

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



DOCKET NO. 2014-0093-MIS
General Permit No. TXG920000

IN THE MATTER OF AMENDING	§	BEFORE THE TEXAS
AND RENEWING A GENERAL	§	COMMISSION ON
PERMIT TO AUTHORIZE THE	§	ENVIRONMENTAL
DISCHARGE OF MANURE	§	QUALITY
SLUDGE AND WASTEWATER BY	§	
CONCENTRATED ANIMAL	§	
FEEDING OPERATIONS INTO OR	§	
ADJACENT TO WATER UNDER	§	
CERTAIN CONDITIONS	§	

COMMISSION RESOLUTION AMENDING AND RENEWING THE GENERAL PERMIT

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 water 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, on September 14, 1998, the TCEQ received authority from the United States Environmental Protection Agency (EPA) to administer the Texas Pollutant Discharge Elimination System under 40 Code of Federal Regulation, Parts 122 and 412;

WHEREAS, the renewal with amendment of General Permit Number TXG920000 authorizing the discharge of manure, sludge and wastewater into or adjacent to water in the state only during chronic or catastrophic rainfall or catastrophic conditions from concentrated Animal Feeding Operations (CAFO) properly designed, constructed, operated and maintained under the provisions of this GP. The permit was drafted and proposed by the Executive Director and is attached as Exhibit A;

WHEREAS, the TCEQ received public comment on the proposed 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

General Permit in accordance with the requirements of Title 30 Texas Administrative Code (30 TAC) § 205.3(e) and is 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 was 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;

THEREFORE, after consideration of all public comment and the responses to such comment, the Commission, by this resolution, issues the General Permit as recommended by the Executive Director and adopts the Executive Director's Response to Public Comment. Furthermore, the Commission directs staff to make any non-substantive changes to the permit and the 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: JUL 10 2014

TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY


Bryan W. Shaw, Ph.D., P.E., Chairman