


Texas Commission on Environmental Quality

Interoffice Memorandum

To: Commissioners **Date:** June 8, 2023

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

From: Beth Seaton, Director 
Office of Waste

Subject: Docket No. 2022-1694-MIS / Rule Project No. 2023-022-326-WS
Second Revised Back-up for Commission Approval for Adoption of Rules
Review and Readoption of Rules; Chapter 326, Medical Waste
Management
Executive Summary and Notice of Adoption Highlighted and
Strikethrough Versions

The attached executive summary and Notice of Adoption for the Adoption of Rules Review and Readoption of Rules; Chapter 326, Medical Waste Management, are revised to update language concerning public comments on rules from “[t]he commission **may evaluate** the comments regarding amendments to the rule during future rulemakings” to “[t]he commission **will consider** the comments regarding amendments to the rule during future rulemakings”. This change clarifies that the commission will consider all the comments received during the quadrennial review. Original back-up materials for this non-rulemaking project were filed on May 26, 2023.

Attachments:
Executive Summary
Notice of Adoption


cc: Chief Clerk, 7 copies

Texas Commission on Environmental Quality

Interoffice Memorandum

To: Commissioners **Date:** May 26, 2023

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

From: Beth Seaton, Director 
Office of Waste

Docket No.: 2022-1694-MIS

Subject: Commission Approval for Adoption of Rules Review and Readoption of Rules
Chapter 326, Medical Waste Management
Rules Review of 30 TAC Chapter 326
Non-Rule Project No. 2023-022-326-WS

What the adopted action would do:

This action will approve the rules review of Chapter 326, 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 326 and determined that the reasons for adopting these rules continue to exist. Chapter 326 implements the requirements of Texas Health and Safety Code, §361.0905, Regulation of Medical Waste. Chapter 326 covers aspects of medical waste management from medical waste facilities under the authority of the commission. This chapter applies to any person involved in any aspect of the management and control of medical waste and medical waste facilities and activities including storage, collection, handling, transportation, and processing.

Rules found to be obsolete:

None.

Public comment:

A public hearing was not offered for this review. The comment period for the rules review closed on March 14, 2023. The purpose of the rule review is limited to assessing whether the reasons for the rules continue to exist. No comments were received on the reasons for the rules to continue to exist. Comments recommending substantive changes to the rules were provided by Healthcare Waste Institute of the National Waste & Recycling Association, Sharps Compliance, Inc., and Stericycle, Inc. and included recommendations regarding treated medical waste handling, generator status for hazardous medical waste, definition of non-hazardous pharmaceutical wastes, consistency with federal

Commissioners

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May 26, 2026

Re: Docket No. 2022-1694-MIS

requirements for waste handling, waste transport, facility siting, and electronic submittal. The commission ~~may evaluate~~ **will consider** the comments regarding amendments to the rule during future rulemakings.

Affected agency program(s):

The program area(s) responsible for implementing these rules is the Waste Permits Division and the Office of Compliance and Enforcement.

Agency contacts:

Jarita Sepulvado, Project Manager, Waste Permits Division, (512) 239-4413

Kathy Humphreys, Staff Attorney, Environmental Law Division, (512) 239-3417

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

The Texas Commission on Environmental Quality (commission) has completed its Rule Review of 30 TAC Chapter 326, Medical Waste 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 February 10, 2023, issue of the *Texas Register* (48 TexReg 720).

The review assessed whether the initial reasons for adopting the rules continue to exist, and the commission has determined that those reasons continue to exist. The rules in Chapter 326 continue to be required to implement the requirements of Texas Health and Safety Code, §361.0905, Regulation of Medical Waste. Chapter 326 covers aspects of medical waste management from medical waste facilities under the authority of the commission. This chapter applies to any person involved in any aspect of the management and control of medical waste and medical waste facilities and activities including storage, collection, handling, transportation, and processing.

Public Comment

The public comment period closed on March 14, 2023. The purpose of the rule review is limited to assessing whether the reasons for the rules continue to exist. No comments were received on the reasons for the rules to continue to exist. Comments recommending substantive changes to the rules were provided by: Healthcare Waste Institute of the National Waste & Recycling Association, Sharps Compliance, Inc., and

Stericycle, Inc. The commission ~~may evaluate~~ will consider the comments regarding amendments to the rule during future rulemakings.


As a result of the review the commission finds that the reasons for adopting the rules in 30 TAC Chapter 326 continue to exist and readopts these sections in accordance with the requirements of Texas Government Code, §2001.039.

Texas Commission on Environmental Quality

Interoffice Memorandum

To: Commissioners **Date:** June 8, 2023

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

From: Beth Seaton, Director 
Office of Waste

Subject: Docket No. 2022-1694-MIS / Rule Project No. 2023-022-326-WS
Revised Back-up for Commission Approval for Adoption of Rules Review
and Readoption of Rules; Chapter 326, Medical Waste Management
Executive Summary and Notice of Adoption Highlighted and
Strikethrough Versions

The attached executive summary and Notice of Adoption for the Adoption of Rules Review and Readoption of Rules; Chapter 326, Medical Waste Management, are revised to update language concerning public comments of rules from “[t]he commission may **evaluate** the comments regarding amendments to the rule during future rulemakings” to “[t]he commission may **consider** the comments regarding amendments to the rule during future rulemakings”. This revision provides consistency between the notice provided in the Texas Register and the adopted rule review. Original back-up materials for this non-rulemaking project were filed on May 26, 2023.

Attachments:
Executive Summary
Notice of Adoption


cc: Chief Clerk, 7 copies

Texas Commission on Environmental Quality

Interoffice Memorandum

To: Commissioners **Date:** May 26, 2023

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

From: Beth Seaton, Director 
Office of Waste

Docket No.: 2022-1694-MIS

Subject: Commission Approval for Adoption of Rules Review and Readoption of Rules
Chapter 326, Medical Waste Management
Rules Review of 30 TAC Chapter 326
Non-Rule Project No. 2023-022-326-WS

What the adopted action would do:

This action will approve the rules review of Chapter 326, 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 326 and determined that the reasons for adopting these rules continue to exist. Chapter 326 implements the requirements of Texas Health and Safety Code, §361.0905, Regulation of Medical Waste. Chapter 326 covers aspects of medical waste management from medical waste facilities under the authority of the commission. This chapter applies to any person involved in any aspect of the management and control of medical waste and medical waste facilities and activities including storage, collection, handling, transportation, and processing.

Rules found to be obsolete:

None.

Public comment:

A public hearing was not offered for this review. The comment period for the rules review closed on March 14, 2023. The purpose of the rule review is limited to assessing whether the reasons for the rules continue to exist. No comments were received on the reasons for the rules to continue to exist. Comments recommending substantive changes to the rules were provided by Healthcare Waste Institute of the National Waste & Recycling Association, Sharps Compliance, Inc., and Stericycle, Inc. and included recommendations regarding treated medical waste handling, generator status for hazardous medical waste, definition of non-hazardous pharmaceutical wastes, consistency with federal

Commissioners

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May 26, 2026

Re: Docket No. 2022-1694-MIS

requirements for waste handling, waste transport, facility siting, and electronic submittal. The commission may **consider** ~~evaluate~~ the comments regarding amendments to the rule during future rulemakings.

Affected agency program(s):

The program area(s) responsible for implementing these rules is the Waste Permits Division and the Office of Compliance and Enforcement.

Agency contacts:

Jarita Sepulvado, Project Manager, Waste Permits Division, (512) 239-4413

Kathy Humphreys, Staff Attorney, Environmental Law Division, (512) 239-3417

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

The Texas Commission on Environmental Quality (commission) has completed its Rule Review of 30 TAC Chapter 326, Medical Waste Management, 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 February 10, 2023, issue of the *Texas Register* (48 TexReg 720).

The review assessed whether the initial reasons for adopting the rules continue to exist, and the commission has determined that those reasons continue to exist. The rules in Chapter 326 continue to be required to implement the requirements of Texas Health and Safety Code, §361.0905, Regulation of Medical Waste. Chapter 326 covers aspects of medical waste management from medical waste facilities under the authority of the commission. This chapter applies to any person involved in any aspect of the management and control of medical waste and medical waste facilities and activities including storage, collection, handling, transportation, and processing.

Public Comment

The public comment period closed on March 14, 2023. The purpose of the rule review is limited to assessing whether the reasons for the rules continue to exist. No comments were received on the reasons for the rules to continue to exist. Comments recommending substantive changes to the rules were provided by: Healthcare Waste Institute of the National Waste & Recycling Association, Sharps Compliance, Inc., and

Stericycle, Inc. The commission may **consider** ~~evaluate~~ the comments regarding amendments to the rule during future rulemakings.

As a result of the review the commission finds that the reasons for adopting the rules in 30 TAC Chapter 326 continue to exist and readopts these sections in accordance with the requirements of Texas Government Code, §2001.039.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
AGENDA ITEM REQUEST
for Adoption of Rules Review & Readoption of Chapter 326

AGENDA REQUESTED: June 14, 2023

DATE OF REQUEST: May 26, 2023

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

CAPTION: Docket No. 2022-1694-MIS. Consideration for the adoption of the rules review and readoption of 30 TAC Chapter 326, Medical Waste 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 February 10, 2023, issue of the *Texas Register* (48 TexReg 720). (Jarita Sepulvado, Kathy Humphreys) (Non-Rule Project No. 2023-022-326-WS)



Director



Deputy Director




Agenda Coordinator

Texas Commission on Environmental Quality

Interoffice Memorandum

To: Commissioners **Date:** May 26, 2023

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

From: Beth Seaton, Director 
Office of Waste

Docket No.: 2022-1694-MIS

Subject: Commission Approval for Adoption of Rules Review and Readoption of Rules
Chapter 326, Medical Waste Management
Rules Review of 30 TAC Chapter 326
Non-Rule Project No. 2023-022-326-WS

What the adopted action would do:

This action will approve the rules review of Chapter 326, 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 326 and determined that the reasons for adopting these rules continue to exist. Chapter 326 implements the requirements of Texas Health and Safety Code, §361.0905, Regulation of Medical Waste. Chapter 326 covers aspects of medical waste management from medical waste facilities under the authority of the commission. This chapter applies to any person involved in any aspect of the management and control of medical waste and medical waste facilities and activities including storage, collection, handling, transportation, and processing.

Rules found to be obsolete:

None.

Public comment:

A public hearing was not offered for this review. The comment period for the rules review closed on March 14, 2023. The purpose of the rule review is limited to assessing whether the reasons for the rules continue to exist. No comments were received on the reasons for the rules to continue to exist. Comments recommending substantive changes to the rules were provided by Healthcare Waste Institute of the National Waste & Recycling Association, Sharps Compliance, Inc., and Stericycle, Inc. and included recommendations regarding treated medical waste handling, generator status for hazardous medical waste, definition of non-hazardous pharmaceutical wastes, consistency with federal

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May 26, 2026

Re: Docket No. 2022-1694-MIS

requirements for waste handling, waste transport, facility siting, and electronic submittal. The commission may evaluate the comments regarding amendments to the rule during future rulemakings.

Affected agency program(s):

The program area(s) responsible for implementing these rules is the Waste Permits Division and the Office of Compliance and Enforcement.

Agency contacts:

Jarita Sepulvado, Project Manager, Waste Permits Division, (512) 239-4413

Kathy Humphreys, Staff Attorney, Environmental Law Division, (512) 239-3417

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

Guy Henry
Acting Deputy Director, Environmental Law Division
Texas Commission on Environmental Quality
Filed: January 31, 2023

The Texas Commission on Environmental Quality (commission) files this Notice of Intention to Review 30 Texas Administrative Code Chapter 205, General Permits for Waste Discharges.

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 205 continue to exist.

Comments regarding suggested changes to the rules in Chapter 205 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 205. 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 2023-025-205-OW. Comments must be received by March 14, 2023. For further information, please contact Shannon Gibson, Water Quality Division, at (512) 239-4284.

TRD-202300421
Guy Henry
Acting Deputy Director, Environmental Law Division
Texas Commission on Environmental Quality
Filed: January 31, 2023

The Texas Commission on Environmental Quality (commission) files this Notice of Intention to Review 30 TAC Chapter 326, Medical Waste 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 commission will assess whether the reasons for initially adopting the rules in Chapter 326 continue to exist.

Comments regarding suggested changes to the rules in Chapter 326 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 326. 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 2023-022-

326-WS. Comments must be received by March 14, 2023. For further information, please contact Jarita Sepulvado, Waste Permits Division, at (512) 239-4413.

TRD-202300418
Guy Henry
Acting Deputy Director, Environmental Law Division
Texas Commission on Environmental Quality
Filed: January 31, 2023

Texas Commission on Law Enforcement

Title 37, Part 7

The Texas Commission on Law Enforcement (Commission) files this notice of rule review for Texas Administrative Code, Title 37, Part 7, Chapters 211-229, in accordance with Texas Government Code, §2001.039.

At this time, the Commission has determined that there continues to be a need for these rules and that no changes to the rules as currently in effect are necessary. This proposed rule review is for re-adopting the rules to continue to exist and will be noted in the *Texas Register's* Review of Agency Rules section without publication of the text.

The Commission will accept comments regarding the review. The comment period will last 30 days following the publication of this notice in the *Texas Register*. Comments regarding this review may be submitted to John Beauchamp, Interim Executive Director, Texas Commission on Law Enforcement, 6330 E. Highway 290, Ste. 200 Austin, Texas 78723 or to public.comment@tcole.texas.gov with the subject line "Rule Review".

TRD-202300373
John Beauchamp
Interim Executive Director
Texas Commission on Law Enforcement
Filed: January 30, 2023

Adopted Rule Reviews

Public Utility Commission of Texas

Title 16, Part 2

The Public Utility Commission of Texas (commission) re-adopts Chapter 24, Substantive Rules Applicable to Water and Sewer Service Providers as required by Texas Government Code (Tex. Gov't Code) §2001.039, Agency Review of Existing Rules. Notice of intent to review the rules was published in the October 14, 2022, issue of the *Texas Register* (47 TexReg 6889). Tex. Gov't Code §2001.039 requires that each state agency review its rules every four years and re-adopt, re-adopt with amendments, or repeal the rules adopted by that agency pursuant to the Tex. Gov't Code, Chapter 2001. Such reviews must include, at a minimum, an assessment by the agency as to whether the reason for adopting or re-adopting the rules continues to exist. The commission has completed the review of the rules in Chapter 24 required by Tex. Gov't Code §2001.039 and finds that the reasons for adopting the rules in Chapter 24 continue to exist and re-adopts the rules with no amendments.

The commission received comments on the proposed rule from Monarch Utilities I L.P. (Monarch) and Texas Association of Water Companies (TAWC).

Chapter 24

The Texas Commission on Environmental Quality (commission) has completed its Rule Review of 30 TAC Chapter 326, Medical Waste 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 February 10, 2023, issue of the *Texas Register* (48 TexReg 720).

The review assessed whether the initial reasons for adopting the rules continue to exist, and the commission has determined that those reasons continue to exist. The rules in Chapter 326 continue to be required to implement the requirements of Texas Health and Safety Code, §361.0905, Regulation of Medical Waste. Chapter 326 covers aspects of medical waste management from medical waste facilities under the authority of the commission. This chapter applies to any person involved in any aspect of the management and control of medical waste and medical waste facilities and activities including storage, collection, handling, transportation, and processing.

Public Comment

The public comment period closed on March 14, 2023. The purpose of the rule review is limited to assessing whether the reasons for the rules continue to exist. No comments were received on the reasons for the rules to continue to exist. Comments recommending substantive changes to the rules were provided by: Healthcare Waste Institute of the National Waste & Recycling Association, Sharps Compliance, Inc., and

Stericycle, Inc. The commission may evaluate the comments regarding amendments to the rule during future rulemakings.

As a result of the review the commission finds that the reasons for adopting the rules in 30 TAC Chapter 326 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. 2022-1694-MIS
Non-Rule Project No. 2023-022-326-WS

On June 14, 2023, the Texas Commission on Environmental Quality (Commission) approved the rules review of 30 TAC Chapter 326, Medical Waste Management in accordance with the requirements of Texas Government Code, §2001.039, which requires a state agency to review and consider for reoption each of its rules every four years. The proposed Notice of Intention to Review was published in the February 10, 2023, issue of the *Texas Register* (48 TexReg 720).

IT IS THEREFORE ORDERED BY THE COMMISSION, that the rules review of 30 TAC Chapter 326 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