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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

NOTICE OF PUBLIC HEARING ON NEWLY PROPOSED

30 TAC CHAPTER 338

The Texas Commission on Environmental Quality (commission) will conduct multiple public hearings to receive testimony regarding the newly proposed 30 Texas Administrative Code (TAC) Chapter 338, Aboveground Storage Vessel Safety Program, Sections 338.1, 338.2, 338.3, 338.5, 338.7, 338.9, 338.20, 338.21, and 338.22 of 30 TAC Chapter 338.

The rulemaking would propose a new Chapter 338 to implement Senate Bill (SB) 900, 87th Texas Legislature, which requires the establishment of the Aboveground Storage Vessel Safety (ASVS) Program in the state. SB 900 amended the Texas Water Code (TWC) to establish the Performance Standards for Safety at Storage Vessels (PSSSV) Program within the commission and identifies the safety elements that the commission must include in these standards and the entities regulated under this new program. The bill requires the commission to establish a PSSSV Program, now being called the ASVS program by September 1, 2023, to provide for the protection of groundwater and surface water resources in the event of an accident or natural disaster. SB 900 requires this program to include all critical safety elements applicable to an aboveground storage vessel and that the commission determines to be critical for the protection of ground water and surface water resources following federal statutes and regulations identified in the bill.

The commission will offer six public hearings on this proposed rulemaking. The first public hearing will be offered on Thursday, March 23, 2023, at 6:00 p.m. at the TCEQ's Dallas/Fort Worth regional office, located at 2309 Gravel Drive in Fort Worth. A second public hearing will be offered on Tuesday, March 28, 2023, at 6:00 p.m. at the South East Texas Regional Planning Commission, located at 2210 Eastex Freeway in Beaumont, a third public hearing will be offered on Wednesday, March 29, 2023, at 6:00 p.m. at the Magnolia Multi-Service Center, located at 7037 Capitol Street in Houston. A fourth public hearing will be offered on Monday, April 3, 2023, at 6:00 p.m. at the TCEQ's Corpus Christi's regional office located at 500 N. Shoreline Blvd., Ste. 500, in Corpus Christi, a fifth public hearing will be offered on Thursday, April 6, 2023, at 6:00 p.m. at the TCEQ's Midland regional office in Conference Room A, located at 10 Desta Drive, in Midland. The commission will hold a sixth, hybrid in-person and virtual public hearing on Monday, April 10, 2023, at 10:100 a.m. in Building E, Room 201S, at the commission's central office located at 12100 Park 35 Circle in Austin. Individuals who plan to attend the Austin public hearing virtually and want to provide oral comments and/or want their attendance on record must register by Friday, March 31, 2023. To register for the hearing, please email Rules@tceq.texas.gov and provide the following information: your name, your affiliation, your email address, your phone number, and whether or not you plan to provide oral comments during the hearing. Instructions for participating in the hearing will be sent on Wednesday, April 5, 2023, to those who register for the hearing. Members of the public who do not wish to provide oral comments but would like to view the hearing virtually may do so at no cost at: https://teams.microsoft.com/l/meetup-join/19%3ameeting_NTBhZDZjYjMtNWY3YS00NjY0LTg2ZTItYTU2YjY1NDJjOWUz%40thread.v2/0?context=%7b%22Tid%22%3a%222871a83a4-a1ce-4b7a-8156-3bcd93a08fba%22%2c%22Oid%22%3a%22e74a40ea-69d4-469d-a8ef-06f2c9ac2a80%22%2c%22IsBroadcastMeeting%22%3atrue%7d

The hearings are structured for the receipt of oral or written comments by interested persons. Individuals may present oral statements when called upon in order of registration. Open discussion will not be permitted during the hearings; however, commission staff members will be available to discuss the proposal 30 minutes prior to the hearings.

Persons who have special communication or other accommodation needs who are planning to attend the hearings should contact Sandy Wong, Office of Legal Services at (512) 239-1802 or 1-800-RELAY-TX (TDD). Requests should be made as far in advance as possible.

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 *fax4808@tceq.texas.gov*. 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 Rule Project Number 2022-015-338-CE. The comment period closes April 10, 2023. Copies of the proposed rulemaking can be obtained from the commission's website at *https://www.tceq.texas.gov/rules/propose_adopt.html*. For further information, please contact Keith Sheedy, Critical Infrastructure Division, at (512) 239-1556.