

Bryan W. Shaw, Ph.D., *Chairman*
Buddy Garcia, *Commissioner*
Carlos Rubinstein, *Commissioner*
Mark R. Vickery, P.G., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

NOTICE OF PUBLIC HEARING ON PROPOSED REVISIONS TO 30 TAC CHAPTER 60

The Texas Commission on Environmental Quality (commission) will conduct a public hearing to receive testimony regarding the proposed amendments 30 TAC Chapter 60, Compliance History, §§60.1 - 60.3, under the requirements of Texas Government Code, Chapter 2001, Subchapter B.

The proposed rulemaking would implement House Bill 2694, Articles 4.01 - 4.05 and 4.07, 82nd Legislature, 2011, which amends Texas Water Code (TWC), §§5.751 - 5.754 and 5.756. The amendments to TWC require the commission to make changes to the compliance history rule. This proposed rulemaking would revise Chapter 60. The purpose of this proposed rulemaking is to allow the commission to use new standards instead of the existing uniform standard for evaluating and using compliance history. In addition, the proposed rulemaking modifies the components and formula of compliance history in order to provide a more accurate measure of regulated entities' performance and make compliance history a more effective regulatory tool.

The commission will hold a public hearing on this proposal in Austin on March 6, 2012 at 10:00 a.m. in Building E, Room 201S, at the commission's central office located at 12100 Park 35 Circle. The hearing is structured for the receipt of oral or written comments by interested persons. The commission is interested in all comments related to this proposed rulemaking and specifically requests comments on proposed 30 TAC §60.2(e)(2) with regard to how the agency can account for various sized regulated entities within program areas or media other than those program areas or media currently contemplated by the proposed rule language.

Individuals may present oral statements when called upon in order of registration. Open discussion will not be permitted during the hearing; however, commission staff members will be available to discuss the proposal 30 minutes prior to the hearing.

Persons who have special communication or other accommodation needs who are planning to attend the hearing should contact Sandy Wong, Office of Legal Services at (512) 239-1802. Requests should be made as far in advance as possible.

Written comments may be submitted to Michael Parrish, MC 205, Office of Legal Services, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087, or faxed to (512) 239-4808. Electronic comments may be submitted at: <http://www5.tceq.texas.gov/rules/ecomments/>. File size restrictions may apply to comments being submitted via the eComments system. All comments should reference Rule Project Number 2011-032-060-CE. The comment period closes March 12, 2012. Copies of the proposed rulemaking can be obtained from the commission's Web site at http://www.tceq.texas.gov/nav/rules/propose_adopt.html. For further information, please contact David Van Soest, Office of Compliance and Enforcement at (512) 239-0468.