

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
**AGENDA ITEM REQUEST**  
for Adoption of Rules Review & Readoption of Chapter 292

**AGENDA REQUESTED:** October 11, 2023

**DATE OF REQUEST:** September 22, 2023

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

**CAPTION: Docket No. 2023-0035-MIS.** Consideration for the adoption of the rules review and readoption of 30 TAC Chapter 292, Special Requirements for Certain Districts and Authorities. 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 May 19, 2023, issue of the *Texas Register* (48 TexReg 2581). (Avery Nguyen, Kayla Murray) (Non-Rule Project No. 2023-057-292-OW)

*Cari-Michel La Caille*  
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**Director**

Michele Risko  
\_\_\_\_\_  
**Division Deputy Director**

Gwen Ricco  
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**Agenda Coordinator**

# Texas Commission on Environmental Quality

## Interoffice Memorandum

**To:** Commissioners **Date:** September 22, 2023

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

**From:** *CML* Cari-Michel La Caille, Director  
Office of Water

**Docket No.:** 2023-0035-MIS

**Subject:** Commission Approval for Adoption of Rules Review and Readoption of Rules  
Chapter 292, Special Requirements for Certain Districts and Authorities  
Rules Review of 30 TAC Chapter 292  
Non-Rule Project No. 2023-057-292-OW

**What the adopted action would do:**

This action will approve the rules review of Chapter 292 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 292 and determined that the reasons for adopting these rules continue to exist. The rules in Chapter 292 contain general policy for receipt of independent management audits by districts and authorities specified in Chapter 292, Subchapter A. These rules are needed to implement state law including the Texas Constitution, Article III, §52 and Article XVI, §59 and Texas Water Code (TWC), Chapter 12, which provides for a continuing right of supervision of districts and authorities, and TWC, Chapter 49, which specifies that districts must adopt specific policies.

**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 June 20, 2023. No comments were received.

**Affected agency program(s):**

The program area responsible for implementing these rules is the Districts Section of the Water Supply Division.

**Agency contacts:**

Commissioners  
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Re: Docket No. 2023-0035-MIS

Avery Nguyen, Project Manager, Water Supply Division, (512) 239-0324  
Kayla Murray, Staff Attorney, Environmental Law Division, (512) 239-4761  
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 Education Agency

### Title 19, Part 2

The Texas Education Agency (TEA) proposes the review of 19 TAC Chapter 53, Regional Education Service Centers, pursuant to Texas Government Code, §2001.039. The rules being reviewed by TEA in Chapter 53 are organized under Subchapter AA, Commissioner's Rules.

As required by Texas Government Code, §2001.039, TEA will accept comments as to whether the reasons for adopting Chapter 53, Subchapter AA, continue to exist.

The public comment period on the review of Chapter 53, Subchapter AA, begins May 19, 2023, and ends June 19, 2023. A form for submitting public comments on the proposed rule review is available on the TEA website at <https://tea.texas.gov/about-tea/laws-and-rules/commissioner-rules-tac/commissioner-of-education-rule-review>.

TRD-202301657

Cristina De La Fuente-Valadez  
Director, Rulemaking  
Texas Education Agency  
Filed: May 8, 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 Texas Administrative Code Chapter 118, Control of Air Pollution Episodes.

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 118 continue to exist.

Comments regarding suggested changes to the rules in Chapter 118 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 118. 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 2023-060-118-AI. Comments must be received by June 20, 2023. For further information, please contact Jamie Zech, Air Quality Division, at (512) 239-3935.

TRD-202301675

Guy Henry  
Acting Deputy Director, Environmental Law Division  
Texas Commission on Environmental Quality  
Filed: May 9, 2023



The Texas Commission on Environmental Quality (commission) files this Notice of Intention to Review 30 TAC Chapter 292, Special Requirements for Certain Districts and Authorities.

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 292 continue to exist.

Comments regarding suggested changes to the rules in Chapter 292 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 292. 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 2023-057-292-OW. Comments must be received by June 20, 2023. For further information, please contact Avery Nguyen, Water Supply Division, at (512) 239-0324.

TRD-202301673

Guy Henry  
Acting Deputy Director, Environmental Law Division  
Texas Commission on Environmental Quality  
Filed: May 9, 2023

The Texas Commission on Environmental Quality (commission) has completed its Rule Review of 30 Texas Administrative Code Chapter 292, Special Requirements for Certain Districts and Authorities, 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 May 19, 2023, issue of the *Texas Register* (48 TexReg 2581).

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 292 are required because they contain general policy for receipt of independent management audits by districts and authorities specified in Chapter 292, Subchapter A. These rules are needed to implement state law including the Texas Constitution, Article III, §52 and Article XVI, §59 and Texas Water Code (TWC), Chapter 12, which provides for a continuing right of supervision of districts and authorities, and TWC, Chapter 49, which specifies that districts must adopt specific policies.

#### Public Comment

The public comment period closed on June 20, 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 292 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. 2023-0035-MIS  
Non-Rule Project No. 2023-057-292-OW

On October 11, 2023, the Texas Commission on Environmental Quality (Commission) approved the rules review of 30 TAC Chapter 292, Special Requirements for Certain Districts and Authorities 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 May 19, 2023, issue of the *Texas Register* (48 TexReg 2581).

IT IS THEREFORE ORDERED BY THE COMMISSION, that the rules review of 30 TAC Chapter 292 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