

The commission proposes the repeal of §§305.94-305.97 and 305.100-305.107, concerning Consolidated Permits.

The commission's adoption of the Phase II rules on May 8, 1996, included the repeal of the other sections of Chapter 305, Subchapter E (see May 28, 1996, issue of the Texas Register (21 TexReg 4798)). The adoption of this proposal would repeal Chapter 305, Subchapter E, in its entirety. The commission proposed the adoption of Chapter 39 on May 29, 1996, concerning Public Notice (see June 18, 1996, issue of the Texas Register). Chapter 39 is intended to replace the sections of Chapter 305, Subchapter E, that are proposed for repeal.

Stephen Minick, Strategic Planning and Appropriations Division, has determined that for the first five-year period the sections are in effect there will be no significant fiscal implications for state or local government as a result of enforcing or administering the sections.

Mr. Minick also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be improvement and greater consistency in the issuance of public notice of applications before the commission. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the sections as proposed.

The commission prepared a takings impact assessment of these rules and determined that the proposal will not create any burden on private real property rights.

A public hearing on the proposal will be held July 18, 1996, at 10:00 a.m. in Room 2210 of Texas Natural Resource Conservation Commission (TNRCC) Building F, located at 12100 North IH-35, 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 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 Rules Tracking Log No. 96142-305-AD. Comments must be received by 5:00 p.m., July 25, 1996. For further information, please contact Richard O'Connell at (512) 239-5528.

Persons with disabilities who have special communication or other accommodation needs who are planning to attend the hearing should contact the agency at (512) 239-4900. Requests should be made as far in advance as possible.

The repeals are proposed under Texas Water Code, §§5.103, 5.105, 26.011, 27.019, and Texas Health and Safety Code, §§361.011, 361.017, 361.024, and 382.017, which authorizes 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.

The proposed repeals implement Texas Water Code, §§5.103, 5.105, 26.011, 27.019, and Texas Health and Safety Code, §§361.011, 361.017, 361.024, and 382.017.

SUBCHAPTER E: ACTIONS, NOTICE AND HEARING

§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.

§305.106. Response to Comments.

§305.107. Public Meeting and Notice Requirements.

This agency hereby certifies that the sections as proposed have been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on June 12, 1996.