

The commission adopts new §7.104, concerning a Memorandum of Understanding (MOU) between the Texas Water Development Board (board) and the commission, without changes to the proposed text as published in the April 18, 1997, issue of the Texas Register (22 TexReg 3573). The text of the rule will not be republished.

EXPLANATION OF THE ADOPTED RULE

The purpose of the MOU is to establish a formal agreement on the respective duties and responsibilities of the two agencies in the establishment and implementation of a Drinking Water State Revolving Loan Fund under the Safe Drinking Water Act Amendments of 1996 (Amendments of 1996), and to improve the efficiency and effectiveness of the board and commission operation in administering the provisions of the Amendments of 1996. The board has adopted the MOU by rule as required by Water Code, §5.104. The commission is adopting the MOU by reference.

TAKINGS IMPACT ASSESSMENT

The commission has prepared a Takings Impact Assessment pursuant to Texas Government Code, §2007.043; the following is a summary of that assessment. The specific purpose of the rule is to adopt an MOU between the commission and the board concerning the implementation of the Safe Drinking Water Act Amendments of 1996, including the implementation of a Drinking Water State Revolving Loan Fund. The rule will substantially advance this specific purpose by clarifying the respective duties of the two agencies in that regard. Promulgation and enforcement of the rule will not burden private real property because it does not restrict or limit an owner's right to the property that would otherwise exist in the absence of the rulemaking.

COASTAL MANAGEMENT PROGRAM (CMP)

The commission has reviewed this rulemaking for consistency with the Coastal Management Program (CMP) goals and policies in accordance with the regulations of the Coastal Coordination Council, and has determined that the rulemaking will not have direct or significant adverse effect on any Coastal Natural Resource Areas, nor will the rulemaking have a substantive effect on commission actions subject to the CMP.

COMMENTS RECEIVED

No written or oral comments were received by the commission. The commission has made no changes to the text of the proposed rule.

STATUTORY AUTHORITY

The new section is adopted under Texas Water Code, §5.104, which authorizes the commission to enter into an MOU with the board to clarify and provide for their respective duties, responsibilities, or functions on any matter within their jurisdictions.

In addition, this new section is adopted under Texas Health and Safety Code, Chapter 341, Subchapter C, which authorizes the commission to adopt rules to implement the federal Safe Drinking Water Act.

The new section implements Texas Water Code, Subchapter J.

**§7.104. Memorandum of Understanding between the Texas Water Development Board and the
Texas Natural Resource Conservation Commission.**

The commission adopts by reference the rules of the Texas Water Development Board in 31 TAC §371.5 (relating to Memorandum of Understanding between Texas Water Development Board and Texas Natural Resource Conservation Commission).

The agency hereby certifies that the section as adopted has been reviewed by legal counsel and found to be within the agency's authority to adopt.

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