

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

Office of the Attorney General

Title 1, Part 3

The Office of the Attorney General of Texas (OAG) files this notice of its intent to review Chapter 52, concerning Administration, in accordance with Texas Government Code §2001.039. An assessment will be made by the OAG as to whether the reasons for adopting or readopting the chapter continue to exist. Each rule will be reviewed to determine whether it is obsolete, whether the rule reflects current legal and policy considerations, and whether the rule reflects current procedures of the OAG. Comments on the review may be submitted electronically to the OAG's Human Resources Division by email to HR-Help@oag.texas.gov or by mail to Human Resources Division, Office of the Attorney General, P.O. Box 12548, Austin, Texas 78711-2548. Comments must be received within 30 days after the publication of this rule review notice to be considered.

TRD-202302199
Austin Kinghorn
General Counsel
Office of the Attorney General
Filed: June 19, 2023



Texas Commission on Environmental Quality

Title 30, Part 1

The Texas Commission on Environmental Quality (commission) files this Notice of Intention to Review 30 Texas Administrative Code Chapter 114, Control of Air Pollution from Motor Vehicles.

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 114 continue to exist.

Comments regarding suggested changes to the rules in Chapter 114 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 114. 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 2023-072-114-AI. Comments must be received by August 1, 2023. For further information, please contact Sarah Thomas, Air Quality Division, at (512) 239-4939.

TRD-202302210
Guy Henry
Acting Deputy Director, Environmental Law Division
Texas Commission on Environmental Quality
Filed: June 20, 2023



The Texas Commission on Environmental Quality (commission) files this Notice of Intention to Review 30 TAC Chapter 290, Public Drinking Water.

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 290 continue to exist.

Comments regarding suggested changes to the rules in Chapter 290 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 290. 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 2023-073-290-OW. Comments must be received by August 1, 2023. For further information, please contact Avery Nguyen, Water Supply Division, at (512) 239-0324.

TRD-202302209
Guy Henry
Acting Deputy Director, Environmental Law Division
Texas Commission on Environmental Quality
Filed: June 20, 2023

◆ ◆ ◆
The Texas Commission on Environmental Quality (commission) files this Notice of Intention to Review 30 TAC Chapter 330, Municipal Solid Waste.

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 330 continue to exist.

Comments regarding suggested changes to the rules in Chapter 330 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 330. 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 2023-074-330-WS. Comments must be received by August 1, 2023. For further information, please contact Jarita Sepulvado, Waste Permits Division, at (512) 239-4413.

TRD-202302208

Guy Henry

Acting Deputy Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: June 20, 2023

◆ ◆ ◆
The Texas Commission on Environmental Quality (commission) files this Notice of Intention to Review 30 TAC Chapter 335, Industrial Solid Waste and Municipal Hazardous Waste.

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 335 continue to exist.

Comments regarding suggested changes to the rules in Chapter 335 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 335. 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 2023-075-335-WS. Comments must be received by August 1, 2023. For further information, please contact Jarita Sepulvado, Waste Permits Division, at (512) 239-4413.

TRD-202302211

Guy Henry

Acting Deputy Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: June 20, 2023

◆ ◆ ◆ Adopted Rule Reviews

Texas Department of Agriculture

Title 4, Part 1

Pursuant to the Texas Government Code, §2001.039, the Texas Department of Agriculture (Department) has completed its review of Texas Administrative Code, Title 4, Part 1, Chapter 19, Quarantines and Noxious and Invasive Plants, Subchapter A, General Quarantine Provisions; Subchapter B, Burrowing Nematode Quarantine; Subchapter C, Camellia Flower Blight Quarantine; Subchapter D, Caribbean Fruit Fly Quarantine; Subchapter E, Date Palm Lethal Decline Quarantine; Subchapter F, Lethal Yellowing Quarantine; Subchapter G, European Brown Garden Snail Quarantine; Subchapter H, Gypsy Moth Quarantine; Subchapter I, Pine Shoot Beetle Quarantine; Subchapter J, Red Imported Fire Ant Quarantine; Subchapter K, European Corn Borer Quarantine; Subchapter L, Pecan Weevil Quarantine; Subchapter M, Sweet Potato Weevil Quarantine; Subchapter N, Karnal Bunt Quarantine; Subchapter O, West Indian Fruit Fly Quarantine; Subchapter P, Diaprepes Root Weevil Quarantine; Subchapter R, Formosan Termite Quarantine; Subchapter T, Noxious and Invasive Plants; Subchapter W, Red Palm Mite Quarantine; and Subchapter X, Citrus Greening Quarantine.

Notice of the rule review was published in the October 7, 2022, issue of the *Texas Register* (47 TexReg 6635). No public comment was received in response to this notice.

The Department finds that the legal authority and business necessity for the rules in this chapter continue to exist. The Department readopts these rules with no changes, except for §19.121 and §19.123, which are readopted with amendments. As a result, the Department proposes amendments to §19.121 and §19.123, which can be found in the Proposed Rules section of this issue.

TRD-202302167

Skyler Shafer

Assistant General Counsel

Texas Department of Agriculture

Filed: June 15, 2023

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Finance Commission of Texas

Title 7, Part 1

On behalf of the Finance Commission of Texas (commission), the Texas Department of Banking (department) has completed the review of Texas Administrative Code, Title 7, Chapter 9 (Rules of Procedure for Contested Case Hearings, Appeals, and Rulemakings), comprised of Subchapter A (§§9.1 - 9.3); Subchapter B (§§9.11 - 9.23 and 9.25 - 9.39); Subchapter C (§9.71 and §9.72); and Subchapter D (§§9.81 - 9.85).

Notice of the review of Chapter 9 was published in the May 5, 2023, issue of the *Texas Register* (48 TexReg 2393). No comments were received in response to the notice.

The commission believes the reasons for initially adopting Chapter 9 continue to exist. However, the department has determined that certain

revisions and other changes are appropriate and necessary. Proposed amended Chapter 9 sections, with discussion of the justification for the proposed changes, will be published in the *Texas Register* at a later date.

The commission finds that the reasons for initially adopting these rules continue to exist and readopts these sections in accordance with the requirements of the Government Code, §2001.039.

TRD-202302184
Catherine Reyer
General Counsel
Finance Commission of Texas
Filed: June 16, 2023



On behalf of the Finance Commission of Texas (commission), the Texas Department of Banking (department) has completed the review of Texas Administrative Code, Title 7, Chapter 10 (Contract Procedures), comprised of Subchapter A (§§10.1 - 10.21); Subchapter B (§10.30); and Subchapter C (§10.40).

Notice of the review of Chapter 10 was published in the May 5, 2023, issue of the *Texas Register* (48 TexReg 2393). No comments were received in response to the notice.

The commission believes the reasons for initially adopting Chapter 10 continue to exist. However, the department has determined that certain revisions and other changes are appropriate and necessary. Proposed amended Chapter 10 sections, with discussion of the justification for the proposed changes, will be published in the *Texas Register* at a later date.

The commission finds that the reasons for initially adopting these rules continue to exist and readopts these sections in accordance with the requirements of the Government Code, §2001.039.

TRD-202302185
Catherine Reyer
General Counsel
Finance Commission of Texas
Filed: June 16, 2023



Texas Department of Banking

Title 7, Part 2

On behalf of the Finance Commission of Texas (commission), the Texas Department of Banking (department) has completed the review of Texas Administrative Code, Title 7, Chapter 12 (Loans and Investments), comprised of Subchapter A (§§12.1 - 12.12); Subchapter B (§§12.31 - 12.33); Subchapter C (§12.61 and §12.62); and Subchapter D (§12.91).

Notice of the review of Chapter 12 was published in the May 5, 2023, issue of the *Texas Register* (48 TexReg 2393). No comments were received in response to the notice.

The commission believes the reasons for initially adopting Chapter 12 continue to exist. However, the department has determined that certain revisions and other changes are appropriate and necessary. Proposed amended Chapter 12 sections, with discussion of the justification for the proposed changes, will be published in the *Texas Register* at a later date.

The commission finds that the reasons for initially adopting these rules continue to exist and readopts these sections in accordance with the requirements of the Government Code, §2001.039.

TRD-202302186
Catherine Reyer
General Counsel
Texas Department of Banking
Filed: June 16, 2023



On behalf of the Finance Commission of Texas (commission), the Texas Department of Banking (department) has completed the review of Texas Administrative Code, Title 7, Chapter 25 (Prepaid Funeral Contracts), comprised of Subchapter A (§§25.1 - 25.9); and Subchapter B (§§25.10 - 25.14, 25.17 - 25.19, 25.21 - 25.25, 25.31 and 25.41).

Notice of the review of Chapter 25 was published in the May 5, 2023, issue of the *Texas Register* (48 TexReg 2394). No comments were received in response to the notice.

The commission believes the reasons for initially adopting Chapter 25 continue to exist. However, the department has determined that certain revisions and other changes are appropriate and necessary. Proposed amended Chapter 25 sections, with discussion of the justification for the proposed changes, will be published in the *Texas Register* at a later date.

The commission finds that the reasons for initially adopting these rules continue to exist and readopts Chapter 25 in accordance with the requirements of the Government Code, §2001.039.

TRD-202302187
Catherine Reyer
General Counsel
Texas Department of Banking
Filed: June 16, 2023



State Securities Board

Title 7, Part 7

Pursuant to the notice of proposed rule review published in the March 3, 2023, issue of the *Texas Register* (48 TexReg 1317), the State Securities Board (Board) has reviewed and considered for readoption, revision, or repeal all sections of the following chapters of Title 7, Part 7, of the Texas Administrative Code, in accordance with Texas Government Code, §2001.039, Agency Review of Existing Rules: Chapter 105, Rules of Practice in Contested Cases, and Chapter 106, Guidelines for the Assessment of Administrative Fines. The text of these rules may be found in the Texas Administrative Code, Title 7, Part 7 or through the Board's website at www.ssb.texas.gov/texas-securities-act-board-rules.

The Board considered, among other things, whether the reasons for adoption of these rules continue to exist. After its review, the Board finds that the reasons for adopting these rules continue to exist and readopts these chapters, without changes, pursuant to the requirements of the Texas Government Code.

No comments were received regarding the readoption of Chapters 105 or 106.

This concludes the review of 7 TAC Chapters 105 and 106.

Issued in Austin, Texas on June 16, 2023.

TRD-202302182



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 10, Commission Meetings, 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 February 10, 2023, issue of the *Texas Register* (48 TexReg 719).

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 10 are required because rules in Chapter 10 implement provisions of Texas Water Code, Chapter 5, relating to the makeup of the commission and the authority of the commission to adopt any rules necessary to carry out its powers and duties under the laws of the state. Chapter 10 also implements Texas Government Code, Chapter 551, the Texas Open Meetings Act, which sets requirements for open and closed sessions of governmental entities in the State of Texas.

Public Comment

The public comment period closed on March 14, 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 10 continue to exist and readopts these sections in accordance with the requirements of Texas Government Code, §2001.039.

TRD-202302175

Guy Henry

Acting Deputy Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: June 16, 2023



The Texas Commission on Environmental Quality (TCEQ or commission) has completed its Rule Review of 30 Texas Administrative Code (TAC) Chapter 205, General Permits for Waste Discharges, as required by Texas Government Code (TGC), §2001.039. TGC, §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 February 10, 2023, issue of the *Texas Register* (48 TexReg 720).

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 205 are required to codify the authority for the commission to issue general permits (GPs) for discharges of stormwater and wastewater into or adjacent to water in the state from certain facilities and activities. Chapter 205 also provides the administrative procedures for issuing GPs and authorizations under GPs.

A GP is a simplified and streamlined method for authorizing wastewater and stormwater discharges in specific circumstances, as an alternative to resource-intensive site-specific individual permits. Under Texas Water Code, §26.040, the Texas Legislature provided the TCEQ with

the authority to issue general permits as a means of authorizing wastewater and stormwater discharges. The issuance of GPs is a core component of TCEQ's wastewater and stormwater permitting strategy. The use of GPs to authorize facilities with similar operations, discharges, and protective measures allows TCEQ to allocate finite permitting resources towards the review of more complex or unique sources of water pollution.

TCEQ has issued 15 GPs under Chapter 205 which authorize discharges from: construction stormwater, industrial stormwater, concentrated animal feeding operations, small municipal separate storm sewer systems, concrete batch plants, petroleum bulk storage tanks, aquaculture, livestock manure composting, quarries, facilities that use evaporation ponds, facilities that conduct hydrostatic testing, pesticide applications, activities that generate petroleum contaminated water, and water treatment plants. In recent years (2018 - 2022) the Water Quality Division has processed an average of over 11,700 GP authorizations per year. This workload does not include the number of permittees that obtain authorization without submission of an application, which is allowed by five of the GPs. If Chapter 205 was eliminated, these applications would have to be processed as site specific individual permits which would substantially increase the burden on the regulated community and on the TCEQ.

Public Comment

The public comment period closed on March 12, 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 205 continue to exist and readopts these sections in accordance with the requirements of Texas Government Code, §2001.039.

TRD-202302176

Guy Henry

Acting Deputy Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: June 16, 2023



The Texas Commission on Environmental Quality (commission) has completed its Rule Review of 30 TAC Chapter 326, Medical Waste 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 February 10, 2023, issue of the *Texas Register* (48 TexReg 720).

The review assessed whether the initial reasons for adopting the rules continue to exist, and the commission has determined that those reasons continue to exist. The rules in Chapter 326 continue to be required to implement the requirements of Texas Health and Safety Code, §361.0905, Regulation of Medical Waste. Chapter 326 covers aspects of medical waste management from medical waste facilities under the authority of the commission. This chapter applies to any person involved in any aspect of the management and control of medical waste and medical waste facilities and activities including storage, collection, handling, transportation, and processing.

Public Comment

The public comment period closed on March 14, 2023. The purpose of the rule review is limited to assessing whether the reasons for the rules continue to exist. No comments were received on the reasons for the rules to continue to exist. Comments recommending substantive changes to the rules were provided by: Healthcare Waste Institute of

the National Waste & Recycling Association, Sharps Compliance, Inc., and Stericycle, Inc. The commission will consider the comments regarding amendments to the rule during future rulemakings.

As a result of the review the commission finds that the reasons for adopting the rules in 30 TAC Chapter 326 continue to exist and readopts these sections in accordance with the requirements of Texas Government Code, §2001.039.

TRD-202302174

Guy Henry

Acting Deputy Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: June 16, 2023

