

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
AGENDA ITEM REQUEST
for Adoption of Rules Review & Readoption of Chapter 9

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. 2022-1603-MIS. Consideration for the adoption of the rules review and readoption of 30 TAC Chapter 9, Training. 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. 2023-011-009-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.: 2022-1603-MIS

Subject: Commission Approval for Adoption of Rules Review and Readoption of Rules
Chapter 9, Training
Rules Review of 30 TAC Chapter 9
Non-Rule Project No. 2023-011-009-AS

What the adopted action would do:

This action will approve the rules review of Chapter 9, 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 readoption each of their rules every four years.

Reason rules are needed:

Executive staff conducted a review of the rules in Chapter 9 and determined that the reasons for adopting these rules continue to exist.

Chapter 9 provides the procedures regarding training TCEQ Commissioners, as well as, the general procedures and policies concerning training and education of state administrators and employees.

The rules are necessary to ensure the agency complies with the Texas Water Code, Chapter 5, Required Training Program for Commission Members, and the Texas Government Code, Chapter 656, State Employees Training Act. In addition, Texas Government Code, §656.048, requires adopting rules related to the eligibility of the agency's administrators and employees for training and education, the obligations assumed by the administrators and employees receiving the training or education, and the approval process for tuition reimbursement.

The review of the rules is required every four years by the legislature.

Rules found to be obsolete:

None.

Commissioners

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Re: Docket No. 2022-1603-MIS

Public comment:

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 Offices of the Commissioners and 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 or TCEQ) has completed its Rule Review of 30 TAC Chapter 9, Training, 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 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 9 are required because the rules provide the procedures regarding training TCEQ Commissioners, as well as, the general procedures and policies concerning training and education of state administrators and employees.

The rules are necessary to ensure the agency complies with the Texas Water Code, Chapter 5, Required Training Program for Commission Members; and the Texas Government Code, Chapter 656, State Employees Training Act. In addition, Texas Government Code, §656.048, requires adopting rules related to the eligibility of the commission's administrators and employees for training and education, the obligations assumed by the administrators and employees receiving the training or education, and the approval process for tuition reimbursement.

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 9 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. 2022-1603-MIS
Non-Rule Project No. 2023-011-009-AS

On May 31, 2023, the Texas Commission on Environmental Quality (Commission) approved the rules review of 30 TAC Chapter 9, Training 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 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 9 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