

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
AGENDA ITEM REQUEST
for Adoption of Rules Review & Readoption of Chapter 15

AGENDA REQUESTED: May 31, 2023

DATE OF REQUEST: May 12, 2023

INDIVIDUAL TO CONTACT REGARDING CHANGES TO THIS REQUEST, IF NEEDED: Gwen Ricco, Agenda Coordinator, (512) 239-2678

CAPTION: Docket No. 2022-1595-MIS. Consideration for the adoption of the rules review and readoption of 30 TAC Chapter 15, Fleet Vehicle Management. 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 20, 2023, issue of the *Texas Register* (48 TexReg 229). (Robert Icenogle, Yen Tran) (Project No. 2023-019-015-AS)

Beth West

Deputy Director

Kelly Keel

Division Director

Gwen Ricco

Agenda Coordinator

Texas Commission on Environmental Quality

Interoffice Memorandum

To: Commissioners **Date:** May 12, 2023

Thru: Laurie Gharis, Chief Clerk
Erin E. Chancellor, Interim Executive Director

From: Beth West, Deputy Director
Office of Administrative Services

Docket No.: 2022-1595-MIS

Subject: Commission Approval for Adoption of Rules Review and Readoption of Rules
Chapter 15, Fleet Vehicle Management
Rules Review of 30 TAC Chapter 15
Non-Rule Project No. 2023-019-015-AS

What the adopted action would do:

This action will approve the rules review of Chapter 15, 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 reasons for 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 re adoption each of their rules every four years.

Reason rules are needed:

Executive staff conducted a review of the rules in Chapter 15 and determined that the reasons for adopting these rules continue to exist.

Chapter 15 provides for the general policies concerning fleet vehicle management at the Texas Commission on Environmental Quality (TCEQ). The rules provide requirements and exceptions for the assignment and use of vehicles. Additionally, the rules require TCEQ to adopt a fleet vehicle management policy in accordance with Texas Government Code, Chapter 2171, Travel and Vehicle Fleet Services. TCEQ developed and implemented Operating Policy and Procedure 3.09, Agency Fleet Vehicle Management, and Guide for Administrative Procedures Chapter 4F, Fleet Operations, to effectively accomplish agency functions and statutory requirements.

The rules are necessary to implement the requirements in Texas Government Code, Chapter 2171.

Rules found to be obsolete:

None.

Public comment:

Commissioners

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May 12, 2023

Re: Docket No. 2018-1165-MIS

A public hearing was not offered for this review. The comment period for the rules review closed on February 21, 2023. No comments were received.

Affected agency program(s):

The program areas responsible for implementing these rules is the Office of Administrative Services and the Office of the Executive Director.

Agency contacts:

Robert Icenogle, Project Manager, Human Resources and Staff Services, (512) 239-0131

Yen Tran, Senior Attorney, General Law Division, (512) 239-4610

Gwen Ricco, Texas Register/Agenda Coordinator, General Law Division, (512) 239-2678

Attachments:

Texas Register publication of Proposed Rule Review Notice

cc: Chief Clerk, 7 copies

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 Commission on Environmental Quality

Title 30, Part 1

The Texas Commission on Environmental Quality (commission) files this Notice of Intention to Review 30 TAC Chapter 9, Training.

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 9 continue to exist.

Comments regarding suggested changes to the rules in Chapter 9 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 9. Written comments may be submitted to Gwen Ricco, Texas Register/Agenda Coordinator, 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 2023-011-009-AS. Comments must be received by February 21, 2023. For further information, please contact Robert Icenogle, Human Resources and Staff Services Division, at (512) 239-0131.

TRD-202300125

Guy Henry

Acting Deputy Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: January 11, 2023



The Texas Commission on Environmental Quality (commission) files this Notice of Intention to Review 30 TAC Chapter 15, Fleet Vehicle Management.

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 com-

mission will assess whether the reasons for initially adopting the rules in Chapter 15 continue to exist.

Comments regarding suggested changes to the rules in Chapter 15 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 15. Written comments may be submitted to Gwen Ricco, Texas Register/Agenda Coordinator, 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 2023-019-015-AS. Comments must be received by February 21, 2023. For further information, please contact Robert Icenogle, Human Resources and Staff Services Division, at (512) 239-0131.

TRD-202300129

Guy Henry

Acting Deputy Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: January 11, 2023



The Texas Commission on Environmental Quality (commission) files this Notice of Intention to Review 30 TAC Chapter 19, Electronic Transmission of Information by Commission.

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 19 continue to exist.

Comments regarding suggested changes to the rules in Chapter 19 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 19. 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,

The Texas Commission on Environmental Quality (commission) has completed its Rule Review of 30 TAC Chapter 15, Fleet Vehicle Management, 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 January 20, 2023, issue of the *Texas Register* (48 TexReg 229).

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 15 are required because the rules provide the general policies concerning fleet vehicle management at the commission. The rules provide the requirements and exceptions for the assignment and use of vehicles. Additionally, the rules require the commission to adopt a fleet vehicle management policy in accordance with Texas Government Code, Chapter 2171, Travel and Vehicle Fleet Services. The commission developed and implemented Operating Policy and Procedure 3.09, Agency Fleet Vehicle Management, and Guide for Administrative Procedures Chapter 4F, Fleet Operations, to effectively accomplish agency functions and statutory requirements.

Public Comment

The public comment period closed on February 21, 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 15 continue to exist and readopts these sections in accordance with the requirements of Texas Government Code, §2001.039.

Texas Commission on Environmental Quality



ORDER ADOPTING RULES REVIEW AND READOPTING RULES

Docket No. 2022-1595-MIS
Non-Rule Project No. 2023-019-015-AS

On May 31, 2023, the Texas Commission on Environmental Quality (Commission) approved the rules review of 30 TAC Chapter 15, Fleet Vehicle Management in accordance with the requirements of Texas Government Code, § 2001.039, which requires a state agency to review and consider for readoption each of its rules every four years. The proposed Notice of Intention to Review was published in the January 20, 2023, issue of the *Texas Register* (48 TexReg 229).

IT IS THEREFORE ORDERED BY THE COMMISSION, that the rules review of 30 TAC Chapter 15 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

Jon Niermann, Chairman

Date Signed