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 35, Emergency and Temporary Orders and Permits; Temporary Suspension or Amendment of Permit Conditions. 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 readoption, readoption with amendments, or repeal every four years. During this review, the commission will assess whether the reasons for initially adopting the rules in Chapter 35 continue to exist.

Comments regarding suggested changes to the rules in Chapter 35 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 35. Written comments may be submitted to Derek Baxter, 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://www6.tceq.texas.gov/rules/ecomments/. File size restrictions may apply to comments being submitted via the eComments system. All comments should reference Non-Rule Project Number 2019-073-113-A1. Comments must be received by May 13, 2019. For further information, please contact Kathy Humphreys, Environmental Law Division at (512) 239-3417.

TRD-201900982

David Timberger

Director, General Law Division

Texas Commission on Environmental Quality

Filed: April 2, 2019

The Texas Commission on Environmental Quality (commission) files this Notice of Intention to Review 30 TAC Chapter 113, Standards of Performance for Hazardous Air Pollutants and for Designated Facilities and Pollutants.

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 readoption, readoption with amendments, or repeal every four years. During this review, the commission will assess whether the reasons for initially adopting the rules in Chapter 113 continue to exist.

Comments regarding suggested changes to the rules in Chapter 113 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 113. Written comments may be submitted to Ms. Kris Hogan, 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://www6.tceq.texas.gov/rules/ecomments/. File size restrictions may apply to comments being submitted via the eComments system. All comments should reference Non-Rule Project Number 2019-073-113-A1. Comments must be received by May 13, 2019. For further information, please contact Sherry Davis, Air Permits Division, at (512) 239-2141.

TRD-201900986

Robert Martinez

Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: April 2, 2019

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 readoption, readoption 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 Derek Baxter, 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://www6.tceq.texas.gov/rules/ecomments/. File size restrictions may apply to comments being submitted via the eComments system. All comments should reference Non-Rule Project Number 2019-056-301-OW. Comments must be received by June 13, 2019. For further information, please contact Chris Ulmann, Water Supply Division, at (512) 239-0418.

TRD-201900983
Robert Martinez
Director, Environmental Law Division
Texas Commission on Environmental Quality
Filed: April 2, 2019

The Texas Commission on Environmental Quality (commission) files this Notice of Intention to Review 30 TAC Chapter 324, Used Oil Standards.

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 readoption, readoption with amendments, or repeal every four years. During this review, the commission will assess whether the reasons for initially adopting the rules in Chapter 324 continue to exist.

Comments regarding suggested changes to the rules in Chapter 324 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 324. Written comments may be submitted to Ms. Kris Hogan, 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://www6.tceq.texas.gov/rules/ecomments/. File size restrictions may apply to comments being submitted via the eComments system. All comments should reference Non-Rule Project Number 2019-076-324-WS. Comments must be received by May 13, 2019. For further information, please contact Shea Backus, Permitting and Registration Division at (512) 239-6966.

TRD-201900987
Robert Martinez
Director, Environmental Law Division
Texas Commission on Environmental Quality
Filed: April 2, 2019

Adopted Rule Reviews

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 October 12, 2018, issue of the Texas Register (43 TexReg 6851).

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 November 12, 2018. 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-201900955
David Timberger
Director, General Law Division
Texas Commission on Environmental Quality
Filed: March 29, 2019

The Texas Commission on Environmental Quality (commission) has completed its Rule Review of 30 TAC Chapter 91, Alternative Public Notice and Public Participation Requirements for Specific Designated Facilities, 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 October 12, 2018, issue of the Texas Register (43 TexReg 6851).

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 91 are required because the rules implement House Bill 2201, 79th Texas Legislature (2005), codified in part as new Texas Health and Safety Code, §382.0565 and Texas Water Code, §5.558. Chapter 91 implements reasonably streamlined processes for issuing permits required to construct a component of the FutureGen project designed to meet the FutureGen emissions profile. This chapter provides the commission the opportunity to use public meetings, informal conferences, or advisory committees to gather input of interested persons on an application subject to Chapter 91 when there is a significant degree of public interest. The permit processes authorized under this chapter are not subject to the requirements relating to a contested case hearing.

Public Comment

The public comment period closed on November 12, 2018. 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 91 continue to exist and readopts these sections in accordance with the requirements of Texas Government Code, §2001.039.

TRD-201900958
The Texas Commission on Environmental Quality (commission) has completed its Rule Review of 30 TAC Chapter 217, Design Criteria for Domestic Wastewater Systems, 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 October 12, 2018, issue of the TexRegister (43 TexReg 6852).

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 217 are required because the rules provide design standards for treatment facilities, sewer systems, and disposal systems that transport, treat, or dispose of domestic wastewater. The rules also provide the standards that the commission uses in its review and approval of design plans and specifications. The rules are necessary to ensure that domestic wastewater systems are designed and operated to be protective of human health and the environment.

Public Comment

The public comment period closed on November 12, 2018. 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 217 continue to exist and reads these sections in accordance with the requirements of Texas Government Code, §2001.039.

TRD-201900960
Robert Martinez
Director, Environmental Law Division
Texas Commission on Environmental Quality
Filed: March 29, 2019

The Texas Commission on Environmental Quality (commission) has completed its Rule Review of 30 TAC Chapter 317, Design Criteria Prior to 2008, 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 October 12, 2018, issue of the TexRegister (43 TexReg 6852).

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 317 are required because the rules provide design standards that the commission used prior to 2008 for treatment facilities, sewer systems, and disposal systems that transport, treat, or dispose of primarily domestic wastewater. The rules also provide the standards that the commission used in its review and approval of design plans and specifications prior to 2008. The rules are necessary to ensure that facilities whose design plans and specifications were approved prior to 2008 are operating and maintaining the facility in compliance with the rules under which the design plans and specifications were approved.

Public Comment

The public comment period closed on November 12, 2018. 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 317 continue to exist and reads these sections in accordance with the requirements of Texas Government Code, §2001.039.

TRD-201900959
Charmaine Backens
Director, Litigation Division
Texas Commission on Environmental Quality
Filed: March 29, 2019