

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
**AGENDA ITEM REQUEST**  
for Adoption of Rules Review & Readoption of Chapter 332

**AGENDA REQUESTED:** June 26, 2019

**DATE OF REQUEST:** June 7, 2019

**INDIVIDUAL TO CONTACT REGARDING CHANGES TO THIS REQUEST, IF NEEDED:** Kris Hogan, Agenda Coordinator, (512) 239-6812

**CAPTION: Docket No. 2018-1366-MIS.** Consideration for the adoption of the rules review and readoption of 30 TAC Chapter 332, Composting. This review is in accordance with Texas Government Code, Section 2001.039, which requires state agencies to review and consider for readoption each of their rules every four years. The proposal was published in the January 18, 2019, issue of the *Texas Register* (44 TexReg 336). (Charly Fritz, Anthony Tatu) (Project No. 2019-024-332-WS)

Brent Wade  
**Deputy Director**

Earl Lott  
**Division Director**

Kristina M. Hogan  
**Agenda Coordinator**

# Texas Commission on Environmental Quality

## Interoffice Memorandum

**To:** Commissioners **Date:** June 7, 2019

**Thru:** Bridget C. Bohac, Chief Clerk  
Toby Baker, Executive Director

**From:** Brent Wade, Deputy Director  
Office of Waste

**Docket No.:** 2018-1366-MIS

**Subject:** Commission Approval for Adoption of Rules Review and Readoption of Rules  
Chapter 332, Composting  
Rules Review of 30 TAC Chapter 332  
Non-Rule Project No. 2019-024-332-WS

**What the adopted action would do:**

This action will approve the rules review of Chapter 332, and readopt the chapter.

This action constitutes a determination by the Texas Commission on Environmental Quality, after opportunity for public review and comment, that the initial reasons for adopting the rules of this chapter continue to exist.

**Applicable law:**

The review of the rules is authorized under the requirements of Texas Government Code, §2001.039; and the General Appropriations Act, Article IX, §9-10.13, 76th Texas Legislature, 1999, which require state agencies to review and consider for readoption each of their rules every four years.

**Reason rules are needed:**

Executive director's staff conducted a review of the rules in Chapter 332 and determined that the reasons for adopting these rules continue to exist. The rules in Chapter 332 establish regulations that will divert organic materials from the typical municipal solid waste stream and promote the beneficial reuse of those materials while maintaining standards for human health and safety and environmental protections.

**Rules found to be obsolete:**

Section 332.3(a)(2) and (3)(A) and (B) are obsolete. Section 332.3(a)(2) and §332.3(a)(3)(A) are redundant to other authorization requirements in Chapter 332. Section 332.3(a)(3)(B) is no longer needed because the subparagraph pertained to permit requirements for existing registered facilities when the composting permit requirements were promulgated on January 8, 2004.

**Public comment:**

A public hearing was not offered for this review. The comment period for the rules review closed on February 19, 2019. No comments were received.

**Affected agency program(s):**

The program area responsible for implementing these rules is the Waste Permits Division.

Commissioners

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June 7, 2019

Re: Docket No. 2018-1366-MIS

**Agency contacts:**

Charly Fritz, Project Manager, (512) 239-2331

Anthony Tatu, Staff Attorney, (512) 239-5778

Kris Hogan, Texas Register/Agenda Coordinator, (512) 239-6812

**Attachments:**

*Texas Register* publication of Proposed Rule Review Notice

cc: Chief Clerk, 7 copies

at: <https://www6.tceq.texas.gov/rules/ecomments/>. File size restrictions may apply to comments being submitted via the eComments system. All comments should reference Non-Rule Project Number 2019-008-318-OW. Comments must be received by February 19, 2019. For further information, please contact Laurie Fleet, Water Quality Division, at (512) 239-5445.

TRD-201900031  
Robert Martinez  
Director, Environmental Law Division  
Texas Commission on Environmental Quality  
Filed: January 8, 2019



The Texas Commission on Environmental Quality (commission) files this Notice of Intention to Review 30 TAC Chapter 332, Composting.

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 332 continue to exist.

Comments regarding suggested changes to the rules in Chapter 332 may be submitted, but will not be considered for rule amendments as part of this review. Any such comments may be considered in a future rulemaking action by the commission.

#### Submittal of Comments

The commission invites public comment on this preliminary review of the rules in Chapter 332. Written comments may be submitted to Ms. Kris Hogan, MC 205, Office of Legal Services, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087, or faxed to (512) 239-4808. Electronic comments may be submitted at: <https://www6.tceq.texas.gov/rules/ecomments/>. File size restrictions may apply to comments being submitted via the eComments system. All comments should reference Non-Rule Project Number 2019-024-332-WS. Comments must be received by February 19, 2019. For further information, please contact Ms. Charly Fritz, Waste Permits Division, at (512) 239-2331.

TRD-201900039  
Robert Martinez  
Director, Environmental Law Division  
Texas Commission on Environmental Quality  
Filed: January 8, 2019



## Adopted Rule Reviews

Texas Workforce Commission

### Title 40, Part 20

#### CHAPTER 800. GENERAL ADMINISTRATION

The Texas Workforce Commission (TWC) adopts the review of Chapter 800, General Administration, in accordance with Texas Government Code §2001.039. The proposed notice of intent to review rules was published in the November 16, 2018, issue of the *Texas Register* (43 TexReg 7561).

No comments were received on the proposed notice of intent.

TWC has assessed whether the reasons for adopting or re-adopting the rules continue to exist. TWC finds that the rules in Chapter 800 are needed, reflect current legal and policy considerations, and reflect current

TWC procedures. The reasons for initially adopting the rules continue to exist. TWC, therefore, re-adopts Chapter 800, General Administration.

#### CHAPTER 801. LOCAL WORKFORCE DEVELOPMENT BOARDS

The Texas Workforce Commission (TWC) adopts the review of Chapter 801, Local Workforce Development Boards, in accordance with Texas Government Code §2001.039. The proposed notice of intent to review rules was published in the November 16, 2018, issue of the *Texas Register* (43 TexReg 7561).

No comments were received on the proposed notice of intent.

TWC has assessed whether the reasons for adopting or re-adopting the rules continue to exist. TWC finds that the rules in Chapter 801 are needed, reflect current legal and policy considerations, and reflect current TWC procedures. The reasons for initially adopting the rules continue to exist. TWC, therefore, re-adopts Chapter 801, Local Workforce Development Boards.

#### CHAPTER 803. SKILLS DEVELOPMENT FUND

The Texas Workforce Commission (TWC) adopts the review of Chapter 803, Skills Development Fund, in accordance with Texas Government Code §2001.039. The proposed notice of intent to review rules was published in the November 16, 2018, issue of the *Texas Register* (43 TexReg 7561).

No comments were received on the proposed notice of intent.

TWC has assessed whether the reasons for adopting or re-adopting the rules continue to exist. TWC finds that the rules in Chapter 803 are needed, reflect current legal and policy considerations, and reflect current TWC procedures. The reasons for initially adopting the rules continue to exist. TWC, therefore, re-adopts Chapter 803, Skills Development Fund.

#### CHAPTER 813. SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM EMPLOYMENT AND TRAINING

The Texas Workforce Commission (TWC) adopts the review of Chapter 813, Supplemental Nutrition Assistance Program Employment and Training, in accordance with Texas Government Code §2001.039. The proposed notice of intent to review rules was published in the November 16, 2018, issue of the *Texas Register* (43 TexReg 7561).

No comments were received on the proposed notice of intent.

TWC has assessed whether the reasons for adopting or re-adopting the rules continue to exist. TWC finds that the rules in Chapter 813 are needed, reflect current legal and policy considerations, and reflect current TWC procedures. The reasons for initially adopting the rules continue to exist. TWC, therefore, re-adopts Chapter 813, Supplemental Nutrition Assistance Program Employment and Training.

#### CHAPTER 815. UNEMPLOYMENT INSURANCE

The Texas Workforce Commission (TWC) adopts the review of Chapter 815, Unemployment Insurance, in accordance with Texas Government Code §2001.039. The proposed notice of intent to review rules was published in the November 16, 2018, issue of the *Texas Register* (43 TexReg 7561).

No comments were received on the proposed notice of intent.

TWC has assessed whether the reasons for adopting or re-adopting the rules continue to exist. TWC finds that the rules in Chapter 815 are needed, reflect current legal and policy considerations, and reflect current TWC procedures. The reasons for initially adopting the rules con-

The Texas Commission on Environmental Quality (commission) has completed its Rule Review of 30 TAC Chapter 332, Composting, as required by Texas Government Code, §2001.039. Texas Government Code, §2001.039, requires a state agency to review and consider for readoption, readoption with amendments, or repeal each of its rules every four years. The commission published its Notice of Intent to Review these rules in the January 18, 2019, issue of the *Texas Register* (44 TexReg 336).

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 332 are required because the rules establish regulations that will divert organic materials from the typical municipal solid waste stream and promote the beneficial reuse of those materials while maintaining standards for human health and safety and environmental protections.

The commission also determined that §332.3(a)(2) and (3)(A) and (B) are obsolete. Section 332.3(a)(2) and §332.3(a)(3)(A) are redundant to other authorization requirements in Chapter 332. Section 332.3(a)(3)(B) is no longer needed because the subparagraph pertained to permit requirements for existing registered facilities when the composting permit requirements were promulgated on January 8, 2004.

#### Public Comment

The public comment period closed on February 19, 2019. The commission did not receive comments on the rules review of this chapter.

As a result of the review the commission finds that the reasons for adopting the rules in 30 TAC Chapter 332 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.

# Texas Commission on Environmental Quality



## ORDER ADOPTING RULES REVIEW AND READOPTING RULES

Docket No. 2018-1366-MIS  
Non-Rule Project No. 2019-024-332-WS

On June 26, 2019, the Texas Commission on Environmental Quality (Commission) approved the rules review of 30 TAC Chapter 332, Composting, in accordance with the requirements of Texas Government Code, § 2001.039, which requires a state agency to review and consider for re-adoption each of its rules every four years. The proposed Notice of Intention to Review was published in the January 18, 2019, issue of the *Texas Register* (44 TexReg 336).

IT IS THEREFORE ORDERED BY THE COMMISSION, that the rules review of 30 TAC Chapter 332 is hereby adopted. The rules and the preamble to the rules approved by the Commission are incorporated by reference in this Order as if set forth at length verbatim in this Order.

IF ANY PORTION OF THIS ORDER is for any reason held to be invalid by a court of competent jurisdiction, the invalidity of any portion shall not affect the validity of the remaining portions.

TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

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Jon Niermann, Chairman

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Date Signed