

Effective: July 19, 2012

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
Permanent Rule Change

Rule Project No. 2011-047-090-AD
HB 2694 (4.01, 4.06 & 4.08): Incentives

Chapter 90
Innovative Programs

Subchapters A, B, C, D

1. Purpose. This change transmittal provides the pages that reflect changes and additions to the Texas Commission on Environmental Quality (commission) Volume of Permanent Rules.
2. Explanation of Change. On June 27, 2012, the commission adopted the repeal of §§90.1, 90.2, 90.10, 90.12, 90.14, 90.16, 90.18, 90.20, 90.30, 90.32, 90.34, 90.36, 90.38, 90.40, 90.42, 90.44, 90.50, 90.52, 90.54, 90.56, 90.58, 90.60, 90.62, 90.64, 90.66, 90.68, 90.70, and 90.72; and new §§90.1 - 90.3, 90.10 - 90.16, 90.20 - 90.24, 90.30, and 90.31. New §§90.2, 90.13, and 90.16 are adopted with changes to the proposed text as published in the February 10, 2012, issue of the Texas Register (3 TexReg 637). Sections 90.1, 90.3, 90.10 - 90.12, 90.14, 90.15, 90.20 - 90.24, 90.30, and 90.31 are adopted without changes to the proposed text and were not be republished.
3. Effects of Change. The rulemaking implements HB 2694, Article 4, §§4.01, 4.06, and 4.08, which amend Texas Water Code, §§5.751, 5.755, and 5.758. The references to Compliance History classification are repealed as required by HB 2694, §4.06. HB 2694, §4.08 amends the standard of review for an alternative method or standard for control or abatement of pollution to determine whether it is as protective, rather than the former standard of review which was whether it is more protective, than the current method or standard.

To remove duplicative and unnecessary restrictions, the adopted rulemaking reorganizes and clarifies the incentive programs into a single new Subchapter A, Incentive Programs, which is derived from the consolidation of Subchapter A, Purpose, Applicability, and Eligibility; Subchapter B, General Provisions; Subchapter C, Regulatory Incentives for Using Environmental Management Systems; and Subchapter D, Strategically Directed Regulatory Structure. The adopted rulemaking would also provide clarity and remove unnecessary restrictions on the TCEQ's ability to issue Regulatory Flexibility Orders and to recognize Environmental Management Systems.