

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
**AGENDA ITEM REQUEST**  
for Adoption of Rules Review & Readoption of Chapter 307

**AGENDA REQUESTED:** March 6, 2024

**DATE OF REQUEST:** February 16, 2024

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

**CAPTION: Docket No. 2023-0105-MIS.** Consideration for the adoption of the rules review and readoption of 30 TAC Chapter 307, Texas Surface Water Quality Standards. 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 September 8, 2023, issue of the *Texas Register* (48 TexReg 5074). (Debbie Miller, Michael Parr) (Non-Rule Project No. 2023-097-307-OW)

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

*Kelly Mills*  
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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:** February 16, 2024

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

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

**Docket No.:** 2023-0105-MIS

**Subject:** Commission Approval for Adoption of Rules Review and Readoption of Rules  
Chapter 307, Texas Surface Water Quality Standards  
Rule Review of 30 TAC Chapter 307  
Non-Rule Project No. 2023-097-307-OW

**What the adopted action would do:**

This action will approve the rules review of Chapter 307, 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 307 and determined that the reasons for adopting these rules continue to exist. The Texas Surface Water Quality Standards (TSWQS) establish instream water quality requirements for all surface waters in the state. Almost all water-related program activities in Texas are based on the TSWQS, and these standards affect state, federal, and local programs. TCEQ is directed to establish water quality standards in Texas Water Code, §26.023.

**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 October 9, 2023. No comments were received.

**Affected agency program(s):**

The program area(s) responsible for implementing these rules include wastewater permitting in the Water Quality Division, the Total Maximum Daily Load Program and Surface Water Quality Monitoring Program in the Water Quality Planning Division, and remediation projects requiring surface water protection levels in the Remediation Division.

Commissioners  
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Re: Docket No. 2023-0105-MIS

**Agency contacts:**

Debbie Miller, Project Manager, Water Quality Planning Division, (512) 239-1703  
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

by October 9, 2023. For further information, please contact Kathy Humphreys, Environmental Law Division, at (512) 239-3417.

TRD-202303189

Charmaine K. Backens

Deputy Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: August 29, 2023

The Texas Commission on Environmental Quality (commission) files this Notice of Intention to Review 30 Texas Administrative Code Chapter 60, Compliance History.

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 60 continue to exist.

Comments regarding suggested changes to the rules in Chapter 60 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 the commission.

#### Submittal of Comments

The commission invites public comment on this preliminary review of the rules in Chapter 60. 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 2023-096-060-CE. Comments must be received by October 9, 2023. For further information, please contact Brandy Wright, Enforcement Division, at (512) 239-2530.

TRD-202303180

Gitanjali Yadav

Deputy Director, Litigation Division

Texas Commission on Environmental Quality

Filed: August 29, 2023

The Texas Commission on Environmental Quality files this Notice of Intention to Review 30 Texas Administrative Code Chapter 213, Edwards Aquifer.

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 213 continue to exist.

Comments regarding suggested changes to the rules in Chapter 213 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 TCEQ.

#### Submittal of Comments

TCEQ invites public comment on this review of the rules in Chapter 213. Written comments may be submitted to Gwen Ricco, MC 205, Office of Legal Services, Texas Commission on Environmental Qual-

ity, P.O. Box 13087, Austin, Texas 78711-3087, or faxed to (512) 239-4808. Electronic comments may be submitted at: [tceq.commentinput.com](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 2023-098-213-CE. Comments must be received by October 9, 2023. For further information, please contact Zachary King, Program Support and Environmental Assistance Division, at (512) 239-1931.

TRD-202303182

Charmaine K. Backens

Deputy Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: August 29, 2023

The Texas Commission on Environmental Quality (commission) files this Notice of Intention to Review 30 Texas Administrative Code Chapter 230, Groundwater Availability Certifications for Platting.

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 230 continue to exist.

Comments regarding suggested changes to the rules in Chapter 230 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 TCEQ.

#### Submittal of Comments

TCEQ invites public comment on this review of the rules in Chapter 230. 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: [tceq.commentinput.com](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 2023-099-230-OW. Comments must be received by October 9, 2023. For further information, please contact Jade Rutledge, Water Availability Division, at (512) 239-4559.

TRD-202303186

Charmaine K. Backens

Deputy Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: August 29, 2023

The Texas Commission on Environmental Quality files this Notice of Intention to Review 30 Texas Administrative Code Chapter 307, Texas Surface Water Quality Standards.

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 307 continue to exist.

Comments regarding suggested changes to the rules in Chapter 307 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 TCEQ.

## Submittal of Comments

TCEQ invites public comment on this review of the rules in Chapter 307. 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: [tceq.commentinput.com](http://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 2023-097-307-OW. Comments must be received by October 7, 2023. For further information, please con-

tact Debbie Miller, Project Manager, Water Quality Planning Division, at (512) 239-1703.

TRD-202303181

Charmaine K. Backens

Deputy Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: August 29, 2023

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The Texas Commission on Environmental Quality (TCEQ) has completed its Rule Review of 30 Texas Administrative Code (TAC) Chapter 307, Texas Surface Water Quality Standards (TSWQS), 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 September 8, 2023, issue of the *Texas Register* (48 TexReg 5074).

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 307 are required because the TSWQS establish instream water quality requirements for all surface waters in the state. Almost all water-related program activities in Texas are based on the TSWQS, and these standards affect state, federal, and local programs. TCEQ is directed to establish water quality standards in Texas Water Code, §26.023.

#### Public Comment

The public comment period closed on October 9, 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 307 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. 2023-0105-MIS  
Non-Rule Project No. 2023-097-307-OW

On March 6, 2024, the Texas Commission on Environmental Quality (Commission) approved the rules review of 30 Texas Administrative Code (TAC) Chapter 307, Texas Surface Water Quality Standards 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 September 8, 2023, issue of the *Texas Register* (48 TexReg 5074).

IT IS THEREFORE ORDERED BY THE COMMISSION, that the rules review of 30 TAC Chapter 307 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