

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

Department of Savings and Mortgage Lending

Title 7, Part 4

On behalf of the Finance Commission of Texas (commission), the Department of Savings and Mortgage Lending (department) files this notice of its intent to review and consider for re-adoption, re-adoption with amendments, or repeal by the commission the following chapters of 7 TAC Part 4:

Chapter 78, Wrap Mortgage Loans (§§78.1 - 78.3, 78.100 - 78.102, 78.200, 78.201, 78.300 - 78.303, 78.400 - 78.403);

Chapter 79, Residential Mortgage Loan Servicers (§§79.1 - 79.5, 79.20, 79.30, 79.40, 79.50);

Chapter 80, Residential Mortgage Loan Companies (§§80.1 - 80.5, 80.100 - 80.102, 80.105 - 80.107, 80.200 - 80.206, 80.300 - 80.302); and

Chapter 81, Mortgage Bankers and Residential Mortgage Loan Originators (§§81.1 - 81.5, 81.100 - 81.111, 81.200 - 81.206, 81.300 - 81.302).

The review will be conducted in accordance with Government Code §2001.039. The department, in conducting the rule review, will assess whether the reasons for originally adopting the rules continue to exist. Each rule will be reviewed to determine whether it is obsolete, reflects current policy considerations and procedures of the department, and whether it is in compliance with Government Code Chapter 2001 (Administrative Procedure Act).

Written comments regarding the rule review and whether the reasons for initially adopting the sections under review continue to exist should be submitted to Iain A. Berry, General Counsel, at 2601 North Lamar Blvd., Suite 201, Austin, Texas 78705-4294, or by email to rules.comments@sml.texas.gov. All comments must be received within 30 days of publication of this notice. Any proposed changes to the rules resulting from rule review will be published separately in the Proposed Rules section of the *Texas Register* and will be open for public comment at that time, prior to potential adoption by the commission.

TRD-202400831

Iain A. Berry

General Counsel

Department of Savings and Mortgage Lending

Filed: February 26, 2024

Adopted Rule Reviews

Department of State Health Services

Title 25, Part 1

The Texas Health and Human Services Commission (HHSC), on behalf of the 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 227, Minimum Guidelines for Human Donor Milk Banks

Notice of the review of this chapter was published in the December 29, 2023, issue of the *Texas Register* (48 TexReg 8392). HHSC and DSHS received no comments concerning this chapter.

HHSC and DSHS have reviewed Chapter 227 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 exist and Chapter 227 will be repealed. The repeal of Chapter 227 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 227 as required by the Texas Government Code, §2001.039.

TRD-202400880

Jessica Miller

Director, Rules Coordination Office

Department of State Health Services

Filed: February 27, 2024

The Texas Health and Human Services Commission (HHSC), on behalf of the 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 230, Specific Additional Requirements for Drugs

Notice of the review of this chapter was published in the December 29, 2023, issue of the *Texas Register* (48 TexReg 8392). HHSC and DSHS received no comments concerning this chapter.

HHSC and DSHS have reviewed Chapter 230 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 continue to exist and readopts Chapter 230. Any amendments or repeals to Chapter 230 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 230 as required by the Texas Government Code, §2001.039.

TRD-202400760

Jessica Miller

Director, Rules Coordination Office

Department of State Health Services

Filed: February 21, 2024



Texas Health and Human Services Commission

Title 26, Part 1

The Texas Health and Human Services Commission (HHSC) adopts the review of the chapter below in Title 26, Part 1, of the Texas Administrative Code (TAC):

Chapter 350, Early Childhood Intervention Services

Notice of the review of this chapter was published in the December 29, 2023, issue of the *Texas Register* (48 TexReg 8393). HHSC received no comments concerning this chapter.

HHSC has reviewed Chapter 350 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 agency determined that the original reasons for adopting all rules in the chapter continue to exist and readopts Chapter 350. Any appropriate amendments to Chapter 350 identified by HHSC in the rule review will be proposed in a future issue of the *Texas Register*.

This concludes HHSC's review of 26 TAC 350 as required by the Texas Government Code, §2001.039.

TRD-202400881

Jessica Miller

Director, Rules Coordination Office

Texas Health and Human Services Commission

Filed: February 27, 2024



Texas Commission on Environmental Quality

Title 30, Part 1

The Texas Commission on Environmental Quality (TCEQ) files this Notice of Intention to Review 30 Texas Administrative Code (TAC) Chapter 214, Secondary Containment Requirements for Underground Storage Tank Systems Located Over Certain Aquifers, 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 Intention to Review these rules in the August 25, 2023, issue of the *Texas Register* (48 TexReg 4675).

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 214 are required to implement Texas Water Code (TWC), §26.3476 (adopted by the 77th Legislature, 2001), by establishing requirements for underground storage tank systems over certain aquifers to incorporate a method of secondary containment.

Public Comment

The public comment period closed on September 26, 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 214 continue to exist and readopts these sections in accordance with the requirements of TGC, §2001.039.

TRD-202400785

Charmaine K. Backens

Deputy Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: February 22, 2024



The Texas Commission on Environmental Quality (TCEQ) has completed its Rule Review of 30 Texas Administrative Code (TAC) Chapter 295, Water Rights, Procedural, 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 Intention to Review these rules in the August 25, 2023, issue of the *Texas Register* (48 TexReg 4676).

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 295 contain the procedural requirements to implement Texas Water Code (TWC), Chapter 11, Water Rights, and TWC, Chapter 18, Marine Seawater Desalination Projects. The rules include filing and fee requirements, descriptions of the public notices required for applications, information related to contested case hearings, special actions that may be taken by the commission related to specific types of water rights, miscellaneous filing and reporting requirements, and a subchapter relating to marine seawater desalination projects. The rules are necessary for the regulation of state water by TCEQ.

Public Comment

The public comment period closed on September 26, 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 295 continue to exist and readopts these sections in accordance with the requirements of TGC, §2001.039.

TRD-202400786

Charmaine Backens

Deputy Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: February 22, 2024



The Texas Commission on Environmental Quality (TCEQ) has completed its Rule Review of 30 Texas Administrative Code (TAC) Chapter 317, Design Criteria Prior to 2008, 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 Intention to Review these rules in the January 6, 2023, issue of the *Texas Register* (48 TexReg 57).

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 317 are required because they provide design standards that TCEQ used prior to 2008 for treatment facilities, sewer systems, and disposal systems that transport, treat, or dispose of primarily domestic wastewater. The rules also provide the standards that TCEQ used in its review and approval of design plans and specifications prior to 2008. The rules are necessary to ensure that facilities whose design plans and specifications were approved prior to 2008 are operating and

maintaining the facility in compliance with the rules under which the design plans and specifications were approved.

Public Comment

The public comment period closed on February 7, 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 317 continue to exist and readopts these sections in accordance with the requirements of TGC, §2001.039.

TRD-202400780

Charmaine Backens

Deputy Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: February 22, 2024



The Texas Commission on Environmental Quality (TCEQ) has completed its Rule Review of 30 Texas Administrative Code (TAC) Chapter 350, Texas Risk Reduction Program, 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 August 25, 2023, issue of the *Texas Register* (48 TexReg 4676).

The review assessed whether the reasons for initially adopting the rules continue to exist and TCEQ has determined that those reasons do continue to exist. The rules in Chapter 350 are required because they es-

tablish the regulatory framework needed to provide a consistent assessment and corrective action process to protect human health and the environment while balancing the economic welfare of the citizens of Texas. Chapter 350 establishes a process for meeting certain criteria identified in the Texas Water Code, Chapters 5 and 26, and the Texas Health and Safety Code, Chapter 361. The rules establish procedures to demonstrate compliance with cleanup standards, and also include requirements for monitoring, data collection, and reporting to assess affected property, post-response action care, notice to prospective landowners, and financial assurance. The rules use a tiered approach that incorporates risk-based assessment techniques which helps focus site investigations and determine appropriate protective concentration levels for human health and/or ecological receptors and response actions that are protective of human health and the environment.

Public Comment

The public comment period closed on September 26, 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 350 continue to exist and readopts these sections in accordance with the requirements of TGC, §2001.039.

TRD-202400781

Charmaine Backens

Deputy Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: February 22, 2024

