

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Commissioners **Date:** July 18, 2008
Thru: Mark R. Vickery, P.G., Executive Director
Les Trobman, General Counsel
From: LaDonna Castañuela, Chief Clerk
Docket No.: 2008-0771-RUL
Subject: Commission Approval for Proposed Rulemaking
Chapter 1, Purpose of Rules, General Provisions
Document Filing Procedures
Rule Project No. 2008-018-001-AS

Reasons for the rule package:

- **Under what authority are we proposing these changes?** The statutory authority for Texas Commission on Environmental Quality rulemaking is pursuant to Texas Water Code, §§5.013, 5.102, 5.103, and 5.105.
- **Is this rulemaking required by federal rule or state statute? No. Which ones?** N/A.
- **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 Office of the Chief Clerk has determined that only seven copies of a document submitted for a commission meeting are needed as opposed to 11, as the rule currently states. By allowing for fewer copies, the commission will be creating less waste. Also proposed is the revision to define the acronym "SOAH" as the Office of Administrative Hearings. Adding the phrase, "or less, as prescribed by the chief clerk or general counsel," will allow the chief clerk or the general counsel flexibility to specify that fewer copies are required under certain circumstances.
- **Why is it important that we do this rule package?** This rule package would create less waste for the commission and would define the acronym SOAH.
- **Other important background or historical information.**

Scope of the rulemaking:

The rulemaking will amend 30 TAC Chapter 1 by changing the number of copies required for consideration at a commission meeting from 11 to seven or less, as prescribed by the chief clerk or general counsel, and would define the acronym SOAH.

- **Changes required by federal rule:** None.
- **Changes required by state statute:** None.
- **Staff recommendations that are not expressly required by federal rule or state statute:** None.

Impact on the regulated community:

Re: Docket No. 2008-0771-RUL

- **Who will be affected?** Any entity or individual that submits documents for commission meetings.
Does it create a group of affected persons who were not affected previously? No. **How?** N/A.
- **Will there be a fiscal impact?** Yes. **If so, estimate.** The amount of money saved by allowing less copies for submitted documents varies by size of the submittal and cost of paper.

Impact on the public:

- **Who will be affected?** Any person who wishes to submit documents for commission consideration.

Impact on agency programs:

It will require less copies of a submittal. The Office of the Chief Clerk will no longer have to dispose of unnecessary copies of submittals.

Stakeholder meetings:

- **Have any stakeholder meetings been held?** No.
- **With whom?** N/A.
- **What were the general sentiments?** N/A.
- **Were any changes made in response to stakeholder concerns?** N/A.

Policy issues:

- **What policy issues are affected?** N/A.
- **Are any policies that are not currently based on rule being made into a rule?** N/A.
- **What are the consequences if this rulemaking is not approved to go forward?** The Office of the Chief Clerk will continue to require 11 copies of submitted documents ~~as opposed to eight.~~
- **Are there alternatives?** No, changing the amount of copies requires rulemaking.

Potentially controversial matters:

Staff does not anticipate controversial matters.

Key points in proposed rulemaking schedule:

- **Anticipated proposal date:** August 6, 2008
- **Anticipated *Texas Register* publication date:** August 22, 2008
- **Public hearing date (if any):** N/A
- **Public comment period:** August 22 - September 22, 2008
- **Anticipated adoption date:** October 29, 2008

Commissioners

Page 3

July 18, 2008

Re: Docket No. 2008-0771-RUL

Commissioners

Page 4

July 18, 2008

Re: Docket No. 2008-0771-RUL

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Attachments

cc: Chief Clerk, 5 copies
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