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 Higher Education Coordinating Board**

**Title 19, Part 1**

The Texas Higher Education Coordinating Board files this notice of intention to review Chapter 1, concerning Agency Administration. This review is in accordance with the requirements of the Texas Government Code, Section 2001.039.

The agency's reason for adopting the rules contained in this chapter continues to exist.

Comments on the proposed review may be submitted to Linda Battles, Deputy Commissioner, Agency Operations and Communications/COO P.O. Box 12788; Austin, Texas 78711.

TRD-201903318
Bill Franz
General Counsel
Texas Higher Education Coordinating Board
Filed: September 16, 2019

The Texas Higher Education Coordinating Board files this notice of intention to review the following chapters: Chapter 3; Chapter 4; Chapter 5; Chapter 6; Chapter 7; Chapter 8; Chapter 9; Chapter 11; Chapter 14; Chapter 15; Chapter 26; and Chapter 27. This review is in accordance with the requirements of the Texas Government Code, Section 2001.039.

The agency's reason for adopting the rules contained in these chapters continue to exist.

Comments on the proposed review may be submitted to Rex Peebles, Assistant Commissioner, Academic Quality and Workforce P.O. Box 12788; Austin, Texas 78711.

TRD-201903319
Bill Franz
General Counsel
Texas Higher Education Coordinating Board
Filed: September 16, 2019

Texas Commission on Environmental Quality

Comments on the proposed review may be submitted to Julie Eklund, Assistant Commissioner, Strategic Planning and Funding P.O. Box 12788; Austin, Texas 78711.

TRD-201903320
Bill Franz
General Counsel
Texas Higher Education Coordinating Board
Filed: September 16, 2019

The Texas Higher Education Coordinating Board files this notice of intention to review the following chapters: Chapter 21; Chapter 22; and Chapter 23. This review is in accordance with the requirements of the Texas Government Code, Section 2001.039.

The agency's reason for adopting the rules contained in these chapters continue to exist.

Comments on the proposed review may be submitted to Charles W. Puls, Deputy Assistant Commissioner, Student Financial Aid Programs P.O. Box 12788; Austin, Texas 78711.

TRD-201903321
Bill Franz
General Counsel
Texas Higher Education Coordinating Board
Filed: September 16, 2019

The Texas Higher Education Coordinating Board files this notice of intention to review Chapter 25, concerning Optional Retirement Program. This review is in accordance with the requirements of the Texas Government Code, Section 2001.039.

The agency's reason for adopting the rules contained in this chapter continues to exist.

Comments on the proposed review may be submitted to Toni Alexander, Human Resources Department; P.O. Box 12788; Austin, Texas 78711.

TRD-201903322
Bill Franz
General Counsel
Texas Higher Education Coordinating Board
Filed: September 16, 2019

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 285, On-Site Sewage Facilities.
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 285 continue to exist.

Comments regarding suggested changes to the rules in Chapter 285 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 285. Written comments may be submitted to Paige Bond, 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.tecq.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 2019-094-285-CE. Comments must be received by October 28, 2019. For further information, please contact Alfonso Fuentes, Program Support Division at (512) 239-1407.

TRD-201903328
Robert Martinez
Director, Environmental Law Division
Texas Commission on Environmental Quality
Filed: September 17, 2019

Adopted Rule Reviews
Public Utility Commission of Texas
Title 16, Part 2
The Public Utility Commission of Texas (commission) readopts Texas Administrative Code (TAC), Chapter 26, Substantive Rules Applicable to Telecommunications Providers pursuant to the Administrative Procedure Act (APA), Texas Government Code §2001.039, Agency Review of Existing Rules. The notice of intention to review Chapter 26 was published in the Texas Register on February 22, 2019 (44 TexReg 876). APA §2001.039 requires that each state agency review its rules every four years and readopt, readopt with amendments, or repeal the rules adopted by that agency pursuant to the Texas Government Code, Chapter 2001. Such reviews must include, at a minimum, an assessment by the agency as to whether the reason for adopting or readopting the rules continues to exist. The commission has completed the review of the rules in Chapter 26 pursuant to APA §2001.039 and finds that the reasons for adopting the rules in Chapter 26 continue to exist.

The commission requested comments on whether the reasons for adopting the rules in Chapter 26 continue to exist. The commission received comments from the Texas Telephone Association (TTA), Texas Statewide Telephone Cooperative (TSTCI), the National Lifeline Association (NALA), and the Texas 911 Entities, a group comprised of the Texas 911 Alliance, the Texas Commission on State Emergency Communications, and the Municipal Emergency Communications Districts Association (Texas 911 Entities). The commission received reply comments from TTA, TSTCI, and Virgin Mobile USA (Virgin Mobile). All comments, including any not specifically referenced herein, were fully considered by the commission.

Summary of Comments
Comments on Specific Provisions

Section 26.52 Emergency Operations
TSTCI recommended that the Commission revise this subsection to adopt the battery reserve requirements for fiber-to-the-premises (FTTP) installations to mirror the Federal Communications Commission’s (FCC’s) power backup requirements.

Commission Response

The commission acknowledges that the proposal may have merit and will consider amending the rules as resources permit. The commission readopts this section.

Section 26.53 Inspections and Tests
TSTCI recommended that the Commission eliminate the following provision in 16 TAC §26.52(d), “(E)ach DCTU shall advise the commission of the numbers assigned for these test terminations.” Alternatively, if the Commission chooses not to delete this provision from the rule, TSTCI recommended that the rule should be amended for companies to provide the numbers assigned for test terminations upon Commission request.

Commission Response

The commission acknowledges that the proposal may have merit and will consider as resources permit. The commission readopts this section.

Section 26.54 Service Objectives and Performance Benchmarks
TSTCI urged the Commission to delete subsections (b)(1), (b)(2), and (b)(3) to remove references to outdated technology and amend all other subsections to reflect the current use of technologies such as fiber optics cable and soft switches. TSTCI also proposed deleting subsection (b)(3) regarding the requirement that all voice circuits allow transmission of at least 14.4 kbps of data per second either through an industry standard modem or a facsimile machine. TSTCI contended this is an outdated obligation. TSTCI recommended amending all other subsections in § 26.54 to reflect the current use of technologies such as fiber optic cable and soft switches which facilitate the deployment of FTTP.

Commission Response

The commission acknowledges that a review of this section may be warranted and will consider doing so as resources permit. The commission readopts this section.

Section 26.57 Requirements for a Certificate Holder's Use of an Alternate Technology to Meet Its Provider of Last Resort Obligation
TSTCI recommended that the Commission repeal §26.57 to reflect the fact the communications technology has advanced significantly since the adoption of this rule. TSTCI requested that, if any requirement remains, it should be simply that if performance standards cannot be met, then exceptions can be sought to provide service via some alternate method.

Commission Response

The commission acknowledges that the proposal may have merit and will consider amending the rules as resources permit. The commission readopts this section.

Section 26.78 State Agency Utility Account Information
TSTCI encouraged the Commission to conduct a proceeding to simplify and streamline the State Agency Utility Account Information report. TSTCI claimed that this report is costly and time-consuming to prepare for small ILECs with limited resources. TSTCI also believes an evaluation of the report is necessary to determine if the report can be modified and still meet the needs of the State, or possibly be eliminated.

**Commission Response**

The commission acknowledges that the proposal may have merit and will consider amending the rules as resources permit. The commission readopts this section.


TSTCI suggests that the Commission amend these sections to reflect the written correspondence that commission staff sent to telecommunications providers on January 11, 2019, that exempts all non-dominant COA and SPCOA holders, not just exempt carriers, from having to submit the reports required under 16 TAC §26.79(c), 16 TAC §26.80(c) and 16 TAC §26.85(d).

**Commission Response**

The commission acknowledges that these proposals may have merit and will consider amending the rules as resources permit. The commission readopts these sections.

**Section 26.128 Telephone Directories**

TSTCI commented that several requirements in this rule need to be updated and amended. First, TSTCI suggested that the requirement to include sample long distance rates in the directory is not useful to consumers given that rates change frequently in today’s competitive market. Second, TSTCI claimed that the requirement to include local and toll-free numbers shows problems because of the sheer number of agencies and the changes in telephone numbers. Finally, TSTCI stated that the requirement for annual publication sometimes poses a problem for small ILECs because they may have difficulty finding a publisher willing and able to meet the rules requirements, or the price is prohibitive for a small distribution in the rural areas. TSTCI urged the Commission to explore possible alternatives to providing only hard copy white page directories to customers.

**Commission Response**

The commission acknowledges that the proposal may have merit and will consider amending the rules as resources permit. The commission readopts this section.

**Section 26.142 Integrated Services Digital Network (ISDN)**

TSTCI recommended that this rule be repealed because it is outdated and obsolete due to technological advances that have been made over the 20 years since this rule was adopted.

**Commission Response**

The commission acknowledges that the proposal may have merit and will consider amending the rules as resources permit. The commission readopts this section.

**Section 26.272 Interconnection, Section 26.435 Cost Recovery Methods for 9-1-1 Dedicated Transport, Section 26.433 Roles and Responsibilities of 9-1-1 Service Providers**

The Texas 911 Entities commented that the portions of the commission's rules that address 9-1-1 service remain important for public safety in Texas and should be maintained. The Texas 9-1-1 Entities expressed concern that some legacy 9-1-1 systems and processes will not meet future public safety needs in Texas. The Texas 9-1-1 Entities suggested amending these sections to modernize the validation of 9-1-1 data by providing for the preferred use of a location validation function (LVF) to validate address data for 9-1-1 calls. The LVF would assist in providing addresses during emergency calls placed using Internet Protocol infrastructure.

**Commission Response**

The commission acknowledges that the proposal may have merit and will consider amending the rules as resources permit. The commission readopts these sections.

**Section 26.407 Small and Rural Incumbent Local Exchange Company Universal Service Plan Support Adjustments and Section 26.73 Annual Earnings Report**

TSTCI and TTA filed joint comments on these sections. TSTCI and TTA believe that the reporting requirements in 16 TAC §26.407(c) supersede and replace the prior reporting requirements in 16 TAC §26.73. TSTCI and TTA stated that SB 586, which was enacted during the 2017 legislative session, amended the Public Utility Regulatory Act (PURA) § 56.032 and required the Commission to determine and disburse support to small providers that allow the small providers an opportunity to earn a reasonable return. The Commission adopted 16 TAC §26.407 to implement SB 586 in Project No. 47669. The new rule included annual reporting requirements.

TSTCI and TTA stated that the data that an electing small provider must include in a 16 TAC §26.73 earnings report is now filed in its 16 TAC §26.407(e) report each year with additional detail.

TSTCI and TTA suggested that for any given calendar year, only the newer, broader, and more accurate reports under 16 TAC §26.407 need to be filed each September 15th. Accordingly, TSTCI and TTA recommend the addition of a new paragraph (d) at the end of 16 TAC §26.73 as follows:

"(d) This section does not apply to an entity that has elected into the review mechanism established under §26.407 of this Chapter and files annual reports thereunder."

In addition to the comments on 16 TAC §§26.73 and 26.407, TSTCI and TTA requested that the Commission find good cause to waive the filing of the 16 TAC §26.73 annual earnings reports by certain companies so long as those companies timely file annual reports under 16 TAC §36.407.

**Commission Response**

The commission acknowledges that a review of these reporting requirements is warranted and will consider doing so as resources permit. The commission readopts these sections. The commission will not address the other requests for relief in TSTCI and TTA's filing as part of the Chapter 26 review.

**Section 26.417 Designation as Eligible Telecommunications Providers to Receive Texas Universal Service Funds (TUSF)**

NALA submitted comments regarding 16 TAC §26.417 (c)(1)(C), which requires a telecommunications provider to offer basic local telecommunications service (BLTS) using either its own facilities, purchased unbundled network elements (UNE) or a combination of its own facilities, purchased UNEs and resale of another carrier's service to be eligible to receive Texas Universal Service Fund (TUSF) support.

NALA suggested that this requirement does not reflect current federal policy, which has changed since this section was adopted. At the time §26.417(c)(1)(C) was adopted, an eligible telecommunications carrier
wireline

The commission acknowledges that a review of this section may be warranted and will consider amending the rules as resources permit. The commission reads its this section.

The commission has completed the review of Chapter 26 as required by Texas Government Code §2001.039 and has determined that the reasons for initially adopting the rules in Chapter 26 continue to exist. Therefore, the commission re-adopts Chapter 26, Substantive Rules Applicable to Telecommunication Service Providers, in its entirety, under PURA, Texas Utilities Code Annotated §14.002 (West 2007 and Supp. 2017) which requires the commission to adopt and enforce rules reasonably required in the exercise of its powers and jurisdiction and Texas Government Code §2001.039 (West 2017), which requires each state agency to review and re-adapt its rules every four years.


This agency certifies that the rules in Chapter 26, as re-adopted, have been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority. It is therefore ordered by the Public Utility Commission of Texas that Chapter 26, Substantive Rules Applicable to Telecommunication Service Providers, is re-adopted under Texas Government Code §2001.039 with no changes to this chapter.

TRD-201903250
Andrea Gonzalez
Rules Coordinator
Public Utility Commission of Texas
Filed: September 13, 2019

Texas Commission on Environmental Quality
Title 30, Part 1

The Texas Commission on Environmental Quality (commission) has completed its Rule Review of 30 TAC Chapter 35, Emergency and Temporary Orders and Permits; Temporary Suspension or Amendment of Permit Conditions, 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 April 12, 2019, issue of the Texas Register (44 TexReg 1901).

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 35 provide the procedures for the commission and the executive director to issue temporary or emergency mandatory, permissive, or prohibitory orders and by those orders to issue temporary permits or temporarily suspend or amend permit conditions.

Public Comment
The public comment period closed on May 13, 2019. 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 35 continue to exist and readapts these sections in accordance with the requirements of Texas Government Code, §2001.039.

TRD-201903238
Robert Martinez
Director, Environmental Law Division
Texas Commission on Environmental Quality
Filed: September 13, 2019

NALA also argued that having only one wireless Lifeline eligible telecommunications provider (ETP) in Texas is harmful to low-income customers and the Lifeline market. NALA contended that Virgin Mobile, the only wireless ETP, was able to enhance its service offering with the additional state funding and now has a competitive advantage over other wireless ETCs. In total, NALA advocates that the commission open a rulemaking to determine how 16 TAC §26.417(c)(1)(c) could be amended to give low income customers in Texas greater access to Lifeline services.

TTA noted that Lifeline is not an individual service but a component of BLTS. TTA criticized the national wireless resellers, claiming that they desire the additional revenues but not the additional obligations of ETP designation. TTA also mentioned that the FCC recently attempted to prohibit wireless resellers from participating in the Lifeline program. TTA urged the commission to carefully consider the monetary impacts to the TUSF before deciding whether wireless resellers should be allowed to participate in the state's low-income program. TTA estimated that Lifeline disbursements would grow from $4 million per year to approximately $20 million per year if wireless resellers are able to become ETPs.

Virgin Mobile opined that the "own facilities" requirement for ETPs is clear and therefore proposed no changes to the existing rule. Virgin Mobile pointed out that TTA incorrectly identified Virgin Mobile as being a "national wireless reseller" and as a result overstated the financial impact that wireless resellers could have on the Texas Lifeline support program if allowed to obtain ETP designation. Virgin Mobile also noted that it has a pending contested case before the commission for ETP designation.

TSTCI replied and stated that they respectfully disagree with allowing wireless resellers the ability to become an ETP. TSTCI noted that they have opposed such petitions in the past based on their belief and support of the current rules. TSTCI stated that it does not see this project as the appropriate place to address this highly substantive issue and would welcome the opportunity to participate in any future rulemaking that would more specifically and fully address this particular issue.
The Texas Commission on Environmental Quality (commission) has completed its Rule Review of 30 TAC Chapter 101, General Air Quality Rules, 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 March 29, 2019, issue of the Texas Register (44 TexReg 1589).

The review assessed whether the initial reasons for adopting the rules continue to exist and the commission has determined that the rules in Chapter 101, Subchapter A, §§101.1 - 101.5, 101.8 - 101.10, 101.13, 101.14, 101.18 - 101.21, 101.24, and 101.26 - 101.28; Subchapters B, C, F, and J; and Subchapter H, Divisions 1 - 4 and 6 continue to exist. The rules in Chapter 101 provide the general regulatory structure for the implementation of state and federal statutes and rules regarding air quality in Texas. Chapter 101 contains definitions and sections that can apply to all sources of air contaminants in Texas, and the chapter includes the agency’s policies regarding the use of discretion and the use of administrative and judicial remedies in applying and enforcing the rules.

The rules in Subchapter A include definitions for terms used in all the sections that govern the commission's air quality programs found in 30 TAC Chapters 101, 106, 111 - 118, and 122. The subchapter also contains rules that address prohibition of causing nuisance conditions or traffic hazards; circumvention of the Texas Clean Air Act (TCAA) or rules adopted pursuant to the TCAA; emissions inventory and sampling requirements and procedures; fee assessment; requests for single property designations; an alternate emission reduction policy; stringency determinations for federal operating permits; and the application of and compliance with federal air quality standards in Texas.

The rules in Subchapter B implement the failure to attain fee for the Houston-Galveston-Brazoria (HGB) one-hour ozone nonattainment area as required by federal Clean Air Act, §182(d)(3) and (e) and §185.

The rules in Subchapter C fulfill a state statutory requirement to implement a voluntary monitoring program for components or equipment not subject to commission rules for leak detection and repair in effect on the date of detection. The program encourages and provides incentives for voluntary monitoring using alternative leak detection technology, such as optical gas imaging technology, to detect and repair leaks not otherwise detectable.

The rules in Subchapter F establish the requirements for recording and reporting of exceedances of emission limits due to emissions events and scheduled maintenance, startup and shutdown activities, as well as the availability of an affirmative defense for these violations if regulatory criteria are met. In addition, the subchapter includes rules regarding variances.

The rules in Subchapter H address the generation, banking, and use of emission reduction credits and discrete emission reduction credits; the banking and trading of emissions allowances for grandfathered electrical generating units; and the mass emissions and highly reactive volatile organic compound emissions cap and trade programs in the HGB area. The subchapter also includes rules associated with the federal Clean Air Interstate Rule (CAIR).

Finally, the rules in Subchapter J establish the surcharge and public notice requirements for requests for expedited permit applications. The review resulted in a determination that the following rules are obsolete.

Section 101.23, entitled "Alternate Emission Reduction (Bubble) Policy," is obsolete and no longer needed because of the very limited legal and practical applicability of the rule and due to changes in law and permitting practices since rule adoption in 1981 that address site-wide compliance issues. Approval of an alternate method would require issuance of an order by the commission, and no such order has been applied for or issued for at least the past 25 years.

The rules in Subchapter H, Division 7, entitled "Clean Air Interstate Rule," are obsolete. Since the United States Environmental Protection Agency replaced CAIR with the Cross-State Air Pollution Rule in 2011, the rules in Subchapter H, Division 7 are no longer needed. These rules were adopted in 2006 to implement the federal CAIR to assist nonattainment areas in downwind states in achieving compliance with the 1997 national ambient air quality standards for particulate matter less than or equal to 2.5 micrometers.

Public Comment
The public comment period closed on April 29, 2019. 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 101 continue to exist and readopts these sections in accordance with the requirements of Texas Government Code, §2001.039. Repeal of obsolete rules identified as part of this review process may be addressed in a separate rulemaking action, in accordance with the Texas Administrative Procedure Act.

TRD-201903242
Robert Martinez
Director, Environmental Law Division
Texas Commission on Environmental Quality
Filed: September 13, 2019

The Texas Commission on Environmental Quality (commission) has completed its Rule Review of 30 TAC Chapter 113, Standards of Performance for Hazardous Air Pollutants and for Designated Facilities and Pollutants, 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 April 12, 2019, issue of the Texas Register (44 TexReg 1901).

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 113 are required to implement emission standards for hazardous air pollutants (HAP) and for certain facilities. The United States Environmental Protection Agency (EPA) has delegated the authority to administer and enforce the standards and requirements from the Code of Federal Regulations (CFR) referred to in Chapter 113 to the commission, or the commission has submitted state plans to the EPA in accordance with 42 United States Code, §7411(d) and §7429.

The rules in Chapter 113 implement emission standards for radon notification, testing, and reporting requirements from the National Emissions Standards for Radon Emissions from Phosphogypsum Stacks (40 CFR Part 61, Subpart R). The rules also allow the commission to administer and enforce the technology-based standards intended to control HAP emissions referred to as maximum achievable control technology and generally available control technology standards from the National Emissions Standards for Hazardous Air Pollutants (NESHAP) for Source Categories established in the federal Clean Air Act, §112, 40 CFR Part 63.
The rules also implement standards for certain specified waste facilities and landfills and the pollutants associated with those facilities. Air contaminants for municipal solid waste (MSW) landfills are regulated by incorporating emission standards and guidelines established by the EPA on March 12, 1996, and amended August 17, 1998, for MSW landfills. The rules establish exceptions and a compliance schedule and there are also air emission standards established for medical waste incinerators including opacity and contaminant limits considering the size of the incinerator units. Emission and performance standards, and requirements for small MSW combustion units, commercial and industrial solid waste incineration units, and other solid waste incinerator units are also established in Chapter 113 for units constructed on or before August 30, 1999; November 30, 1999; and December 9, 2004, respectively.

Lastly, the rules allow the commission to regulate and enforce the EPA requirements that consolidated major portions of several New Source Performance Standards and NESHAP applicable to storage vessels, process vents, transfer operations, and equipment leaks within synthetic organic chemical manufacturing operations.

Public Comment
The public comment period closed on May 13, 2019. 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 301 remain and readopt these sections in accordance with the requirements of Texas Government Code, §2001.039.

TRD-201903243
Robert Martinez
Director, Environmental Law Division
Texas Commission on Environmental Quality
Filed: September 13, 2019

The Texas Commission on Environmental Quality (commission) has completed its Rule Review of 30 TAC Chapter 301, Levee Improvement Districts, District Plans of Reclamation, and Levees and Other Improvements, 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 April 12, 2019, issue of the Texas Register (44 TexReg 1901).

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 301 are required because the rules include general provisions applicable to levee improvement districts, including procedures applicable to the formation of levee improvement districts, approval of levees and other improvements, rules regarding notices and hearings, rules regarding unauthorized levees and other improvements, fees, and requirements for information to be filed with the executive director. These rules are based on the specific authority granted in Texas Water Code (TWC), §16.236, to make and enforce rules regarding levee safety, TWC, Chapter 57, as well as the, the general rulemaking authority granted the commission in TWC, §5.103.

Public Comment
The public comment period closed on June 13, 2019. 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 301 continue to exist and readopt these sections in accordance with the requirements of Texas Government Code, §2001.039.

TRD-201903239
Robert Martinez
Director, Environmental Law Division
Texas Commission on Environmental Quality
Filed: September 13, 2019

The Texas Commission on Environmental Quality (commission) has completed its Rule Review of 30 TAC Chapter 324, Used Oil Standards, as required by Texas Government Code, §2001.039. Texas Government Code, §2001.039, requires a state agency to review and consider for 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 April 12, 2019, issue of the Texas Register (44 TexReg 1902).

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 324 are required because the rules provide requirements for the management of used oil and include the requirements for the commission to issue registrations for Used Oil Collectors who transport, process, re-refine, and market used oil. In addition, the rules also include the requirements for the registration of Used Oil Collection Centers that accept used oil from household used oil recyclers and other generators to reduce oil-related environmental pollution in a manner that complies with state and federal requirements to protect human health and the environment.

Additionally, the rules in Chapter 324 retain the United States Environmental Protection Agency primary authority of 40 Code of Federal Regulations Part 279 and implement state authority under Texas Health and Safety Code, Chapter 371.

Public Comment
The public comment period closed on May 13, 2019. 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 324 continue to exist and readopt these sections in accordance with the requirements of Texas Government Code, §2001.039.

TRD-201903246
Robert Martinez
Director, Environmental Quality Law Division
Texas Commission on Environmental Quality
Filed: September 13, 2019

The Texas Commission on Environmental Quality (commission) has completed its Rule Review of 30 TAC Chapter 324, Used Oil Standards, as required by Texas Government Code, §2001.039. Texas Government Code, §2001.039, requires a state agency to review and consider for 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 April 12, 2019, issue of the Texas Register (44 TexReg 1902).

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 324 are required because the rules provide requirements for the management of used oil and include the requirements for the commission to issue registrations for Used Oil Collectors who transport, process, re-refine, and market used oil. In addition, the rules also include the requirements for the registration of Used Oil Collection Centers that accept used oil from household used oil recyclers and other generators to reduce oil-related environmental pollution in a manner that complies with state and federal requirements to protect human health and the environment.

Additionally, the rules in Chapter 324 retain the United States Environmental Protection Agency primary authority of 40 Code of Federal Regulations Part 279 and implement state authority under Texas Health and Safety Code, Chapter 371.

Public Comment
The public comment period closed on May 13, 2019. 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 324 continue to exist and readopt these sections in accordance with the requirements of Texas Government Code, §2001.039.