

Public Involvement Plan

Project Name: Update to 30 TAC Section 50.131; Project number: 2023-130-050-LS; Docket No. 2023-0583-RUL

Lead Office: Office of Legal Services

Date form completed: May 3, 2023

Staff Contacts: Booker Harrison and Amy Browning

Type of Action: Rulemaking

Plain Language Summary:

This is a rulemaking to conform an agency rule with statutory requirements. The agency will delete 30 Texas Administrative Code § 50.131(c)(1) and renumber the remaining parts of § 50.131(c). This will remove the exemption from the motion to overturn process for the executive director's decision on registrations for authorization under an air quality standard permit. Once the change in the rule is adopted and becomes effective, it will be clear to applicants and affected persons who wish to challenge the executive director's decision to issue a registration for a standard permit that they may appeal that decision to the commission through the agency's motion to overturn process. This would clarify that an administrative action would be required before such the executive director's decision could be challenged in district court. Thus, an administrative remedy would have to be exhausted prior to a judicial challenge. This change is being proposed to more closely align the agency's rules with Texas Health & Safety Code § 382.061(b), which requires executive director actions on permits to be reviewable by the commission.

Geographic Level of Impact: Statewide

Community and Demographic Information: Statewide Project; therefore, Spanish-language accommodations should be considered.

Planned Public Outreach Activities:

- Notice published in the *Texas Register* and on TCEQ's "Rules and Rulemaking" webpage.
- A public hearing will be held. Planned for August 1, 2023 at 10:00 am. The meeting will be hybrid virtual and in-person public hearing held in Building E, Room 201S at the commission's central office located at 12100 Park 35 Circle. Members of the public who do not wish to provide oral comments but would like to view the hearing may do so at no cost at:

https://teams.microsoft.com/l/meetup-join/19%3ameeting_ZTFhMzIwYjctMWVmYi00N2M0LWFiYzUtMzAzMzhiOTU3ZTQ3%40thread.v2/0?context=%7b%22Tid%22%3a%22871a83a4-a1ce-4b7a-8156-3bcd93a08fba%22%2c%22Oid%22%3a%22e74a40ea-69d4-469d-a8ef-06f2c9ac2a80%22%2c%22IsBroadcastMeeting%22%3atrue%7d

- Plain language summary and notice documents will be translated into Spanish to meet Language Access Plan requirements for a statewide rulemaking.
- For the rule hearing, the hearing script will be translated and read in Spanish at the beginning of the hearing. It will make clear that Spanish-language comments are welcome and will receive responses. A staff member will be available to answer Spanish-language questions.