The Texas Commission on Environmental Quality (TCEQ, agency, or commission) proposes to repeal §§308.1, 308.21, 308.31, 308.41, 308.71, 308.81, 308.91, 308.101, and 308.141.

Background and Summary of the Factual Basis for the Proposed Rules

This rulemaking is being proposed in response to a quadrennial rule review wherein the commission determined that 30 TAC Chapter 308 Subchapters C and J were obsolete (Non-Rule Project Number 2019-034-308-OW; December 13, 2019, issue of the *Texas Register* (44 TexReg 7718)). Additionally, the executive director identified several rules related to the Texas Pollutant Discharge Elimination System (TPDES) program that would be more appropriately consolidated into 30 TAC Chapter 305, Subchapter P. These rules include 30 TAC Chapters 308, 314, and 315, which contain adoption by reference of federal regulations similar to 30 TAC Chapter 305, Subchapter P. Consolidating these rules would improve the overall organization of TCEQ rules related to the TPDES program.

This rulemaking proposes to repeal Chapter 308. Concurrently with this rulemaking, the commission is proposing new §305.544 to adopt by reference federal regulations that were previously adopted by reference in Chapter 308, except Subchapters C and J which were determined to be obsolete. Subchapter C in its entirety and Subchapter J as relating to compliance dates will not be re-proposed. Subchapter J relating to cooling water intakes will be re-proposed in the new rule §305.544.

Section by Section Discussion

The commission proposes to repeal §§308.1, 308.21, 308.31, 308.41, 308.71, 308.81, 308.91, 308.101, and 308.141. These sections adopt by reference federal regulations in 40 Code of Federal Regulations (CFR) Part 125. In a concurrent rulemaking, the commission is proposing new §305.544 to adopt by reference 40 CFR Part 125.

Fiscal Note: Costs to State and Local Government

Jené Bearse, Analyst in the Budget and Planning Division, has determined that for the first five-year period that the proposed repeals would be in effect, no fiscal implications are anticipated for the agency or for other units of state or local government as a result of administration or enforcement of the proposed repeals.

Public Benefits and Costs

Ms. Bearse determined that for each year of the first five years the proposed repeals would be in effect, the public benefit anticipated would be improved readability with the repeal of obsolete rules and the consolidation of the rules governing the TPDES program.

The proposed rulemaking is not anticipated to result in fiscal implications for businesses or individuals. This rulemaking proposes to repeal Chapter 308. Concurrently with this rulemaking, the commission is proposing new §305.544 to

adopt by reference the federal regulations that were previously adopted by reference in Chapter 308. The proposed rulemaking removes the content of Subchapters C and J, which were determined to be obsolete.

Local Employment Impact Statement

The commission reviewed this proposed rulemaking and determined that a Local Employment Impact Statement is not required because the proposed rulemaking would not adversely affect a local economy in a material way for the first five years that the proposed repeals would be in effect.

Rural Community Impact Statement

The commission reviewed this proposed rulemaking and determined that the proposed rulemaking would not adversely affect rural communities in a material way for the first five years that the proposed repeals would be in effect. The repeals would apply statewide and have the same effect in rural communities as in urban communities.

Small Business and Micro-Business Assessment

No adverse fiscal implications are anticipated for small or micro-businesses due to the implementation or administration of the proposed rulemaking for the first five-year period that the proposed repeals would be in effect.

Small Business Regulatory Flexibility Analysis

The commission reviewed this proposed rulemaking and determined that a Small Business Regulatory Flexibility Analysis is not required because the proposed rulemaking would not adversely affect a small or micro-business in a material way for the first five years that the proposed repeals would be in effect.

Government Growth Impact Statement

The commission prepared a Government Growth Impact Statement assessment for this proposed rulemaking. The proposed rulemaking would not create or eliminate a government program and would not require an increase or decrease in future legislative appropriations to the agency. The proposed rulemaking would not require the creation of new employee positions, eliminate current employee positions, nor require an increase or decrease in fees paid to the agency. The proposed rulemaking would not create, expand, repeal or limit an existing regulation, nor would the proposed rulemaking increase or decrease the number of individuals subject to its applicability. During the first five years, the proposed repeals should not impact positively or negatively the state's economy.

Draft Regulatory Impact Analysis Determination

The commission reviewed the proposed repeals in light of the regulatory analysis requirements of Texas Government Code, §2001.0225, and determined that the repeals are not subject to Texas Government Code, §2001.0225, because they do not meet the criteria for a "Major environmental rule" as defined in that statute. A "Major

environmental rule" means a rule the specific intent of which is to protect the environment or reduce risks to human health from environmental exposure and that may adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, or the public health and safety of the state or a sector of the state.

Chapter 308 Subchapters A, B, D, G, H, I, and M are proposed for repeal because the executive director has identified them as one of several rules related to the TPDES that would be more appropriately consolidated into Chapter 305, Subchapter P. Chapter 308 contains adoption by reference of federal regulations, similar to Chapter 305, Subchapter P. Consolidation would improve the overall organization of TCEQ rules related to the TPDES program. This rulemaking is also being proposed in response to a quadrennial rule review wherein the commission determined that Chapter 308 Subchapters C and J were obsolete. Therefore, it is not anticipated that the proposed repeals would adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, or the public health and safety of the state or a sector of the state. The commission concludes that the proposed repeals do not meet the definition of a “Major environmental rule.”

Furthermore, even if the proposed repeals did meet the definition of a major environmental rule, the proposed repeals would not be subject to Texas Government Code, §2001.0225, because they do not meet any of the four applicable requirements

specified in Texas Government Code, §2001.0225(a). Texas Government Code, §2001.0225(a) applies to a rule adopted by an agency, the result of which is to: 1) exceed a standard set by federal law, unless the rule is specifically required by state law; 2) exceed an express requirement of state law, unless the rule is specifically required by federal law; 3) exceed a requirement of a delegation agreement or contract between the state and an agency or representative of the federal government to implement a state and federal program; or 4) adopt a rule solely under the general powers of the agency instead of under a specific state law. The proposed repeals of §§308.1, 308.21, 308.31, 308.41, 308.71, 308.81, 308.91, 308.101, and 308.141 would not cause any of the results listed in Texas Government Code, §2001.0225(a).

Under Texas Government Code, §2001.0225, only a major environmental rule requires a regulatory impact analysis. Because the proposed repeals would not constitute a major environmental rule, a regulatory impact analysis is not required.

Written comments on the Draft Regulatory Impact Analysis Determination may be submitted to the contact person at the address listed under the Submittal of Comments section of this preamble.

Takings Impact Assessment

The commission evaluated the proposed repeals and performed an assessment of whether the proposed repeals constitute a taking under Texas Government Code,

Chapter 2007. The specific purpose of the proposed action is to repeal rules that would be more appropriately consolidated into Chapter 305, Subchapter P. Chapter 314 contains adoption by reference of federal regulations, similar to Chapter 305, Subchapter P. Consolidation would improve the overall organization of TCEQ rules related to the TPDES program. In addition, this rulemaking is also being proposed in response to a quadrennial rule review wherein the commission determined that Chapter 308, Subchapters C and J were obsolete. These subchapters will not be re-proposed or consolidated into Chapter 305, Subchapter P. The proposed repeals would substantially advance these stated purposes. Promulgation and enforcement of these proposed repeals would be neither a statutory nor a constitutional taking of private real property because the proposed repeals would not affect real property.

In particular, there are no burdens imposed on private real property, and the proposed repeals would eliminate both unnecessary rules and obsolete rules. Because the repeals would not affect real property, they would not burden, restrict, or limit an owner's right to property or reduce its value by 25% or more beyond that which would otherwise exist in the absence of the repeals. Therefore, these proposed repeals would not constitute a taking under Texas Government Code, Chapter 2007.

Consistency with the Coastal Management Program

The commission reviewed the proposed rulemaking and found that the proposal is subject to the Texas Coastal Management Program (CMP) in accordance with the

Coastal Coordination Act, Texas Natural Resources Code, §§33.201 *et seq.,* and therefore must be consistent with all applicable CMP goals and policies. The commission conducted a consistency determination for the proposed repeal in accordance with Coastal Coordination Act implementation rules, 31 TAC §505.22 and found the proposed rulemaking is consistent with the applicable CMP goals and policies.

CMP goals applicable to the proposed rulemaking includes protecting, preserving, restoring, and enhancing the diversity, quality, quantity, functions, and values of coastal natural resource areas (CNRAs); and ensuring sound management of all coastal resources by allowing for compatible economic development and multiple human uses of the coastal zone. CMP policies applicable to the proposed rulemaking includes policies for discharges of wastewater.

The proposed rulemaking is consistent with the above goals and policies by requiring wastewater discharges to comply with federal regulations established to protect water resources.

Promulgation and enforcement of the rulemaking would not violate or exceed any standards identified in the applicable CMP goals and policies because the proposed rules would be consistent with these CMP goals and policies and the rulemaking would not create or have a direct or significant adverse effect on any CNRAs.

Written comments on the consistency of this rulemaking may be submitted to the contact person at the address listed under the Submittal of Comments section of this preamble.

Virtual Public Hearing

The commission will hold a virtual public hearing on this proposal on November 9, 2021, at 10:00 a.m. The hearing is structured for the receipt of oral or written comments by interested persons. Individuals may present oral statements when called upon in order of registration. Open discussion will not be permitted during the virtual hearing; however, commission staff members will be available to discuss the proposal 30 minutes prior to the hearing.

Registration

The hearing will be conducted remotely using an internet meeting service. Individuals who plan to attend the hearing and want to provide oral comments and/or want their attendance on record must register by November 8, 2021. To register for the hearing, please email *Rules@tceq.texas.gov* and provide the following information: your name, your affiliation, your email address, your phone number, and whether or not you plan to provide oral comments during the hearing. Instructions for participating in the hearing will be sent on November 8, 2021, to those who register for the hearing.

For 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_YTRlMmM0YjEtMzcyNy00MjMyLTk0MGQtZDc0ODA1NDlmMWZl%40thread.v2/0?context=%7b%22Tid%22%3a%22871a83a4-a1ce-4b7a-8156-3bcd93a08fba%22%2c%22Oid%22%3a%2230ec010b-ff0b-4618-bbc4-622a14f9cb18%22%2c%22IsBroadcastMeeting%22%3atrue%7d&btype=a&role=a

Persons who have special communication or other accommodation needs who are planning to attend the hearing should contact Sandy Wong, Office of Legal Services at (512) 239-1802 or 1-800-RELAY-TX (TDD). Requests should be made as far in advance as possible.

Submittal of Comments

Written comments may be submitted to Cecilia Mena, MC 205, Office of Legal Services, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087, or faxed to *fax4808@tceq.texas.gov*. Electronic comments may be submitted at: *https://www6.tceq.texas.gov/rules/ecomments/*. File size restrictions may apply to comments being submitted via the eComments system. All comments should reference Rule Project Number 2021-020-305-OW. The comment period closes on November 9, 2021. Copies of the proposed rulemaking can be obtained from the commission's website at *https://www.tceq.texas.gov/rules/propose_adopt.html*. For further

information, please contact Ms. Laurie Fleet, Water Quality Division, at (512) 239-5445.

SUCHAPTER A: CRITERIA AND STANDARDS FOR IMPOSING TECHNOLOGY BASED TREATMENT REQUIREMENTS

§308.1

Statutory Authority

The repeal is proposed under Texas Water Code (TWC), §5.013, which establishes the general jurisdiction of the commission over other areas of responsibility as assigned to the commission under the TWC and other laws of the state; TWC, §5.102, which establishes the commission's general authority to carry out its jurisdiction; TWC, §5.103(a) and §5.105, which provide the commission with the authority to adopt rules and policies necessary to carry out its powers and duties under the TWC and other laws of the state; TWC, §5.120, which states the commission shall administer the law so as to promote the judicious use and maximum conservation and protection of the quality of the environment and the natural resources of the state; TWC, §26.011, which provides the commission with the authority to adopt any rules necessary to carry out its powers, duties, and policies and to protect water quality in the state; and TWC, §26.027, which authorizes the commission to issue permits and amendments to permits for the discharge of waste or pollutants into or adjacent to water in the state.

The proposed repeal implements TWC, §§5.013, 5.102, 5.103(a), 5.105, 5.120, 26.011, and 26.027.

[§308.1. Criteria and Standards for Imposing Technology-based Treatment

Requirements under the Clean Water Act, §301(b) and §402.]

[40 Code of Federal Regulations, Part 125, Subpart A, as in effect on the date of Texas pollutant discharge elimination system program authorization, as amended, is adopted by reference.]

SUCHAPTER B: CRITERIA FOR ISSUANCE OF PERMITS

TO AQUACULTURE PROJECTS

§308.21

Statutory Authority

The repeal is proposed under Texas Water Code (TWC), §5.013, which establishes the general jurisdiction of the commission over other areas of responsibility as assigned to the commission under the TWC and other laws of the state; TWC, §5.102, which establishes the commission's general authority to carry out its jurisdiction; TWC, §5.103(a) and §5.105, which provide the commission with the authority to adopt rules and policies necessary to carry out its powers and duties under the TWC and other laws of the state; TWC, §5.120, which states the commission shall administer the law so as to promote the judicious use and maximum conservation and protection of the quality of the environment and the natural resources of the state; TWC, §26.011, which provides the commission with the authority to adopt any rules necessary to carry out its powers, duties, and policies and to protect water quality in the state; and TWC, §26.027, which authorizes the commission to issue permits and amendments to permits for the discharge of waste or pollutants into or adjacent to water in the state.

The proposed repeal implements TWC, §§5.013, 5.102, 5.103(a), 5.105, 5.120, 26.011, and 26.027.

[§308.21. Criteria for Issuance of Permits to Aquaculture Projects.]

[40 Code of Regulations, Part 125, Subpart B, as in effect on the date of Texas pollutant discharge elimination system program authorization, as amended, is adopted by reference.]

SUCHAPTER C: CRITERIA AND EXTENDING COMPLIANCE DATES FOR FACILITIES INSTALLING INNOVATIVE TECHNOLOGY UNDER THE CLEAN WATER ACT, §301(K)

§308.31

Statutory Authority

The repeal is proposed under Texas Water Code (TWC), §5.013, which establishes the general jurisdiction of the commission over other areas of responsibility as assigned to the commission under the TWC and other laws of the state; TWC, §5.102, which establishes the commission's general authority to carry out its jurisdiction; TWC, §5.103(a) and §5.105, which provide the commission with the authority to adopt rules and policies necessary to carry out its powers and duties under the TWC and other laws of the state; TWC, §5.120, which states the commission shall administer the law so as to promote the judicious use and maximum conservation and protection of the quality of the environment and the natural resources of the state; TWC, §26.011, which provides the commission with the authority to adopt any rules necessary to carry out its powers, duties, and policies and to protect water quality in the state; and TWC, §26.027, which authorizes the commission to issue permits and amendments to permits for the discharge of waste or pollutants into or adjacent to water in the state.

The proposed repeal implements TWC, §§5.013, 5.102, 5.103(a), 5.105, 5.120, 26.011, and 26.027.

[§308.31. Criteria for Extending Compliance Dates for Facilities Installing Innovative

Technology under the Clean Water Act, §301(k).]

[40 Code of Federal Regulations, Part 125, Subpart C, as in effect on the date of Texas pollutant discharge elimination system program authorization, as amended, is adopted by reference.]

SUCHAPTER D: CRITERIA AND STANDARDS FOR DETERMINING FUNDAMENTALLY DIFFERENT FACTORS UNDER THE CLEAN WATER ACT, §301(B)(1)(A), (B)(2)(A), AND (E)

§308.41

Statutory Authority

The repeal is proposed under Texas Water Code (TWC), §5.013, which establishes the general jurisdiction of the commission over other areas of responsibility as assigned to the commission under the TWC and other laws of the state; TWC, §5.102, which establishes the commission's general authority to carry out its jurisdiction; TWC, §5.103(a) and §5.105, which provide the commission with the authority to adopt rules and policies necessary to carry out its powers and duties under the TWC and other laws of the state; TWC, §5.120, which states the commission shall administer the law so as to promote the judicious use and maximum conservation and protection of the quality of the environment and the natural resources of the state; TWC, §26.011, which provides the commission with the authority to adopt any rules necessary to carry out its powers, duties, and policies and to protect water quality in the state; and TWC, §26.027, which authorizes the commission to issue permits and amendments to permits for the discharge of waste or pollutants into or adjacent to water in the state.

The proposed repeal implements TWC, §§5.013, 5.102, 5.103(a), 5.105, 5.120, 26.011, and 26.027.

[§308.41. Criteria for Standards for Determining Fundamentally Different Factors under the Clean Water Act, §301(b)(1)(A), (2)(A), and (E).]

[40 Code of Federal Regulations, Part 125, Subpart D, as in effect on the date of Texas pollutant discharge elimination system program authorization, as amended, is adopted by reference.]

SUCHAPTER G: CRITERIA MODIFYING THE SECONDARY TREATMENT

§308.71

Statutory Authority

The repeal is proposed under Texas Water Code (TWC), §5.013, which establishes the general jurisdiction of the commission over other areas of responsibility as assigned to the commission under the TWC and other laws of the state; TWC, §5.102, which establishes the commission's general authority to carry out its jurisdiction; TWC, §5.103(a) and §5.105, which provide the commission with the authority to adopt rules and policies necessary to carry out its powers and duties under the TWC and other laws of the state; TWC, §5.120, which states the commission shall administer the law so as to promote the judicious use and maximum conservation and protection of the quality of the environment and the natural resources of the state; TWC, §26.011, which provides the commission with the authority to adopt any rules necessary to carry out its powers, duties, and policies and to protect water quality in the state; and TWC, §26.027, which authorizes the commission to issue permits and amendments to permits for the discharge of waste or pollutants into or adjacent to water in the state.

The proposed repeal implements TWC, §§5.013, 5.102, 5.103(a), 5.105, 5.120, 26.011, and 26.027.

[§308.71. Criteria for Modifying the Secondary Treatment Requirements under the

Clean Water Act, §301(h).]

[40 Code of Federal Regulations, Part 125, Subpart G, as in effect on the date of Texas pollutants discharge elimination system program authorization, as amended, is adopted by reference.]

SUCHAPTER H: CRITERIA FOR DETERMINING ALTERNATIVE EFFLUENT LIMITATIONS UNDER THE CLEAN WATER ACT, §316(A)

§308.81

Statutory Authority

The repeal is proposed under Texas Water Code (TWC), §5.013, which establishes the general jurisdiction of the commission over other areas of responsibility as assigned to the commission under the TWC and other laws of the state; TWC, §5.102, which establishes the commission's general authority to carry out its jurisdiction; TWC, §5.103(a) and §5.105, which provide the commission with the authority to adopt rules and policies necessary to carry out its powers and duties under the TWC and other laws of the state; TWC, §5.120, which states the commission shall administer the law so as to promote the judicious use and maximum conservation and protection of the quality of the environment and the natural resources of the state; TWC, §26.011, which provides the commission with the authority to adopt any rules necessary to carry out its powers, duties, and policies and to protect water quality in the state; and TWC, §26.027, which authorizes the commission to issue permits and amendments to permits for the discharge of waste or pollutants into or adjacent to water in the state.

The proposed repeal implements TWC, §§5.013, 5.102, 5.103(a), 5.105, 5.120, 26.011, and 26.027.

[§308.81. Criteria for Determining Alternative Effluent Limitations under the Clean

Water Act, §316(a).]

[40 Code of Federal Regulations, Part 125, Subpart H, as in effect on the date of Texas pollutant discharge elimination system program authorization, as amended, is adopted by reference.]

SUBCHAPTER I: CRITERIA APPLICABLE TO COOLING WATER INTAKE STRUCTURES UNDER CLEAN WATER ACT, §316(b)

§308.91

Statutory Authority

The repeal is proposed under Texas Water Code (TWC), §5.013, which establishes the general jurisdiction of the commission over other areas of responsibility as assigned to the commission under the TWC and other laws of the state; TWC, §5.102, which establishes the commission's general authority to carry out its jurisdiction; TWC, §5.103(a) and §5.105, which provide the commission with the authority to adopt rules and policies necessary to carry out its powers and duties under the TWC and other laws of the state; TWC, §5.120, which states the commission shall administer the law so as to promote the judicious use and maximum conservation and protection of the quality of the environment and the natural resources of the state; TWC, §26.011, which provides the commission with the authority to adopt any rules necessary to carry out its powers, duties, and policies and to protect water quality in the state; and TWC, §26.027, which authorizes the commission to issue permits and amendments to permits for the discharge of waste or pollutants into or adjacent to water in the state.

The proposed repeal implements TWC, §§5.013, 5.102, 5.103(a), 5.105, 5.120, 26.011, and 26.027.

[§308.91. Criteria Applicable to Cooling Water Intake Structures under the Clean

Water Act, §316(b).]

[The following regulations contained in 40 Code of Federal Regulations (CFR) Part 125, as amended, are incorporated by reference.]

[(1) Subpart I - Requirements Applicable to Cooling Water Intake Structures for New Facilities Under Section 316(b) of the Act, §125.80, What are the purposes and scope of this subpart?]

[(2) Subpart I - Requirements Applicable to Cooling Water Intake Structures for New Facilities Under Section 316(b) of the Act, §125.81, Who is subject to this subpart?]

[(3) Subpart I - Requirements Applicable to Cooling Water Intake Structures for New Facilities Under Section 316(b) of the Act, §125.82, When must I comply with this subpart?]

[(4) Subpart I - Requirements Applicable to Cooling Water Intake Structures for New Facilities Under Section 316(b) of the Act, §125.83, What special definitions apply to this subpart?]

[(5) Subpart I - Requirements Applicable to Cooling Water Intake Structures for New Facilities Under Section 316(b) of the Act, §125.84, As an owner or operator of a new facility, what must I do to comply with this subpart?]

[(6) Subpart I - Requirements Applicable to Cooling Water Intake Structures for New Facilities Under Section 316(b) of the Act, §125.85, May alternative requirements be authorized?]

[(7) Subpart I - Requirements Applicable to Cooling Water Intake Structures for New Facilities Under Section 316(b) of the Act, §125.86, As an owner or operator of a new facility, what must I collect and submit when I apply for my new or reissued NPDES permit?]

[(8) Subpart I - Requirements Applicable to Cooling Water Intake Structures for New Facilities Under Section 316(b) of the Act, §125.87, As an owner or operator of a new facility, must I perform monitoring?]

[(9) Subpart I - Requirements Applicable to Cooling Water Intake Structures for New Facilities Under Section 316(b) of the Act, §125.88, As an owner or operator of a new facility, must I keep records and report?]

[(10) Subpart I - Requirements Applicable to Cooling Water Intake Structures for New Facilities Under Section 316(b) of the Act, §125.89, As the Director, what must I do to comply with the requirements of this subpart?]

SUCHAPTER J: CRITERIA FOR EXTENDING COMPLIANCE DATES UNDER THE CLEAN WATER ACT, §301(I)

§308.101

Statutory Authority

The repeal is proposed under Texas Water Code (TWC), §5.013, which establishes the general jurisdiction of the commission over other areas of responsibility as assigned to the commission under the TWC and other laws of the state; TWC, §5.102, which establishes the commission's general authority to carry out its jurisdiction; TWC, §5.103(a) and §5.105, which provide the commission with the authority to adopt rules and policies necessary to carry out its powers and duties under the TWC and other laws of the state; TWC, §5.120, which states the commission shall administer the law so as to promote the judicious use and maximum conservation and protection of the quality of the environment and the natural resources of the state; TWC, §26.011, which provides the commission with the authority to adopt any rules necessary to carry out its powers, duties, and policies and to protect water quality in the state; and TWC, §26.027, which authorizes the commission to issue permits and amendments to permits for the discharge of waste or pollutants into or adjacent to water in the state.

The proposed repeal implements TWC, §§5.013, 5.102, 5.103(a), 5.105, 5.120, 26.011, and 26.027.

[§308.101. Criteria for Extending Compliance Dates under the Clean Water Act,

§301(i).]

[40 Code of Federal Regulations, Part 125, Subpart J, as in effect on the date of Texas pollutant discharge elimination system program authorization, as amended, is adopted by reference.]

SUCHAPTER M: OCEAN DISCHARGE CRITERIA

§308.141

Statutory Authority

The repeal is proposed under Texas Water Code (TWC), §5.013, which establishes the general jurisdiction of the commission over other areas of responsibility as assigned to the commission under the TWC and other laws of the state; TWC, §5.102, which establishes the commission's general authority to carry out its jurisdiction; TWC, §5.103(a) and §5.105, which provide the commission with the authority to adopt rules and policies necessary to carry out its powers and duties under the TWC and other laws of the state; TWC, §5.120, which states the commission shall administer the law so as to promote the judicious use and maximum conservation and protection of the quality of the environment and the natural resources of the state; TWC, §26.011, which provides the commission with the authority to adopt any rules necessary to carry out its powers, duties, and policies and to protect water quality in the state; and TWC, §26.027, which authorizes the commission to issue permits and amendments to permits for the discharge of waste or pollutants into or adjacent to water in the state.

The proposed repeal implements TWC, §§5.013, 5.102, 5.103(a), 5.105, 5.120, 26.011, and 26.027.

[§308.141. Ocean Discharge Criteria.]

[40 Code of Federal Regulations, Part 125, Subpart M, as in effect on the date of Texas pollutant discharge elimination system program authorization is adopted by reference.]