

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Commissioners **Date:** May 30, 2008

Thru: LaDonna Castañuela, Chief Clerk
Glenn Shankle, Executive Director

From: Dan Eden, Deputy Director
Office of Permitting, Remediation and Registration

Docket No.: 2007-1030-RUL

Subject: Commission Approval for Rulemaking Adoption
Chapter 19, Electronic Reporting
Subchapter C: Use of Electronic Reporting, Section 19.21, Fees.
Rule Project No. 2007-050-019-PR

Scope of the rulemaking:

HB 1254 allows the commission to adjust fees as necessary to encourage electronic reporting and the use of the commission's electronic document receiving system. The rulemaking adds this authority to Chapter 19, Electronic Reporting, and serves as notice that in order to encourage electronic reporting and the use of the commission's document receiving system, the commission may adjust fees.

Reasons for the rule package:

The purpose of the adopted rule is to implement House Bill (HB) 1254 of the 80th Legislature, 2007. The bill, which became effective September 1, 2007, authorizes the commission to adjust fees as necessary to encourage electronic reporting and the use of the commission's electronic document receiving system. The adopted new rule implements HB 1254.

Statutory Authority:

This rule is adopted under Texas Water Code (TWC), §5.013, which establishes the commission's general jurisdiction; §5.102, which establishes the commission's general authority necessary to carry out its jurisdiction; §5.103, which allows the commission to adopt any rules necessary to carry out the powers and duties under the provisions of the Texas Water Code and other laws of this state; §5.105, which requires the commission to, by rule, establish and approve all general policy of the commission; §5.128, which authorizes the commission to encourage the use of electronic reporting; and HB 1254, of the 80th Legislature, 2007, which authorizes the commission to adjust fees as necessary to encourage electronic reporting and use of the commission's document receiving system.

Potentially controversial matters:

None identified at this time.

Public comment:

There were no public comment(s) received.

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Significant changes from proposal:

There are no changes from proposal.

Key points in adoption rulemaking schedule:

***Texas Register* proposal publication date:** February 29, 2008

Six-month *Texas Register* filing deadline: August 29, 2008

Anticipated *Texas Register* publication date: September 4, 2008

Anticipated effective date: July 10, 2008

Agency contacts:

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Scott Shoemaker, Staff Attorney, 239-2679

Kristin Smith, Texas Register Coordinator, 239-0177

Attachments: Executive summary for proposal, and state legislation

cc: Chief Clerk, 5 copies
Executive Director's Office
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Ashley K. Wadick
Daniel Womack
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Office of General Counsel
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