

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



DOCKET NO. 2011-0345-MIS  
General Permit No. TXR040000

<b>IN THE MATTER OF THE TPDES</b>	<b>§</b>	<b>BEFORE THE TEXAS</b>
<b>GENERAL PERMIT TO AUTHORIZE</b>	<b>§</b>	<b>COMMISSION ON</b>
<b>DISCHARGES OF STORMWATER</b>	<b>§</b>	<b>ENVIRONMENTAL</b>
<b>FROM REGULATED SMALL</b>	<b>§</b>	<b>QUALITY</b>
<b>MUNICIPAL SEPARATE STORM</b>	<b>§</b>	
<b>SEWER SYSTEMS WITHIN THE</b>	<b>§</b>	
<b>STATE OF TEXAS</b>	<b>§</b>	

**COMMISSION RESOLUTION ISSUING THE GENERAL PERMIT**

**WHEREAS**, under Texas Water Code (TWC), Section (§) 26.121, no person may discharge waste or pollutants into or adjacent to any water in the state except as authorized by a rule, permit, or order issued by the Texas Commission on Environmental Quality (TCEQ or Commission);

**WHEREAS**, under TWC, § 26.027, the TCEQ has the authority to issue permits and amendments to permits for the discharge of waste or pollutants into or adjacent to waters in the state;

**WHEREAS**, under TWC, § 26.040, the TCEQ has the authority to issue a general permit to authorize the discharge of waste into or adjacent to waters in the state;

**WHEREAS**, the general permit (TXR040000) that authorizes discharges of storm water from regulated small municipal storm sewer systems (MS4s) in the state of Texas was drafted and proposed by the Executive Director and is attached as Exhibit A;

**WHEREAS**, the TCEQ received public comment on the general permit;

**WHEREAS**, the Executive Director made certain changes to the general permit based on comments received;

**WHEREAS**, the Executive Director prepared, made available to the public, and filed with the Chief Clerk a written Response to Public Comments on the proposed changes to the general permit in accordance with the requirements of Title 30 Texas Administrative Code (30 TAC) § 205.3(e) and is here attached as Exhibit B;

**WHEREAS**, the Commission has reviewed in accordance with Texas Natural Resources Code, § 33.205 and 30 TAC § 205.5(f) the changes to the general permit for consistency with the Texas Coastal Management Program (CMP) and has found that the general permit is consistent with applicable CMP goals and policies and that the general permit will not adversely affect any applicable coastal natural resource areas as identified in the CMP;

**WHEREAS**, the Commission has determined in accordance with TWC, § 26.040(a)(1) - (4) that the general permit would authorize dischargers who engage in the same or substantially similar types of operations, discharge the same types of waste, are subject to the same requirements regarding effluent limitations or operating conditions, and are subject to the same or similar monitoring requirements;

**WHEREAS**, the Commission finds in accordance with TWC, § 26.040(a)(5) that the general permit would apply to dischargers who are more appropriately regulated under a general permit than under individual permits and that:

(A) The general permit has been drafted to assure that it can be readily enforced and that the Commission can adequately monitor compliance with the terms of the general permit through on-site compliance inspections and by submission of an annual report by dischargers; and

(B) The category of discharges covered by the general permit will not include a discharge of pollutants that will cause significant adverse effects to water quality; and

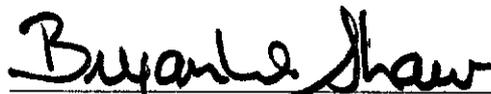
**THEREFORE**, after consideration of all public comment and the responses to such comment, the Commission, by this resolution, hereby issues the general permit, attached as Exhibit A, as recommended by the Executive Director and as approved by the Commission during its December 11, 2013, public meeting. The Commission, by this resolution, also hereby issues the Executive Director's Response to Comments as approved by the Commission during its December 11, 2013 public meeting as the Commission's Response to Public Comment, attached as Exhibit B.

Furthermore, the Commission directs staff to make any non-substantive changes to the general permit and the Commission's Response to Public Comment to satisfy Texas Register format requirements and requests that the general permit and Commission's Response to Public Comment be made available to the public in accordance with the requirements of TWC, § 26.040(d) and 30 TAC § 205.3(e).

It is so **RESOLVED**.

Date of Adoption: DEC 13 2013

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ENVIRONMENTAL QUALITY



Bryan W. Shaw, Ph.D., Chairman  
For the Commission