

The commission adopts the repeal of §§305.94-305.97, 305.100-305.105, and 305.107, concerning Consolidated Permits. The repeals are adopted without changes to the proposed text as published in the June 25, 1996, issue of the *Texas Register* (21 TexReg 5842) and will not be republished. The commission is withdrawing the proposed §305.106.

#### EXPLANATION OF ADOPTED RULES

The commission's adoption of the Phase II procedural rules on May 8, 1996, included the repeal of several sections of Chapter 305, Subchapter E (see May 28, 1996, issue of the *Texas Register* (21 TexReg 4798)). This adoption repeals the remaining sections of Chapter 305, Subchapter E, in their entirety, with the exception of §305.106. The commission is concurrently adopting new Chapter 39, concerning Public Notice. Chapter 39 replaces the sections of Chapter 305, Subchapter E that are currently repealed. The commission concludes that it should not repeal §305.106 at this time because the provisions in this section, concerning responding to public comment, are best located in 30 TAC Chapter 55. If the commission moves these provisions to Chapter 55, §305.106 will be repealed.

#### TAKINGS IMPACT ASSESSMENT

The commission has prepared a Takings Impact Assessment for these rules pursuant to Texas Government Code, §2007.043. The following is a summary of that assessment. The specific purpose of these rules is to clarify and recodify the commission's rules on public notice of proceedings. The rules will substantially advance these specific purposes by providing specific provisions on these matters in a new 30 TAC Chapter 39 and repealing duplicative requirements in Chapter 305. Promulgation and enforcement of these rules will not burden private real property which is the subject of the rules because

it concerns public notice of proceedings. The following exceptions to the application of Texas Government Code, Chapter 2007, apply to these rules: the action significantly advances the health and safety purpose and imposes no greater burden than is necessary to achieve the health and safety purpose.

#### HEARINGS AND COMMENTERS

A public hearing was held on July 18, 1996. The comment period closed July 25, 1996. No written or oral testimony was received on the proposed repeals.

#### STATUTORY AUTHORITY

The repeals are adopted under Texas Water Code, §§5.103, 5.105, 26.011, 27.019, and Texas Health and Safety Code, §§361.011, 361.017, and 361.024, which authorize the commission to adopt any rules necessary to carry out its powers and duties under the Texas Water Code and other laws of Texas and to establish and approve all general policy of the commission.

**SUBCHAPTER E : ACTIONS, NOTICE AND HEARING**

**§§305.94-304.97, 305.100-305.105, and 305.107**

**§305.94. Action on Application for Production Area Authorization.**

**§305.95. Action on Application for Renewal.**

**§305.96. Action on Application for Amendment or Modification.**

**§305.97. Action on Application for Transfer.**

**§305.100. Notice of Application.**

**§305.101. Notice of Hearing.**

**§305.102. Notice by Publication.**

**§305.103. Notice by Mail.**

**§305.104. Radio Broadcasts.**

**§305.105. Request for Public Hearing.**

**§305.107. Public Meeting and Notice Requirements.**

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's authority.

Issued in Austin, Texas, on December 17, 1996.