

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

State Securities Board

Title 7, Part 7

The State Securities Board (Agency), beginning December 2023, will review and consider for re-adoption, revision, or repeal Chapter 133, Forms, in accordance with Texas Government Code, §2001.039, which requires rule review every four years. The rules to be reviewed are located in Title 7, Part 7, of the Texas Administrative Code. The text of the rule sections will not be published. The text of these rules may be found in the Texas Administrative Code, Title 7, Part 7 or through the Board's website at www.ssb.texas.gov/texas-securities-act-board-rules.

The Agency has conducted a preliminary review of this chapter and determined the reasons for initially adopting the chapter continue to exist. The Agency's Board will consider, among other things, whether the initial factual, legal, and policy reasons for adoption of these rules continue to exist, whether these rules should be repealed, and whether any changes are needed. This notice to review has no effect on the chapter as it currently exists. Readopted rules will be noted in a subsequent issue of the *Texas Register's* "Review of Agency Rules" section without publication of the text.

Any changes to the rules proposed by the Agency's Board after reviewing the rules and considering the comments received in response to this notice will appear in the "Proposed Rules" section of a subsequent issue of the *Texas Register*. Such changes will be open for public comment prior to the final adoption of any changes to the rule by the Agency in accordance with the requirements of the Administrative Procedure Act, Texas Government Code Annotated, Chapter 2001.

Comments or suggestions on the proposal must be in writing and will be accepted for 30 days following publication of this notice in the *Texas Register*. Written comments should be submitted to Marlene K. Sparkman, General Counsel, State Securities Board, P.O. Box 13167, Austin, Texas 78711-3167 or faxed to (512) 305-8336. Comments may also be submitted electronically to proposal@ssb.texas.gov. In order to be considered by the Board at adoption, comments must be received no later than 30 days following publication. Comments received will be reviewed and discussed in a future Board meeting.

Issued in Austin, Texas on December 1, 2023.

TRD-202304425

Travis J. Iles

Securities Commissioner

State Securities Board

Filed: December 1, 2023

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Texas State Board of Pharmacy

Title 22, Part 15

The Texas State Board of Pharmacy files this notice of intent to review Chapter 283, (§§283.1 - 283.12), concerning Licensing Requirements for Pharmacists, pursuant to Texas Government Code §2001.039, regarding Agency Review of Existing Rules.

Comments regarding whether the reason for adopting the rule continues to exist, may be submitted to Eamon D. Briggs, Deputy General Counsel, Texas State Board of Pharmacy, 1801 Congress Avenue, Suite 13.100, Austin, Texas 78701-1319, FAX (512) 305-8061. Comments must be received by 5:00 p.m., January 30, 2024.

TRD-202304509

Daniel Carroll, Pharm.D.

Executive Director

Texas State Board of Pharmacy

Filed: December 4, 2023

◆ ◆ ◆
The Texas State Board of Pharmacy files this notice of intent to review Chapter 291, Subchapter B (§§291.31 - 291.36), concerning Pharmacies (Community Pharmacy (Class A)), pursuant to Texas Government Code §2001.039, regarding Agency Review of Existing Rules.

Comments regarding whether the reason for adopting the rule continues to exist, may be submitted to Eamon D. Briggs, Deputy General Counsel, Texas State Board of Pharmacy, 1801 Congress Avenue, Suite 13.100, Austin, Texas 78701-1319, FAX (512) 305-8061. Comments must be received by 5:00 p.m., January 30, 2024.

TRD-202304510

Daniel Carroll, Pharm.D.

Executive Director

Texas State Board of Pharmacy

Filed: December 4, 2023

◆ ◆ ◆
The Texas State Board of Pharmacy files this notice of intent to review Chapter 315, (§§315.1 - 315.16), concerning Controlled Substances, pursuant to the Texas Government Code §2001.039, regarding Agency Review of Existing Rules.

Comments regarding whether the reason for adopting the rule continues to exist, may be submitted to Eamon D. Briggs, Deputy General Counsel, Texas State Board of Pharmacy, 1801 Congress Avenue, Suite 13.100, Austin, Texas 78701-1319, FAX (512) 305-8061. Comments must be received by 5:00 p.m., January 30, 2024.

TRD-202304511
Daniel Carroll, Pharm.D.
Executive Director
Texas State Board of Pharmacy
Filed: December 4, 2023



Health and Human Services Commission

Title 26, Part 1

The Texas Health and Human Services Commission (HHSC) proposes to review and consider for readoption, revision, or repeal the chapter listed below, in its entirety, contained in Title 26, Part 1, of the Texas Administrative Code:

Chapter 321, Substance Use Services

This review is conducted in accordance with the requirements of Texas Government Code §2001.039, which requires state agencies, every four years, to assess whether the initial reasons for adopting a rule continue to exist. After reviewing its rules, the agency will readopt, readopt with amendments, or repeal its rules.

Comments on the review of Chapter 321, Substance Use Services, may be submitted to HHSC Rules Coordination Office, Mail Code 4102, P.O. Box 13247, Austin, Texas 78711-3247, or by email to HHSRulesCoordinationOffice@hhs.texas.gov. When emailing comments, please indicate "Comments on Proposed Rule Review Chapter 321" in the subject line. The deadline for comments is on or before 5:00 p.m. central time on the 31st day after the date this notice is published in the *Texas Register*.

The text of the rule sections being reviewed will not be published, but may be found in Title 26, Part 1, of the Texas Administrative Code or on the Secretary of State's website at State Rules and Open Meetings (texas.gov).

TRD-202304414
Jessica Miller
Director, Rules Coordination Office
Health and Human Services Commission
Filed: December 1, 2023



The Texas Health and Human Services Commission (HHSC) proposes to review and consider for readoption, revision, or repeal the chapter listed below, in its entirety, contained in Title 26, Part 1, of the Texas Administrative Code:

Chapter 901, Volunteer and Community Engagement

This review is conducted in accordance with the requirements of Texas Government Code §2001.039, which requires state agencies, every four years, to assess whether the initial reasons for adopting a rule continue to exist. After reviewing its rules, the agency will readopt, readopt with amendments, or repeal its rules.

Comments on the review of Chapter 901, Volunteer and Community Engagement, may be submitted to HHSC Rules Coordination Office, Mail Code 4102, P.O. Box 13247, Austin, Texas 78711-3247, or by email to HHSRulesCoordinationOffice@hhs.texas.gov. When emailing comments, please indicate "Comments on Proposed Rule Review Chapter 901" in the subject line. The deadline for comments is on or before 5:00 p.m. central time on the 31st day after the date this notice is published in the *Texas Register*.

The text of the rule sections being reviewed will not be published, but may be found in Title 26, Part 1, of the Texas Administrative Code or

on the Secretary of State's website at State Rules and Open Meetings (texas.gov).

TRD-202304402
Jessica Miller
Director, Rules Coordination Office
Health and Human Services Commission
Filed: November 30, 2023



The Texas Health and Human Services Commission (HHSC) proposes to review and consider for readoption, revision, or repeal the chapter listed below, in its entirety, contained in Title 26, Part 1, of the Texas Administrative Code:

Chapter 990, Anatomical Gift

This review is conducted in accordance with the requirements of Texas Government Code §2001.039, which requires state agencies, every four years, to assess whether the initial reasons for adopting a rule continue to exist. After reviewing its rules, the agency will readopt, readopt with amendments, or repeal its rules.

Comments on the review of Chapter 990, Anatomical Gift, may be submitted to HHSC Rules Coordination Office, Mail Code 4102, P.O. Box 13247, Austin, Texas 78711-3247, or by email to HHSRulesCoordinationOffice@hhs.texas.gov. When emailing comments, please indicate "Comments on Proposed Rule Review Chapter 990" in the subject line. The deadline for comments is on or before 5:00 p.m. central time on the 31st day after the date this notice is published in the *Texas Register*.

The text of the rule sections being reviewed will not be published, but may be found in Title 26, Part 1, of the Texas Administrative Code or on the Secretary of State's website at State Rules and Open Meetings (texas.gov).

TRD-202304401
Jessica Miller
Director, Rules Coordination Office
Health and Human Services Commission
Filed: November 30, 2023



Adopted Rule Reviews

State Securities Board

Title 7, Part 7

Pursuant to the notice of proposed rule review published in the June 2, 2023, issue of the *Texas Register* (48 TexReg 2863), the State Securities Board (Board) has reviewed and considered for readoption, revision, or repeal all sections of the following chapters of Title 7, Part 7, of the Texas Administrative Code, in accordance with Texas Government Code, §2001.039, Agency Review of Existing Rules: Chapter 102, Complaint Process; Chapter 107, Terminology; Chapter 127, Miscellaneous; and Chapter 131, Guidelines for Confidentiality of Information. The text of these rules may be found in the Texas Administrative Code, Title 7, Part 7 or through the Board's website at www.ssb.texas.gov/texas-securities-act-board-rules.

The Board considered, among other things, whether the reasons for adoption of these rules continue to exist. After its review, the Board finds that the reasons for adopting these rules continue to exist and readopts these chapters, without changes, pursuant to the requirements of the Texas Government Code.

No comments were received regarding the readoption of Chapters 102, 107, 127, or 131.

This concludes the review of 7 TAC Chapters 102, 107, 127, and 131. Issued in Austin, Texas on December 1, 2023.

TRD-202304426
Travis J. Iles
Securities Commissioner
State Securities Board
Filed: December 1, 2023



Public Utility Commission of Texas

Title 16, Part 2

The Public Utility Commission of Texas (commission) readopts Texas Administrative Code (TAC), Chapter 26, Substantive Rules Applicable to Telecommunications Providers pursuant to the Administrative Procedure Act (APA), Texas Government Code §2001.039, Agency Review of Existing Rules. The notice of intention to review Chapter 26 was published in the *Texas Register* on October 13, 2023 (48 TexReg 5987).

APA §2001.039 requires that each state agency review its rules every four years and readopt, readopt with amendments, or repeal the rules adopted by that agency pursuant to the Texas Government Code, Chapter 2001. Such reviews must include, at a minimum, an assessment by the agency as to whether the reason for adopting or readopting the rules continues to exist. The commission has completed the review of the rules in Chapter 26 pursuant to APA §2001.039 and finds that the reasons for adopting the rules in Chapter 26 continue to exist. Based on this review and comments received, the commission readopts the chapter with five repeals, one new rule, and several amendments which will be published in the Adopted Rules section of the *Texas Register*.

The commission has completed the review of Chapter 26 as required by Texas Government Code §2001.039 and has determined that the reasons for initially adopting the rules in Chapter 26 continue to exist. Therefore, the commission re-adopts Chapter 26, Substantive Rules Applicable to Telecommunication Service Providers, in its entirety, under PURA, Texas Utilities Code Annotated §14.002 which requires the commission to adopt and enforce rules reasonably required in the exercise of its powers and jurisdiction and Texas Government Code §2001.039, which requires each state agency to review and re-adopt its rules every four years.

Cross reference to Statutes: PURA §14.002 and Texas Gov't. Code §2001.039.

TRD-202304420
Adriana Gonzales
Rules Coordinator
Public Utility Commission of Texas
Filed: December 1, 2023



Department of State Health Services

Title 25, Part 1

The Texas Health and Human Services Commission (HHSC), on behalf of Texas Department of State Health Services (DSHS), adopts the review of the chapter below in Title 25, Part 1, of the Texas Administrative Code (TAC):

Chapter 297, Indoor Air Quality
Subchapter A Government Buildings

Notice of the review of this chapter was published in the October 13, 2023, issue of the *Texas Register* (48 TexReg 5988). HHSC received one comment concerning this chapter. A summary of the comment and HHSC's and DSHS' response follows.

Comment: One commenter recommends that DSHS include the Institute of Inspection Cleaning and Restoration Certification standards and certifications in the rules to improve indoor air quality in government buildings.

Response: DSHS disagrees and declines to include the recommended standards and certifications because the rules will be repealed under Senate Bill 202, 84th Legislature, Regular Session, 2015, which repealed the authorizing statute Texas Health and Safety Code, Chapter 385 Indoor Air Quality in Government Buildings.

HHSC and DSHS have reviewed Chapter 297 in accordance with §2001.039 of the Texas Government Code, which requires state agencies to assess, every four years, whether the initial reasons for adopting a rule continue to exist. The agencies determined that the original reasons for adopting all rules in the chapter no longer exists and Chapter 297 will be repealed. The repeal of Chapter 297 identified by HHSC and DSHS in the rule review will be proposed in a future issue of the *Texas Register*.

This concludes HHSC's and DSHS' review of 25 TAC Chapter 297 as required by the Texas Government Code, §2001.039.

TRD-202304565
Jessica Miller
Director, Rules Coordination Office
Department of State Health Services
Filed: December 5, 2023



Texas Commission on Environmental Quality

Title 30, Part 1

The Texas Commission on Environmental Quality (TCEQ) has completed its Rule Review of 30 TAC Chapter 301, Levee Improvement Districts, District Plans of Reclamation, and Levees and Other Improvements, as required by Texas Government Code, §2001.039. Texas Government Code, §2001.039, requires a state agency to review and consider for re adoption, re adoption with amendments, or repeal each of its rules every four years. TCEQ published its Notice of Intent to Review these rules in the June 16, 2023, issue of the *Texas Register* (48 TexReg 3303).

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 301 are required because they include general provisions applicable to levee improvement districts, including procedures applicable to the formation of levee improvement districts, approval of levees and other improvements, rules regarding notices and hearings, rules regarding unauthorized levees and other improvements, fees, and requirements for information to be filed with the executive director. These rules are based on the specific authority granted in Texas Water Code (TWC), §16.236 to make and enforce rules regarding levee safety, TWC Chapter 57, as well as the general rulemaking authority granted the TCEQ in TWC, §5.103.

Public Comment

The public comment period closed on July 18, 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 301 continue to exist and readopts these sec-

tions in accordance with the requirements of Texas Government Code, §2001.039.

TRD-202304431

Charmaine Backens

Deputy Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: December 1, 2023



The Texas Commission on Environmental Quality (TCEQ) has completed its Rule Review of 30 Texas Administrative Code (TAC) Chapter 319, General Regulations Incorporated into Permits, as required by Texas Government Code (TGC), §2001.039. TGC, §2001.039, requires a state agency to review and consider for re adoption, re adoption with amendments, or repeal each of its rules every four years. TCEQ published its Notice of Intent to Review these rules in the June 16, 2023, issue of the *Texas Register* (48 TexReg 3303).

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 319 provide general requirements for wastewater discharge permits under the Texas Pollutant Discharge Elimination System and Commission wastewater permitting programs. This chapter consists of three subchapters:

Subchapter A sets out monitoring and reporting requirements;

Subchapter B sets maximum allowable concentrations of hazardous metals that are discharged into or adjacent to surface water in the state; and

Subchapter C specifies conditions under which notification of a spill must be given to appropriate local government officials and local media, procedures for giving the required notice, content of the notice, and the method of giving notice.

The rules under Chapter 319 are necessary to verify compliance with permit effluent limitations, to ensure hazardous metal discharges are protective of human health and the environment, and to notify the public of potential hazards related to spills.

Public Comment

The public comment period closed on July 18, 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 319 continue to exist and readopts these sections in accordance with the requirements of TGC, §2001.039.

TRD-202304433

Charmaine Backens

Deputy Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: December 1, 2023



The Texas Commission on Environmental Quality (TCEQ) has completed its Rule Review of 30 Texas Administrative Code (TAC) Chapter 328, Waste Minimization and Recycling, as required by Texas Government Code, §2001.039. Texas Government Code, §2001.039, requires a state agency to review and consider for re adoption, re adoption with amendments, or repeal each of its rules every four years. TCEQ published its Notice of Intent to Review these rules in the June 30, 2023, issue of the *Texas Register* (48 TexReg 3303).

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 328 are required because they implement requirements for management of various materials that can be diverted from solid waste streams; to promote economic recovery and reuse of materials; and to support the development of markets for recycled, remanufactured, or environmentally sensitive products or services in a sustainable manner that protects the environment, public health, and safety as authorized by the Texas Health and Safety Code (THSC). Each subchapter fulfills individual THSC requirements.

Subchapter A implements THSC, §361.119 and §361.1191, which establish rules to ensure that a solid waste processing facility is regulated as a solid waste facility and is not allowed to operate unregulated as a recycling facility. This subchapter also contains rules for the limitations on the storage of recyclable materials and reporting and record-keeping requirements for facilities regulated under this subchapter.

Subchapter B implements the requirements of THSC, §361.422, which states that the commission shall establish rules and reporting requirements through which progress toward achieving the established source reduction and recycling goals can be measured.

Subchapter C implements the requirements of THSC, §§361.452 - 361.453, relating to lead-acid battery retailers and wholesalers and the collection of lead-acid batteries for recycling. TCEQ is required to produce, print, and distribute notices of battery recycling. In performing this duty, the commission may also inspect any place, building, or premises governed by THSC, §361.452 for compliance.

Subchapter D implements the requirements of THSC, §371.104 relating to the registration and management of Used Oil Filters. TCEQ is required to register facilities that transport, store, and process used oil filters.

Subchapter E implements the requirements of THSC, §371.023 that TCEQ shall develop a grant program for local governments and private entities that encourages the collection, reuse, and recycling of household do-it-yourselfer used oil.

Subchapter F implements the requirements of THSC, §361.112 which establishes procedures and requirements for the safe storage, transportation, utilization, and disposal of used or scrap tires or tire pieces.

Subchapter G implements the requirements of THSC, §361.430, requiring the commission to promulgate rules and regulations that establish a newsprint recycling program for the state and develop forms for and regulations governing the submission of the reports required by §361.430(g).

Subchapter H implements the requirements of THSC, §369.002, which states that the commission shall maintain, for distribution, a list of the symbols required for certain plastic containers manufactured or distributed within the state and has the ability to approve the use of another nationally or internationally recognized label coding system for special-purpose plastics.

Subchapter I implements the requirements of THSC, §§361.951 - 361.966, which establishes a comprehensive, convenient, and environmentally sound program for the collection, recycling, and reuse of computer equipment that has reached the end of its useful life.

Subchapter J implements the requirements of THSC, §§361.971 - 361.992, which establishes a comprehensive, convenient, and environmentally sound program for the collection, recycling, and reuse of television equipment.

Subchapter K implements the requirements of THSC, §§361.425 - 361.426, which establishes a program for the separation and collection of all recyclable materials generated by a governmental entity's operations, including, at a minimum, aluminum, steel containers, aseptic

packaging and polycoated paperboard cartons, high-grade office paper, and corrugated cardboard.

Public Comment

The public comment period closed on July 18, 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 328 continue to exist and readopts these sections in accordance with the requirements of Texas Government Code, §2001.039.

TRD-202304434

Charmaine Backens

Deputy Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: December 1, 2023

