

The commission proposes the repeal of §101.25, concerning Fees for Registration of Nonpermitted Facilities. The proposed repeal of §101.25 would eliminate the unnecessary requirement for the registration of facilities that were constructed before the former Texas Air Control Board implemented its permitting program. The deadline for the registration of such facilities was February 28, 1986. The Texas Clean Air Act (TCAA) requirement for this registration was repealed in 1991. There is no longer any need for the commission to require the registration of these “grandfathered” facilities.

The agency has prepared a Takings Impact Assessment for this rule in accordance with Texas Government Code, §2007.043. The specific purpose of this proposal is to repeal an unnecessary registration requirement. Promulgation and enforcement of this proposal will not affect private real property.

Stephen Minick, Strategic Planning and Appropriations Division, has determined that for the first five-year period the repeal is in effect, there will be no fiscal implications for state or local government as a result of enforcing or administering the repeal. Although this repeal eliminates the requirement of a \$50 registration fee, no loss in revenues to state government will result, since most facilities have registered and the goals of the original rule were accomplished in 1986.

Mr. Minick has also determined that for each year of the first five years the repeal is in effect, the public benefit anticipated as a result of the repeal will be the elimination of any confusion over compliance with an unnecessary and obsolete rule. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the repeal as proposed.

A public hearing on this proposal will be held October 8, 1996, at 10:00 a.m. in Room 2210 of Texas Natural Resource Conservation Commission (TNRCC) Building F, located at 12100 Park 35 Circle, Austin. The hearing is structured for the receipt of oral or written comments by interested persons. Individuals may present oral statements when called upon in order of registration. Open discussion within the audience will not occur during the hearing; however, an agency staff member will be available to discuss the proposal 30 minutes prior to the hearing and will answer questions before and after the hearing.

Written comments may be mailed to Lisa Martin, TNRCC Office of Policy and Regulatory Development, MC 205, P.O. Box 13087, Austin, Texas 78711-3087 or faxed to (512) 239-4808. All comments should reference Rule Log Number 96153-101-AI. Comments must be received by 5:00 p.m., October 10, 1996. For further information, please contact Steve Ortiz, Office of Policy and Regulatory Development, (512) 239-2008.

The repeal is proposed under the Texas Health and Safety Code, the TCAA, §382.017, which provides the TNRCC with the authority to adopt rules consistent with the policy and purposes of the TCAA.

The proposed repeal implements Health and Safety Code, §382.017.

GENERAL RULES

§101.25

§101.25. Fees for Registration of Nonpermitted Facilities.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

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