

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
AGENDA ITEM REQUEST
for Adoption of Rules Review & Readoption of Chapter 309

AGENDA REQUESTED: March 28, 2024

DATE OF REQUEST: March 8, 2024

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

CAPTION: Docket No. 2023-0086-MIS. Consideration for the adoption of the rules review and readoption of 30 TAC Chapter 309, Domestic Wastewater Effluent Limitation and Plant Siting. 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 August 25, 2023, issue of the *Texas Register* (Vol. 48 TexReg page 4676). (Shannon Gibson, Bradford Eckhart) (Non-Rule Project No. 2023-094-309-OW)

Cari-Michel La Caille

Director

Robert Sadlier

Deputy Director

Gwen Ricco

Agenda Coordinator

Texas Commission on Environmental Quality

Interoffice Memorandum

To: Commissioners **Date:** March 8, 2024

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

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

Docket No.: 2023-0086-MIS

Subject: Commission Approval for Adoption of Rules Review and Readoption of Rules
Chapter 309, Domestic Wastewater Effluent Limitation and Plant Siting
Rules Review of 30 TAC Chapter 309
Non-Rule Project No. 2023-094-309-OW

What the adopted action would do:

This action will approve the rules review of Chapter 309, 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 309 and determined that the reasons for adopting these rules continue to exist. The rules under Chapter 309 are needed to provide effluent limitations for domestic wastewater in Subchapter A, location standards in Subchapter B, and land disposal of sewage effluent in Subchapter C. Subchapter A includes effluent quality limitations for treated domestic sewage which are required to maintain water quality in accordance with TCEQ surface water quality standards. Subchapter B establishes minimum standards for the location of domestic wastewater treatment facilities, including definitions, considerations for determining site selection, and unsuitable site characteristics. Subchapter C outlines the components of a required technical report for the design of the wastewater disposal system as well as the requirements of irrigation disposal systems and percolation disposal systems.

The rules are needed to provide regulations to support the state water quality management program regarding domestic wastewater treatment facilities to minimize possible contamination of ground and surface water and the possibility of exposing the public to nuisance or unhealthful conditions

Rules found to be obsolete:

None.

Commissioners

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Re: Docket No. 2023-0086-MIS

Public comment:

A public hearing was not offered for this review. The comment period for the rules review closed on September 26, 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

Bradford Eckhart, Staff Attorney, Environmental Law Division, (512) 239-1283

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

ter 214, Secondary Containment Requirements for Underground Storage Tank Systems Located Over Certain Aquifers.

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 214 continue to exist.

Comments regarding suggested changes to the rules in Chapter 214 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 214. 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 2023-091-214-CE. Comments must be received by September 26, 2023. For further information, please contact Zachary King, Program Support and Environmental Assistance Division, at (512) 239-1931.

TRD-202302991

Charmaine Backens

Deputy Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: August 16, 2023



The Texas Commission on Environmental Quality (commission) files this Notice of Intention to Review 30 Texas Administrative Code (TAC) Chapter 295, Water Rights, Procedural.

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 30 TAC Chapter 295 continue to exist.

Comments regarding suggested changes to the rules in 30 TAC Chapter 295 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 30 TAC Chapter 295. 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 2023-092-295-OW. Comments must be received by September 26, 2023. For further information, please contact Jade Rutledge, Water Availability Division, at (512) 239-4559.

TRD-202302992

Charmaine Backens

Deputy Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: August 16, 2023



The Texas Commission on Environmental Quality (commission) files this Notice of Intention to Review 30 Texas Administrative Code Chapter 309, Domestic Wastewater Effluent Limitation and Plant Siting.

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 309 continue to exist.

Comments regarding suggested changes to the rules in Chapter 309 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 309. 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 2023-094-309-OW. Comments must be received by September 26, 2023. For further information, please contact Shannon Gibson, Water Quality Division, at (512) 239-4284.

TRD-202302994

Charmaine Backens

Deputy Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: August 16, 2023



The Texas Commission on Environmental Quality (commission) files this Notice of Intention to Review 30 Texas Administrative Code Chapter 350, Texas Risk Reduction Program.

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 350 continue to exist.

Comments regarding suggested changes to the rules in Chapter 350 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 350. 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

The Texas Commission on Environmental Quality (TCEQ) has completed its Rule Review of 30 Texas Administrative Code (TAC) Chapter 309, Domestic Wastewater Effluent Limitation and Plant Siting, 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 August 25, 2023, issue of the *Texas Register* (48 TexReg 4676).

The review assessed whether the initial reasons for adopting the rules continue to exist and TCEQ has determined that those reasons exist. The rules under Chapter 309 are needed to provide effluent limitations for domestic wastewater in Subchapter A, location standards in Subchapter B, and land disposal of sewage effluent in Subchapter C. Subchapter A includes effluent quality limitations for treated domestic sewage which are required to maintain water quality in accordance with TCEQ surface water quality standards. Subchapter B establishes minimum standards for the location of domestic wastewater treatment facilities, including definitions, considerations for determining site selection, and unsuitable site characteristics. Subchapter C outlines the components of a required technical report for the design of the wastewater disposal system as well as the requirements of irrigation disposal systems and percolation disposal systems.

The rules are needed to provide regulations to support the state water quality management program regarding domestic wastewater treatment facilities to minimize possible contamination of ground and surface water and the possibility of exposing the public to nuisance or unhealthful conditions.

Public Comment

The public comment period closed on September 26, 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 309 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. 2023-0086-MIS
Non-Rule Project No. 2023-094-309-OW

On March 28, 2024, the Texas Commission on Environmental Quality (Commission) approved the rules review of 30 Texas Administrative Code (TAC) Chapter 309, Domestic Wastewater Effluent Limitation and Plant Siting, 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 August 25, 2023, issue of the *Texas Register* (48 TexReg 4676).

IT IS THEREFORE ORDERED BY THE COMMISSION, that the rules review of 30 TAC Chapter 309 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

Jon Niermann, Chairman

Date Signed