

Texas Commission on Environmental Quality

Interoffice Memorandum

To: Commissioners **Date:** December 23, 2025

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

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

Docket No.: 2025-1420-RUL

Subject: Commission Approval for Proposed Rulemaking
30 Texas Administrative Code (TAC) Chapter 293, Water Districts
Rule Project No. 2026-001-293-OW

Background and reason(s) for the rulemaking:

The purpose of this rulemaking is to implement the provisions of House Bill (HB) 2080, passed during the 89th Legislature's Regular Session in 2025. This bill amended Texas Water Code (TWC), §36.3011 to provide additional information and requirements regarding the Texas Commission on Environmental Quality's (commission or TCEQ) process for reviewing a petition filed by an affected person pertaining to the actions of a groundwater conservation district (GCD).

HB 2080 amended TWC, §36.3011(d) and added TWC, §36.3011(d-1), (d-2), (d-3), (e-1), (e-2), (e-3), and (e-4). Specifically, HB 2080 requires an employee of TCEQ to act as a recording secretary of a review panel. It clarifies that the review panel is an advisory board and not a governmental body. It requires TCEQ to reimburse members appointed to the review panel for actual expenses incurred. The statute also requires the records and documents of the recording secretary to be provided to the executive director (ED) and specifies that those records are public information. It requires the ED to provide notice of review panel public meetings and public hearings. The legislation allows the review panel to request technical assistance related to the petition from the Texas Water Development Board (TWDB) and to extend the deadline for the review by 120 days if such assistance is requested. The legislation also allows a member of the review panel to request legal advice and assistance on a matter pertaining to the petition from the commission's Office of Public Interest Counsel (OPIC). However, the statute does not prohibit members of the review panel from using their own technical consultants or legal counsel.

The bill addressed issues identified in the *TCEQ Sunset Self-Evaluation Report* (SFR-123/21) and the *Priority Groundwater Management Areas and Groundwater Conservation Districts Report to the 89th Legislature* (SFR-53/24).

Scope of the rulemaking:

A.) Summary of what the rulemaking would do:

The proposed amendments to 30 TAC §293.23, Petition Requesting Commission Inquiry, update subsection (g) to implement HB 2080. Specifically, the amendments would clarify that the review panel is an advisory board and not a governmental body. The proposed rulemaking would require that the recording secretary be a TCEQ employee, specify that records maintained by the recording secretary must be provided to the executive director (ED), and clarify such records are public documents. The proposed rulemaking would include notice requirements for meetings or hearings held by the review panel and would require TCEQ to reimburse review panel members for actual expenses incurred while engaging in activities on behalf of the panel. The proposed rulemaking would extend the timeframe for the petition process by 120 days if the review panel seeks technical assistance from the TWDB. The proposed amendment would also specify that the review

Re: Docket No. 2025-1420-RUL

panel may request legal assistance from the Office of the Public Interest Council (OPIC). Lastly, the proposed amendment would clarify that members of the review panel are not prohibited from seeking technical assistance or legal advice from entities other than TWDB and OPIC.

B.) Scope required by federal regulations or state statutes:

The scope of this rulemaking is defined by state statute at TWC, §36.3011.

C.) Additional staff recommendations that are not required by federal rule or state statute:

The rulemaking would not incorporate any additional changes that are not required by state statute. However, staff propose to develop a document which details the reimbursable expenses and the process for receiving reimbursement. This document would be provided to panel members upon assignment. The document will not be referenced within the proposed rules.

Statutory authority:

- TWC, §5.012, which provides that the commission is the agency responsible for implementing the constitution and laws of the state relating to conservation of natural resources and protection of the environment;
- TWC, §5.013 establishes the commission's authority over groundwater;
- TWC, §5.103 and §5.105, which establish the commission's general authority to adopt rules; and
- TWC, §36.3011, which establishes the commission's authority to, upon petition by an affected person, select a review panel to review activities regarding the management planning or rules of a groundwater conservation district.

Effect on the:

A.) Regulated community:

Participants of the review panel would be eligible to receive reimbursement for actual expenses incurred resulting from participation. They would also have access to technical assistance as well as legal advice and assistance.

B.) Public:

This rulemaking would establish clear requirements and procedures for public notice. The public notice would ensure members of the public are aware of and can attend and participate in review panel public meetings.

C.) Agency programs:

The agency would need to allocate resources from appropriated funds to account for reimbursing panel members. OPIC is required to provide legal advice and assistance to the panel, if requested. TCEQ is also now required to provide the district subject to the petition, the petitioner, and the county clerk of each county in the district with seven days' notice of any public meetings or hearings related to the petition. This notice will need to be posted on the commission's Internet website as well as mailed to these individuals.

Stakeholder meetings:

The commission did not hold any stakeholder meetings related to this rulemaking. A rule public hearing will be held during the comment period. The public meeting will be held both virtually and in person.

Public Involvement Plan

Commissioners
Page 3
December 23, 2025

Re: Docket No. 2025-1420-RUL

In addition to the statutory public notice requirements, TCEQ will develop a public involvement plan to encourage public participation. A plain language summary will also be provided.

Alternative Language Requirements

Yes, Spanish.

Potential controversial concerns and legislative interest:

None.

Would this rulemaking affect any current policies or require development of new policies?

No.

What are the consequences if this rulemaking does not go forward? Are there alternatives to rulemaking?

There are no alternatives that will allow TCEQ rules to be consistent with state statute.

Key points in the proposal rulemaking schedule:

Anticipated proposal date: January 14, 2026

Anticipated *Texas Register* publication date: January 30, 2026

Anticipated public hearing date: February 24, 2026

Anticipated public comment period: January 30, 2026 to March 3, 2026

Anticipated adoption date: June 17, 2026

Agency contacts:

Cindy Hooper, Rule Project Manager, Water Availability Division, (512) 239-4271

Travis Bartos, Special Assistant, Water Availability Division (512) 239-4714

Harrison "Cole" Malley, Staff Attorney, Environmental Law Division, (512) 239-1439

Vanessa Onyskow-Lang, Texas Register Rule/Agenda Coordinator, General Law Division, (512) 239-0682

Attachments:

House Bill 2080

cc: Chief Clerk, 2 copies
 Executive Director's Office
 Patrick Lopez
 Jessie Powell
 Farrah Court
 Office of General Counsel
 Cindy Hooper
 Harrison "Cole" Malley
 Travis Bartos
 Vanessa Onyskow-Lang