

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
AGENDA ITEM REQUEST
for Adoption of Rules Review & Readoption of Chapter 10

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. 2022-1696-MIS. Consideration for the adoption of the rules review and readoption of 30 TAC Chapter 10, Commission Meetings. 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* (Vol. 48 TexReg 719). (Brad Patterson, Bobby Salehi) (Non-Rule Project No. 2023-023-010-AD)

Mary Smith

Deputy Director

Laurie Gharis

Division Director

Gwen Ricco

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: Mary Smith, General Counsel
Office of General Counsel

Docket No.: 2022-1696-MIS

Subject: Commission Approval for Adoption of Rules Review and Readoption of Rules
Chapter 10, Commission Meetings
Rules Review of 30 TAC Chapter 10
Non-Rule Project No. 2023-023-010-AD

What the adopted action would do:

This action will approve the rules review of Chapter 10, 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 re adoption each of their rules every four years.

Reason rules are needed:

Executive director's staff conducted a review of the rules in Chapter 10 and determined that the reasons for adopting these rules continue to exist. Rules in Chapter 10 implement provisions of Texas Water Code, Chapter 5, relating to the makeup of the commission and the authority of the commission to adopt any rules necessary to carry out its powers and duties under the laws of the state. Chapter 10 also implements Texas Government Code, Chapter 551, the Texas Open Meetings Act, which sets requirements for open and closed sessions of governmental entities in the State of Texas.

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. No comments were received.

Affected agency program(s):

The program areas responsible for implementing these rules are the Office of General Counsel and the Office of the Chief Clerk.

Agency contacts:

Commissioners

Page 2

May 26, 2023

Re: Docket No. 2022-1696-MIS

Brad Patterson, Project Manager, Office of the Chief Clerk, (512) 239-1201

Bobby Salehi, Staff Attorney, Environmental Law Division, (512) 239-5930

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

Commission on State Emergency Communications

Title 1, Part 12

The Commission on State Emergency Communications (CSEC) will review and consider whether to readopt, readopt with amendments, or repeal the rules in Title 1, Part 12, Texas Administrative Code, Chapter 255, *Finance*. This review is conducted in accordance with Government Code §2001.039.

CSEC has conducted a preliminary review of Chapter 255 and determined that the reasons for initially adopting the chapter continue to exist. CSEC does not at this time anticipate proposing amendments to its Chapter 255 rules.

All comments or questions regarding this review may be submitted in writing within 30 days following publication of this notice in the *Texas Register* to Patrick Tyler, General Counsel, at The Commission on State Emergency Communications, 1801 Congress Avenue, Suite 11.100, Austin, Texas 78701; by facsimile to (512) 305-6937; or by email to csecinfo@csec.texas.gov. Please include "Chapter 255 Comments" in the subject line of the comments or questions. Any proposed changes to Chapter 255 will be published for comment in the "Proposed Rules" section of a subsequent issue of the *Texas Register*.

TRD-202300324
Patrick Tyler
General Counsel
Commission on State Emergency Communications
Filed: January 26, 2023



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 10, Commission Meetings.

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 readoption, readoption with amendments, or repeal every four years. During this review, the commission will assess whether the reasons for initially adopting the rules in Chapter 10 continue to exist.

Comments regarding suggested changes to the rules in Chapter 10 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 10. 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 2023-023-010-AD. Comments must be received by March 14, 2023. For further information, please contact Brad Patterson, Office of the Chief Clerk, at (512) 239-1201.

TRD-202300419
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 106, Permits by Rule.

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 readoption, readoption with amendments, or repeal every four years. During this review, the commission will assess whether the reasons for initially adopting the rules in Chapter 106 continue to exist.

Comments regarding suggested changes to the rules in Chapter 106 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 106. Written comments may be submitted to Cecilia Mena, MC 205, Office of Legal Services, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087, or faxed to fax4808@tceq.texas.gov. 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 2023-024-106-AI. Comments must be received by March 14, 2023. For further information, please contact Michael Wilhoit, Air Permits Division, at (512) 239-1222.

TRD-202300420

The Texas Commission on Environmental Quality (commission) has completed its Rule Review of 30 TAC Chapter 10, Commission Meetings, 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 719).

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 10 are required because rules in Chapter 10 implement provisions of Texas Water Code, Chapter 5, relating to the makeup of the commission and the authority of the commission to adopt any rules necessary to carry out its powers and duties under the laws of the state. Chapter 10 also implements Texas Government Code, Chapter 551, the Texas Open Meetings Act, which sets requirements for open and closed sessions of governmental entities in the State of Texas.

Public Comment

The public comment period closed on March 14, 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 10 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. 2022-1696-MIS
Non-Rule Project No. 2023-023-010-AD

On June 14, 2023, the Texas Commission on Environmental Quality (Commission) approved the rules review of 30 TAC Chapter 10, Commission Meetings 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 719).

IT IS THEREFORE ORDERED BY THE COMMISSION, that the rules review of 30 TAC Chapter 10 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