

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Commissioners **Date:** June 20, 2008

Thru: LaDonna Castañuela, Chief Clerk
Mark R. Vickery, P.G., Executive Director

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

Docket No.: 2007-1043-RUL

Subject: Commission Approval for Rulemaking Adoption
Chapter 335, Industrial Solid Waste and Municipal Hazardous Waste
HB 1457, HB 1719: Disposal and Storage of Carcasses
Rule Project No. 2007-042-335-PR

Scope of the rulemaking:

The rule would implement House Bills (HB) 1457 and 1719 which amended Texas Water Code (TWC), §26.303(a)(1) and Texas Agricultural Code, §201.026(b), (c), (f), (g), (h), (i), and (j). The rule would exempt landowners who comply with a certified water quality management plan from 30 TAC §335.6, Notification Requirements, and eliminate the disposal option of using poultry carcasses as swine food.

Reasons for the rule package:

The rulemaking is required to implement state statute.

This rulemaking reflects statutory changes in HB 1457 and HB 1719, which amended TWC, §26.303(a)(1), and Texas Agriculture Code, §201.026(b), (c), (f), (g), (h), (i), and (j). Both bills were sponsored by Representative McReynolds.

Statutory Authority:

TWC, §5.103(a), under which the commission is authorized to adopt any rules necessary to carry out its powers and duties under the TWC. Also TWC, §5.105 and §26.303(a), and Texas Health and Safety Code, §361.017 and §361.024.

Potentially controversial matters:

There are no potentially controversial matters associated with this rulemaking adoption.

Public comment:

A public hearing was held in Austin on February 26, 2008 at 10:00 a.m., at the commission's central office located at 12100 Park 35 Circle. The comment period closed on March 3, 2008. One favorable oral comment was received at the public hearing. No changes have been made in response to this comment.

Significant changes from proposal:

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No significant changes were made from proposal. However, one minor change was made. The text of proposed new §335.6(c) has been moved to adopted new §335.6(l) without changes. This change was necessary to avoid creating conflicting cross-references in other portions of Chapter 335. This change will also eliminate the need for the commission to revise both internal training and public guidance documents which currently reference §335.6(c)-(k).

Key points in adoption rulemaking schedule:

<i>Texas Register</i> proposal publication date:	February 1, 2008
Six-month <i>Texas Register</i> filing deadline:	August 1, 2008
Anticipated <i>Texas Register</i> publication date:	July 25, 2008
Anticipated effective date:	July 31, 2008

Agency contacts:

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Attachments

cc: Chief Clerk, 5 copies
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