



**Notice of Change (NOC) to an Authorization
for Stormwater Discharges from Small
Municipal Separate Storm Sewer Systems
(MS4) under the TPDES Phase II MS4 General
Permit (TXR040000)**

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

***** IMPORTANT *****
PLEASE READ THE FOLLOWING INFORMATION AND INSTRUCTIONS BEFORE FILLING OUT THIS FORM.

The form will be returned for one of the following reasons:

- 1) the permit number is not provided, invalid, or no longer active,
- 2) a wet ink signature of person meeting signatory requirements for permittee is not provided,
- 3) the current permittee is not the applicant, and;
- 4) a requested change in operator name is not a legal name change .

THIS FORM CANNOT BE USED FOR A CHANGE IN OPERATOR. REFER TO YOUR GENERAL PERMIT.

What is the Permit Number of the authorization to be changed?	TXR04 0383
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A. APPLICANT INFORMATION: Search Central Registry at <http://www12.tceq.texas.gov/crpub/>

1. Operator (Permittee)

a. What is the full Legal Name of the current Operator as on the authorization?
Fort Bend County Drainage District MS4

b. What is the TCEQ Central Registry Customer Number assigned to this Operator? CN 600739957

2. Permitted Site (required)

What is the TCEQ Central Registry Regulated Entity Number assigned for this permitted site? RN 105706519

B. REQUESTED CHANGE TO PERMITTED INFORMATION

What information has changed or needs corrected?
(Check one or more of the sections being updated and enter the new information in the corresponding section of this form.)

- Operator Legal Name Change with Texas Secretary of State (TX SOS).
(Note: Permits are not transferable. If a change in entity has occurred, this NOC is not attainable.)
- Address and contact information for Operator, Billing for Annual Fee or Site Mailing Address.
- Site Information (Regulated Entity)
(Note: Permits under a general permit are site specific. If a change in site location has occurred, this NOC is not attainable.)
- Change To The Approved SWMP

1. OPERATOR LEGAL NAME CHANGE

a. What is the NEW active Legal Name with TX SOS or on other legal document?
New Legal Name:

b. What is the TX SOS Filing Number for us to confirm this official name change?
(This is only applicable to Limited Partnership or Corporations.)

2. ADDRESS & CONTACT INFORMATION CHANGE

a. What mailing address and/or contact information has changed? (check one or more as applicable)

- Operator for permit correspondence Site (RE) Mailing Address and contact information
- Billing address/contact for Receiving Annual Fee Statement

b. If you selected more than one, is the information to be updated the same for each selection?

- Yes - Provide the updated information in the fields below.
- No - Attachment 1 of the NOC is attached to this form, to provide the different addresses.

ATTN or C/O:

Address: Suite No./Bldg. No./Mail Code:

City: State: ZIP Code:

Country Mailing Information (if outside USA). Country Code: Postal Code:

Phone No.: () Ext: Fax No.: () E-Mail:

3. REGULATED ENTITY (RE) SITE INFORMATION CORRECTION or UPDATE	
a. Updated or Corrected description of the regulated MS4 boundaries:	
b. Other update to regulated entity information. Please explain.	
4. CHANGE TO THE APPROVED SWMP	
Check the applicable item(s) to be changed or updated and complete the section for each item. Reference the attachment for each item.	
<input type="checkbox"/>	Add the 7 th Minimum Control Measure (MCM) to the approved SWMP. Complete Attachment 2 of the NOC and the following question: Are you seeking to use the 7 th MCM only in the regulated (urbanized) area? <input type="checkbox"/> Yes - Attach the MCM with Attachment 2 of the NOC. <input type="checkbox"/> No - Attach the MCM with Attachment 2 of the NOC and indicate YES to the following certification: I certify that the MS4 is in compliance with all of the MCMs listed in this general permit, in the MS4's additional area where the 7 th MCM will be utilized. <input type="checkbox"/> YES Failure to indicate YES to this certification will result in denial.
<input type="checkbox"/>	Notice to update the approved SWMP adding components, controls, or requirements to the SWMP; or replacing a BMP with an equivalent BMP. Are the revisions to the approved SWMP attached? <input type="checkbox"/> Yes, under attachment _____
<input checked="" type="checkbox"/>	Request to update the approved SWMP, replacing a less effective or infeasible BMP specifically identified in the SWMP with an alternate BMP. Are the revisions to the approved SWMP attached? <input checked="" type="checkbox"/> Yes, under attachment <u>Attachment A</u>
<input type="checkbox"/>	Other requested changes to the approved SWMP requiring TCEQ approval. Are the revisions to the approved SWMP attached? <input type="checkbox"/> Yes, under attachment _____
C. APPLICATION CONTACT	
If TCEQ needs additional information regarding this application, who should be contacted?	
1. Name: John Conciencie	Title: Environmental Project Manager Company: Carroll & Blackman, Inc.
2. Phone No.: (409) 833-3363 Ext: 124	Fax No.: (409) 833-0917 jconciencie@cbieng.com
D. CERTIFICATION	
Operator Certification:	
I, <u>Mark Vogler, P.E.</u> Typed or printed name (REQUIRED)	<u>General Manager/Chief Engineer</u> Title (REQUIRED)
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: <u>Mark Vogler</u> (Use blue ink) (REQUIRED)	Date: <u>10/23/12</u> (REQUIRED)

**Attachment 1 to a NOC Form for Providing Different Address & Contact Information
Related to a Specific Permit under General Permit TXR040000**

What is the Permit No.? TXR04 0383
(REQUIRED)

ADDITIONAL ADDRESS & CONTACT INFORMATION

Fill in the changes as applicable. Incomplete and invalid addresses will not be used. Verify mailing addresses at USPS.com.

Operator

ATTN or C/O:

Address: _____ Suite No./Bldg. No./Mail Code: _____

City: State: _____ ZIP Code: _____

Country Mailing Information (if outside USA). Country Code: _____ Postal Code: _____

Phone No.: () Ext: _____ Fax No.: () E-Mail: _____

Billing Address for Receiving Annual Fee Statement

ATTN or C/O:

Address: _____ Suite No./Bldg. No./Mail Code: _____

City: State: _____ ZIP Code: _____

Country Mailing Information (if outside USA). Country Code: _____ Postal Code: _____

Phone No.: () Ext: _____ Fax No.: () E-Mail: _____

Site (RE) Mailing Address

ATTN or C/O:

Address: _____ Suite No./Bldg. No./Mail Code: _____

City/State: _____ ZIP Code: _____

Country Mailing Information (if outside USA). Country Code: _____ Postal Code: _____

Phone No.: () Ext: _____ Fax No.: () E-Mail: _____

Attachment 2 to a NOC Form for adding the Optional 7th Minimum Control Measure

7th Minimum Control Measure Cover Sheet

This cover sheet **MUST** be completed by indicating the page number where the requested item will be found in the MCM. Provide the page number in the left column for each item. The questions relating to the Edwards Aquifer must also be answered.

This cover sheet **MUST** be attached to the front of the MCM.

Operator Name on NOI: Fort Bend County Drainage District MS4

Page # (s)	Optional 7th MCM : Municipal Construction Activities (only available within the regulated area where the MS4 operator meets the definition of construction site operator)
	If this MCM is utilized applicable, SWMP must include the following information:
	Description of how construction activities will generally be conducted so as to take into consideration local conditions of weather, soils, and other site specific considerations
	Description of the area that this MCM will address and where the MS4 operator's construction activities are covered (e.g. within the boundary of the urbanized area, the corporate boundary, a special district boundary, an extra territorial jurisdiction, or other similar jurisdictional boundary)
	If the area included in this MCM includes areas outside of the UA, then all MCMs will be implemented over those additional areas as well.
	Description provided for one of the following: <ul style="list-style-type: none"> ▶ How contractor activities will be supervised or overseen to ensure that the SWP3 requirements are properly implemented at the construction site(s); or ▶ How the MS4 operator will make certain that contractors have a separate authorization for storm-water discharges if needed.
	General description of how a construction SWP3 will be developed for each construction site.

Edwards Aquifer Rule

Is the discharge or potential discharge from regulated construction activities within the Recharge Zone, Contributing Zone, or Contributing zone within the Transition zone of the Edwards Aquifer? Yes No

If the answer is "Yes", please note that a copy of the agency approved Plan required by the Edwards Aquifer Rule (30 TAC Chapter 213) must be either included or referenced in the construction stormwater pollution prevention plan(s).

Notice of Change (NOC) to an Authorization for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (MS4) under the TPDES Phase II MS4 General Permit (TXR040000)

General Information and Instructions

GENERAL INFORMATION

Where to Send the Notice of Change (NOC):

BY REGULAR U.S. MAIL

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

BY OVERNIGHT/EXPRESS MAIL

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

TCEQ Contact list:

Application Processing Questions relating to the status and form requirements:	512/239-4671
Technical Questions relating to the general permit:	512/239-4671
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

Notice of Change Process:

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

1. **Administrative Review:** The form will be reviewed to ensure the request is from the permittee (operator) on the authorization, the permit is active and initial coverage was acknowledged. Each item on the form will be reviewed for a complete response that qualifies for a NOC. In addition, the operator's legal name change must be verified with Texas Secretary of State (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.

If an item is incomplete or not verifiable as indicated above, the operator may be notified by letter, phone call or email. In some instances as noted at the beginning of the form, the request may simply be returned.

2. **NOC Confirmation:** An updated Acknowledgment Certificate will be mailed to the operator only if the NOC is to change information provided on the acknowledgment certificate. The original coverage effective date will not change.

General Permit (Your Permit)

You may view and print your general permit on the TCEQ web site www.tceq.texas.gov. Enter the general permit number as the key word in the search box to locate the specific web page.

General Permit Forms

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

Change in Operator

An authorization under the general permit is not transferable. If the operator of the regulated entity changes, the present permittee must submit a Notice of Termination and the new operator must submit a Notice of Intent. The NOI must be submitted not later than 10 days prior to the change in Operator status. Note that the NOT is effective on the postmarked date. It may be necessary to not terminate the existing permit until coverage by the new entity is confirmed.

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.**

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

The Customer (Permittee) is responsible for providing consistent information to the TCEQ, and for updating all CN and RN data for all associated authorizations as changes occur. For General Permits, a Notice of Change form must be submitted to the program area for approval to update the CN and RN data in central registry.

INSTRUCTIONS FOR FILLING OUT THE NOC FORM

A. Applicant Information (Operator)

1. Provide the current permittee(s) full legal name as on the permit.
- b. Provide the TCEQ Issued Customer Number (CN) for the entity.
Go to <http://www12.tceq.texas.gov/crpub/> to locate your CN.

If the name(s) provided do not match the current permittee name(s), this form will be returned. It is the responsibility of the permittee(s) to comply with the general permit.

Note: If a change is being made to the CN and the CN has other TCEQ authorization types, it is the entity's responsibility to update those authorizations at the same time. If an authorization has been cancelled or terminated, the name can not be changed on the permit. Because of this, a new CN may be issued for the new name.

2. Provide the TCEQ Issued Regulated Entity number assigned for this permitted activity.
Go to <http://www12.tceq.texas.gov/crpub/> to locate your RN.

B. REQUESTED CHANGE TO PERMITTED INFORMATION

Check one or more of the available options indicating the information in the form that is to be updated. Provide the updated information in Section 1 for Legal Name Change, Section 2 for Address & Contact Information Change, Section 3 for Regulated Entity Site Information Change, or Section 4 for General Characteristics Change, as applicable.

1. LEGAL NAME CHANGE

Provide the new legal name. If the entity is a Limited Partnership or Corporation, the name change must be verifiable with Texas Secretary of State. The TX SOS filing number must be provided to verify only a name change occurred. You may contact the SOS at 512/463-5555, for more information related to filing in Texas. If filed in the county where doing business, provide a copy of the legal documents showing the legal name change.

Legal name changes of a Corporation and Limited Partnership will be verified with Texas Secretary of State. If the entity is filed as a new entity with a new filing number, then the change cannot be made through a NOC. The permits are not transferable. If the operator changes, the old entity must terminate their permit and the new entity must submit a form for a new permit.

2. ADDRESS & CONTACT INFORMATION CHANGE

Indicate the type of address and contact information that has changed from the original NOI or last NOC submitted to TCEQ. If the address and/or contact information is the same for all types, then check each type and enter the information in the fields on the form. If some types have different information, then use the NOC ATTACHMENT 1. The permit number MUST be written on ATTACHMENT 1 to indicate it is a part of the NOC form for the permit being updated. The updates cannot be made without reference to the submitted NOC form.

Mailing Address

The address MUST BE verifiable with the US Postal Service at www.usps.com, for regular mail delivery (not overnight express mail). If you find that the address is not verifiable using the USPS web search, please indicate the address is used by the USPS for regular mail delivery. Failure to provide a valid mailing address will delay or prohibit us from updating the permit.

Please note that address updates relating to a general permit authorization can ONLY be made through a Notice of Change. Address changes submitted through any other form can not be processed.

3. REGULATED ENTITY (RE) SITE INFORMATION CORRECTION

The NOC form is only for use to update or correct information submitted on the original application or last NOC for the authorization. The authorization under a general permit is site specific.

4. CHANGE TO THE APPROVED SWMP

The optional 7th Minimum Control Measure (MCM) can be added through an NOC after approval of the NOI and SWMP. The MCM is limited to the regulated area, such as the portion of the MS4 located within an urbanized area or the area designated by TCEQ as requiring coverage. This MCM may also be utilized over additional portions of the MS4 as long as the MS4 is in compliance with all of the MCMs listed in the general permit.

If the NOC is to add this MCM then Attachment 2 of the NOC must be provided.

Adding components, controls, or requirements to the approved SWMP; or replacing a BMP with an equivalent BMP, may be made by the permittee at any time upon written notification to the TCEQ. Approval of this notification is not required.

Replacing a less effective or infeasible BMP specifically identified in the approved SWMP with an alternate BMP may be requested. The request must include an explanation of why the BMP was eliminated; an explanation of the effectiveness of the replacement BMP, and an explanation of why the replacement BMP is expected to achieve the goals of the replaced BMP. Unless denied by the TCEQ, the change shall be considered approved and may be implemented by the permittee 60 days from submitting the request.

Other requested changes to the approved SWMP require written approval from TCEQ prior to implementing.

C. Application Contact

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

D. CERTIFICATIONS

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 NOI or similar form is 30 Texas Administrative Code §305.44(a)(1) (see below). According to this code provision, any corporate representative may sign an NOI or similar form so long as the authority to sign such a document has been delegated to that person in accordance with corporate procedures. By signing the NOI or similar form, you are certifying that such authority has been delegated to you. The TCEQ may request documentation evidencing such authority.

IF YOU ARE A MUNICIPALITY OR OTHER GOVERNMENT ENTITY:

The regulation that controls who may sign an NOI or similar form is 30 Texas Administrative Code §305.44(a)(3) (see below). According to this code provision, only a ranking elected official or principal executive officer may sign an NOI or similar form. Persons such as the City Mayor or County Commissioner will be considered ranking elected officials. In order to identify the principal executive officer of your government entity, it may be beneficial to consult your city charter, county or city ordinances, or the Texas statute(s) under which your government entity was formed. An NOI or similar document that is signed by a government official who is not a ranking elected official or principal executive officer does not conform to §305.44(a)(3). The signatory requirement may not be delegated to a government representative other than those identified in the regulation. By signing the NOI or similar form, you are certifying that you are either a ranking elected official or principal executive officer as required by the administrative code. Documentation demonstrating your position as a ranking elected official or principal executive officer may be requested by the TCEQ.

If you have any questions or need additional information concerning the signatory requirements discussed above, please contact the Texas Commission on Environmental Quality's Environmental Law Division at 512/239-0600.

**30 Texas Administrative Code
§305.44. Signatories to Applications.**

(a) All applications shall be signed as follows.

(1) For a corporation, the application shall be signed by a responsible corporate officer. For purposes of this paragraph, a responsible corporate officer means a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures. Corporate procedures governing authority to sign permit or post-closure order applications may provide for assignment or delegation to applicable corporate positions rather than to specific individuals.

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

(3) For a municipality, state, federal, or other public agency, the application shall be signed by either a principal executive officer or a ranking elected official. For purposes of this paragraph, a principal executive officer of a federal agency includes the chief executive officer of the agency, or a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., regional administrator of the EPA).



**Notice of Change (NOC) to an Authorization
for Stormwater Discharges from Small
Municipal Separate Storm Sewer Systems
(MS4) under the TPDES Phase II MS4 General
Permit (TXR040000)**

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

******* IMPORTANT *******
PLEASE READ THE FOLLOWING INFORMATION AND INSTRUCTIONS BEFORE FILLING OUT THIS FORM.

The form will be returned for one of the following reasons:

- 1) the permit number is not provided, invalid, or no longer active,
- 2) a wet ink signature of person meeting signatory requirements for permittee is not provided,
- 3) the current permittee is not the applicant, and;
- 4) a requested change in operator name is not a legal name change .

THIS FORM CANNOT BE USED FOR A CHANGE IN OPERATOR. REFER TO YOUR GENERAL PERMIT.

What is the **Permit Number** of the authorization to be changed? **TXR04 0045**

A. APPLICANT INFORMATION: Search Central Registry at <http://www12.tceq.texas.gov/crmub/>

1. Operator (Permittee)

a. What is the full Legal Name of the current Operator as on the authorization?
Fort Bend County MS4

b. What is the TCEQ Central Registry Customer Number assigned to this Operator? **CN 601229107**

2. Permitted Site (required)

What is the TCEQ Central Registry Regulated Entity Number assigned for this permitted site? **RN 105481550**

B. REQUESTED CHANGE TO PERMITTED INFORMATION

What information has changed or needs corrected?
(Check one or more of the sections being updated and enter the new information in the corresponding section of this form.)

Operator Legal Name Change with Texas Secretary of State (TX SOS).
(Note: Permits are not transferable. If a change in entity has occurred, this NOC is not attainable.)

Address and contact information for Operator, Billing for Annual Fee or Site Mailing Address.

Site Information (Regulated Entity)
(Note: Permits under a general permit are site specific. If a change in site location has occurred, this NOC is not attainable.)

Change To The Approved SWMP

1. OPERATOR LEGAL NAME CHANGE

a. What is the NEW active Legal Name with TX SOS or on other legal document?
New Legal Name:

b. What is the TX SOS Filing Number for us to confirm this official name change?
(This is only applicable to Limited Partnership or Corporations.)

2. ADDRESS & CONTACT INFORMATION CHANGE

a. What mailing address and/or contact information has changed? (check one or more as applicable)

Operator for permit correspondence Site (RE) Mailing Address and contact information

Billing address/contact for Receiving Annual Fee Statement

b. If you selected more than one, is the information to be updated the same for each selection?

- Yes - Provide the updated information in the fields below.
- No - Attachment 1 of the NOC is attached to this form, to provide the different addresses.

ATTN or C/O:

Address: Suite No./Bldg. No./Mail Code:

City: State: ZIP Code:

Country Mailing Information (if outside USA). Country Code: Postal Code:

Phone No.: () Ext: Fax No.: () E-Mail:

3. REGULATED ENTITY (RE) SITE INFORMATION CORRECTION or UPDATE

a. Updated or Corrected description of the regulated MS4 boundaries:

b. Other update to regulated entity information. Please explain.

4. CHANGE TO THE APPROVED SWMP

Check the applicable item(s) to be changed or updated and complete the section for each item. Reference the attachment for each item.

Add the 7th Minimum Control Measure (MCM) to the approved SWMP. Complete Attachment 2 of the NOC and the following question: Are you seeking to use the 7th MCM only in the regulated (urbanized) area?

Yes - Attach the MCM with Attachment 2 of the NOC.

No - Attach the MCM with Attachment 2 of the NOC and indicate YES to the following certification:

I certify that the MS4 is in compliance with all of the MCMs listed in this general permit, in the MS4's additional area where the 7th MCM will be utilized. YES

Failure to indicate YES to this certification will result in denial.

Notice to update the approved SWMP adding components, controls, or requirements to the SWMP; or replacing a BMP with an equivalent BMP.

Are the revisions to the approved SWMP attached? Yes, under attachment _____

Request to update the approved SWMP, replacing a less effective or infeasible BMP specifically identified in the SWMP with an alternate BMP.

Are the revisions to the approved SWMP attached? Yes, under attachment Attachment A

Other requested changes to the approved SWMP requiring TCEQ approval.

Are the revisions to the approved SWMP attached? Yes, under attachment _____

C. APPLICATION CONTACT

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

1. Name: John Concienne	Title: Environmental Project Manager	Company: Carroll & Blackman, Inc.
2. Phone No.: (409) 833-3363 Ext: 124	Fax No.: (409) 833-4917	jconcienne@cbieng.com

D. CERTIFICATION

Operator Certification:

I, Robert Hebert County Judge
Typed or printed name (REQUIRED) Title (REQUIRED)

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: [Signature]
(Use blue/ink) (REQUIRED)

Date: 10-23-2012
(REQUIRED)

**Attachment 1 to a NOC Form for Providing Different Address & Contact Information
Related to a Specific Permit under General Permit TXR040000**

What is the Permit No.? TXR04 0045
(REQUIRED)

ADDITIONAL ADDRESS & CONTACT INFORMATION

Fill in the changes as applicable. Incomplete and invalid addresses will not be used. Verify mailing addresses at USPS.com.

Operator

ATTN or C/O:

Address: _____ Suite No./Bldg. No./Mail Code: _____

City: State: _____ ZIP Code: _____

Country Mailing Information (if outside USA). Country Code: Postal Code:

Phone No.: () Ext: Fax No.: () E-Mail: _____

Billing Address for Receiving Annual Fee Statement

ATTN or C/O:

Address: _____ Suite No./Bldg. No./Mail Code: _____

City: State: _____ ZIP Code: _____

Country Mailing Information (if outside USA). Country Code: Postal Code:

Phone No.: () Ext: Fax No.: () E-Mail: _____

Site (RE) Mailing Address

ATTN or C/O:

Address: _____ Suite No./Bldg. No./Mail Code: _____

City/State: _____ ZIP Code: _____

Country Mailing Information (if outside USA). Country Code: Postal Code:

Phone No.: () Ext: Fax No.: () E-Mail: _____

Attachment 2 to a NOC Form for adding the Optional 7th Minimum Control Measure

7th Minimum Control Measure Cover Sheet

This cover sheet **MUST** be completed by indicating the page number where the requested item will be found in the MCM. Provide the page number in the left column for each item. The questions relating to the Edwards Aquifer must also be answered.

This cover sheet **MUST** be attached to the front of the MCM.

Operator Name on NOI: Fort Bend County MS4

Page # (s)	<p>Optional 7th MCM : Municipal Construction Activities (only available within the regulated area where the MS4 operator meets the definition of construction site operator)</p> <p>If this MCM is utilized applicable, SWMP must include the following information:</p>
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	Description of the area that this MCM will address and where the MS4 operator's construction activities are covered (e.g. within the boundary of the urbanized area, the corporate boundary, a special district boundary, an extra territorial jurisdiction, or other similar jurisdictional boundary)
	If the area included in this MCM includes areas outside of the UA, then all MCMs will be implemented over those additional areas as well.
	<p>Description provided for one of the following:</p> <ul style="list-style-type: none"> ▶ How contractor activities will be supervised or overseen to ensure that the SWP3 requirements are properly implemented at the construction site(s); or ▶ How the MS4 operator will make certain that contractors have a separate authorization for storm-water discharges if needed.
	General description of how a construction SWP3 will be developed for each construction site.

Edwards Aquifer Rule

Is the discharge or potential discharge from regulated construction activities within the Recharge Zone, Contributing Zone, or Contributing zone within the Transition zone of the Edwards Aquifer? Yes No

If the answer is "Yes", please note that a copy of the agency approved Plan required by the Edwards Aquifer Rule (30 TAC Chapter 213) must be either included or referenced in the construction stormwater pollution prevention plan(s).

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General Information and Instructions

GENERAL INFORMATION

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Austin, TX 78711-3087

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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

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1. **Administrative Review:** The form will be reviewed to ensure the request is from the permittee (operator) on the authorization, the permit is active and initial coverage was acknowledged. Each item on the form will be reviewed for a complete response that qualifies for a NOC. In addition, the operator's legal name change must be verified with Texas Secretary of State (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.

If an item is incomplete or not verifiable as indicated above, the operator may be notified by letter, phone call or email. In some instances as noted at the beginning of the form, the request may simply be returned.

2. **NOC Confirmation:** An updated Acknowledgment Certificate will be mailed to the operator only if the NOC is to change information provided on the acknowledgment certificate. The original coverage effective date will not change.

General Permit (Your Permit)

You may view and print your general permit on the TCEQ web site www.tceq.texas.gov.

Enter the general permit number as the key word in the search box to locate the specific web page.

General Permit Forms

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

Change in Operator

An authorization under the general permit is not transferable. If the operator of the regulated entity changes, the present permittee must submit a Notice of Termination and the new operator must submit a Notice of Intent. The NOI must be submitted not later than 10 days prior to the change in Operator status. Note that the NOT is effective on the postmarked date. It may be necessary to not terminate the existing permit until coverage by the new entity is confirmed.

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.

You can find the information on the Central Registry web site at www12.tceq.texas.gov/erpub/. 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".

The Customer (Permittee) is responsible for providing consistent information to the TCEQ, and for updating all CN and RN data for all associated authorizations as changes occur. For General Permits, a Notice of Change form must be submitted to the program area for approval to update the CN and RN data in central registry.

INSTRUCTIONS FOR FILLING OUT THE NOC FORM

A. Applicant Information (Operator)

1. Provide the current permittee(s) full legal name as on the permit.
- b. Provide the TCEQ Issued Customer Number (CN) for the entity.
Go to <http://www.tceq.texas.gov/crpub/> to locate your CN.

If the name(s) provided do not match the current permittee name(s), this form will be returned. It is the responsibility of the permittee(s) to comply with the general permit.

Note: If a change is being made to the CN and the CN has other TCEQ authorization types, it is the entity's responsibility to update those authorizations at the same time. If an authorization has been cancelled or terminated, the name can not be changed on the permit. Because of this, a new CN may be issued for the new name.

2. Provide the TCEQ Issued Regulated Entity number assigned for this permitted activity.
Go to <http://www.tceq.texas.gov/crpub/> to locate your RN.

B. REQUESTED CHANGE TO PERMITTED INFORMATION

Check one or more of the available options indicating the information in the form that is to be updated. Provide the updated information in Section 1 for Legal Name Change, Section 2 for Address & Contact Information Change, Section 3 for Regulated Entity Site Information Change, or Section 4 for General Characteristics Change, as applicable.

1. LEGAL NAME CHANGE

Provide the new legal name. If the entity is a Limited Partnership or Corporation, the name change must be verifiable with Texas Secretary of State. The TX SOS filing number must be provided to verify only a name change occurred. You may contact the SOS at 512/463-5555, for more information related to filing in Texas. If filed in the county where doing business, provide a copy of the legal documents showing the legal name change.

Legal name changes of a Corporation and Limited Partnership will be verified with Texas Secretary of State. If the entity is filed as a new entity with a new filing number, then the change cannot be made through a NOC. The permits are not transferable. If the operator changes, the old entity must terminate their permit and the new entity must submit a form for a new permit.

2. ADDRESS & CONTACT INFORMATION CHANGE

Indicate the type of address and contact information that has changed from the original NOI or last NOC submitted to TCEQ. If the address and/or contact information is the same for all types, then check each type and enter the information in the fields on the form. If some types have different information, then use the NOC ATTACHMENT 1. The permit number MUST be written on ATTACHMENT 1 to indicate it is a part of the NOC form for the permit being updated. The updates cannot be made without reference to the submitted NOC form.

Mailing Address

The address MUST BE verifiable with the US Postal Service at www.usps.com, for regular mail delivery (not overnight express mail). If you find that the address is not verifiable using the USPS web search, please indicate the address is used by the USPS for regular mail delivery. Failure to provide a valid mailing address will delay or prohibit us from updating the permit.

Please note that address updates relating to a general permit authorization can ONLY be made through a Notice of Change. Address changes submitted through any other form can not be processed.

3. REGULATED ENTITY (RE) SITE INFORMATION CORRECTION

The NOC form is only for use to update or correct information submitted on the original application or last NOC for the authorization. The authorization under a general permit is site specific.

4. CHANGE TO THE APPROVED SWMP

The optional 7th Minimum Control Measure (MCM) can be added through an NOC after approval of the NOI and SWMP. The MCM is limited to the regulated area, such as the portion of the MS4 located within an urbanized area or the area designated by TCEQ as requiring coverage. This MCM may also be utilized over additional portions of the MS4 as long as the MS4 is in compliance with all of the MCMs listed in the general permit.

If the NOC is to add this MCM then Attachment 2 of the NOC must be provided.

Adding components, controls, or requirements to the approved SWMP; or replacing a BMP with an equivalent BMP, may be made by the permittee at any time upon written notification to the TCEQ. Approval of this notification is not required.

Replacing a less effective or infeasible BMP specifically identified in the approved SWMP with an alternate BMP may be requested. The request must include an explanation of why the BMP was eliminated; an explanation of the effectiveness of the replacement BMP, and an explanation of why the replacement BMP is expected to achieve the goals of the replaced BMP. Unless denied by the TCEQ, the change shall be considered approved and may be implemented by the permittee 60 days from submitting the request.

Other requested changes to the approved SWMP require written approval from TCEQ prior to implementing.

C. Application Contact

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

D. CERTIFICATIONS

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 NOI or similar form is 30 Texas Administrative Code §305.44(a)(1) (see below). According to this code provision, any corporate representative may sign an NOI or similar form so long as the authority to sign such a document has been delegated to that person in accordance with corporate procedures. By signing the NOI or similar form, you are certifying that such authority has been delegated to you. The TCEQ may request documentation evidencing such authority.

IF YOU ARE A MUNICIPALITY OR OTHER GOVERNMENT ENTITY:

The regulation that controls who may sign an NOI or similar form is 30 Texas Administrative Code §305.44(a)(3) (see below). According to this code provision, only a ranking elected official or principal executive officer may sign an NOI or similar form. Persons such as the City Mayor or County Commissioner will be considered ranking elected officials. In order to identify the principal executive officer of your government entity, it may be beneficial to consult your city charter, county or city ordinances, or the Texas statute(s) under which your government entity was formed. An NOI or similar document that is signed by a government official who is not a ranking elected official or principal executive officer does not conform to §305.44(a)(3). The signatory requirement may not be delegated to a government representative other than those identified in the regulation. By signing the NOI or similar form, you are certifying that you are either a ranking elected official or principal executive officer as required by the administrative code. Documentation demonstrating your position as a ranking elected official or principal executive officer may be requested by the TCEQ.

If you have any questions or need additional information concerning the signatory requirements discussed above, please contact the Texas Commission on Environmental Quality's Environmental Law Division at 512/239-0600.

**30 Texas Administrative Code
§305.44. Signatories to Applications.**

(a) All applications shall be signed as follows.

(1) For a corporation, the application shall be signed by a responsible corporate officer. For purposes of this paragraph, a responsible corporate officer means a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures. Corporate procedures governing authority to sign permit or post-closure order applications may provide for assignment or delegation to applicable corporate positions rather than to specific individuals.

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

(3) For a municipality, state, federal, or other public agency, the application shall be signed by either a principal executive officer or a ranking elected official. For purposes of this paragraph, a principal executive officer of a federal agency includes the chief executive officer of the agency, or a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., regional administrator of the EPA).

Attachment A

Fort Bend County/Fort Bend County Drainage District
TXR040045/TXR040383
Notice of Change
Stormwater Management Program proposed modifications and justifications

The County of Fort Bend has evaluated their current SWMP and has identified modifications that are necessary for the County to remain in compliance with the permit and adhere to their legal authority granted under State and local law. The following describes the proposed changes and justification for each request. ***Current SWMP is included for reference as Attachment B.**

Modifications

Existing BMPs for MCM 4

MCM 4: Construction Site Stormwater Runoff Control (Page 12 of SWMP)

4.C. Best Management Practices and Measurable Goals:

- A. Construction SWP3 Review and Permit Compliance: Implement a construction SWP3 review and compliance program that focuses on compliance with the local construction regulations***
- B. Construction Site Inspection: Conduct inspections of construction sites and related SWP3s for compliance with the local construction regulations.***
- C. Local Construction Reporting: Permittee shall report violations/concerns related to private construction to an adjacent MS4 operator with enforcement authority or to the TCEQ's Field Operations Support Division.***
- D. Construction Site Notice Posting: Post an appropriate site notice or NOI in a publicly accessible location for each Coalition construction project subject to the TCEQ Construction General Permit.***
- E. Public Submittal of Information: With the implementation and enforcement of the construction SWP3 regulations, Fort Bend County will address public submittals of information regarding stormwater quality issues at construction sites within the urbanized areas of the county.***

BMP Measurable Goals & Recordkeeping

BMP	Records to be Maintained and Summarized in Annual Reports	Measurable Goals
<i>Construction SWP3 Review and Permit Compliance</i>	<i>The number of plans reviewed and approved for construction under this program</i>	<i>Review construction plans that will result in the disturbances of greater than or equal to one acre, or are part of a common plan of development or sale that will result in the disturbance of one or more acres for compliance with the local construction regulations on an as needed basis (year 5)</i>
<i>Construction Site Inspection</i>	<i>The number of construction site inspections performed and construction sites active and subject to the TCEQ Construction General Permit</i>	<i>Conduct inspections according to the local construction regulations (year 5)</i>
<i>Local Construction Reporting</i>	<i>The number of reports received from citizens or field personnel related to private construction site runoff</i>	<i>Report violations/concerns to adjacent MS4s with enforcement authority or the TCEQ Field Operations Support Division as needed. (year 5)</i>
<i>Construction Site Notice Posting</i>	<i>Quantity of site notices posted and the number of public reports received and considered under this program</i>	<i>Post an appropriate site notice at each Coalition construction site subject to the TCEQ Construction General Permit (years 3,4,5)</i>
<i>Public Submittal of Information</i>	<i>The number of public submittals regarding construction sites.</i>	<i>Accept public comments regarding stormwater quality issues at construction sites within the urbanized area. (years 4,5)</i>

Requested Modifications (modifications are highlighted)

MCM 4: Construction Site Stormwater Runoff Control (Page 12 of SWMP)

4.C. Best Management Practices and Measurable Goals:

- A. Construction SWP3 Review:** Implement a construction SWP3 review process that focuses on the inclusion of appropriate erosion controls.
- B. Construction Site Inspection:** Conduct inspections of construction sites and related SWP3s for inclusion of appropriate erosion controls and proper CGP Permit coverage.

- C. Local Construction Reporting:** Permittee shall report violations/concerns related to private construction to an adjacent MS4 operator with enforcement authority or to the TCEQ's Field Operations Support Division.
- D. Construction Site Notice Posting:** Post an appropriate site notice or NOI in a publicly accessible location for each Coalition construction project subject to the TCEQ Construction General Permit.
- E. Public Submittal of Information:** With the implementation and enforcement of the construction SWP3 regulations, Fort Bend County will address public submittals of information regarding stormwater quality issues at construction sites within the urbanized areas of the county.

BMP Measurable Goals & Recordkeeping

BMP	Records to be Maintained and Summarized in Annual Reports	Measurable Goals
Construction SWP3 Review	The number of SWPPPs reviewed during inspections	During inspections, review construction SWPPPs for sites that have disturbances of greater than or equal to one acre, or are part of a common plan of development or sale that will result in the disturbance of one or more acres; for inclusion of appropriate erosion controls (year 5)
Construction Site Inspections	The number of construction site inspections performed and the number of construction sites that occurred within the regulated area as indicated via NOI or Site Notice	Conduct inspections at construction sites to ensure proper permit coverage is in place and erosion controls are functioning properly. (year 5)
Local Construction Reporting	The number of reports received from citizens or field personnel related to private construction site runoff.	Report violations/concerns to adjacent MS4s with enforcement authority or the TCEQ Field Operations Support Division as needed. (year 5)
Construction Site Notice Posting	Quantity of site notices posted and the number of public reports received and considered under this program	Post an appropriate site notice at each Coalition construction site subject to the TCEQ Construction General Permit (years 3,4,5)
Public Submittal of Information	The number of public submittals regarding construction sites.	Accept public comments regarding stormwater quality issues at construction sites within the urbanized area. (years 4,5)

Justification

***Fort Bend County and Fort Bend County Drainage District developed their initial shared SWMP with the intent of adopting local regulations to regulate stormwater runoff from private construction sites within their MS4. During this permit term, the permittees have been unable to obtain adequate legal authority to adopt the appropriate regulations which would have enabled them to issue a local stormwater permit to private construction sites within their MS4. Therefore, Fort Bend County and Fort Bend County Drainage District are requesting the aforementioned modifications which would allow them to review private construction SWPPPs during inspections (rather than during a local stormwater permitting process) and only track private construction sites that they are made aware of through submittal of a Notice of Intent or Site Notice.**