

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 Health and Human Services Commission

Title 1, Part 15

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 1, Part 15, of the Texas Administrative Code:

Chapter 372, Temporary Assistance for Needy Families and Supplemental Nutrition Assistance Programs

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 372, Temporary Assistance for Needy Families and Supplemental Nutrition Assistance Programs, may be submitted to HHSC Rules Coordination Office, Mail Code 4102, P.O. Box 13247, Austin, Texas 78711-3247, or by email to HHSRulesCoordinationOffice@hhs.texas.gov. When emailing comments, please indicate "Comments on Proposed Rule Review Chapter 372" 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The text of the chapter being reviewed will not be published, but may be found in Title 1, Part 15, of the Texas Administrative Code on the Secretary of State's website at State Rules and Open Meetings (www.sos.texas.gov).

TRD-202400575

Jessica Miller

Director, Rules Coordination Office

Texas Health and Human Services Commission

Filed: February 13, 2024



Texas Real Estate Commission

Title 22, Part 23

The Texas Real Estate Commission (TREC) files this notice of intention to review Texas Administrative Code, Title 22, Part 23, Chapter 531, Canons of Professional Ethics and Conduct, Chapter 533, Practice and Procedure, Chapter 534, General Administration, and Chapter 541, Rules Relating to the Provisions of Texas Occupations Code, Chapter 53. This review is undertaken pursuant to Government Code, §2001.039. TREC will accept comments for 30 days following the

publication of this notice in the *Texas Register* as to whether the reasons for adopting the sections under review continue to exist. Final consideration of this rule review is expected at the TREC meeting in August 2024.

Any questions or comments pertaining to this notice of intention to review should be directed to Vanessa E. Burgess, General Counsel, Texas Real Estate Commission. P.O. Box 12188, Austin, Texas 78711-2188 or e-mailed to general.counsel@trec.texas.gov within 30 days of publication.

During the review process, TREC may determine that a specific rule may need to be amended to further refine TREC's legal and policy considerations; whether the rules reflect current TREC procedures; that no changes to a rule as currently in effect are necessary; or that a rule is no longer valid or applicable. Rules may also be combined or reduced for simplification and clarity when feasible. Readopted rules will be noted in the *Texas Register's* Rules Review section without publication of the text. Any proposed amendments or repeal of a rule or chapter 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 30-day public comment period prior to final adoption or repeal.

Issued in Austin, Texas on February 12, 2024.

TRD-202400576

Vanessa E. Burgess

General Counsel

Texas Real Estate Commission

Filed: February 13, 2024



Executive Council of Physical Therapy and Occupational Therapy Examiners

Title 22, Part 28

The Executive Council of Physical Therapy and Occupational Therapy Examiners files this notice of its intent to review Title 22 Texas Administrative Code Chapter 651, Fees. The review is conducted in accordance with 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 the review, the Executive Council of Physical Therapy and Occupational Therapy Examiners will assess whether the reasons for initially adopting the rules continue to exist.

Comments on the review may be submitted to Randall Glines, Staff Services Officer, Executive Council of Physical Therapy and Occupational Therapy Examiners, 1801 Congress Ave Ste 10.900, Austin, Texas 78701 or to randall@ptot.texas.gov within 30 days following the

publication of this notice in the *Texas Register*. It is requested when sending a comment that individuals include the rule section to which the comment refers and that comments sent by email include "Public Comment" in the email's subject line.

Any proposed changes to these 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 30-day public comment period prior to final adoption.

TRD-202400545

Ralph A. Harper
Executive Director

Executive Council of Physical Therapy and Occupational Therapy
Examiners

Filed: February 12, 2024



Department of State Health Services

Title 25, Part 1

The Texas Health and Human Services Commission (HHSC), on behalf of the Texas Department of State Health Services (DSHS), proposes to review and consider for readoption, revision, or repeal the chapter listed below, in its entirety, contained in Title 25, Part 1, of the Texas Administrative Code:

Chapter 84, Preventive Health and Health Services Block Grant

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 84, Preventive Health and Health Services Block Grant, may be submitted to HHSC Rules Coordination Office, Mail Code 4102, P.O. Box 13247, Austin, Texas 78711-3247, or by email to HHSRulesCoordinationOffice@hhs.texas.gov. When emailing comments, please indicate "Comments on Proposed Rule Review Chapter 84" 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 25, Part 1, of the Texas Administrative Code or on the Secretary of State's website at State Rules and Open Meetings (www.sos.texas.gov).

TRD-202400548

Jessica Miller
Director, Rules Coordination Office
Department of State Health Services

Filed: February 12, 2024



Texas Water Development Board

Title 31, Part 10

The Texas Water Development Board (TWDB) files this proposed notice of intent to review the rules in 31 Texas Administrative Code, Title 31, Part 10, Chapter 365.

This review is being conducted in accordance with the requirements of the Texas Government Code, §2001.039, which requires state agencies to review and consider for readoption each of their rules every four years.

The TWDB will consider whether the initial factual, legal, and policy reasons for adopting each rule in these chapters continue to exist and whether these rules should be repealed, readopted, or readopted with amendments.

Written comments on this notice may be submitted by mail to Office of General Counsel, Texas Water Development Board, P.O. Box 13231, Austin, Texas 78711-3231, by email to rulescomments@twdb.texas.gov, or by fax to (512) 475-2053. Comments will be accepted until 5:00 p.m. of the 31st day following publication in the *Texas Register*. Include "Chapter 365" in the subject line of any comments submitted.

TRD-202400506

Ashley Harden
General Counsel
Texas Water Development Board

Filed: February 9, 2024



Department of Aging and Disability Services

Title 40, Part 1

The Texas Health and Human Services Commission (HHSC), on behalf of the Texas Department of Aging and Disability Services, proposes to review and consider for readoption, revision, or repeal the chapter listed below, in its entirety, contained in Title 40, Part 1, of the Texas Administrative Code:

Chapter 2, Local Authority Responsibilities

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 2, Local Authority Responsibilities, may be submitted to HHSC Rules Coordination Office, Mail Code 4102, P.O. Box 13247, Austin, Texas 78711-3247, or by email to HHSRulesCoordinationOffice@hhs.texas.gov. When emailing comments, please indicate "Comments on Proposed Rule Review Chapter 2" 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 chapter being reviewed will not be published, but may be found in Title 40, Part 1, of the Texas Administrative Code on the Secretary of State's website at State Rules and Open Meetings (www.sos.texas.gov).

TRD-202400491

Jessica Miller
Director, Rules Coordination Office
Department of Aging and Disability Services

Filed: February 7, 2024



Texas Board of Occupational Therapy Examiners

Title 40, Part 12

The Texas Board of Occupational Therapy Examiners files this notice of its intent to review the following chapters of Title 40, Part 12 of the Texas Administrative Code: Chapter 361, Statutory Authority; Chapter 362, Definitions; Chapter 363, Consumer/Licensee Information; Chapter 364, Requirements for Licensure; Chapter 367, Continuing Education; Chapter 368, Open Records; Chapter 369, Display of Li-

censes; Chapter 370, License Renewal; Chapter 371, Inactive and Retired Status; Chapter 372, Provision of Services; Chapter 373, Supervision; Chapter 374, Disciplinary Actions/Detrimental Practice/Complaint Process/Code of Ethics/Licensure of Persons with Criminal Convictions; and Chapter 375, Fees. The review is conducted in accordance with Texas Government Code §2001.039, which requires a state agency to review and consider its rules for reoption, reoption with amendments, or repeal every four years. During the review, the Board will assess whether the reasons for initially adopting the rules continue to exist.

Comments on the review may be submitted to Lea Weiss, Occupational Therapy Coordinator, Texas Board of Occupational Therapy Examiners, 1801 Congress Ave. Ste. 10.900, Austin, Texas 78701 or to lea@ptot.texas.gov within 30 days following the publication of this notice in the *Texas Register*. It is requested when sending a comment that individuals include the rule section to which the comment refers and that comments sent by email include "Public Comment" in the email's subject line.

Any proposed changes to these 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 30-day public comment period prior to final adoption.

TRD-202400543
Ralph A. Harper
Executive Director
Texas Board of Occupational Therapy Examiners
Filed: February 12, 2024



Texas Department of Motor Vehicles

Title 43, Part 10

The Texas Department of Motor Vehicles (department) will review and consider whether to readopt, readopt with amendments, or repeal 43 Texas Administrative Code, Chapter 219, Oversize and Overweight Vehicles and Loads. This review is being conducted pursuant to Government Code, §2001.039.

The board of the Texas Department of Motor Vehicles will assess whether the reasons for initially adopting these rules continue to exist and whether the rules should be repealed, readopted, or readopted with amendments.

If you want to comment on this rule review proposal, submit your written comments by 5:00 p.m. CST on March 25, 2024. A request for a public hearing must be sent separately from your written comments. Send written comments or hearing requests by email to rules@txdmv.gov or by mail to Office of General Counsel, Texas Department of Motor Vehicles, 4000 Jackson Avenue, Austin, Texas 78731. If a hearing is held, the department will consider written comments and public testimony presented at the hearing.

Proposed changes to sections of this chapter are published in the Proposed Rules section of this issue of the *Texas Register* and are open for a 30-day public comment period.

TRD-202400495
Laura Moriaty
General Counsel
Texas Department of Motor Vehicles
Filed: February 8, 2024



Adopted Rule Reviews

Texas Health and Human Services Commission

Title 1, Part 15

The Texas Health and Human Services Commission (HHSC) adopts the review of the chapter below in Title 1, Part 15, of the Texas Administrative Code (TAC):

Chapter 375, Refugee Cash Assistance and Medical Assistance Programs

Notice of the review of this chapter was published in the December 22, 2023, issue of the *Texas Register* (48 TexReg 8003). HHSC received no comments concerning this chapter.

HHSC has reviewed Chapter 375 in accordance with §2001.039 of the Texas Government Code, which requires state agencies to assess, every four years, whether the initial reasons for adopting a rule continue to exist. The agency determined that the original reasons for adopting all rules in the chapter continue to exist and readopts Chapter 375. Any amendments or repeals to Chapter 375 identified by HHSC in the rule review will be proposed in a future issue of the *Texas Register*.

This concludes HHSC's review of 1 TAC Chapter 375 as required by the Texas Government Code §2001.039.

TRD-202400493
Jessica Miller
Director, Rules Coordination Office
Texas Health and Human Services Commission
Filed: February 8, 2024



Texas Historical Commission

Title 13, Part 2

The Texas Historical Commission (hereafter referred to as the commission) adopts the review of Texas Administrative Code, Title 13, Part 2, for Chapter 17, State Architectural Programs.

This review was completed pursuant to Texas Government Code, § 2001.039. The commission has assessed whether the reason(s) for adopting or re-adopting this chapter continues to exist. The notice of a proposed review was published in the November 17, 2023, issue of the *Texas Register* (48 TexReg 6751).

The commission received no comments related to the review of the above-noted chapter.

The commission finds that the reasons for initially adopting these rules continue to exist and re-adopts Chapter 17 in accordance with the requirements of Texas Government Code, § 2001.039.

This concludes the review of 13 TAC Chapter 17.

TRD-202400540
Edward Lengel
Executive Director
Texas Historical Commission
Filed: February 12, 2024



Texas Education Agency

Title 19, Part 2

The Texas Education Agency (TEA) adopts the review of 19 TAC Chapter 66, State Adoption and Distribution of Instructional Materials, Subchapter AA, Commissioner's Rules Concerning the Commissioner's List of Electronic Instructional Materials; Subchapter BB,

Commissioner's Rules Concerning State-Developed Open-Source Instructional Materials; Subchapter CC, Commissioner's Rules Concerning Instructional Materials and Technology Allotment; and Subchapter DD, Instructional Materials Portal, pursuant to Texas Government Code, §2001.039. The TEA proposed the review of 19 TAC Chapter 66, Subchapters AA-DD, in the November 17, 2023, issue of the *Texas Register* (48 TexReg 6752).

Relating to the review of 19 TAC Chapter 66, Subchapters AA-DD, the TEA finds that the reasons for adopting these subchapters continue to exist and readopts the rules. House Bill (HB) 1605, 88th Texas Legislature, Regular Session, 2023, implemented significant changes to the instructional materials review and adoption process. Existing rules in Chapter 66, Subchapters AA-DD, will continue to apply to instructional materials adopted under Proclamation 2024 and before. TEA anticipates adopting new rules to implement the changes made by HB 1605, and the new rules would apply to all future calls for instructional materials. TEA received no comments related to the review of Subchapters AA-DD.

TRD-202400619

Cristina De La Fuente-Valadez

Director, Rulemaking

Texas Education Agency

Filed: February 14, 2024



Health and Human Services Commission

Title 26, Part 1

The Texas Health and Human Services Commission (HHSC) adopts the review of the chapter below in Title 26, Part 1, of the Texas Administrative Code (TAC):

Chapter 363, County Indigent Health Care Program

Notice of the review of this chapter was published in the December 22, 2023, issue of the *Texas Register* (48 TexReg 8004). HHSC received no comments concerning this chapter.

HHSC has reviewed Chapter 363 in accordance with §2001.039 of the Texas Government Code, which requires state agencies to assess, every four years, whether the initial reasons for adopting a rule continue to exist. The agency determined that the original reasons for adopting all rules in the chapter continue to exist and readopts Chapter 363. Any amendments or repeals to Chapter 363 identified by HHSC in the rule review will be proposed in a future issue of the *Texas Register*.

This concludes HHSC's review of 26 TAC Chapter 363 as required by the Texas Government Code §2001.039.

TRD-202400494

Jessica Miller

Director, Rules Coordination Office

Health and Human Services Commission

Filed: February 8, 2024



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 111, Control of Air Pollution from Visible Emissions and Particulate Matter, 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. TCEQ published its Notice of Intent to Review these rules in the August 25, 2023, issue of the *Texas Register* (48 TexReg 4675).

The review assessed whether the initial reasons for adopting the rules continue to exist and TCEQ has determined that those reasons exist. The rules in Chapter 111 were developed to regulate air pollution from visible emissions and particulate matter from different emission sources, process types, and outdoor burning. The two subchapters within Chapter 111, Subchapter A, Visible Emissions and Particulate Matter, and Subchapter B, Outdoor Burning, include emission limits, control requirements, and monitoring and sampling methods.

The review resulted in a determination that the following rules are obsolete: references to predecessor agencies that should be updated throughout the chapter; references to the Sampling Procedures Manual, permits by rule, and a reference to emissions event reporting and recordkeeping requirements that should be updated to reflect current versions and locations of these items; an update to a citation to the Texas Clean Air Act the provisions of which have been moved to another section; and the removal of references to a rule that no longer exists.

While the reasons for adopting Chapter 111 rules continue to exist, there are many references to predecessor agencies to TCEQ such as Texas Air Control Board and Texas Natural Resource Conservation Commission in many sections. These references should be updated in a future rulemaking to use the current agency name.

The reference in §111.125(2) to Chapter 5 of the Sampling Procedures Manual should be updated to Chapter 6 and the date updated to July 2003. These changes would reflect the current location of test methods for hydrogen chloride emissions from Single-, Dual-, and Multiple-Chamber Incinerators and the current version of the Sampling Procedures Manual.

The rules at §111.127(a) reference incorrect and outdated names of sections §106.491 and §106.494. The name of §106.491 should be updated from "Dual Chamber Incinerators" to "Dual-Chamber Incinerators" to correct the name of section §106.491 by adding the hyphen. In a rulemaking adopted in 2018 (Project Number 2018-019-106-AI), the name of §106.494 was updated from "Pathological Waste Incinerators" to "Non-commercial Incinerators and Crematories." The reference to §160.494 should be updated so it uses the current name of the section.

The reference to §111.155 in §111.175 and §111.181 should be removed because it no longer exists.

At §111.171, §111.173, and §111.175, the references to the Texas Clean Air Act §3.10(e) should be updated to §382.020 of the Texas Health and Safety Code. Section 3.10(e) of the Texas Clean Air Act no longer exists, and the provisions originally found in §3.10(e) are currently located in §382.020 of the Texas Health and Safety Code.

Section 111.213 references §101.6, which no longer exists. This reference should be updated to §101.201 to reflect the current location of the applicable emissions event reporting and recordkeeping requirements.

Public Comment

The public comment period closed on September 26, 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 111 continue to exist and readopts these sections in accordance with the requirements of TGC, §2001.039. Changes to the rules identified as part of this review process will be addressed in a separate rulemaking action, in accordance with the Texas Administrative Procedure Act.

TRD-202400625
Charmaine Backens
Deputy Director, Environmental Law Division
Texas Commission on Environmental Quality
Filed: February 14, 2024



The Texas Commission on Environmental Quality (TCEQ) has completed its Rule Review of 30 TAC Chapter 281, Applications Processing, 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. TCEQ published its Notice of Intent to Review these rules in the August 11, 2023, issue of the *Texas Register* (48 TexReg 4401).

The review assessed whether the initial reasons for adopting the rules continue to exist, and TCEQ has determined that those reasons exist. The rules in Chapter 281, Subchapter A, contain the general policy for the processing of applications for permits, licenses, and other types of approvals. The rules are needed to implement provisions of state law, including:

Texas Health and Safety Code (THSC), Chapter 361 regarding new, amended, and renewed industrial solid waste and municipal solid waste permits; the prioritization process for commercial hazardous waste management facility permit applications; applications for new, amended, or renewed radioactive material licenses, including but not limited to those described at THSC, §§401.107, 401.108, 401.110, 401.112 - 401.114, and 401.116; some provisions of THSC, Chapter 401 at Subchapter F, Special Provisions Concerning Low-Level Radioactive Waste Disposal, and Subchapter G, Special Provisions Concerning By-Product Material; Texas Local Government Code, §§375.022 and 375.025, regarding the creation of municipal management districts, and Texas Local Government Code, §395.080, regarding impact fees; Texas Natural Resources Code, §§33.205, 33.2051, 33.2053, and 33.208(a), regarding consistency with the Texas Coastal Management Program as it applies to TCEQ; Texas Water Code (TWC), §§11.124 - 11.129, 11.132, and 12.011, regarding water rights; TWC, §16.092, regarding local sponsor designation; TWC, §16.234, regarding levees for reclamation projects; TWC, §§26.027, 26.0271, 26.0272, 26.028, and 26.0281, regarding water quality; TWC, §§27.012 - 27.014 and §27.051(c), regarding underground injection control; TWC, §§32.052, 32.053, 32.055, and 32.101, regarding subsurface area drip dispersal systems; TWC, §§36.304 - 36.306, 49.071, 49.105, 49.153(c), 49.181, 49.231, 49.321 - 49.324, 49.351, and 49.456, regarding other water district applications and petitions such as dissolution of Groundwater Conservation Districts, name changes, appointment of directors, bonds, standby fees, dissolution of districts other than Groundwater Conservation Districts, fire plans, and bankruptcy; TWC, §§36.013, 36.015, 51.027, 51.333, 54.014, 54.030 - 54.033, 55.040, 58.027, 58.030, 59.003, 65.014, and 66.014, regarding creations, conversions, and addition of powers of Groundwater Conservation Districts (TWC, Chapter 36), Water Control and Improvement Districts (TWC, Chapter 51), Municipal Utility Districts (TWC, Chapter 54), Water Improvement Districts (TWC, Chapter 55), Irrigation Districts (TWC, Chapter 58), Regional Districts (TWC, Chapter 59), Special Utility Districts (TWC, Chapter 65), and Stormwater Control Districts (Chapter 66).

The rules in Chapter 281, Subchapter B, identify agency actions which are subject to review for consistency with the goals and policies of the Coastal Management Program under the Coastal Coordination Act, Texas Natural Resources Code, Chapter 33, Subchapter F, and the rules of the General Land Office in 31 TAC §29.20 - 29.26.

The review resulted in a determination that changes to Chapter 281 are necessary to conform with the transfer of the Texas Coastal Management Program from the abolished Coastal Coordination Council to the General Land Office. Rules concerning the Coastal Management Program in 31 TAC Chapters 501, 503, 504, 505, and 506 were transferred to 31 TAC Chapters 26, 27, 28, 29, and 30 (47 TexReg 7301).

Public Comment

The public comment period closed on September 12, 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 281 continue to exist and readopts these sections in accordance with the requirements of TGC, §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-202400626
Charmaine Backens
Deputy Director, Environmental Law Division
Texas Commission on Environmental Quality
Filed: February 14, 2024



The Texas Commission on Environmental Quality (TCEQ) has completed its Rule Review of 30 Texas Administrative Code (TAC) Chapter 288, Water Conservation Plans, Drought Contingency Plans, Guidelines and Requirements, 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. TCEQ published its Notice of Intent to Review these rules in the August 11, 2023, issue of the *Texas Register* (48 TexReg 4402).

The review assessed whether the initial reasons for adopting the rules continue to exist, and TCEQ has determined that those reasons exist. The rules in Chapter 288 are required because Chapter 288 provides requirements for water conservation plans and drought contingency plans, as well as submittal requirements. The rules are needed to implement several different sections in the Texas Water Code (TWC). TWC §11.1271 requires an applicant for a new or amended water right and certain existing water right holders to develop and submit a water conservation plan. This section identifies specific requirements to be included in water conservation plans and requires the commission to adopt rules establishing criteria and deadlines for submission of water conservation plans. TWC §11.1272 requires certain regulated entities to develop drought contingency plans consistent with the appropriate approved regional water plan to be implemented during periods of water shortages and drought. This section identifies specific requirements to be included in drought contingency plans and requires the commission to adopt rules requiring wholesale and retail public water suppliers and irrigation districts to develop drought contingency plans. TWC §13.146 requires the TCEQ to require a retail public utility that provides potable water service to 3,300 or more connections to submit to the Texas Water Development Board (TWDB) a water conservation plan based on specific targets and goals developed by the retail public utility, designate a person as the water conservation coordinator responsible for implementing the water conservation plan, and identify the water conservation coordinator to the TWDB. TWC §§16.402 - 16.404 require entities required to submit water conservation plans to the TCEQ to submit copies of those plans and an annual report on an entity's progress in implementing the plan to the TWDB and includes authorization for the TCEQ to enforce water conservation plan requirements. These sections also require the TCEQ and TWDB to develop

a uniform, consistent methodology and guidance for calculating water use and conservation to be used by a municipality or water utility in developing water conservation plans and for reporting municipal water use data and require the TCEQ and TWDB to adopt rules and standards as necessary to implement.

Public Comment

The public comment period closed on September 12, 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 288 continue to exist and readopts these sections in accordance with the requirements of TGC, §2001.039.

TRD-202400627

Charmaine Backens

Deputy Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: February 14, 2024



The Texas Commission on Environmental Quality (TCEQ) has completed its Rule Review of 30 Texas Administrative Code (TAC) Chapter 331, Underground Injection Control, 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. TCEQ published its Notice of Intent to Review these rules in the August 11, 2023, issue of the *Texas Register* (48 TexReg 4402).

The review assessed whether the initial reasons for adopting the rules continue to exist, and TCEQ has determined that those reasons exist. The rules in Chapter 331 are required for federal authorization of the Underground Injection Control Program in Texas consistent with the Safe Drinking Water Act. The rules also implement the Injection Well Act, Texas Water Code, Chapter 27, and are authorized by §27.019, which requires TCEQ to adopt rules reasonably required for the regulation of injection wells.

Public Comment

The public comment period closed on September 12, 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 331 continue to exist and readopts these sections in accordance with the requirements of TGC, §2001.039.

TRD-202400628

Charmaine Backens

Deputy Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: February 14, 2024



Texas Water Development Board

Title 31, Part 10

The Texas Water Development Board (TWDB) files the adoption of its review of rules in 31 Texas Administrative Code, Title 31, Part 10, Chapter 359.

This review is being conducted in accordance with the requirements of Texas Government Code §2001.039, which requires state agencies to review and consider for readoption each of their rules every four years.

Notice of the review of the aforementioned chapter was published in the October 20, 2023, issue of the *Texas Register* (48 TexReg 6223). TWDB received no comments during the comment period.

TWDB conducted its review in accordance with the requirements of the Texas Government Code §2001.039, which requires state agencies to review and consider for readoption each of their rules every four years. TWDB considered whether the initial factual, legal, and policy reasons for adopting each rule in this chapter continued to exist and determined that the original reasons for adopting these rules continue to exist and readopts these rules. This concludes TWDB's review of 31 TAC, Title 31, Part 10, Chapter 359. Changes to the rules identified as part of this review process may be addressed in a separate rulemaking.

TRD-202400508

Ashley Harden

General Counsel

Texas Water Development Board

Filed: February 9, 2024



The Texas Water Development Board (TWDB) files the adoption of its review of rules in 31 Texas Administrative Code, Title 31, Part 10, Chapter 364.

This review is being conducted in accordance with the requirements of Texas Government Code §2001.039, which requires state agencies to review and consider for readoption each of their rules every four years.

Notice of the review of the aforementioned chapter was published in the October 20, 2023, issue of the *Texas Register* (48 TexReg 6224). TWDB received no comments during the comment period.

TWDB conducted its review in accordance with the requirements of the Texas Government Code §2001.039, which requires state agencies to review and consider for readoption each of their rules every four years. TWDB considered whether the initial factual, legal, and policy reasons for adopting each rule in this chapter continued to exist and determined that the original reasons for adopting these rules continue to exist and readopts these rules. This concludes TWDB's review of 31 TAC, Title 31, Part 10, Chapter 364. Changes to the rules identified as part of this review process may be addressed in a separate rulemaking.

TRD-202400507

Ashley Harden

General Counsel

Texas Water Development Board

Filed: February 9, 2024

