

REVIEW OF AGENCY RULES

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

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

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

Proposed Rule Reviews

Texas Board of Nursing

Title 22, Part 11

In accordance with Government Code §2001.039, the Texas Board of Nursing (Board) files this notice of intention to review and consider for re-adoption, re-adoption with amendments, or repeal, the following chapter contained in Title 22, Part 11, of the Texas Administrative Code, pursuant to the 2022 rule review plan adopted by the Board at its April 2022 meeting.

Chapter 211. General Provisions, §§211.1 - 211.11

Chapter 217. Licensure, Peer Assistance, and Practice §§217.1 - 217.24

Chapter 219. Advanced Practice Nurse Education §§219.1 - 219.13

In conducting its review, the Board will assess whether the reasons for originally adopting this chapter continue to exist. Each section of this chapter will be reviewed to determine whether it is obsolete, whether it reflects current legal and policy considerations and current procedures and practices of the Board, and whether it is in compliance with Chapter 2001 of the Government Code (Administrative Procedure Act).

The public has thirty (30) days from the publication of this rule review in the *Texas Register* to comment and submit any response or suggestions. Written comments may be submitted to Dusty Johnston, General Counsel, Texas Board of Nursing, 333 Guadalupe, Suite 3-460, Austin, Texas 78701, by email to dusty.johnston@bon.texas.gov, or by fax to Dusty Johnston at (512) 305-8101. Any proposed changes to this chapter as a result of this review will be published separately in the Proposed Rules section of the *Texas Register* and will be open for an additional comment period prior to the final adoption or repeal by the Board.

TRD-202304199

James W. Johnston

General Counsel

Texas Board of Nursing

Filed: November 10, 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 560, Denial or Refusal of License

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 560, Denial or Refusal of License, 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 comments, please indicate "Comments on Proposed Rule Review Chapter 560" 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 State Rules and Open Meetings (texas.gov).

TRD-202304260

Jessica Miller

Director, Rules Coordination Office

Health and Human Services Commission

Filed: November 14, 2023



Texas Commission on Environmental Quality

Title 30, Part 1

The Texas Commission on Environmental Quality (TCEQ) files this Notice of Intention to Review 30 Texas Administrative Code Chapter 5, Advisory Committees and Groups.

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 86 continue to exist.

Comments regarding suggested changes to the rules in Chapter 86 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 rule-making action by the commission.

Submittal of Comments

The commission invites public comment on this preliminary review of the rules in Chapter 86. 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 2023-059-005-AD. Comments must be received by January 3, 2024. For further information, please contact Susan Palachek, External Relations Division, at (512) 239-3106.

TRD-202304272

Charmaine Backens

Deputy Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: November 15, 2023



The Texas Commission on Environmental Quality (TCEQ) files this Notice of Intention to Review 30 Texas Administrative Code Chapter 86, Special Provisions for Contested Case Hearings.

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 86 continue to exist.

Comments regarding suggested changes to the rules in Chapter 86 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 rule-making action by the commission.

Submittal of Comments

The commission invites public comment on this preliminary review of the rules in Chapter 86. 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 2023-021-086-LS. Comments must be received by January 3, 2024. For further information, please contact Harrison Malley, Environmental Law Division, at (512) 239-1439.

TRD-202304273

Charmaine Backens

Deputy Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: November 15, 2023



The Texas Commission on Environmental Quality (TCEQ) files this Notice of Intention to Review 30 Texas Administrative Code Chapter 217, Design Criteria for Domestic Wastewater Systems.

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, TCEQ will assess whether the reasons for initially adopting the rules in Chapter 217 continue to exist.

Comments regarding suggested changes to the rules in Chapter 217 may be submitted but will not be considered for rule amendments as

part of this review. Any such comments will be considered in a future rulemaking action.

Submittal of Comments

TCEQ invites public comment on this preliminary review of the rules in Chapter 217. 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 2023-013-217-OW. Comments must be received by January 3, 2024. For further information, please contact Shannon Gibson, Water Quality Division, at (512) 239-4284.

TRD-202304274

Charmaine Backens

Deputy Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: November 15, 2023



The Texas Commission on Environmental Quality (TCEQ) files this Notice of Intention to Review 30 Texas Administrative Code Chapter 222, Subsurface Area Drip Dispersal Systems.

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, TCEQ will assess whether the reasons for initially adopting the rules in Chapter 222 continue to exist.

Comments regarding suggested changes to the rules in Chapter 222 may be submitted but will not be considered for rule amendments as part of this review. Any such comments will be considered in a future rulemaking action.

Submittal of Comments

TCEQ invites public comment on this preliminary review of the rules in Chapter 222. 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 2023-042-222-OW. Comments must be received by January 3, 2024. For further information, please contact Shannon Gibson, Program Project Manager, Water Quality Division, at (512) 239-4284.

TRD-202304275

Charmaine Backens

Deputy Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: November 15, 2023



Adopted Rule Reviews

Texas State Library and Archives Commission

Title 13, Part 1

The Texas State Library and Archives Commission (commission) has completed its review of Texas Administrative Code, Title 13, Part 1,

Chapter 2, Policies and Procedures, consisting of Subchapter A, Principles and Procedures of the Commission, and Subchapter C, Grant Policies, in accordance with Texas Government Code §2001.039.

The commission published its Notice of Intent to Review these rules in the September 1, 2023, issue of the *Texas Register* (48 TexReg 4867). The commission received no comments on the proposed rule review.

As a result of the review, the commission finds that the reasons for initially adopting most of the rules continue to exist and readopts the rules in accordance with the requirements of Government Code, §2001.039. However, the commission identified sections that are no longer necessary and is proposing the repeal of those sections in this issue of the *Texas Register*. In addition, the commission identified certain other sections within Chapter 2 that may be appropriate for revision. Some proposed amendments to those sections are being published in this issue of the *Texas Register*. Additional revisions, if any, will be published in the *Texas Register* at a later date.

This concludes the commission's review of Chapter 2 as required by Government Code, §2001.039.

TRD-202304165

Sarah Swanson

General Counsel

Texas State Library and Archives Commission

Filed: November 9, 2023



The Texas State Library and Archives Commission (commission) has completed its review of Texas Administrative Code, Title 13, Part 1, Chapter 7, concerning Local Records, consisting of Subchapter A, Regional Historical Resource Depositories and Regional Research Centers; Subchapter B, Microfilming Standards for Local Governments; Subchapter C, Standards and Procedures for Management of Electronic Records; Subchapter D, Records Retention Schedules; Subchapter E, Electronic Filing and Recording; and Subchapter F, Records Storage Standards; in accordance with Texas Government Code §2001.039.

The commission published its Notice of Intent to Review these rules in the September 1, 2023, issue of the *Texas Register* (48 TexReg 4867). The commission received no comments on the proposed rule review.

As a result of the review, the commission finds that the reasons for initially adopting the rules in general continue to exist and readopts the rules in accordance with the requirements of Government Code, §2001.039. However, one subsection of one rule is no longer necessary based on legislation adopted during the 86th Legislative Session. The commission is proposing an amendment to update that rule in this issue of the *Texas Register*. In addition, the commission identified certain other sections within Chapter 7 that are appropriate for revision. Proposed amendments to those sections will be published in the *Texas Register* at a later date.

This concludes the commission's review of Chapter 7 as required by Government Code, §2001.039.

TRD-202304164

Sarah Swanson

General Counsel

Texas State Library and Archives Commission

Filed: November 9, 2023



Texas Education Agency

Title 19, Part 2

Texas Education Agency (TEA) adopts the review of 19 TAC Chapter 33, Statement of Investment Objectives, Policies, and Guidelines of the Texas Permanent School Fund, Subchapter AA, Commissioner's Rules, pursuant to Texas Government Code, §2001.039. TEA proposed the review of Chapter 33, Subchapter AA, in the September 8, 2023, issue of the *Texas Register* (48 TexReg 5073).

Relating to the review of Chapter 33, Subchapter AA, TEA finds that the reasons for adopting the rule continues to exist and readopts the rule. TEA received no comments related to the review. No changes are anticipated as a result of this review.

TRD-202304267

Cristina De La Fuente-Valadez

Director, Rulemaking

Texas Education Agency

Filed: November 15, 2023



Department of State Health Services

Title 25, Part 1

The Health and Human Services Commission (HHSC), on behalf of the Texas Department of State Health Services (DSHS), adopts the review of the chapter below in Title 25, Part 1, of the Texas Administrative Code:

Chapter 99, Occupational Diseases

Notice of the review of this chapter was published in the September 22, 2023, issue of the *Texas Register* (48 TexReg 5553). HHSC and DSHS received no comments concerning this chapter.

HHSC and DSHS have reviewed Chapter 99 in accordance with §2001.039 of the Government Code, which requires state agencies to assess, every four years, whether the initial reasons for adopting a rule continue to exist. The agencies determined that the original reasons for adopting all rules in the chapter continue to exist and readopts Chapter 99. Any amendments or repeals to Chapter 99 identified by HHSC in the rule review will be proposed in a future issue of the *Texas Register*.

This concludes HHSC's and DSHS' review of 25 TAC Chapter 99 as required by the Government Code, §2001.039.

TRD-202304141

Jessica Miller

Director, Rules Coordination Office

Department of State Health Services

Filed: November 9, 2023



Texas Commission on Environmental Quality

Title 30, Part 1

The Texas Commission on Environmental Quality (TCEQ) has completed its Rule Review of 30 Texas Administrative Code (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 re-adoption, re-adoption with amendments, or repeal each of its rules every four years. TCEQ published its Notice of Intention to Review these rules in the June 2, 2023, issue of the *Texas Register* (48 TexReg 2864).

The review assessed whether the initial reasons for adopting the rules continue to exist and TCEQ has determined that those reasons exist for the rules in 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 Divisions 1 - 4 and 6 of Subchapter H. 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 TCEQ 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) area under the revoked 1979 one-hour ozone National Ambient Air Quality Standard (NAAQS) 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 (ERC) and discrete emission reduction credits (DERC); the banking and trading of emissions allowances for grandfathered electrical generating units; and the Mass Emissions Cap and Trade (MECT) Program and Highly Reactive Volatile Organic Compound Emissions Cap and Trade (HECT) Program 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: §§101.1(116), 101.23, 101.303(d)(1)(D), 101.304(e)(1)(C), 101.336(b)(2), 101.350(1), 101.354(c), 101.359(a)(3), 101.376(f)(1), 101.400(a)(3), and all of Subchapter H, Division 7.

The definition for VOC in §101.1(116) is outdated and should be amended to reflect the most recent update made to the federal regulatory definition at 40 Code of Federal Regulations §51.100(s), which was published in the *Federal Register* (FR) on February 8, 2023 and effective April 10, 2023 (88 FR 8226).

Section 101.23 Alternate Emission Reduction (Bubble) Policy is obsolete and no longer needed because of the very limited legal and practical applicability of the rule. It is also obsolete 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. Only facilities that are

not subject to the Federal Operating Permit Program (Title V), applicable New Source Performance Standards or National Emission Standards Hazardous Air Pollutants, could possibly be eligible for requesting and obtaining approval for control of emissions from an alternate facility or from alternate facilities located on the affected property and owned or operated by or under the control of the owner or operator of the affected facility in lieu of compliance with the requirement as prescribed in the applicable rule. In addition, §101.23 is not part of the approved Texas State Implementation Plan (SIP) and thus could not be used for an alternate method of compliance of a SIP-approved rule without a companion revision to the SIP. Staff reviewed the rules that remain in the regulations cited in the rule (now known as Chapters 111, 112, 113, 115 and 117) which are not in the SIP and contain control methods. The review determined that alternative compliance methods are available for most of those rules; therefore, relief provided under §101.23 would likely not be needed or desired.

The rules in Subchapter H, Divisions 1 - 4 and 6 are still relevant; however, several specific provisions are obsolete and no longer needed. The requirements in §101.303(d)(1)(D) and §101.304(e)(1)(C) in Division 1, Emission Credit Program are no longer necessary because the application deadline exceptions made in respect to area sources and mobile sources have all expired. The requirement in Division 2, Emissions Banking and Trading Allowances to include trade summaries in annual reports in §101.336(b)(2) is no longer needed because trade summaries are readily available in the agency database. In Division 3, Mass Emissions Cap and Trade Program, the definition in §101.350(1) is unnecessary because the term adjustment period is no longer used in Division 3, and the provision in §101.354(c) is unnecessary because step downs in the MECT Program have occurred and the applicable deadlines have passed. Additionally, the requirement in §101.359(a)(3) to include trade summaries in annual reports is no longer needed because trade summaries are readily available in the agency database. Section 101.376(f)(1) of Division 4, Discrete Emission Credit Program is no longer needed because the limitation of 42.8 tons per day for use of NOX DERCs in Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall, and Tarrant Counties only applied to the year 2015. In Division 6, Highly Reactive Volatile Organic Compound Emissions Cap and Trade Program, the requirement in §101.400(a)(3) to include trade summaries in annual reports is unnecessary because trade summaries are readily available in the agency database.

All the rules in Subchapter H, Division 7, Clean Air Interstate Rule are obsolete and can be removed. 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 NAAQS for particulate matter less than or equal to 2.5 micrometers.

Public Comment

The public comment period closed on July 5, 2023. A comment was received on this review by an individual.

A commenter expressed support for TCEQ's review of the rules in Chapter 101 and highlighted the importance of conducting periodic reviews of the state's rules to ensure they continue to be relevant and necessary.

The commission appreciates the comment.

As a result of the review, TCEQ 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. Changes to the 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-202304201

Charmaine Backens

Deputy Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: November 12, 2023



The Texas Commission on Environmental Quality (TCEQ) has completed its Rule Review of 30 Texas Administrative Code (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 re-adoption, re-adoption with amendments, or repeal each of its rules every four years. TCEQ published its Notice of Intention to Review these rules in the June 2, 2023, issue of the *Texas Register* (48 TexReg 2864).

The review assessed whether the initial reasons for adopting the rules continue to exist and TCEQ has determined that those reasons still exist. The rules in Chapter 113 implement emission standards for hazardous air pollutants (HAP) and for certain designated 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 delegation requests or state plans to the EPA in accordance with 42 United States Code, §7411(d) and §7429.

The rules in Chapter 113, Subchapter A contain definitions to support the rules in this chapter. The rules in Chapter 113, Subchapter B 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 in Chapter 113, Subchapter C 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, as codified in 40 CFR Part 63.

The Chapter 113, Subchapter D rules implement federal emission guidelines for certain specified categories of existing facilities, including municipal solid waste landfills, hospital/medical/infectious waste incinerators, and various types of municipal, commercial and industrial solid waste incineration units. The Subchapter D rules establish emission standards, operational requirements, exemptions, monitoring requirements, and compliance schedules or deadlines for these facilities.

Lastly, the Chapter 113, Subchapter E rules allows TCEQ to implement and enforce federal requirements that consolidated major portions of several New Source Performance Standards and NESHAP applicable to storage vessels, process vents, transfer operations, equipment leaks, and closed vent systems and control devices within synthetic organic chemical manufacturing operations.

Public Comment

The public comment period closed on July 5, 2023. Comments were received on this review from an individual.

Comment

A commenter expressed support for TCEQ's review of the rules in Chapter 113 and highlighted the importance of conducting periodic reviews of the state's rules to ensure the regulatory framework remains agile and adaptive. The commenter also expressed support for TCEQ's efforts to safeguard public health and the environment.

Response

TCEQ appreciates the support. No changes to the rules were made in response to this comment.

As a result of the review, TCEQ finds that the reasons for adopting the rules in 30 TAC Chapter 113 continue to exist and readopts these sections in accordance with the requirements of Texas Government Code, §2001.039.

TRD-202304195

Charmaine Backens

Deputy Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: November 10, 2023



The Texas Commission on Environmental Quality (TCEQ) has completed its Rule Review of 30 Texas Administrative Code (TAC) Chapter 291, Utility Regulations, 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. TCEQ published its Notice of Intent to Review these rules in the June 2, 2023, issue of the *Texas Register* (48 TexReg 2864).

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 291 are required because they provide TCEQ rules regarding the regulation of water and sewer utilities. The rules are necessary to assure water and sewer operations and services comply with commission requirements. Chapter 291 is divided into Subchapters A, D, F, G, I, J, L, and M, which set forth provisions related to general administration; records and reports; quality of service; certificates of convenience and necessity; wholesale water petitions; enforcement, supervision, and receivership; standards of emergency operations; and water shortage reports. These rules are necessary to implement the procedures and powers provided to TCEQ relating to water and sewer utility regulations under Texas Water Code (TWC), §§11.036 - 11.041 and Chapter 13.

Public Comment

The public comment period closed on July 5, 2023. TCEQ did not receive comments on the rules review of this chapter.

As a result of the review, TCEQ finds that the reasons for adopting the rules in 30 TAC Chapter 291 continue to exist and readopts these sections in accordance with the requirements of Texas Government Code, §2001.039.

TRD-202304194

Charmaine Backens

Deputy Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: November 10, 2023



The Texas Commission on Environmental Quality (TCEQ) has completed its Rule Review of 30 Texas Administrative Code (TAC) Chapter 304, Watermaster Operations, 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. TCEQ published its Notice of Intent to Review these rules in the June 2, 2023, issue of the *Texas Register* (48 TexReg 2865).

The review assessed whether the initial reasons for adopting the rules continue to exist and TCEQ has determined that those reasons exist. 30 TAC Chapter 304 provides the rules concerning watermaster operations for each water division other than the Rio Grande Water Division. The rules include the regulation of the use of state water or watercourses, allocation of available waters, enforcement regarding watermaster operations, the administration of watermaster operations, appeal of watermaster actions, and financing watermaster operations. The rules are needed to implement the duties and responsibilities of watermaster operations in Texas Water Code, Chapter 11, including §§11.325 - 11.458 and §§11.551 - 11.561.

Public Comment

The public comment period closed on July 5, 2023. The purpose of the rule review is limited to assessing whether the reasons for the rules continue to exist. TCEQ received one non-substantive comment from an individual. TCEQ acknowledges the comment.

As a result of the review, TCEQ finds that the reasons for adopting the rules in 30 TAC Chapter 304 continue to exist and readopts these sections in accordance with the requirements of Texas Government Code, §2001.039.

TRD-202304193
Charmaine K. Backens
Deputy Director, Environmental Law Division
Texas Commission on Environmental Quality
Filed: November 10, 2023

