

Texas Commission on Environmental Quality



DECISION OF THE COMMISSION REGARDING THE PETITION FOR RULEMAKING FILED BY JED ANDERSON

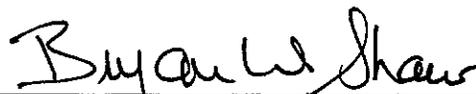
Docket No. 2017-0534-PET
Rule Project No. 2017-023-PET-NR

On June 7, 2017, the Texas Commission on Environmental Quality (Commission) considered the petition for rulemaking filed by Jed Anderson (petitioner). The petitioner filed the request on April 13, 2017, and requested that the commission modify 30 TAC Chapter 1, Purpose of Rules, General Provisions, regarding the commission's rulemaking procedures. The request specifically concerns the stated purpose of rules and amending regulatory requirements.

IT IS THEREFORE ORDERED BY THE COMMISSION, pursuant to the Administrative Procedure Act, Texas Government Code, § 2001.021 and Texas Water Code, § 5.102 and § 5.103, to deny the petition because the commission has the authority under existing law to determine the content and number of its rules. The Commission further incorporates in its rationale the reasons for denial expressed in the executive director's four page interoffice memorandum to the Commissioners, filed with the chief clerk, dated May 19, 2017, docket number 2017-0534-PET. In addition, this decision is based on our conclusion that the Texas Legislature passed HB 1290 in the 85th Regular Legislative Session to provide a comprehensive methodology for all state agencies to adhere to in adopting rules that increase costs to regulated persons and has thereby spoken to this issue and given the agency its preferred direction with regard to regulatory offset requirements.

This Decision constitutes the decision of the Commission required by the Texas Government Code, § 2001.021(c).

TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY


Bryan W. Shaw, Ph.D., P.E., Chairman

6-22-17
Date Signed