

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
**AGENDA ITEM REQUEST**  
for Adoption of Rules Review & Readoption of Chapter 50

**AGENDA REQUESTED:** April 12, 2024

**DATE OF REQUEST:** March 22, 2024

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

**CAPTION: Docket No. 2022-1724-MIS.** Consideration for the adoption of the rules review and readoption of 30 TAC Chapter 50, Action on Applications and Other Authorizations. 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 October 6, 2023, issue of the *Texas Register* (48 TexReg 5828). (Amy Browning) (Non-Rule Project No. 2023-038-050-LS)

Erin E. Chancellor  
\_\_\_\_\_  
**Director**

Charmaine K. Backens  
\_\_\_\_\_  
**Division Deputy Director**

Gwen Ricco  
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**Agenda Coordinator**

# Texas Commission on Environmental Quality

## Interoffice Memorandum

**To:** Commissioners **Date:** March 22, 2024

**Thru:** Laurie Gharis, Chief Clerk  
Kelly Keel, Executive Director

**From:** Erin E. Chancellor, Director  
Office of Legal Services

**Docket No.:** 2022-1724-MIS

**Subject:** Commission Approval for Adoption of Rules Review and Readoption of Rules  
Chapter 50, Action on Applications and Other Authorizations  
Rules Review of 30 Texas Administrative Code Chapter 50  
Non-Rule Project No. 2023-038-050-LS

**What the adopted action would do:**

This action will approve the rules review of Chapter 50, 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 50 and determined that the reasons for adopting these rules continue to exist. Chapter 50 provides the procedures for action by the commission and by the executive director regarding applications for certain air quality; water quality; municipal, industrial and hazardous waste; underground injection control; and radioactive materials permits as well as water quality management plans.

**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 November 6, 2023. No comments were received.

**Affected agency program(s):**

The program areas responsible for implementing these rules are the Air Permits Division, Water Quality Division, Waste Permits Division, Radioactive Materials Division, Office of the Chief Clerk, and Office of General Counsel.

Commissioners  
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March 22, 2024

Re: Docket No. 2022-1724-MIS

**Agency contacts:**

Amy Browning, Project Manager and Staff Attorney, Environmental Law Division, (512) 239-0891

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

Jessica Miller  
Director, Rules Coordination Office  
Department of State Health Services  
Filed: September 27, 2023

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Health and Human Services Commission

**Title 26, Part 1**

The Texas Health and Human Services Commission (HHSC) proposes to review and consider for readoption, revision, or repeal the chapter listed below, in its entirety, contained in Title 26, Part 1, of the Texas Administrative Code:

Chapter 303, Preadmission Screening and Resident Review (PASRR)

Subchapter A General Provisions

Subchapter B PASRR Screening and Evaluation Process

Subchapter C Responsibilities

Subchapter D Vendor Payment

Subchapter E Habilitation Coordination

Subchapter F Habilitative Service Planning for A Designated Resident

Subchapter G Transition Planning

Subchapter H Compliance Review

Subchapter I MI Specialized Services

This review is conducted in accordance with the requirements of Texas Government Code §2001.039, which requires state agencies, every four years, to assess whether the initial reasons for adopting a rule continue to exist. After reviewing its rules, the agency will readopt, readopt with amendments, or repeal its rules.

Comments on the review of Chapter 303, Preadmission Screening and Resident Review (PASRR), may be submitted to HHSC Rules Coordination Office, Mail Code 4102, P.O. Box 13247, Austin, Texas 78711-3247, or by email to HHSRulesCoordinationOffice@hhs.texas.gov. When emailing comments, please indicate "Comments on Proposed Rule Review Chapter 303" in the subject line. The deadline for comments is on or before 5:00 p.m. central time on the 31st day after the date this notice is published in the *Texas Register*.

The text of the rule sections being reviewed will not be published, but may be found in Title 26, Part 1, of the Texas Administrative Code or on the Secretary of State's website at State Rules and Open Meetings (texas.gov).

TRD-202303534  
Jessica Miller  
Director, Rules Coordination Office  
Health and Human Services Commission  
Filed: September 25, 2023

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Texas Commission on Environmental Quality

**Title 30, Part 1**

The Texas Commission on Environmental Quality (TCEQ) files this Notice of Intention to Review 30 Texas Administrative Code Chapter 39, Public Notice.

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, TCEQ will assess whether the reasons for initially adopting the rules in Chapter 39 continue to exist.

Comments regarding suggested changes to the rules in Chapter 39 may be submitted but will not be considered for rule amendments as part of this review. Any such comments will be considered in a future rule-making action by TCEQ.

**Submittal of Comments**

TCEQ invites public comment on this preliminary review of the rules in Chapter 39. 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: [www.tceq.commentinput.com/](http://www.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 2023-037-039-LS. Comments must be received by November 6, 2023. For further information, please contact Amy Browning, Environmental Law Division, at (512) 239-0891.

TRD-202303576  
Charmaine Backens  
Deputy Director, Environmental Law Division  
Texas Commission on Environmental Quality  
Filed: September 27, 2023

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The Texas Commission on Environmental Quality (TCEQ) files this Notice of Intention to Review 30 Texas Administrative Code Chapter 50, Action on Applications and Other Authorizations.

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, TCEQ will assess whether the reasons for initially adopting the rules in Chapter 50 continue to exist.

Comments regarding suggested changes to the rules in Chapter 50 may be submitted but will not be considered for rule amendments as part of this review. Any such comments will be considered in a future rule-making action by TCEQ.

**Submittal of Comments**

TCEQ invites public comment on this preliminary review of the rules in Chapter 50. 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: [www.tceq.commentinput.com/](http://www.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 2023-038-050-LS. Comments must be received by November 6, 2023. For further information, please contact Amy Browning, Environmental Law Division, at (512) 239-0891.

TRD-202303577  
Charmaine Backens  
Deputy Director, Environmental Law Division  
Texas Commission on Environmental Quality  
Filed: September 27, 2023

The Texas Commission on Environmental Quality (TCEQ) has completed its Rule Review of 30 Texas Administrative Code (TAC) Chapter 50, Action on Applications and Other Authorizations, as required by Texas Government Code (TGC), §2001.039. TGC, §2001.039, requires a state agency to review and consider for readoption, readoption with amendments, or repeal each of its rules every four years. TCEQ published its Notice of Intent to Review these rules in the October 6, 2023 issue of the *Texas Register* (48 TexReg 5828).

The review assessed whether the initial reasons for adopting the rules continue to exist and TCEQ has determined that those reasons exist. The rules in Chapter 50 are required because Chapter 50 provides the procedures for action by the commission and by the executive director regarding applications for certain air quality; water quality; municipal, industrial and hazardous waste; underground injection control; and radioactive materials permits as well as water quality management plans.

#### Public Comment

The public comment period closed on November 6, 2023. TCEQ did not receive comments on the rules review of this chapter.

As a result of the review TCEQ finds that the reasons for adopting the rules in 30 TAC Chapter 50 continue to exist and readopts these sections in accordance with the requirements of TGC, §2001.039.

# Texas Commission on Environmental Quality



## ORDER ADOPTING RULES REVIEW AND READOPTING RULES

Docket No. 2022-1724-MIS  
Non-Rule Project No. 2023-038-050-LS

On April 12, 2024, the Texas Commission on Environmental Quality (Commission) approved the rules review of 30 Texas Administrative Code (TAC) Chapter 50, Action on Applications and Other Authorizations, 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 October 6, 2023, issue of the *Texas Register* (48 TexReg 5828).

IT IS THEREFORE ORDERED BY THE COMMISSION, that the rules review of 30 TAC Chapter 50 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