

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
**AGENDA ITEM REQUEST**  
for Adoption of Rules Review & Readoption of Chapter 319

**AGENDA REQUESTED:** November 29, 2023

**DATE OF REQUEST:** November 10, 2023

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

**CAPTION: Docket No. 2023-0054-MIS.** Consideration for the adoption of the rules review and readoption of 30 Texas Administrative Code Chapter 319, General Regulations Incorporated into Permits. 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 June 16, 2023, issue of the *Texas Register* (Vol. 48 TexReg page 3303). (Shannon Gibson, Michael Parr) (Non-Rule Project No. 2023-069-319-OW)

Cari-Michel La Caille  
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**Director**

Robert Sadlier  
\_\_\_\_\_  
**Division Director**

Gwen Ricco  
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**Agenda Coordinator**

# Texas Commission on Environmental Quality

## Interoffice Memorandum

**To:** Commissioners **Date:** November 10, 2023

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

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

**Docket No.:** 2023-0054-MIS

**Subject:** Commission Approval for Adoption of Rules Review and Readoption of Rules  
Chapter 319, General Requirements Incorporated into Permits  
Rules Review of 30 TAC Chapter 319  
Non-Rule Project No. 2023-069-319-OW

**What the adopted action would do:**

This action will approve the rules review of Chapter 319 and readopt the chapter.

This action constitutes a determination by the Texas Commission on Environmental Quality (TCEQ), 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 319 and determined that the reasons for adopting these rules continue to exist. The rules under Chapter 319 provide general requirements for wastewater discharge permits under the Texas Pollutant Discharge Elimination System and Commission wastewater permitting programs. This chapter consists of three subchapters:

- Subchapter A sets out monitoring and reporting requirements;
- Subchapter B sets maximum allowable concentrations of hazardous metals that are discharged into or adjacent to surface water in the state; and
- Subchapter C specifies conditions under which notification of a spill must be given to appropriate local government officials and local media, procedures for giving the required notice, content of the notice, and the method of giving notice.

The rules under Chapter 319 are necessary to verify compliance with permit effluent limitations, to ensure hazardous metal discharges are protective of human health and the environment, and to notify the public of potential hazards related to spills.

**Rules found to be obsolete:**

None.

Commissioners  
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**Public comment:**

A public hearing was not offered for this review. The comment period for the rules review closed on July 18, 2023. No comments were received.

**Affected agency program(s):**

The program area(s) responsible for implementing these rules are organized under the Water Quality Division.

**Agency contacts:**

Shannon Gibson, Project Manager, Water Quality Division, (512) 239-4284  
Michael Parr, Staff Attorney, Environmental Law Division, (512) 239-0611  
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 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 301, Levee Improvement Districts, District Plans of Reclamation, and Levees and Other Improvements.

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 301 continue to exist.

Comments regarding suggested changes to the rules in Chapter 301 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 301. 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 2023-066-301-OW. Comments must be received by July 18, 2023. For further information, please contact Avery Nguyen, Water Supply Division, at (512) 239-0324.

TRD-202302098

Guy Henry

Acting Deputy Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: June 7, 2023



The Texas Commission on Environmental Quality (commission) files this Notice of Intention to Review 30 TAC Chapter 319, General Regulations Incorporated into Permits.

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 com-

mission will assess whether the reasons for initially adopting the rules in Chapter 319 continue to exist.

Comments regarding suggested changes to the rules in Chapter 319 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 319. 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 2023-069-319-OW. Comments must be received by July 18, 2023. For further information, please contact Shannon Gibson, Water Quality Division, at (512) 239-4284.

TRD-202302099

Guy Henry

Acting Deputy Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: June 7, 2023



The Texas Commission on Environmental Quality (commission) files this Notice of Intention to Review 30 Texas Administrative Code (TAC) Chapter 328, Waste Minimization and Recycling.

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 30 TAC Chapter 328 continue to exist.

Comments regarding suggested changes to the rules in 30 TAC Chapter 328 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 328. 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

The Texas Commission on Environmental Quality (TCEQ) has completed its Rule Review of 30 Texas Administrative Code (TAC) Chapter 319, General Regulations Incorporated into Permits, 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 June 16, 2023, issue of the *Texas Register* (48 TexReg 3303).

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 319 provide general requirements for wastewater discharge permits under the Texas Pollutant Discharge Elimination System and Commission wastewater permitting programs. This chapter consists of three subchapters:

- Subchapter A sets out monitoring and reporting requirements;
- Subchapter B sets maximum allowable concentrations of hazardous metals that are discharged into or adjacent to surface water in the state; and
- Subchapter C specifies conditions under which notification of a spill must be given to appropriate local government officials and local media, procedures for giving the required notice, content of the notice, and the method of giving notice.

The rules under Chapter 319 are necessary to verify compliance with permit effluent limitations, to ensure hazardous metal discharges are protective of human health and the environment, and to notify the public of potential hazards related to spills.

#### Public Comment

The public comment period closed on July 18, 2023. The commission 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 319 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. 2023-0054-MIS  
Non-Rule Project No. 2023-069-319-OW

On November 29, 2023, the Texas Commission on Environmental Quality (Commission) approved the rules review of 30 Texas Administrative Code (TAC) Chapter 319, General Regulations Incorporated into Permits, 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 June 16, 2023, issue of the *Texas Register* (48 TexReg 3303).

IT IS THEREFORE ORDERED BY THE COMMISSION, that the rules review of 30 TAC Chapter 319 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