



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

**TCEQ Office Use Only**

Permit No.: \_\_\_\_\_

RN: \_\_\_\_\_

CN: \_\_\_\_\_



Sign up now for on line NEC at <http://www.tceq.state.tx.us/permitting/steers/steers.html>

Did you know you can pay on line? Go to <https://www6.tceq.state.tx.us/epay/>

Select Fee Type: GENERAL PERMIT INDUSTRIAL STORM WATER DISCHARGE NEC APPLICATION

**Application Fee:** You must pay the \$100 Application Fee to TCEQ for the application to be considered complete.

How did you pay this fee?

Mailed:	Check/Money Order No.:	Name Printed on Check:
EPAY:	Voucher No.:	Is the Payment Voucher copy attached? <span style="float: right;">Yes</span>

**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 legal name must be spelled exactly as filed with the Texas Secretary of State, County, or in the legal document forming the entity.)*

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:	Country Code:	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:

Individual Corporation	Sole Proprietorship-D.B.A. Federal Government County Government	Limited Partnership General Partnership City Government
State Government	Other:	

7. Independent Operator: Yes No (If governmental entity, subsidiary, or part of a larger corporation, check "No".)

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

9. Customer Business Tax and Filing Numbers *(This item is not applicable to Individuals, Government, GP or Sole Proprietor.)*

**REQUIRED** for Corporations and Limited Partnerships

State Franchise Tax ID Number:	Federal Tax ID:
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TX SOS Charter (filing) Number:	DUNS Number (if known):
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**B. APPLICATION CONTACT**

If TCEQ needs additional information regarding this application, who should be contacted?

1. Name:	Title:	Company:
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2. Phone No.: ( )	Extension:
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3. Fax No.: ( )	E-mail Address:
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**C. REGULATED ENTITY (RE) INFORMATION ON PROJECT OR SITE**

1. TCEQ Issued RE Reference Number (RN) (if available):

2. Name of Project or Site (the name as known by the community where this facility/project is located):

(example: phase and name of subdivision or name of project that's unique to the site)

3. Physical Address of Project or Site: (enter in spaces below)						
Street Number:		Street Name:				
City:	ZIP Code:	County (Counties if >1):				
4. If no physical address (Street Number & Street Name), provide a written location access description to the site: (Ex.: phase 1 of Woodland subdivision located 2 miles west from intersection of Hwy 290 & IH35 accessible on Hwy 290 South)						
5. Latitude: N		Longitude: W				
6. What is the primary business of this entity? In your own words, briefly describe the primary business of the Regulated Entity: (Do not repeat the SIC code.)						
7. What is the mailing address and contact information for the regulated entity?						
Is the RE mailing address the same as the Operator?		Yes, the address is same as Operator No, provide the address				
Street Number:		Street Name:				
City:	State:	ZIP Code:				
<b>D. GENERAL CHARACTERISTICS</b>						
1. I certify that the project/site is <b>not</b> located on Indian Country Lands? If No, you must obtain authorization through EPA, Region VI.		Yes	No			
2. Is this NEC being submitted due to a change in Operator?		Yes	No			
3. What is the SIC Code that is within the range listed and corresponds with the selected Activity or Sector in the General Permit?						
Primary SIC Code:		Secondary SIC Code:				
4. What is the Sector that applies to the industrial activity at your facility? (It must correspond with the SIC Code provided above.)						
Sector A	Sector E	Sector I	Sector M	Sector Q	Sector V	Sector AA
Sector B	Sector F	Sector J	Sector N	Sector R	Sector W	Sector AB
Sector C	Sector G	Sector K	Sector O	Sector S	Sector X	Sector AC
Sector D	Sector H	Sector L	Sector P	Sector T	Sector Y	Sector AD
Sector U	Sector Z					
5. If applicable, what is the Activity Code that corresponds with the Sector in the General Permit?						
HZ LF SE TW AD						
If Activity Code <b>AD</b> is selected, a copy of the letter from TCEQ requiring coverage under this general permit through this activity code must be included with this Notice of Intent form or coverage may be denied.						
<b>6. No Exposure Checklist</b>						
Answer each of the following question to determine if your facility is eligible for the No Exposure exclusion. If you answer <b>Yes</b> to any of the following questions, coverage will be denied.						
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 storm water?		Yes	No			
Are there any materials or residuals on the ground or in storm water inlets from spills/leaks exposed to storm water?		Yes	No			
Are there materials or products from past industrial activity exposed to storm water?		Yes	No			
Is there any material handling equipment (except adequately maintained vehicles) exposed to storm water?		Yes	No			
Are there any materials or products during loading/unloading or transporting activities that may be exposed to storm water?		Yes	No			
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 storm water?		Yes	No			
Are there any materials contained in open, deteriorated or leaking storage drums, barrels, tanks, and similar containers that may be exposed to storm water?		Yes	No			
Are there any materials or products handled/stored on roads or railways owned or maintained by the operator that may be exposed to storm water?		Yes	No			
Is there any waste material (except waste in covered, non-leaking containers [e.g., dumpsters]) that may be exposed to storm water?		Yes	No			
Are there any activities that include application or disposal of process wastewater that are not otherwise permitted?		Yes	No			
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 storm water discharge?		Yes	No			



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.

Have you also mailed your check and Payment Submittal Form to the Cashier's office? Go to the end of this document for the Payment Submittal Form.

Customer GP No Exposure Certification Checklist <b>TXR050000</b>	
√	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 NEC Process description in the Instructions)
	Application Fee was sent to TCEQ's Cashiers's Office and the check information is listed, or the EPAY payment voucher is attached.
	<p>OPERATOR INFORMATION - Confirm each item is complete:</p> <p>√            Customer Number (CN) issued by TCEQ Central Registry            Legal Name as filed to do business in Texas (Call TX SOS 512/463-5555)            Operator Mailing Address is complete &amp; verifiable with USPS. <a href="http://www.usps.com">www.usps.com</a>            Phone Numbers/E-mail Address            Type of Operator (Entity Type)            Independent Operator            Number of Employees            For Corporations or Limited Partnerships – Tax ID and SOS Filing numbers</p>
	Billing Address is complete & verifiable with USPS. <a href="http://www.usps.com">www.usps.com</a>
	<p>REGULATED ENTITY (RE) INFORMATION ON PROJECT OR SITE - Confirm each item is complete:</p> <p>√            Regulated Entity Reference Number (RN) (if site is already regulated by TCEQ)            Site/Project Name/Regulated Entity            Site/Project (RE) Physical Address Please do not use a rural route or post office box for a site location            Latitude and Longitude <a href="http://www.tceq.state.tx.us/gis/drgview.html">www.tceq.state.tx.us/gis/drgview.html</a> or <a href="http://www.terraserver.microsoft.com/advfind.aspx">www.terraserver.microsoft.com/advfind.aspx</a>.            Business description            Site Mailing Address (checked same as operator or complete &amp; verifiable with USPS. <a href="http://www.usps.com">www.usps.com</a>)</p>
	<p>GENERAL CHARACTERISTICS - Confirm each item is complete:</p> <p>√            Indian Country Lands –the facility is not on Indian Country Lands            Change in Operator.            Standard Industrial Classification (SIC) code <a href="http://www.osha.gov/oshstats/sicser.html">www.osha.gov/oshstats/sicser.html</a>            Sector is selected            Activity Code - if applicable            No Exposure certification questions are all answered "No"</p>
	<p>CERTIFICATION</p> <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>

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

## General Information and Instructions

### GENERAL INFORMATION

Where to Send the NEC and other related forms:

**BY REGULAR U.S. MAIL**

Texas Commission on Environmental Quality  
Storm Water Processing Center (MC228)  
P.O. Box 13087  
Austin, TX 78711-3087

**BY OVERNIGHT/EXPRESS MAIL**

Texas Commission on Environmental Quality  
Storm Water Processing Center (MC228)  
12100 Park 35 Circle  
Austin, TX 78753

TCEQ Contact list:

Application Processing Questions relating to the status and form requirements:	512/239-3700 or <a href="mailto:swpermit@tceq.state.tx.us">swpermit@tceq.state.tx.us</a>
Technical Questions relating to the general permit:	512/239-4671 or <a href="mailto:swgp@tceq.state.tx.us">swgp@tceq.state.tx.us</a>
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

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 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. 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 **48 hours after a completed NEC is postmarked for delivery** to 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 web site [www.tceq.state.tx.us](http://www.tceq.state.tx.us)

**General Permit Forms**

The Notice of Intent (NOI), No Exposure Certification (NEC), 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.state.tx.us](http://www.tceq.state.tx.us).

**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 No Exposure Certification. The NOT and NEC must be submitted not 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).

You can find the information on the Central Registry web site at [www4.tceq.state.tx.us/crpub](http://www4.tceq.state.tx.us/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 form must be submitted to the program area.



6. Type of Entity

Check only one box that identifies the type of entity. Use the descriptions below to identify the appropriate entity type:

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

Sole Proprietorship— D.B.A. 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 d.b.a.)
- have any number of employees

Partnership is a customer that is established as a partnership as defined by the Texas Secretary of State's Office.

Corporation the customer 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.

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.

Other is Estate, Trust, etc. the customer does not fit one of the above descriptions. Enter a short description of the type of customer in the blank provided.

7. Independent Operator

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

8. Number of Employees

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

9. State Franchise Tax ID Number

Corporations and limited liability companies that operate in Texas are issued a franchise tax identification number. If this customer is a corporation or limited liability company, enter this number here.

Federal Tax ID

All businesses, except for some small sole proprietors, individuals, or general partnerships should have a federal taxpayer identification number (TIN). Enter this number here. Use no prefixes, dashes, or hyphens. Sole proprietors, individuals, or general partnerships do not need to provide a federal tax ID.

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.

DUNS Number

Most businesses have a DUNS (Data Universal Numbering System) number issued by Dun and Bradstreet Corp. If this customer has one, enter it here.

**B. Application Contact**

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

**C. REGULATED ENTITY (RE) INFORMATION ON PROJECT OR SITE**

1. Regulated Entity Reference Number (RN)

This is a number issued by TCEQ's Central Registry to sites (a location where a regulated activity occurs) regulated by TCEQ. This is not a permit number, registration number, or license number.

- If this Regulated Entity has not been assigned a Regulated Entity Number, leave this space blank.
- If this customer has been assigned this number, enter the operator's Regulated Entity Number.

2. Site/Project Name/Regulated Entity

Provide the name of the site 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.

3. Site/Project (RE) Physical Address

Enter the complete address of where the site is located. This address must be validated through US Postal Service or your local police (911 service) as a valid address. Please confirm this to be a complete and valid address. In some rural areas, new addresses are being assigned to replace rural route addresses. Please do not use a rural route or post office box for a site location.

If a site does not have an actual physical address that includes a street (or house) number and street name, enter NO ADDRESS for the street name. Then provide a complete written location access description. For example: "The site is located 2 miles west from intersection of Hwy 290 & IH35, located on

the southwest corner of the Hwy 290 South bound lane.”

Provide the city and ZIP code of the area where the facility is located. This information is required to complete the processing of your form.

**4. Latitude and Longitude**

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.state.tx.us/gis/drgview.html](http://www.tceq.state.tx.us/gis/drgview.html) or [www.terraserver.microsoft.com/advfind.aspx](http://www.terraserver.microsoft.com/advfind.aspx).

**5. Description of Activity Regulated**

In your own words, briefly describe the primary business being conducted at the site. (A description specific to what you are doing that requires this authorization - Do not repeat the SIC Code(s).)

**SITE MAILING ADDRESS**

Provide a complete mailing address to be used by TCEQ for receiving mail at the site. 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.

**D. GENERAL CHARACTERISTICS**

**1. 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.

2. Please Indicate if the NOI is being submitted due to a change in operator.

**3. Industrial Activity Standard Industrial Classification (SIC) code**

Provide the SIC Code that is within the range listed and corresponds 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 Storm Water activity. Please enter the SIC code for activity that qualifies for coverage under the general permit as the Primary SIC Code.

**4. Industrial Activity Sector**

General Permit TXR050000 defines the 30 industrial activity sectors listed on the NOI on the basis of SIC and activity codes. For more information about these sectors, read the general permit, Texas Pollutant Discharge Elimination System Multi-Sector General Permit for Industrial Storm Water Discharges (TCEQ publication RG-394). This publication is available on our web site at [www.tceq.state.tx.us](http://www.tceq.state.tx.us).

**5. Industrial Activity Code**

If any of the following narrative descriptions pertain to your facility, provide the appropriate activity code.

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.

**6. No Exposure Checklist**

If any of the materials or activities are exposed to precipitation, now or in the foreseeable future, the site is not eligible for the No Exposure exclusion. A Notice of Intent must be submitted.

**E. 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 (TAC) §305.44.

**IF YOU ARE A CORPORATION:**

The regulation that controls who may sign an NEC 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 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)(3) (see 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 statute(s) 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).

**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 NEC form.
- Do not mail this form to the same address as your NEC.

**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:

2. Amount of Check/Money Order:

3. Date of Check or Money Order:

4. Name on Check or Money Order:

**5. NEC INFORMATION**

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

See Attached List of Sites (If more space is needed, you may attach a list.)

Project/Site (RE) Name:

Project/Site (RE) Physical Address:

**Staple Check In This Space**