

Texas Commission on Environmental Quality

Interoffice Memorandum

To: Commissioners **Date:** March 24, 2023

Thru: Laurie Gharis, Chief Clerk
Erin E. Chancellor, Interim Executive Director

From: Charmaine Backens, Acting Director
Office of Legal Services

Docket No.: 2022-0772-RUL

Subject: Commission Approval for Rulemaking Adoption
Chapter 7, Memoranda of Understanding
Rule Project No. 2022-020-007-LS

Background and reason(s) for the rulemaking:

This rulemaking is adopted in response to a quadrennial rule review (Project Number 2019-096-007-LS) during which the commission determined that 30 Texas Administrative Code (TAC) §7.101 was obsolete (February 28, 2020, issue of the *Texas Register* (45 TexReg 1446)).

Scope of the rulemaking:

This adopted rulemaking will repeal 30 TAC §7.101 (Memorandum of Understanding between the Texas Natural Resource Conservation Commission (TNRCC) and the Texas Department of Commerce (TDC)).

A.) Summary of what the rulemaking would do:

The adopted rulemaking repeals the obsolete rule. Subsection (d) of the rule provides "this memorandum shall terminate August 31, 1999, unless extended by mutual agreement." The TNRCC and TDC did not extend the term of the MOU.

B.) Scope required by federal regulations or state statutes:

None.

C.) Additional staff recommendations that are not required by federal rule or state statute:

None.

Statutory authority:

Texas Government Code, §2001.039; Texas Water Code, §§5.101 - 5.104.

Effect on the:

A.) Regulated community:

None.

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B.) Public:

None.

C.) Agency programs:

None.

Stakeholder meetings:

The commission did not hold any stakeholder meetings related to this rulemaking; however, during the comment period, a rule public hearing was held in Austin.

Public comment:

The commission held a public hearing on December 6, 2022. The comment period closed on December 7, 2022. The commission did not receive any comments on this rulemaking.

Significant changes from proposal:

None.

Potential controversial concerns and legislative interest:

None.

Will this rulemaking affect any current policies or require development of new policies?

None.

What are the consequences if this rulemaking does not go forward? Are there alternatives to rulemaking?

There will not be any consequences if the rulemaking does not go forward. The alternative to rulemaking is to allow the obsolete rule to remain in the Texas Administrative Code.

Key points in the adopted rulemaking schedule:

***Texas Register* proposal publication date:** November 4, 2022

Anticipated *Texas Register* adoption publication date: April 28, 2023

Anticipated effective date: May 4, 2023

Six-month *Texas Register* filing deadline: May 4, 2023

Agency contacts:

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Attachments:

None.

cc: Chief Clerk, 2 copies
Executive Director's Office

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