

The commission adopts the repeal of §101.25, concerning Fees for Registration of Nonpermitted Facilities, without changes to the proposed text as published in the September 10, 1996, issue of the *Texas Register* (21 TexReg 8646).

EXPLANATION OF ADOPTED RULE. The adopted repeal of §101.25 eliminates 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 The Texas Clean Air Act (TCAA) requirement for this registration was repealed in 1991.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.

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

HEARING AND COMMENTERS. A public hearing was held on October 8, 1996, in Austin. No public testimony was offered at the public hearing. The public comment period closed on October 10, 1996, and no written comments were received.

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

GENERAL RULES

§101.25

§101.25. Fees for Registration of Nonpermitted Facilities.

This agency hereby certifies that the repeal as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on November 20, 1996.