

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 Consumer Credit Commissioner

Title 7, Part 5

On behalf of the Finance Commission of Texas (commission), the Office of Consumer Credit Commissioner files this notice of intention to review and consider for re adoption, revision, or repeal, Texas Administrative Code, Title 7, Part 5, Chapter 83, Subchapter B, concerning Rules for Credit Access Businesses.

This rule review will be conducted pursuant to Texas Government Code, §2001.039. The commission will accept written comments received on or before the 30th day after the date this notice is published in the *Texas Register* as to whether the reasons for adopting these rules continue to exist.

The Office of Consumer Credit Commissioner, which administers these rules, believes that the reasons for adopting the rules contained in this chapter continue to exist. Any questions or written comments pertaining to this notice of intention to review should be directed to Matthew Nance, General Counsel, Office of Consumer Credit Commissioner, 2601 North Lamar Boulevard, Austin, Texas 78705, or by email to rule.comments@occc.texas.gov. Any proposed changes to the rules as a result of the review will be published in the Proposed Rules Section of the *Texas Register* and will be open for an additional public comment period prior to final adoption or repeal by the commission.

TRD-202302642

Matthew Nance

General Counsel

Office of Consumer Credit Commissioner

Filed: July 25, 2023



Texas Education Agency

Title 19, Part 2

Texas Education Agency (TEA) proposes the review of 19 TAC Chapter 97, Planning and Accountability, Subchapter AA, Accountability and Performance Monitoring; Subchapter BB, Memoranda of Understanding; Subchapter EE, Accreditation Status, Standards, and Sanctions; and Subchapter FF, Commissioner's Rules Concerning the Job Corps Diploma Program, pursuant to Texas Government Code, §2001.039.

As required by Texas Government Code, §2001.039, TEA will accept comments as to whether the reasons for adopting Chapter 97, Subchapters AA, BB, EE, and FF, continue to exist.

The public comment period on the review begins August 4, 2023, and ends September 4, 2023. A form for submitting public comments on the proposed rule review is available on the TEA website at <https://tea.texas.gov/about-tea/laws-and-rules/commissioner-rules-tac/commissioner-of-education-rule-review>.

TRD-202302659

Cristina De La Fuente-Valadez

Director, Rulemaking

Texas Education Agency

Filed: July 26, 2023



Health and Human Services Commission

Title 26, Part 1

The Texas Health and Human Services Commission (HHSC) proposes to review and consider for re adoption, revision, or repeal the chapter listed below, in its entirety, contained in Title 26, Part 1, of the Texas Administrative Code:

Chapter 551, Intermediate Care Facilities for Individuals with an Intellectual Disability or Related Conditions

Subchapter A Introduction

Subchapter B Application Procedures

Subchapter C Standards for Licensure

Subchapter D General Requirements for Facility Construction

Subchapter F Inspections, Surveys, and Visits

Subchapter G Abuse, Neglect, and Exploitation; Complaint and Incident Reports and Investigations

Subchapter H Enforcement

Subchapter J Respite Care

Subchapter L Provisions Applicable to Facilities Generally

This review is conducted in accordance with the requirements of Texas Government Code §2001.039, which requires state agencies, every four years, to assess whether the initial reasons for adopting a rule continue to exist. After reviewing its rules, the agency will readopt, readopt with amendments, or repeal its rules.

Comments on the review of Chapter 551, Intermediate Care Facilities for Individuals with an Intellectual Disability or Related Conditions, may be submitted to HHSC Rules Coordination Office, Mail Code 4102, P.O. Box 13247, Austin, Texas 78711-3247, or by email to HHSCRulesCoordinationOffice@hhs.texas.gov. When emailing com-

ments, please indicate "Comments on Proposed Rule Review Chapter 551" in the subject line. The deadline for comments is on or before 5:00 p.m. central time on the 31st day after the date this notice is published in the *Texas Register*.

The text of the rule sections being reviewed will not be published, but may be found in Title 26, Part 1, of the Texas Administrative Code or on the Secretary of State's website at: [https://texreg.sos.state.tx.us/public/readtac\\$ext.ViewTAC?tac_view=4&ti=26&pt=1&ch=551](https://texreg.sos.state.tx.us/public/readtac$ext.ViewTAC?tac_view=4&ti=26&pt=1&ch=551).

TRD-202302602
Jessica Miller
Director, Rules Coordination Office
Health and Human Services Commission
Filed: July 19, 2023

Adopted Rule Reviews

Department of Information Resources

Title 1, Part 10

The Texas Department of Information Resources (department) has completed its review of 1 Texas Administrative Code (TAC) Chapter 204, concerning Interagency Contracts for Information Resources Technology, pursuant to Texas Government Code § 2001.039, which requires agency rules to be reviewed at least every four years. The department determined the reasons for initially adopting 1 TAC Chapter 204 no longer exist.

Notice of the rule review was published in the May 18, 2018, issue of the *Texas Register* (43 TexReg 3249). No comments were received as a result of that notice.

As a result of the rule review, the department published proposed amendments repealing 1 TAC Chapter 204 in the May 29, 2020, issue of the *Texas Register* (45 TexReg 3559). The DIR Board adopted the repeal of 1 TAC Chapter 204 at the open meeting of the DIR Board of Directors on August 20, 2020, the adoption notice for which was published in the September 4, 2020, issue of the *Texas Register* (45 TexReg 6225).

The department's review of 1 TAC Chapter 204 is concluded.

TRD-202302625
Joshua Godbey
General Counsel
Department of Information Resources
Filed: July 24, 2023

The Texas Department of Information Resources (department) has completed its review of 1 Texas Administrative Code (TAC) Chapter 211, concerning Information Resources Managers, pursuant to Texas Government Code § 2001.039, which requires agency rules to be reviewed at least every four years. The department determined the reasons for initially adopting 1 TAC Chapter 211 continue to exist.

Notice of the rule review was published in the November 22, 2019, issue of the *Texas Register* (44 TexReg 7189). No comments were received as a result of that notice.

As a result of the rule review, the department published proposed amendments to 1 TAC Chapter 211 in the November 11, 2022, issue of the *Texas Register* (47 TexReg 7500). The DIR Board adopted the amended rules at the open meeting of the DIR Board of Directors on February 16, 2023, the adoption notice for which were published in the March 3, 2023, issue of the *Texas Register* (48 TexReg 1279).

The department's review of 1 TAC Chapter 211 is concluded.

TRD-202302624
Joshua Godbey
General Counsel
Department of Information Resources
Filed: July 24, 2023

Texas Commission on Environmental Quality

Title 30, Part 1

The Texas Commission on Environmental Quality (commission) has completed its Rule Review of 30 Texas Administrative Code (TAC) Chapter 17, Tax Relief for Property Used for Environmental Protection, 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 Intention to Review for these rules in the March 10, 2023, issue of the *Texas Register* (48 TexReg 1454).

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 17 are necessary to implement Texas Tax Code, §11.31, Pollution Control Property, and the Texas Constitution, Article 8, §1-1, Exemption from Ad Valorem Taxation of Property Used for Control of Air, Water or Land Pollution. The rules in Chapter 17 provide the process for owners of eligible property to apply for a determination of pollution control use for property installed to meet or exceed environmental laws, rules, or regulations. Chapter 17 also establishes the procedures for the executive director to manage and process those applications. Additionally, Chapter 17 provides the process for applicants or appraisal districts to appeal a determination made by the executive director to the commission.

Public Comment

The public comment period closed on April 10, 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 17 continue to exist and readopts these sections in accordance with the requirements of Texas Government Code, §2001.039.

TRD-202302608
Charmaine Backens
Deputy Director, Environmental Law Division
Texas Commission on Environmental Quality
Filed: July 21, 2023

The Texas Commission on Environmental Quality (commission) has completed its Rule Review of 30 Texas Administrative Code (TAC) Chapter 18, Voter-Approval Tax Relief for Pollution Control Requirements, 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 Intention to Review for these rules in the March 10, 2023, issue of the *Texas Register* (48 TexReg 1454).

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 18 are necessary to implement the Voter-Approval Tax Rate Relief for Pollution Control Requirements established

in Texas Tax Code, §26.045, which helps ensure political subdivisions have funding to pay for facilities, devices, or methods for the control of air, water, or land pollution that is necessary to meet the requirements of a permit issued by the commission.

Public Comment

The public comment period closed on April 10, 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 18 continue to exist and readopts these sections in accordance with the requirements of Texas Government Code, §2001.039.

TRD-202302610

Charmaine Backens

Deputy Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: July 21, 2023



The Texas Commission on Environmental Quality (commission) has completed its Rule Review of 30 Texas Administrative Code (TAC) Chapter 298, Environmental Flow Standards for Surface Water, as required by Texas Government Code, §2001.039. Texas Government Code, §2001.039, requires a state agency to review and consider for re-adoption, re-adoption 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 10, 2023, issue of the *Texas Register* (48 TexReg 1454).

The review assessed whether the initial reasons for adopting the rules continue to exist and the commission has determined that those reasons exist. The Chapter 298 rules are necessary to implement requirements in Texas Water Code, Chapter 11. Chapter 298 contains the environmental flow standards for specified river basin and bay systems in Texas. These rules provide for environmental flow standards that apply to certain water rights applications, including specific schedules of flow quantities for different locations in a river system, as well as a schedule for revision of the adopted environmental flow standards.

Public Comment

The public comment period closed on April 10, 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 298 continue to exist and readopts these sections in accordance with the requirements of Texas Government Code, §2001.039.

TRD-202302611

Charmaine Backens

Deputy Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: July 21, 2023



The Texas Commission on Environmental Quality (commission) has completed its Rule Review of 30 Texas Administrative Code (TAC) Chapter 334, Underground and Aboveground Storage Tanks, as required by Texas Government Code, §2001.039. Texas Government Code, §2001.039, requires a state agency to review and consider for re-adoption, re-adoption 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 10, 2023, issue of the *Texas Register* (48 TexReg 1454).

The review assessed whether the reasons for initially adopting the rules continue to exist, and the commission has determined that those reasons do continue to exist. The rules in Chapter 334 are required because the relevant stated policy and the purposes of the Texas Water Code (TWC), Chapter 26, Subchapter I, are to: (1) maintain and protect the quality of groundwater and surface water resources in the state from certain substances in underground storage tanks (UST) and aboveground storage tanks (AST) that may pollute groundwater and surface water resources; and (2) require the use of all reasonable methods, including risk-based corrective action, to implement this policy. TWC, §26.345, authorizes the commission to develop a regulatory program regarding underground and aboveground storage tanks, and to adopt rules necessary to carry out that purpose. Additionally, TWC, Chapter 26, Subchapter K, establishes occupational licensing and registration requirements for professionals who install, repair, or remove USTs and professionals that perform corrective actions for releases from ASTs or USTs.

The commission establishes a regulatory program in Chapter 334 and addresses topics such as: tank registration (authorized by TWC, §26.346); tank standards (authorized by TWC, §26.347); leak detection and record maintenance (authorized by TWC, §26.348); reporting of releases and corrective action (authorized by TWC, §26.349); tank closure requirements (authorized by TWC, §26.350); corrective action requirements (authorized by TWC, §26.351); financial responsibility requirements (authorized by TWC, §26.352); and occupational licensing for UST contractors, UST on-site supervisors, corrective action specialists, and corrective action project managers (authorized by TWC, §26.452, §26.456, §26.364, and §26.366).

Additionally, Texas' program is an "approved state program," meaning that the State of Texas is approved to administer and enforce an underground storage tank program in lieu of the federal program under Subtitle I of the Resource Conservation and Recovery Act of 1976 (RCRA), as amended, 42 United States Code, §6991 *et seq.* Texas' program is administered by the TCEQ.

Public Comment

The public comment period closed on April 10, 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 initially adopting the rules in 30 TAC Chapter 334 continue to exist and readopts these sections in accordance with the requirements of Texas Government Code, §2001.039.

TRD-202302612

Charmaine Backens

Deputy Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: July 21, 2023



Texas Commission on Fire Protection

Title 37, Part 13

The Texas Commission on Fire Protection (commission) adopts the review of Texas Administrative Code, Title 37, Part 13, Chapter 421, concerning Standards for Certification. The review was conducted pursuant to Texas Government Code, Chapter 2001, §2001.039.

The commission received no comments on the proposed rule review, which was published in the December 23, 2022, issue of the *Texas Register* (47 TexReg 8759).

The commission has determined that the reasons for initially adopting the rule continue to exist and readopts the chapter with amended changes to §421.17 Requirement to Maintain Certification.

This concludes the review of Texas Administrative Code, Title 37, Part 13, Chapter 421.

TRD-202302640
Mike Wisko
Agency Chief
Texas Commission on Fire Protection
Filed: July 25, 2023



The Texas Commission on Fire Protection (commission) adopts the review of Texas Administrative Code, Title 37, Part 13, Chapter 423, concerning Fire Suppression. The review was conducted pursuant to Texas Government Code, Chapter 2001, §2001.039.

The commission received no comments on the proposed rule review, which was published in the October 15, 2021, issue of the *Texas Register* (46 TexReg 7079).

The commission has determined that the reasons for initially adopting the rule continue to exist and readopts the chapter without changes.

This concludes the review of Texas Administrative Code, Title 37, Part 13, Chapter 423.

TRD-202302652
Mike Wisko
Agency Chief
Texas Commission on Fire Protection
Filed: July 25, 2023



The Texas Commission on Fire Protection (commission) adopts the review of Texas Administrative Code, Title 37, Part 13, Chapter 431, concerning Fire Investigator. The review was conducted pursuant to Texas Government Code, Chapter 2001, §2001.039.

The commission received no comments on the proposed rule review, which was published in the December 23, 2022, issue of the *Texas Register* (47 TexReg 8760).

The commission has determined that the reasons for initially adopting the rule continue to exist and readopts the chapter without changes.

This concludes the review of Texas Administrative Code, Title 37, Part 13, Chapter 431.

TRD-202302650
Mike Wisko
Agency Chief
Texas Commission on Fire Protection
Filed: July 25, 2023



The Texas Commission on Fire Protection (commission) adopts the review of Texas Administrative Code, Title 37, Part 13, Chapter 433, concerning Driver/Operator. The review was conducted pursuant to Texas Government Code, Chapter 2001, §2001.039.

The commission received no comments on the proposed rule review, which was published in the December 23, 2022, issue of the *Texas Register* (47 TexReg 8760).

The commission has determined that the reasons for initially adopting the rule continue to exist and readopts the chapter with amended changes to §433.5 Examination Requirements.

This concludes the review of Texas Administrative Code, Title 37, Part 13, Chapter 433.

TRD-202302641
Mike Wisko
Agency Chief
Texas Commission on Fire Protection
Filed: July 25, 2023



The Texas Commission on Fire Protection (commission) adopts the review of Texas Administrative Code, Title 37, Part 13, Chapter 437, concerning Fees. The review was conducted pursuant to Texas Government Code, Chapter 2001, §2001.039.

The commission received no comments on the proposed rule review, which was published in the December 23, 2022, issue of the *Texas Register* (47 TexReg 8760).

The commission has determined that the reasons for initially adopting the rule continue to exist and readopts the chapter without changes.

This concludes the review of Texas Administrative Code, Title 37, Part 13, Chapter 437.

TRD-202302651
Mike Wisko
Agency Chief
Texas Commission on Fire Protection
Filed: July 25, 2023



The Texas Commission on Fire Protection (commission) adopts the review of Texas Administrative Code, Title 37, Part 13, Chapter 441, concerning Continuing Education. The review was conducted pursuant to Texas Government Code, Chapter 2001, §2001.039.

The commission received no comments on the proposed rule review, which was published in the December 23, 2022, issue of the *Texas Register* (47 TexReg 8761).

The commission has determined that the reasons for initially adopting the rule continue to exist and readopts the chapter without changes.

This concludes the review of Texas Administrative Code, Title 37, Part 13, Chapter 441.

TRD-202302633
Mike Wisko
Agency Chief
Texas Commission on Fire Protection
Filed: July 25, 2023



The Texas Commission on Fire Protection (commission) adopts the review of Texas Administrative Code, Title 37, Part 13, Chapter 443, concerning Certification Curriculum Manual. The review was conducted pursuant to Texas Government Code, Chapter 2001, §2001.039.

The commission received no comments on the proposed rule review, which was published in the December 23, 2022, issue of the *Texas Register* (47 TexReg 8761).

The commission has determined that the reasons for initially adopting the rule continue to exist and readopts the chapter without changes.

This concludes the review of Texas Administrative Code, Title 37, Part 13, Chapter 443.

TRD-202302647

Mike Wisko

Agency Chief

Texas Commission on Fire Protection

Filed: July 25, 2023



The Texas Commission on Fire Protection (commission) adopts the review of Texas Administrative Code, Title 37, Part 13, Chapter 447, concerning Part-Time Fire Protection Employee. The review was conducted pursuant to Texas Government Code, Chapter 2001, §2001.039.

The commission received no comments on the proposed rule review, which was published in the December 23, 2022, issue of the *Texas Register* (47 TexReg 8761).

The commission has determined that the reasons for initially adopting the rule continue to exist and readopts the chapter without changes.

This concludes the review of Texas Administrative Code, Title 37, Part 13, Chapter 447.

TRD-202302634

Mike Wisko

Agency Chief

Texas Commission on Fire Protection

Filed: July 25, 2023



The Texas Commission on Fire Protection (commission) adopts the review of Texas Administrative Code, Title 37, Part 13, Chapter 449, concerning Head of Fire Department. The review was conducted pursuant to Texas Government Code, Chapter 2001, §2001.039.

The commission received no comments on the proposed rule review, which was published in the December 23, 2022, issue of the *Texas Register* (47 TexReg 8761).

The commission has determined that the reasons for initially adopting the rule continue to exist and readopts the chapter without changes.

This concludes the review of Texas Administrative Code, Title 37, Part 13, Chapter 449.

TRD-202302635

Mike Wisko

Agency Chief

Texas Commission on Fire Protection

Filed: July 25, 2023



The Texas Commission on Fire Protection (commission) adopts the review of Texas Administrative Code, Title 37, Part 13, Chapter 451, concerning Fire Officer. The review was conducted pursuant to Texas Government Code, Chapter 2001, §2001.039.

The commission received no comments on the proposed rule review, which was published in the December 23, 2022, issue of the *Texas Register* (47 TexReg 8762).

The commission has determined that the reasons for initially adopting the rule continue to exist and readopts the chapter without changes.

This concludes the review of Texas Administrative Code, Title 37, Part 13, Chapter 451.

TRD-202302636

Mike Wisko

Agency Chief

Texas Commission on Fire Protection

Filed: July 25, 2023



The Texas Commission on Fire Protection (commission) adopts the review of Texas Administrative Code, Title 37, Part 13, Chapter 453, concerning Hazardous Materials. The review was conducted pursuant to Texas Government Code, Chapter 2001, §2001.039.

The commission received no comments on the proposed rule review, which was published in the December 23, 2022, issue of the *Texas Register* (47 TexReg 8762).

The commission has determined that the reasons for initially adopting the rule continue to exist and readopts the chapter without changes.

This concludes the review of Texas Administrative Code, Title 37, Part 13, Chapter 453.

TRD-202302637

Mike Wisko

Agency Chief

Texas Commission on Fire Protection

Filed: July 25, 2023



The Texas Commission on Fire Protection (commission) adopts the review of Texas Administrative Code, Title 37, Part 13, Chapter 455, concerning Minimum Standards for Wildland Fire Protection Certification. The review was conducted pursuant to Texas Government Code, Chapter 2001, §2001.039.

The commission received no comments on the proposed rule review, which was published in the December 23, 2022, issue of the *Texas Register* (47 TexReg 8762).

The commission has determined that the reasons for initially adopting the rule continue to exist and readopts the chapter without changes.

This concludes the review of Texas Administrative Code, Title 37, Part 13, Chapter 455.

TRD-202302638

Mike Wisko

Agency Chief

Texas Commission on Fire Protection

Filed: July 25, 2023



The Texas Commission on Fire Protection (commission) adopts the review of Texas Administrative Code, Title 37, Part 13, Chapter 457, concerning Minimum Standards for Incident Safety Officer Certification. The review was conducted pursuant to Texas Government Code, Chapter 2001, §2001.039.

The commission received no comments on the proposed rule review, which was published in the December 23, 2022, issue of the *Texas Register* (47 TexReg 8762).

The commission has determined that the reasons for initially adopting the rule continue to exist and readopts the chapter without changes.

This concludes the review of Texas Administrative Code, Title 37, Part 13, Chapter 457.

TRD-202302639

Mike Wisko
Agency Chief
Texas Commission on Fire Protection
Filed: July 25, 2023

