date of transfer. Neither is the transfer made for the purpose of transferring responsibility for improper operations to an insolvent entity.

The transferee certifies under penalty of law that this document 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 known violations and revocation of this permit.

New Facility Co-Applicant: Click here to enter text.

Title: Click here to enter text.

Signature: Date:

SUBSCRIBED AND SWORN to before me by the said on

this day of , 20

My commission expires on the day of , 20

(Seal) Notary Public

County, Texas

# SITE OPERATOR SIGNATURE

Complete only for permits that include composting facilities, land application and/or disposal of sewage sludge **AND** the transferee does not own the land where the disposal activity is conducted.

I understand that I am responsible for operating the site described in the legal description in accordance with the Texas Commission on Environmental Quality requirements in 30 TAC, Chapter 332 and/or 312, the conditions set forth in the permit, and any additional conditions as required by the Texas Commission on Environmental Quality. I also certify under penalty of law that all information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine, imprisonment for violations, and revocation of this permit.

Site Operator Name: Click here to enter text.

Title: Click here to enter text.

Signature: Date:

SUBSCRIBED AND SWORN to before me by the said on

this day of , 20

My commission expires on the day of , 20

(Seal) Notary Public

County, Texas

# LAND OWNER SIGNATURE

Complete Only If Landowner Is Not the Site Operator

I certify that I am the owner of the land described in this application and have all rights and covenants to authorize the applicant for this permit, to use this site for the composting, disposal and/or land application. I understand that 30 Texas Administrative Code Chapters 332 and 312 require me to make a reasonable effort to see that the applicant complies with requirements in 30 Texas Administrative Code Chapters 332 and 312, the conditions set forth in this application, and any additional conditions as required by the Texas Commission on Environmental Quality. I also certify under penalty of law that all information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine, imprisonment for violations, and revocation of this permit.

Landowner Name: Click here to enter text.

Signature: Date:

SUBSCRIBED AND SWORN to before me by the said on

this day of , 20

My commission expires on the day of , 20

(Seal) Notary Public

County, Texas

This is the end of the form. Instructions begin on the next page.

ATTACHMENT 1

INDIVIDUAL INFORMATION

Section 1. Individual Information

Complete this attachment if the facility applicant or co-applicant is an individual. Make additional copies of this attachment if both are individuals.

Prefix (Mr., Ms., Miss): Click here to enter text.

Full legal name (first, middle, last): Click here to enter text.

Driver’s License or State Identification Number: Click here to enter text.

Date of Birth: Click here to enter text.

Mailing Address: Click here to enter text.

City, State, and Zip Code: Click here to enter text.

Phone Number: Click here to enter text. Fax Number: Click here to enter text.

E-mail Address: Click here to enter text.

CN: Click here to enter text.

**For Commission Use Only:**

Customer Number:

Regulated Entity Number:

Permit Number:

INSTRUCTIONS

# This application applies to:

* Industrial and municipal permits authorized under 30 TAC Chapter 305.
* CAFO permits authorized under 30 TAC Chapter 321
* Domestic Reclaimed Water Authorizations authorized under 30 TAC Chapter 210

A permit must be transferred when a change in ownership or co-permittee occurs. A transfer application is only required for a change in operator if the operator is, or is required to be, a co-permittee on the current permit.

A transfer application must be submitted at least 30 days before the proposed transfer date.

# Where to Send the Application Form

A Core Data Form and one original and one copy of the application, including attachments, must be provided to the address below:

# Regular U.S. Mail:

Texas Commission on Environmental Quality

Applications Review and Processing Team, MC 148

PO Box 13087

Austin TX 78711-3087

# For Express Mail or Hand Delivery:

Texas Commission on Environmental Quality

Applications Review and Processing Team, MC 148

Building F Room 2101

12100 Park 35 Circle

Austin TX 78753

# TCEQ Contact List

Permit Information and Application Forms: 512-239-4671

Technical Information 512-239-4671

Environmental Law Division: 512-239-0600

Stream Survey and Receiving Water Assessment: 512-239-4671

Biomonitoring Testing Requirements: 512-239-4592

Copies of records on file with the TCEQ may be obtained for a minimal fee from the Records Management Office at 512-239-2900.

# Application Fee

An application fee of $100.00 must be paid by check or money order made payable to the Texas Commission on Environmental Quality. Fees must be sent under separate cover making reference to the type of application, name of applicant, and permit number of existing permit.

Mail the application fee to:

Texas Commission on Environmental Quality

Revenues Section, MC 214

PO Box 13088

Austin TX 78711-3088

To verify receipt of payment or any other questions you may have regarding payment of fees to the TCEQ, you may call the Revenues Section, Cashiers Office at (512) 239-0357.

# Who Is Responsible and Liable for Compliance With The Permit Or Registration During Transfer Activities

The entity/individual to whom a permit is issued is held responsible and liable for complying with the terms and conditions of the permit. The permit may be transferred upon approval by the Texas Commission on Environmental Quality (TCEQ). An attempted transfer is not effective for any purpose until approved, in writing, by the TCEQ.

If no agreement regarding transfer of permit responsibility and liability is provided, responsibility for compliance with the terms and conditions of the permit and liability for any violation is assumed by the transferee, effective on the date of the approved transfer. This section is not intended to relieve a transferor of any liability.

If a person attempting to acquire a permit operates the facility before transfer approval is given, such person shall be considered to be operating without a permit.

The TCEQ may refuse to approve a transfer where conditions of a judicial decree, compliance agreement, or other enforcement order have not been entirely met.

# Current Permit Information

Provide the TCEQ permit number for the authorization being transferred.

Provide the EPA I.D. number for the permit being transferred.

Provide the current name on the permit. The information provided must match the current permit exactly.

Provide the customer number (CN) for the current permittee. TCEQ assigns each customer a number that begins with CN, followed by nine digits. This is not a permit number, registration number, or license number. The Customer Number, for the current permittee, is available at the following website: <http://www15.tceq.texas.gov/crpub/>.

Provide the regulated entity reference number (RN) for the site. The RN is a number issued by TCEQ to sites where an activity is regulated by TCEQ. This is not a permit number, registration number, or license number. The RN is available at the following website: <http://www15.tceq.texas.gov/crpub/>.

For Publicly Owned Treatment Works (POTWs):

* Indicate if this permit requires the POTW to implement an approved pretreatment program. The transferee must contact the Storm Water & Pretreatment Team staff before this application may be transferred.
* Indicate if this permit has an associated domestic reclaimed water authorization. **The domestic reclaimed water authorization associated with this permit will be cancelled on the same date the transfer took place**. If the new owner wants to obtain a domestic reclaimed water authorization, please complete and submit the Application to Use Domestic Reclaimed Water (TCEQ-20427).

# Facility Owner (Applicant) and Co-Applicant Information

Provide the name(s) and complete and attach a Core Data Form (TCEQ-10400) for these customers.

**Texas Pollutant Discharge Elimination System (TPDES) permits**: it is the duty of the facility operator to submit an application for a permit as co‑permittee with the facility owner when the operator is contracted by the owner. The operator is not required to apply as co‑permittee when the operator is an employee of the facility owner. If the owner of the facility is not the same as the owner of the land, please see Lease and Easement Requirements in the next section below.

**Texas Land Application Permits**: it is the duty of the owner of the facility to submit an application for a permit. If the owner of the facility is not the same as the owner of the land, please see Lease and Easement Requirements in the next section below. In special circumstances, it is the duty of the owner and the operator of the treatment facility to submit an application for a permit, as co-permittees.

**CAFOs**: the owner of the land must be either the applicant or co-applicant. If the owner of the facility is a separate entity or individual, then the owner of the facility must be included as the applicant or co-applicant. For all CAFO TPDES permits, the operator must be listed as a co-applicant. A signature page must be completed for each applicant. A copy of a recorded deed or tax records showing ownership, or a copy of a contract or lease agreement between the applicant and the owner/operator of any lands to be utilized under the CAFO must be provided. This requirement does not apply to any lands not owned, operated, or controlled by the applicant for the purpose of off-site land application of manure if the manure is given or sold to others for beneficial use, provided the owner/operator of the CAFO is not involved in the application of the manure.

# Application Contact Information

Provide the name and contact information for the person that TCEQ will contact if additional information is needed about this application.

# Permit Contact Information

Provide the name and contact information for the person that TCEQ will contact if additional information is needed during the term of the permit or registration.

# Site Information

Provide the name of the site as known by the public in the area where the site is located.

# Lease and Easement Requirements

Provide the name and contact information for the owner where the facility is or will be located if the landowner is not the applicant or co-applicant.

Provide the name and contact information for the owner of the effluent disposal site if the landowner is not the applicant or co-applicant.

If the owner of the land on which the treatment facility is located is different from the owner of the treatment facility and the treatment facility is not a fixture of the land, the applicant must provide a copy of a lease agreement or recorded easement giving the applicant authorization to use the land on which the treatment plant is located for at least the term of the permit.

If the owner of the land on which the treatment facility is located is different from the owner of the treatment facility and the treatment facility is a fixture of the land, (Example: pond system, evaporation pond, units halfway in ground, holding ponds, etc.) the owner of the land will need to provide a copy of a deed recorded easement giving the applicant sufficient property rights to use the land for the life of the facility, or apply as a co-permittee with the owner of the treatment facility.

If the applicant does not own the land where the effluent disposal site is located, the applicant must provide a copy of a lease agreement which includes a term of at least 5 years, and is current or if the lease term has passed it includes an option to renew the term, and is between the current applicant and the landowner.

For CAFOs: A copy of a recorded deed or tax records showing ownership, or a copy of a contract or lease agreement between the applicant and the owner/operator of any lands to be utilized under the CAFO must be provided. This requirement does not apply to any lands not owned, operated, or controlled by the applicant for the purpose of off-site land application of manure if the manure is given or sold to others for beneficial use, provided the owner/operator of the CAFO is not involved in the application of the manure.

# Transfer Date

Provide the date that the transfer of ownership or operator will occur. Please note that this transfer application will not be processed until after the transfer date provided in this application. If the anticipated transfer date changes, the transferee or the transferor must notify the Applications Review and Process Team in writing, prior to the transfer date provided in this application.

# Reporting and Billing Information

Provide the name and contact information for the individual that will receive the reporting forms and the annual fee invoices.

The water quality fee is assessed annually for each permit that is active on September 1

Pursuant to 30 TAC, Section 305.66, failure to pay fees is good cause for permit denial or revocation. If an applicant has outstanding fees, a proposed permit application will not be considered for approval by the Commission or Executive Director. For account balance information, contact the Financial Administration Division, Revenue Section, at (512) 239-0344.

# Delinquent Fees and Penalties

The TCEQ will not issue, amend, or renew permits, registrations, certifications, or licenses to an entity or person who is delinquent on a penalty or fee owed to the TCEQ. The TCEQ will not declare any application administratively complete that is submitted by a person or entity who is delinquent on a fee or penalty until the fee or penalty is paid, or if on an approved installment plan, that payments under the plan are current. The TCEQ will withhold final action on an application until the fee or penalty is paid and the account is current, if after the application is considered administratively complete, we discover that the owner or entity who submitted the application is delinquent on a fee or penalty.

The following TCEQ website will help you determine if you owe any fees or penalties to the TCEQ and how to make a payment: <https://www.tceq.texas.gov/agency/fees/delin/index.html>. If fees or penalties are owed, please identify the type of fee or penalty owed, the amount owed, and the TCEQ identifying number. For penalties, please provide the TCEQ docket number

For questions about delinquent fees and penalties, contact the Financial Administration Division, Revenue Section, at 512-239-0354.

# Signature Requirements

In accordance with 30 Texas Administrative Code §305.44 relating to Signatories to Applications, all applications shall be signed as follows:

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.

For a partnership or sole proprietorship, the application shall be signed by a general partner or the proprietor, respectively.

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).

The signature page must bear the seal of a notary public. The date signed by the applicant must be the same as the date notarized. The signature page will not be acceptable if the dates are different.

If the transferee is unable to obtain the signature of the transferor, the permit may still be transferred by involuntary transfer if:

* the current permittee no longer owns the permitted facilities
* the facilities have not been built and the permittee no longer has sufficient property rights in the site of the proposed facilities
* proof of ownership of the site and treatment facility has been provided by the transferee
* the executive director has provided notice by certified mail to the permittee, using the last address of record, giving an opportunity for hearing
* the executive director did not receive a request for hearing from the permittee within 30 days from the date the notice was mailed.

* Attachment 1 Individual Information
* If the applicant or co-applicant is an individual, provide information on the individual as required by the Texas Water Code. The address provided must be the individual’s home address.This is the end of the instructions.