

REVIEW OF AGENCY RULES

This section contains notices of state agency rule review as directed by the Texas Government Code, §2001.039. Included here are proposed rule review notices, which

invite public comment to specified rules under review; and adopted rule review notices, which summarize public comment received as part of the review. The complete text of an agency's rule being reviewed is available in the *Texas Administrative Code* on the Texas Secretary of State's website.

For questions about the content and subject matter of rules, please contact the state agency that is reviewing the rules. Questions about the website and printed copies of these notices may be directed to the *Texas Register* office.

Proposed Rule Reviews

Texas Commission on Environmental Quality

Title 30, Part 1

The Texas Commission on Environmental Quality (commission) files this Notice of Intention to Review 30 Texas Administrative Code Chapter 112, Control of Air Pollution from Sulfur Compounds.

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 re-adoption, re-adoption with amendments, or repeal every four years. During this review, the commission will assess whether the reasons for initially adopting the rules in Chapter 112 continue to exist.

Comments regarding suggested changes to the rules in Chapter 112 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; however, the comments must be resubmitted during the open comment period for that future rulemaking.

Submittal of Comments

The commission invites public comment on this preliminary review of the rules in Chapter 112. 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 2023-082-112-AI. Comments must be received by August 28, 2023. For further information, please contact Jamie Zech, Air Quality Division, at (512) 239-3935.

TRD-202302588

Charmaine Backens

Deputy Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: July 19, 2023



The Texas Commission on Environmental Quality (commission) files this Notice of Intention to Review 30 Texas Administrative Code Chapter 216, Water Quality Performance Standards for Urban Development.

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 re-adoption, re-adoption with

amendments, or repeal every four years. During this review, the commission will assess whether the reasons for initially adopting the rules in Chapter 216 continue to exist.

Comments regarding suggested changes to the rules in Chapter 216 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 216. 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 2023-083-216-OW. Comments must be received by August 28, 2023. For further information, please contact Jill Csekitz, Water Quality Planning Division, at (512) 239-3136.

TRD-202302589

Charmaine Backens

Deputy Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: July 19, 2023



The Texas Commission on Environmental Quality (commission) files this Notice of Intention to Review 30 Texas Administrative Code Chapter 293, Water Districts.

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 re-adoption, re-adoption with amendments, or repeal every four years. During this review, the commission will assess whether the reasons for initially adopting the rules in Chapter 293 continue to exist.

Comments regarding suggested changes to the rules in Chapter 293 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 293. 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 2023-084-293-OW. Comments must be received by August 28, 2023. For further information, please contact Avery Nguyen, Water Supply Division, at (512) 239-0324.

TRD-202302590

Charmaine Backens

Deputy Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: July 19, 2023



The Texas Commission on Environmental Quality (commission) files this Notice of Intention to Review 30 Texas Administrative Code (30 TAC) Chapter 303, Operation of the Rio Grande.

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, re-adoption 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 303 continue to exist.

Comments regarding suggested changes to the rules in 30 TAC Chapter 303 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 303. 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 2023-085-303-OW. Comments must be received by August 28, 2023. For further information, please contact Jade Rutledge, Water Availability Division, at (512) 239-4559.

TRD-202302591

Charmaine Backens

Deputy Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: July 19, 2023



The Texas Commission on Environmental Quality (commission) files this Notice of Intent to Review 30 Texas Administrative Code Chapter 344, Landscape Irrigation.

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, re-adoption with amendments, or repeal every four years. During this review, the commission will assess whether the reasons for initially adopting the rules in Chapter 344 continue to exist.

Comments regarding suggested changes to the rules in Chapter 344 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 344. 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 2023-081-344-CE. Comments must be received by August 28, 2023. For further information, please contact Zachary King, Program Support and Environmental Assistance Division, at (512) 239-1931.

TRD-202302587

Charmaine Backens

Deputy Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: July 19, 2023



Adopted Rule Reviews

Texas Education Agency

Title 19, Part 2

Texas Education Agency (TEA) adopts the review of 19 TAC Chapter 70, Technology-Based Instruction, Subchapter AA, Commissioner's Rules Concerning the Texas Virtual School Network, pursuant to Texas Government Code, §2001.039. TEA proposed the review of Chapter 70, Subchapter AA, in the March 12, 2021 issue of the *Texas Register* (46 TexReg 1663).

Relating to the review of Chapter 70, Subchapter AA, TEA finds that the reasons for adopting Subchapter AA continue to exist and readopts the rules. TEA received comments related to the review of Subchapter AA. Following is a summary of the comments received and the agency responses.

Comment: One administrator stated that it is important that the rules in 19 TAC Chapter 70, Subchapter AA, regarding technology-based or remote instruction be adjusted to meet the current needs of Texas students.

Response: The agency disagrees that revisions are necessary and has determined that the rules align with existing statute related to virtual instruction.

Comment: One administrator stated that it would serve students and families well if districts with a robust virtual learning program would be able to continue to offer this option to students who are successful in the remote environment. The commenter stated that the rules should allow for new full-time providers to be added to the Texas Virtual Schools Network (TXVSN) in addition to the current full-time providers.

Response: The agency offers the following clarification. At the direction of the governor, the commissioner of education will consider and approve waiver applications to allow certain districts to continue remote learning programs pending passage of legislation authorizing long-term remote learning options. The agency disagrees that amendments to this rule are necessary at this time.

Comment: One administrator stated that districts that have developed successful programs that engage learners should be allowed to offer remote learning to students in programs serving prekindergarten-Grade 12 instead of just Grades 3-12.

Response: The agency provides the following clarification. TEC, §30A.104(a)(2), establishes that a course offered for the TXVSN must

be aligned with the Texas Essential Knowledge and Skills for a grade level at or above Grade 3.

At a later date, TEA may propose changes to the rules in Chapter 70 to align with legislation from the 88th Texas Legislature, Regular Session, 2023.

This concludes the review of Chapter 70.

TRD-202302511
Cristina De La Fuente-Valadez
Director, Rulemaking
Texas Education Agency
Filed: July 13, 2023



Texas Education Agency (TEA) adopts the review of 19 TAC Chapter 76, Extracurricular Activities, Subchapter AA, Commissioner's Rules, pursuant to Texas Government Code, §2001.039. TEA proposed the review of Chapter 76, Subchapter AA, in the September 9, 2022 issue of the *Texas Register* (47 Tex Reg 5504).

Relating to the review of Chapter 76, Subchapter AA, TEA finds that the reasons for adopting §76.1001 continue to exist and readopts the rule. TEA finds that the reasons for adopting §76.1003 do not continue to exist.

In the future, TEA anticipates repealing §76.1003, Extracurricular Athletic Activity Safety Training Requirements, as the statutory authority for this rule was moved to the control of the University Interscholastic League by Senate Bill 1376, 86th Texas Legislature, Regular Session, 2019.

TEA received a comment related to the review of Subchapter AA, §76.1001. Following is a summary of the comment received and the agency response.

Comment. One administrator expressed support for §76.1001 and emphasized support for subsection (a)(3), relating to the University Interscholastic League sight reading competitions, to continue to be a part of the rule.

Response. The agency agrees that §76.1001 is necessary and appropriate in accordance with Texas Education Code, §7.055(b)(41).

No changes are necessary to §76.1001 as a result of the review.

This concludes the review of Chapter 76.

TRD-202302509
Cristina De La Fuente-Valadez
Director, Rulemaking
Texas Education Agency
Filed: July 12, 2023



Texas Juvenile Justice Department

Title 37, Part 11

The Texas Juvenile Justice Department (TJJD) has completed its review of Title 37, Texas Administrative Code, Chapter 385, Agency Management and Operations, in accordance with §2001.039, Government Code. TJJD published its Notice of Intent to Review these rules in the April 7, 2023, issue of the *Texas Register* (48 TexReg 1858). TJJD received no public comments on the proposed rule review.

As a result of the review, TJJD finds the reasons for adopting the following rules continue to exist and readopts them: §385.1111, Negotiation and Mediation of Contract Disputes; §385.8135, Rights of Victims; §385.8145, Volunteers and Community Resources Council; §385.8165, Site Selection for Juvenile Facility Construction; §385.8170, Acceptance of Gifts of \$500 or More; §385.9941, Response to Ombudsman Reports; §385.9951, Death of a Youth; §385.9969, Collection of Delinquent Obligations; §385.9971, Student Benefit Fund; §385.9975, State Inscription; §385.9981, Sick Leave Pool and Family Leave Pool Administration; and §385.9990, Vehicle Fleet Management.

In addition, TJJD finds the reasons for adopting the following rules continue to exist but with amendments needed: §385.1101, Contract Authority and Responsibilities; §385.1105, Contract Monitoring; §385.1109, Protests; §385.8107, Petition for Adoption of a Rule; §385.8111, Complaints from the Public; §385.8134, Notice of Youth Confessions of Child Abuse; and §385.8181, Background Checks.

TJJD also finds the reasons for adopting the following rules no longer exist and will repeal them and recodify them in TJJD policies not contained in the Texas Administrative Code: §385.8101, Public Information Requests; §385.8117, Private Real Property Rights Affected by Governmental Action; §385.8136, Notices to Public and Private Schools; §385.8137, Media Access; §385.8141, Confidentiality; §385.8153, Research Projects; §385.8161, Notification of a Facility Opening or Relocating; §385.8163, Decentralization; §385.8183, Advocacy, Support Group, and Social Services Provider Access; §385.9959, Transportation of Youth; §385.9967, Court-Ordered Child Support; and §385.9993, Canteen Operations.

Amendments and repeals will be proposed in a future issue of the *Texas Register*. This concludes TJJD's review of Texas Administrative Code, Chapter 385, Agency Management and Operations.

TRD-202302586
Christian von Wupperfeld
General Counsel
Texas Juvenile Justice Department
Filed: July 19, 2023

