TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

A RESOLUTION in the matter of a Renewal with Amendments of a Texas Pollutant Discharge Elimination System / State Only General Permit which authorizes manure, sludge, and wastewater discharge into or adjacent to water in the state only during chronic or catastrophic rainfall or catastrophic conditions by concentrated animal feeding operations, General Permit No. TXG920000; TCEQ Docket No. 2019-0156-MIS; Project No. 2018-015-OTH-NR.

WHEREAS, under Texas Water Code (TWC), § 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, a renewal with amendments of a Texas Pollutant Discharge Elimination System (TPDES) / State Only general permit which authorizes manure, sludge, and wastewater discharge into or adjacent to water in the state only during chronic or catastrophic rainfall or catastrophic conditions by concentrated animal feeding operations (CAFOs), was drafted and proposed by the Executive Director and is attached as Exhibit A;

WHEREAS, the TCEQ received public comments on the general permit, and drafted a Response to Public Comment, which is attached as Exhibit B;

WHEREAS, the Commission 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 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 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; 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 comments and the responses to such comments, 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 June 26, 2019, public meeting. The Commission, by this resolution, also hereby issues the Executive Director's Response to Comments as approved by the Commission during its June 26, 2019 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 Comments to satisfy *Texas Register* format requirements and requests that the general permit and Commission's Response to Public Comments 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.**

TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

Jon Niermann, Chairman

7/1/19
Date Signed