

# Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

**To:** Commissioners **Date:** December 28, 2007  
**Thru:** LaDonna Castañuela, Chief Clerk  
Glenn Shankle, Executive Director  
**From:** John Sadlier, Deputy Director  
Office of Compliance and Enforcement  
**Docket No.:** 2006-0383-RUL  
**Subject:** Commission Approval for Proposed Rulemaking  
Chapter 60, Compliance History  
Compliance History  
Rule Project No. 2006-001-060-CE

## Reasons for the rule package:

The proposal to amend Chapter 60 is made in response to discussions within the framework of the agency's Enforcement Process Review. As a result of these discussions, staff was directed to make changes to improve the current compliance history rule.

- **Under what authority are we proposing these changes?**

Texas Health and Safety Code (THSC), Texas Solid Waste Disposal Act, §361.017 and §361.024; THSC, Texas Clean Air Act, §382.017; THSC, Texas Radiation Control Act, §401.051; Texas Water Code, §§5.103, 5.105, 5.753, and 5.754.

- **Is this rulemaking required by federal rule or state statute? Which ones?**

No

- **Are there any legal deadlines by which these rules must be proposed, adopted, or effective?**

No

- **What issue(s) or problem(s) are we trying to solve?**

The following issues and problems were identified during the Enforcement Process Review: how to add complexity, as well as positive factors, to the compliance history formula; how to use self-reported data for compliance history purposes; how to define repeat violator; do we need to add or change classifications; and do we need to change the way we use compliance history in calculating penalties.

- **Why is it important that we do this rule package?**

This rule package is important because it will implement recommendations that came out of the Enforcement Process Review. The proposed changes will simplify and clarify the rules.







