

# REVIEW OF AGENCY RULES

This section contains notices of state agency rule review as directed by the Texas Government Code, §2001.039.

Included here are proposed rule review notices, which invite public comment to specified rules under review; and adopted rule review notices, which summarize public comment received as part of the review. The complete text of an agency's rule being reviewed is available in the *Texas Administrative Code* on the Texas Secretary of State's website.

For questions about the content and subject matter of rules, please contact the state agency that is reviewing the rules. Questions about the website and printed copies of these notices may be directed to the *Texas Register* office.

## Proposed Rule Reviews

Texas Commission on Environmental Quality

### Title 30, Part 1

The Texas Commission on Environmental Quality (commission) files this Notice of Intention to Review 30 TAC Chapter 301, Levee Improvement Districts, District Plans of Reclamation, and Levees and Other Improvements.

This proposal is *limited* to the review in accordance with the requirements of Texas Government Code, §2001.039, which requires a state agency to review and consider its rules for re adoption, re adoption with amendments, or repeal every four years. During this review, the commission will assess whether the reasons for initially adopting the rules in Chapter 301 continue to exist.

Comments regarding suggested changes to the rules in Chapter 301 may be submitted but will not be considered for rule amendments as part of this review. Any such comments may be considered in a future rulemaking action by the commission.

#### Submittal of Comments

The commission invites public comment on this preliminary review of the rules in Chapter 301. Written comments may be submitted to Gwen Ricco, MC 205, Office of Legal Services, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087, or faxed to (512) 239-4808. Electronic comments may be submitted at: <https://tceq.commentinput.com/>. File size restrictions may apply to comments being submitted via the TCEQ Public Comment system. All comments should reference Non-Rule Project Number 2023-066-301-OW. Comments must be received by July 18, 2023. For further information, please contact Avery Nguyen, Water Supply Division, at (512) 239-0324.

TRD-202302098

Guy Henry

Acting Deputy Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: June 7, 2023



The Texas Commission on Environmental Quality (commission) files this Notice of Intention to Review 30 TAC Chapter 319, General Regulations Incorporated into Permits.

This proposal is *limited* to the review in accordance with the requirements of Texas Government Code, §2001.039, which requires a state agency to review and consider its rules for re adoption, re adoption with amendments, or repeal every four years. During this review, the com-

mission will assess whether the reasons for initially adopting the rules in Chapter 319 continue to exist.

Comments regarding suggested changes to the rules in Chapter 319 may be submitted but will not be considered for rule amendments as part of this review. Any such comments may be considered in a future rulemaking action by the commission.

#### Submittal of Comments

The commission invites public comment on this preliminary review of the rules in Chapter 319. Written comments may be submitted to Gwen Ricco, MC 205, Office of Legal Services, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087, or faxed to (512) 239-4808. Electronic comments may be submitted at: <https://tceq.commentinput.com/>. File size restrictions may apply to comments being submitted via the TCEQ Public Comment system. All comments should reference Non-Rule Project Number 2023-069-319-OW. Comments must be received by July 18, 2023. For further information, please contact Shannon Gibson, Water Quality Division, at (512) 239-4284.

TRD-202302099

Guy Henry

Acting Deputy Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: June 7, 2023



The Texas Commission on Environmental Quality (commission) files this Notice of Intention to Review 30 Texas Administrative Code (TAC) Chapter 328, Waste Minimization and Recycling.

This proposal is *limited* to the review in accordance with the requirements of Texas Government Code, §2001.039, which requires a state agency to review and consider its rules for re adoption, re adoption with amendments, or repeal every four years. During this review, the commission will assess whether the reasons for initially adopting the rules in 30 TAC Chapter 328 continue to exist.

Comments regarding suggested changes to the rules in 30 TAC Chapter 328 may be submitted but will not be considered for rule amendments as part of this review. Any such comments may be considered in a future rulemaking action by the commission.

#### Submittal of Comments

The commission invites public comment on this preliminary review of the rules in Chapter 328. Written comments may be submitted to Gwen Ricco, MC 205, Office of Legal Services, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087, or faxed to (512) 239-4808. Electronic comments may be submitted

at: <https://tceq.commentinput.com/>. File size restrictions may apply to comments being submitted via the TCEQ Public Comment system. All comments should reference Non-Rule Project Number 2023-070-328-AD. Comments must be received by July 18, 2023. For further information, please contact Calen Roome, External Relations Division, at (512) 239-4621.

TRD-202302100

Guy Henry

Acting Deputy Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: June 7, 2023

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**Adopted Rule Reviews**

Texas State Library and Archives Commission

**Title 13, Part 1**

The Texas State Library and Archives Commission (commission) has completed its review of Title 13 Texas Administrative Code, Part 1, Chapter 3, State Publications Depository Program. The commission published its Notice of Intent to Review these rules in the February 24, 2023, issue of the *Texas Register* (48 TexReg 1157). The commission received no comments on the proposed rule review.

As a result of the review, the commission finds that the reasons for adopting the rules in Chapter 3 continue to exist and readopts the rules in accordance with the requirements of Government Code, §2001.039. However, during the review, the commission identified the need to amend multiple sections. Amendments will be proposed in a future issue of the *Texas Register*. This concludes the commission's review of Chapter 3 as required by Government Code, §2001.039.

TRD-202302065

Sarah Swanson

General Counsel

Texas State Library and Archives Commission

Filed: June 5, 2023

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State Board for Educator Certification

**Title 19, Part 7**

The State Board for Educator Certification (SBEC) adopts the review of Title 19, Texas Administrative Code (TAC), Chapter 232, General Certification Provisions, pursuant to the Texas Government Code (TGC), §2001.039. The SBEC proposed the review of 19 TAC Chapter 232 in the March 17, 2023 issue of the *Texas Register* (48 TexReg 1569).

Relating to the review of 19 TAC Chapter 232, the SBEC finds that the reasons for the adoption continue to exist and readopts the rules. No public comments were received on the proposed review.

This concludes the review of 19 TAC Chapter 232.

TRD-202302094

Cristina De La Fuente-Valadez

Director, Rulemaking

State Board for Educator Certification

Filed: June 6, 2023

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The State Board for Educator Certification (SBEC) adopts the review of Title 19, Texas Administrative Code (TAC), Chapter 249, Disciplinary Proceedings, Sanctions, and Contested Cases, pursuant to the Texas

Government Code (TGC), §2001.039. The SBEC proposed the review of 19 TAC Chapter 249 in the March 17, 2023 issue of the *Texas Register* (48 TexReg 1569).

Relating to the review of 19 TAC Chapter 249, the SBEC finds that the reasons for the adoption continue to exist and readopts the rules. No public comments were received on the proposed review.

This concludes the review of 19 TAC Chapter 249.

TRD-202302092

Cristina De La Fuente-Valadez

Director, Rulemaking

State Board for Educator Certification

Filed: June 6, 2023

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Texas Commission on Environmental Quality

**Title 30, Part 1**

The Texas Commission on Environmental Quality (commission or TCEQ) has completed its Rule Review of 30 TAC Chapter 9, Training, as required by Texas Government Code, §2001.039. Texas Government Code, §2001.039, requires a state agency to review and consider for readoption, readoption with amendments, or repeal each of its rules every four years. The commission published its Notice of Intent to Review these rules in the January 20, 2023, issue of the *Texas Register* (48 TexReg 229).

The review assessed whether the initial reasons for adopting the rules continue to exist and the commission has determined that those reasons exist. The rules in Chapter 9 are required because the rules provide the procedures regarding training TCEQ Commissioners, as well as, the general procedures and policies concerning training and education of state administrators and employees.

The rules are necessary to ensure the agency complies with the Texas Water Code, Chapter 5, Required Training Program for Commission Members; and the Texas Government Code, Chapter 656, State Employees Training Act. In addition, Texas Government Code, §656.048, requires adopting rules related to the eligibility of the commission's administrators and employees for training and education, the obligations assumed by the administrators and employees receiving the training or education, and the approval process for tuition reimbursement.

Public Comment

The public comment period closed on February 21, 2023. The commission did not receive comments on the rules review of this chapter.

As a result of the review the commission finds that the reasons for adopting the rules in 30 TAC Chapter 9 continue to exist and readopts these sections in accordance with the requirements of Texas Government Code, §2001.039.

TRD-202302038

Guy Henry

Acting Deputy Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: June 2, 2023

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The Texas Commission on Environmental Quality (commission) has completed its Rule Review of 30 TAC Chapter 15, Fleet Vehicle Management, as required by Texas Government Code, §2001.039. Texas Government Code, §2001.039, requires a state agency to review and consider for readoption, readoption with amendments, or repeal each of its rules every four years. The commission published its Notice of

Intent to Review these rules in the January 20, 2023, issue of the *Texas Register* (48 TexReg 229).

The review assessed whether the initial reasons for adopting the rules continue to exist and the commission has determined that those reasons exist. The rules in Chapter 15 are required because the rules provide the general policies concerning fleet vehicle management at the commission. The rules provide the requirements and exceptions for the assignment and use of vehicles. Additionally, the rules require the commission to adopt a fleet vehicle management policy in accordance with Texas Government Code, Chapter 2171, Travel and Vehicle Fleet Services. The commission developed and implemented Operating Policy and Procedure 3.09, Agency Fleet Vehicle Management, and Guide for Administrative Procedures Chapter 4F, Fleet Operations, to effectively accomplish agency functions and statutory requirements.

#### Public Comment

The public comment period closed on February 21, 2023. The commission did not receive comments on the rules review of this chapter.

As a result of the review the commission finds that the reasons for adopting the rules in 30 TAC Chapter 15 continue to exist and readopts these sections in accordance with the requirements of Texas Government Code, §2001.039.

TRD-202302040

Guy Henry

Acting Deputy Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: June 2, 2023



The Texas Commission on Environmental Quality (commission) has completed its Rule Review of 30 TAC Chapter 19, Electronic Reporting; Electronic Transmission of Information by Commission, as required by Texas Government Code, §2001.039. Texas Government Code, §2001.039, requires a state agency to review and consider for readoption, readoption with amendments, or repeal each of its rules every four years. The commission published its Notice of Intent to Review these rules in the January 20, 2023, issue of the *Texas Register* (48 TexReg 229).

The review assessed whether the initial reasons for adopting the rules continue to exist and the commission has determined that those reasons exist. The rules in Chapter 19 are required because rules in Chapter 19 implement the United States Environmental Protection Agency's Cross Media Electronic Reporting Rule (CROMERR), 40 Code of Federal Regulations, Part 3. CROMERR established electronic reporting as an acceptable regulatory alternative and established requirements for states who choose to accept electronic reports to assure that electronic documents are as legally enforceable as their paper counterparts. Chapter 19 also implements Texas Water Code, §5.128, requiring the commission to encourage the use of electronic reporting for submission of reports required by the commission in addition to requiring the com-

mission to utilize electronic transmission of information by the commission; and authorizing the commission to adjust fees to encourage electronic reporting and use of the commission's electronic document receiving system.

#### Public Comment

The public comment period closed on February 21, 2023. The commission did not receive comments on the rules review of this chapter.

As a result of the review the commission finds that the reasons for adopting the rules in 30 TAC Chapter 19 continue to exist and readopts these sections in accordance with the requirements of Texas Government Code, §2001.039.

TRD-202302039

Guy Henry

Acting Deputy Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: June 2, 2023



The Texas Commission on Environmental Quality (commission) has completed its Rule Review of 30 TAC Chapter 30, Occupational Licenses and Registrations, as required by Texas Government Code, §2001.039. Texas Government Code, §2001.039, requires a state agency to review and consider for readoption, readoption with amendments, or repeal each of its rules every four years. The commission published its Notice of Intent to Review these rules in the January 20, 2023, issue of the *Texas Register* (48 TexReg 230).

The review assessed whether the initial reasons for adopting the rules continue to exist and the commission has determined that those reasons exist. The rules in Chapter 30 are required because regulation in the form of licensing for individuals engaged in environmental occupations is necessary to ensure that qualified individuals and entities are performing safe and effective operations and to prevent adverse impacts on human health and the environment.

#### Public Comment

The public comment period closed on February 21, 2023. The commission did not receive comments on the rules review of this chapter.

As a result of the review the commission finds that the reasons for adopting the rules in 30 TAC Chapter 30 continue to exist and readopts these sections in accordance with the requirements of Texas Government Code, §2001.039.

TRD-202302041

Guy Henry

Acting Deputy Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: June 2, 2023

