

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
**AGENDA ITEM REQUEST**  
for Adoption of Rules Review & Readoption of Chapter 335

**AGENDA REQUESTED:** December 13, 2023

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

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

**CAPTION: Docket No. 2023-0056-MIS.** Consideration for the adoption of the rules review and readoption of 30 TAC Chapter 335, Industrial Solid Waste and Municipal Hazardous Waste. 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 30, 2023, issue of the *Texas Register* (48 TexReg 3524). (Jarita Sepulvado, Audrey Liter) (Non-Rule Project No. 2023-075-335-WS)

  
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**Director**

  
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**Division Deputy Director**

  
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**Agenda Coordinator**


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# Texas Commission on Environmental Quality

## Interoffice Memorandum

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

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

**From:** Beth Seaton, Director   
Office of Waste

**Docket No.:** 2023-0056-MIS

**Subject:** Commission Approval for Adoption of Rules Review and Readoption of Rules  
Chapter 335, Industrial Solid Waste and Municipal Hazardous Waste  
Rules Review of 30 TAC Chapter 335  
Non-Rule Project No. 2023-075-335-WS

**What the adopted action would do:**

This action will approve the rules review of Chapter 335, 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 335 and determined that the reasons for adopting these rules continue to exist. The rules in Chapter 335 implement the state's approved hazardous waste program which controls, from point of generation to ultimate disposal, those wastes that have been identified as hazardous by the administrator of the United States Environmental Protection Agency in 40 Code of Federal Regulations Part 261. The rules also implement the commission's industrial solid and municipal hazardous waste programs, household hazardous waste program, pollution prevention program, and risk reduction program. The rules in Chapter 335 are needed to fulfill the commission's authority under sections in the Texas Health and Safety Code, Chapter 361, to maintain and implement the statutory authority and programs described above.

**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 August 1, 2023. No comments were received.

**Affected agency program(s):**

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The program areas responsible for implementing these rules include the Office of Waste, Office of Air, Office of Compliance and Enforcement, Office of Legal Services, Office of Administrative Services, and the Public Education Section of the External Relations Division.

**Agency contacts:**

Jarita Sepulvado, Project Manager, Waste Permits Division, (512) 239-4413  
Audrey Liter, Staff Attorney, Environmental Law Division, (512) 239-0684  
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

The Texas Commission on Environmental Quality (commission) files this Notice of Intention to Review 30 TAC Chapter 330, Municipal Solid Waste.

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 reoption, reoption with amendments, or repeal every four years. During this review, the commission will assess whether the reasons for initially adopting the rules in Chapter 330 continue to exist.

Comments regarding suggested changes to the rules in Chapter 330 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 330. 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 2023-074-330-WS. Comments must be received by August 1, 2023. For further information, please contact Jarita Sepulvado, Waste Permits Division, at (512) 239-4413.

TRD-202302208

Guy Henry

Acting Deputy Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: June 20, 2023

The Texas Commission on Environmental Quality (commission) files this Notice of Intention to Review 30 TAC Chapter 335, Industrial Solid Waste and Municipal Hazardous Waste.

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 reoption, reoption with amendments, or repeal every four years. During this review, the commission will assess whether the reasons for initially adopting the rules in Chapter 335 continue to exist.

Comments regarding suggested changes to the rules in Chapter 335 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 335. 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 2023-075-335-WS. Comments must be received by August 1, 2023. For further information, please contact Jarita Sepulvado, Waste Permits Division, at (512) 239-4413.

TRD-202302211

Guy Henry

Acting Deputy Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: June 20, 2023

## Adopted Rule Reviews

Texas Department of Agriculture

### Title 4, Part 1

Pursuant to the Texas Government Code, §2001.039, the Texas Department of Agriculture (Department) has completed its review of Texas Administrative Code, Title 4, Part 1, Chapter 19, Quarantines and Noxious and Invasive Plants, Subchapter A, General Quarantine Provisions; Subchapter B, Burrowing Nematode Quarantine; Subchapter C, Camellia Flower Blight Quarantine; Subchapter D, Caribbean Fruit Fly Quarantine; Subchapter E, Date Palm Lethal Decline Quarantine; Subchapter F, Lethal Yellowing Quarantine; Subchapter G, European Brown Garden Snail Quarantine; Subchapter H, Gypsy Moth Quarantine; Subchapter I, Pine Shoot Beetle Quarantine; Subchapter J, Red Imported Fire Ant Quarantine; Subchapter K, European Corn Borer Quarantine; Subchapter L, Pecan Weevil Quarantine; Subchapter M, Sweet Potato Weevil Quarantine; Subchapter N, Karnal Bunt Quarantine; Subchapter O, West Indian Fruit Fly Quarantine; Subchapter P, Diaprepes Root Weevil Quarantine; Subchapter R, Formosan Termite Quarantine; Subchapter T, Noxious and Invasive Plants; Subchapter W, Red Palm Mite Quarantine; and Subchapter X, Citrus Greening Quarantine.

Notice of the rule review was published in the October 7, 2022, issue of the *Texas Register* (47 TexReg 6635). No public comment was received in response to this notice.

The Department finds that the legal authority and business necessity for the rules in this chapter continue to exist. The Department readopts these rules with no changes, except for §19.121 and §19.123, which are readopted with amendments. As a result, the Department proposes amendments to §19.121 and §19.123, which can be found in the Proposed Rules section of this issue.

TRD-202302167

Skyler Shafer

Assistant General Counsel

Texas Department of Agriculture

Filed: June 15, 2023

Finance Commission of Texas

### Title 7, Part 1

On behalf of the Finance Commission of Texas (commission), the Texas Department of Banking (department) has completed the review of Texas Administrative Code, Title 7, Chapter 9 (Rules of Procedure for Contested Case Hearings, Appeals, and Rulemakings), comprised of Subchapter A (§§9.1 - 9.3); Subchapter B (§§9.11 - 9.23 and 9.25 - 9.39); Subchapter C (§9.71 and §9.72); and Subchapter D (§§9.81 - 9.85).

Notice of the review of Chapter 9 was published in the May 5, 2023, issue of the *Texas Register* (48 TexReg 2393). No comments were received in response to the notice.

The commission believes the reasons for initially adopting Chapter 9 continue to exist. However, the department has determined that certain

The Texas Commission on Environmental Quality (TCEQ) has completed its Rule Review of 30 Texas Administrative Code (TAC) Chapter 335, Industrial Solid Waste and Municipal Hazardous Waste, 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. TCEQ published its Notice of Intent to Review these rules in the June 30, 2023, issue of the *Texas Register* (48 TexReg 3524).

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 335 are required because they implement the state's approved hazardous waste program which controls, from point of generation to ultimate disposal, those wastes that have been identified as hazardous by the administrator of the United States Environmental Protection Agency in 40 Code of Federal Regulations Part 261. The rules also implement the commission's industrial solid and municipal hazardous waste programs, household hazardous waste program, pollution prevention program, and risk reduction program. TCEQ identified changes that may be addressed during future rulemaking.

#### Public Comment

The public comment period closed on August 1, 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 335 continue to exist and readopts these sections in accordance with the requirements of Texas Government Code, §2001.039. Changes to the rules identified as part of this review process may 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. 2023-0056-MIS  
Non-Rule Project No. 2023-075-335-WS

On December 13, 2023, the Texas Commission on Environmental Quality (Commission) approved the rules review of 30 TAC Chapter 335, Industrial Solid Waste and Municipal Hazardous Waste 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 30, 2023, issue of the *Texas Register* (48 TexReg 3524).

IT IS THEREFORE ORDERED BY THE COMMISSION, that the rules review of 30 TAC Chapter 335 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