

# Texas Commission on Environmental Quality

## Interoffice Memorandum

**To:** Commissioners **Date:** September 30, 2022

**Thru:** Laurie Gharis, Chief Clerk  
Toby Baker, Executive Director

**From:** Erin E. Chancellor, Director  
Office of Legal Services

**Docket No.:** 2022-0772-RUL

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

**Background and reason(s) for the rulemaking:**

This rulemaking is being proposed 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 rulemaking would 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 rulemaking would repeal 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, a rule public hearing will be held during the comment period in Austin.

**Potential controversial concerns and legislative interest:**

None.

**Would 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 would 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 proposal rulemaking schedule:**

**Anticipated proposal date:** October 19, 2022

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

**Anticipated public hearing date:** December 7, 2022

**Anticipated public comment period:** November 4, 2022 - December 7, 2022

**Anticipated adoption date:** May 2023

**Agency contacts:**

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**Attachments:**

None.

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