

CHAPTER 3
DEFINITIONS
§3.1, §3.2
Effective June 30, 2002

§3.1. Applicability.

The words and terms listed in this chapter, when used in commission rules, shall have the meanings described in this chapter unless the context clearly indicates otherwise. However, a definition in this chapter shall not apply to another chapter of the commission's rules if the word or term is defined in that chapter.

Adopted May 8, 1996

Effective June 6, 1996

§3.2. Definitions.

The following words and terms, when used in this part, shall have the following meanings, unless the context clearly indicates otherwise.

- (1) **Agency** - The commission, executive director, and their staffs.
- (2) **APA** - The Texas Administrative Procedure Act, Texas Government Code, Chapter 2001.
- (3) **Applicant** - A person who submits an application to the commission.
- (4) **Application** - A petition or written request to the commission for an order, permit, license, registration, standard exemption, or other approval.
- (5) **CERCLA (Superfund)** - Comprehensive Environmental Response, Compensation, and Liability Act, 42 United States Code (USC), §§9601 - 9675 (1980, as amended).
- (6) **Chairman** - The chairman of the commission.
- (7) **Chief clerk** - The chief clerk of the commission or any authorized individual designated by the chief clerk to act in his or her place.
- (8) **Commission** - As of September 1, 2002, the agency's name shall be the Texas Commission on Environmental Quality. In these rules, the term "commission" means the commissioners acting in their official capacity.
- (9) **Commissioner** - A member of the commission.

(10) **Contested case** - A proceeding subject to the contested case requirements of the APA.

(11) **CWA** - Clean Water Act, Federal Water Pollution Control Act, 33 USC, §§1251 - 1387 (1977, as amended).

(12) **Enforcement action** - An action, initiated by the executive director, seeking an enforcement order.

(13) **Enforcement order** - Any commission order enforcing or directing compliance with any provisions; whether of statutes, rules, regulations, permits or licenses, or orders; which the commission is entitled by law to enforce or with which the commission is entitled by law to compel compliance.

(14) **EPA** - The United States Environmental Protection Agency, the Administrator of the EPA, or his/her designee.

(15) **EPCRA** - The Emergency Planning and Community Right-To-Know Act, 42 USC, §§11001 - 11050 (1986).

(16) **Executive director** - The executive director of the commission, or any authorized individual designated to act for the executive director.

(17) **FCAA** - The Federal Clean Air Act, 42 USC, §§7401 - 7671q (1970, as amended).

(18) **FIFRA** - The Federal Insecticide, Fungicide, and Rodenticide Act, 7 USC, §§135 - 136y (1972, as amended).

(19) **General counsel** - The general counsel of the commission, or any authorized individual designated by the general counsel to act in his or her place.

(20) **Judge** - A SOAH administrative law judge.

(21) **NEPA** - The National Environmental Policy Act, 42 USC, §§4321 - 4370e (1969, as amended).

(22) **Open Meetings Act** - Texas Open Meetings Act, Texas Government Code, Chapter 551.

(23) **Party** - Each person named or admitted as a party in a contested case.

(24) **Permit** - Written permission from the commission, including a license or other authorization, to engage in a business or occupation, to perform an act (such as to build, install, modify, or operate a facility), or to engage in a transaction, which would be unlawful absent such permission.

(25) **Person** - An individual, corporation, organization, government or governmental subdivision or agency, business trust, partnership, association, or any other legal entity.

(26) **Pleadings** - Written allegations filed by parties concerning their respective claims, such as applications, protests, complaints, claims, petitions, executive director preliminary reports, answers, motions, and other similar documents, including those submitted by the executive director and the public interest counsel.

(27) **PPA** - Pollution Prevention Act, 42 USC, §§13101 - 13109 (1990).

(28) **Protestant** - Any person opposing, in whole or in part, an application.

(29) **Public Information Act** - Texas Public Information Act, Texas Government Code, Chapter 552.

(30) **Public interest counsel** - The public interest counsel of the commission, or any authorized individual designated by the public interest counsel to act in his or her place.

(31) **RCRA** - The Resource Conservation and Recovery Act, 42 USC, §§6901 - 6991i (1976, as amended).

(32) **SARA** - Superfund Amendments and Reauthorization Act, Public Law Number 99-499, 100 Stat. 1613 (codified as amended in scattered sections of 10 USC, 26 USC, and 42 USC) (1986).

(33) **SDWA** - Safe Drinking Water Act, 42 USC, §§300f - 300j-26 (1974, as amended).

(34) **SOAH** - The State Office of Administrative Hearings.

(35) **TCAA** - The Texas Clean Air Act, Texas Health and Safety Code (THSC), Chapter 382.

(36) **TRCA** - The Texas Radiation Control Act, THSC, Chapter 401.

(37) **TSCA** - Toxic Substances Control Act, 15 USC, §§2601 - 2692 (1976, as amended).

(38) **TSWDA** - The Texas Solid Waste Disposal Act, THSC, Chapter 361.

Derivation Table
Rule Log No. 95123-263-AD
Procedural Rules
Adopted May 8, 1996
Effective June 6, 1996

Chapter 3 - Definitions

This table is to be used to track sections after rule revisions. The column on the left should list the sections after the revision. The column on the right should list where the section was prior to the revision.

New Section	Old Section
3.1	New
3.2	New, 261.1, 263.1 (d), 264.2, 265.1, 337.3