

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
**AGENDA ITEM REQUEST**  
for Adoption of Rules Review & Readoption of Chapter 14

**AGENDA REQUESTED:** November 20, 2024

**DATE OF REQUEST:** November 1, 2024

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

**CAPTION: Docket No. 2023-0049-MIS.** Consideration for the adoption of the rules review and readoption of 30 TAC Chapter 14, Grants. 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 July 26, 2024, issue of the *Texas Register* (49 TexReg 5550). (Yolanda G. Davis, Jason Beall) (Non-Rule Project No. 2023-071-014-AS)

Donna White  
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**Director**

Yolanda Davis  
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**Division Deputy Director**

Gwen Ricco  
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**Agenda Coordinator**

# Texas Commission on Environmental Quality

## Interoffice Memorandum

**To:** Commissioners **Date:** November 1, 2024

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

**From:** Donna White, Director  
Office of Administrative Services

**Docket No.:** 2022-0049-MIS

**Subject:** Commission Approval for Adoption of Rules Review and Readoption of Rules  
Chapter 14, Grants  
Rules Review of 30 TAC Chapter 14  
Non-Rule Project No. 2023-071-014-AS

**What the adopted action would do:**

This action will approve the rules review of Chapter 14, 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 14 and determined that the reasons for adopting these rules continue to exist. The rules in Chapter 14 are required under Texas Water Code, §5.124(b), Authority to Award Grants. The agency may award grants for any resource conservation or protection purpose. Grants awarded under this chapter may use state or federal funds if it relates directly to a purpose specified in the grant.

**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 September 3, 2024. No comments were received.

**Affected agency program(s):**

The program area responsible for implementing these rules is the Financial Administration Division.

**Agency contacts:**

Yolanda Davis, Project Manager, Office of Administrative Services, (512) 239-6888  
Jason Beall, Staff Attorney, General Law Division, (512) 239-0694

Commissioners  
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November 1, 2024

Re: Docket No. 2022-0049-MIS

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

ted 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 2023-036-012-AS. Comments must be received by September 3, 2024. For further information, please contact Yolanda Davis, Office of Administrative Services, at (512) 239-6888.

TRD-202403134

Charmaine Backens  
Deputy Director, Environmental Law Division  
Texas Commission on Environmental Quality  
Filed: July 17, 2024



The Texas Commission on Environmental Quality (TCEQ) files this Notice of Intention to Review 30 Texas Administrative Code (TAC) Chapter 14, Grants.

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 14 continue to exist.

Comments regarding suggested changes to the rules in Chapter 14 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 TCEQ.

#### Submittal of Comments

TCEQ invites public comment on this preliminary review of the rules in Chapter 14. 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 2023-071-014-AS. Comments must be received by September 3, 2024. For further information, please contact Yolanda Davis, Office of Administrative Services, at (512) 239-6888.

TRD-202403137

Charmaine Backens  
Deputy Director, Environmental Law Division  
Texas Commission on Environmental Quality  
Filed: July 17, 2024



The Texas Commission on Environmental Quality (TCEQ) files this Notice of Intention to Review 30 Texas Administrative Code (TAC) Chapter 37, Financial Assurance.

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 37 continue to exist.

Comments regarding suggested changes to the rules in Chapter 37 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.

#### Submittal of Comments

TCEQ invites public comment on this preliminary review of the rules in Chapter 37. 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 2023-052-037-AS. Comments must be received by September 3, 2024. For further information, please contact Yolanda Davis, Program Project Manager, Financial Administration, at (512) 239-6888.

TRD-202403135

Charmaine Backens  
Deputy Director, Environmental Law Division  
Texas Commission on Environmental Quality  
Filed: July 17, 2024



## Adopted Rule Reviews

### Department of Aging and Disability Services

#### Title 40, Part 1

The Texas Health and Human Services Commission (HHSC), as the successor agency of the Texas Department of Aging and Disability Services, adopts the review of the chapter below in Title 40, Part 1, of the Texas Administrative Code (TAC):

#### Chapter 6, ICF/ID Programs--Contracting

Notice of the review of this chapter was published in the April 5, 2024, issue of the *Texas Register* (49 TexReg 2205). HHSC received no comments concerning this chapter.

HHSC has reviewed Chapter 6 in accordance with Texas Government Code §2001.039, which requires state agencies to assess, every four years, whether the initial reasons for adopting a rule continue to exist.

The agency determined that the original reasons for adopting all rules in the chapter continue to exist and readopts Chapter 6. Any amendments, if applicable, to Chapter 6 identified by HHSC in the rule review will be proposed in a future issue of the *Texas Register*.

This concludes HHSC's review of 40 TAC Chapter 6 as required by the Texas Government Code §2001.039.

TRD-202403065

Jessica Miller  
Director, Rules Coordination Office  
Department of Aging and Disability Services  
Filed: July 12, 2024



The Texas Health and Human Services Commission (HHSC), as the successor agency of the Texas Department of Aging and Disability Services, adopts the review of the chapter below in Title 40, Part 1, of the Texas Administrative Code:

#### Chapter 46, Contracting to Provide Assisted Living and Residential Care Services

Notice of the review of this chapter was published in the February 16, 2024, issue of the *Texas Register* (49 TexReg 883). HHSC received no comments concerning this chapter.

HHSC has reviewed Chapter 46 in accordance with Texas Government Code §2001.039, which requires state agencies to assess, every four years, whether the initial reasons for adopting a rule continue to ex-

The Texas Commission on Environmental Quality (TCEQ) has completed its Rule Review of 30 Texas Administrative Code (TAC) Chapter 14, Grants, 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 July 26, 2024, issue of the *Texas Register* (49 TexReg 5550).

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 14 are required under Texas Water Code, §5.124(b), Authority to Award Grants. The agency may award grants for any resource conservation or protection purpose. Grants awarded under this chapter may use state or federal funds if it relates directly to a purpose specified in the grant.

#### Public Comment

The public comment period closed on September 3, 2024. 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 14 continue to exist and readopts these sections in accordance with the requirements of TGC, §2001.039. Changes to the rules identified as part of this review process will be addressed in a separate rulemaking action, in accordance with the Texas Administrative Procedure Act.

# Texas Commission on Environmental Quality



## ORDER ADOPTING RULES REVIEW AND READOPTING RULES

Docket No. 2023-0049-MIS  
Non-Rule Project No. 2023-071-014-AS

On November 20, 2024, the Texas Commission on Environmental Quality (Commission) approved the rules review of 30 Texas Administrative Code (TAC) Chapter 14, Grants, in accordance with the requirements of Texas Government Code, § 2001.039, which requires a state agency to review and consider for readoption each of its rules every four years. The proposed Notice of Intention to Review was published in the July 26, 2024, issue of the *Texas Register* (49 TexReg 5550).

IT IS THEREFORE ORDERED BY THE COMMISSION, that the rules review of 30 TAC Chapter 14 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