

# 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 Board for Educator Certification

### Title 19, Part 7

The State Board for Educator Certification (SBEC) proposes the review of Title 19, Texas Administrative Code (TAC), Chapter 230, Professional Educator Preparation and Certification, pursuant to the Texas Government Code (TGC), §2001.039.

As required by the TGC, §2001.039, the SBEC will accept comments as to whether the reasons for adopting 19 TAC Chapter 230 continue to exist.

The comment period on the review of 19 TAC Chapter 230 begins August 18, 2023, and ends September 18, 2023. A form for submitting public comments on the proposed rule review is available on the Texas Education Agency (TEA) website at [https://tea.texas.gov/About\\_TEA/Laws\\_and\\_Rules/SBEC\\_Rules\\_\(TAC\)/State\\_Board\\_for\\_Educator\\_Certification\\_Rule\\_Review/](https://tea.texas.gov/About_TEA/Laws_and_Rules/SBEC_Rules_(TAC)/State_Board_for_Educator_Certification_Rule_Review/). The SBEC will take registered oral and written comments on the review of 19 TAC Chapter 230 at the September 29, 2023 meeting in accordance with the SBEC board operating policies and procedures.

TRD-202302778

Cristina De La Fuente-Valadez

Director, Rulemaking

State Board for Educator Certification

Filed: August 7, 2023



The State Board for Educator Certification (SBEC) proposes the review of Title 19, Texas Administrative Code (TAC), Chapter 239, Student Services Certificates, pursuant to the Texas Government Code (TGC), §2001.039.

As required by the TGC, §2001.039, the SBEC will accept comments as to whether the reasons for adopting 19 TAC Chapter 239 continue to exist.

The comment period on the review of 19 TAC Chapter 239 begins August 18, 2023, and ends September 18, 2023. A form for submitting public comments on the proposed rule review is available on the Texas Education Agency (TEA) website at [https://tea.texas.gov/About\\_TEA/Laws\\_and\\_Rules/SBEC\\_Rules\\_\(TAC\)/State\\_Board\\_for\\_Educator\\_Certification\\_Rule\\_Review/](https://tea.texas.gov/About_TEA/Laws_and_Rules/SBEC_Rules_(TAC)/State_Board_for_Educator_Certification_Rule_Review/). The SBEC will take registered oral and written comments on the review of 19 TAC Chapter 239 at the September 29, 2023 meeting in accordance with the SBEC board operating policies and procedures.

TRD-202302777

Cristina De La Fuente-Valadez

Director, Rulemaking

State Board for Educator Certification

Filed: August 7, 2023



Health and Human Services Commission

### Title 26, Part 1

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

Chapter 566, Texas Home Living (TxHmL) Program and Community First Choice (CFC) Certification Standards

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 566, Texas Home Living (TxHmL) Program and Community First Choice (CFC) Certification Standards, 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](mailto:HHSRulesCoordinationOffice@hhs.texas.gov). When emailing comments, please indicate "Comments on Proposed Rule Review Chapter 566" 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 [https://texreg.sos.state.tx.us/public/readtac\\$ext.ViewTAC?tac\\_view=4&ti=26&pt=1&ch=566&rl=Y](https://texreg.sos.state.tx.us/public/readtac$ext.ViewTAC?tac_view=4&ti=26&pt=1&ch=566&rl=Y).

TRD-202302764

Jessica Miller

Director, Rules Coordination Office

Health and Human Services Commission

Filed: August 4, 2023



## Adopted Rule Reviews

Texas Health and Human Services Commission

### Title 1, Part 15

The Health and Human Services Commission (HHSC) adopts the review of the chapter below in Title 1, Part 15, of the Texas Administrative Code:

Chapter 371, Medicaid and Other Health and Human Services Fraud and Abuse Program

Subchapter B - Office of Inspector General

Subchapter C - Utilization Review

Subchapter E - Provider Disclosure and Screening

Subchapter F - Investigations

Subchapter G - Administrative Actions and Sanctions

Notice of the review of this chapter was published in the June 2, 2023, issue of the *Texas Register* (48 TexReg 2863). HHSC received no comments concerning this chapter.

HHSC has reviewed Chapter 371 in accordance with §2001.039 of the 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 371. Any appropriate amendments to Chapter 371 identified by HHSC in the rule review will be proposed in a future issue of the *Texas Register*.

This concludes HHSC's review of 1 TAC Chapter 371 as required by the Government Code, §2001.039.

TRD-202302882

Jessica Miller

Director, Rules Coordination Office

Texas Health and Human Services Commission

Filed: August 8, 2023



State Board for Educator Certification

### **Title 19, Part 7**

The State Board for Educator Certification (SBEC) adopts the review of Title 19, Texas Administrative Code (TAC), Chapter 244, Certificate of Completion of Training for Appraisers, pursuant to the Texas Government Code, §2001.039. The SBEC proposed the review of 19 TAC Chapter 244 in the June 2, 2023 issue of the *Texas Register* (48 TexReg 2863).

Relating to the review of 19 TAC Chapter 244, the SBEC finds that the reasons for the adoption continue to exist and readopts the rules. The following provides a summary of a public comment received on the proposal.

Comment. An individual commented that the 80% passing score for the TEXES Certification Exam for Special Education is too high for the stand-alone special education test, which is poorly constructed to begin with, and in no way measures teacher's efficiency and mastery with our special education population. The individual noted that there were two great teachers at their school who failed the special education exam multiple times by a question or two. The individual further commented that having in mind the teacher shortages, particularly in the special education field, it would be prudent to establish a passing range of scores-between 70% and 80%.

Board Response: The SBEC neither agrees nor disagrees. While the SBEC appreciates this comment and perspective, it is outside the scope of Chapter 244 and this proposed rule review.

This concludes the review of 19 TAC Chapter 244.

TRD-202302779

Cristina De La Fuente-Valadez

Director, Rulemaking

State Board for Educator Certification

Filed: August 7, 2023



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:

Chapter 229, Food and Drug

Subchapter A, Prescription Drug Price Disclosure

Subchapter B, Donation of Unused Drugs

Subchapter C, Purchase of Domestic Beef

Subchapter D, Regulation of Cosmetics

Subchapter F, Production, Processing, and Distribution of Bottled and Vended Drinking Water

Subchapter G, Manufacture, Storage, and Distribution of Ice Sold for Human Consumption, Including Ice Produced at Point of Use

Subchapter J, Minimum Standards for Narcotic Treatment Programs

Subchapter K, Texas Food Establishments

Subchapter L, Licensure of Food Manufacturers, Food Wholesalers, and Warehouse Operators

Subchapter N, Current Good Manufacturing Practice and Good Warehousing Practice in Manufacturing, Packing, or Holding Human Food

Subchapter O, Licensing of Wholesale Distributors of Nonprescription Drugs--Including Good Manufacturing Practices

Subchapter P, Assessment of Administrative Penalties

Subchapter Q, License/Permit Applications

Subchapter R, Issuance of Certificates of Free Sale and Sanitation and/or Certificates of Origin and Sanitation

Subchapter S, Pesticides in Food

Subchapter T, Licensure of Tanning Facilities

Subchapter U, Permitting Retail Food Establishments

Subchapter V, Minimum Standards for Licensure of Tattoo and Certain Body Piercing Studios

Subchapter W, Licensing of Wholesale Distributors of Prescription Drugs--Including Good Manufacturing Practices

Subchapter X, Licensing of Device Distributors and Manufacturers

Subchapter Y, Regulations to Prohibit the Sale of Dietary Supplements Containing Ephedrine Group Alkaloids; and to Restrict the Sale and Distribution of Certain Products Containing Ephedrine

Subchapter Z, Inspection Fees for Retail Food Establishments

Subchapter AA, Regulation of Food Salvage Establishments and Brokers

Subchapter BB, Regulation of Drug Salvage Establishments and Brokers

Subchapter CC, Regulation of Device Salvage Establishments and Brokers

Subchapter DD, Regulation of Cosmetic Salvage Establishments and Brokers

Subchapter EE, Cottage Food Production Operations

Subchapter FF, Farmers' Markets

Subchapter GG, Sanitary Transportation of Human Foods

Notice of the review of this chapter was published in the August 19, 2022, issue of the *Texas Register* (47 TexReg 5005). HHSC and DSHS received no comments concerning the review of this chapter.

HHSC and DSHS have reviewed Chapter 229 in accordance with §2001.039 of the 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 continue to exist and readopts these rules. Any appropriate amendments to Chapter 229 identified by the agency during the rule review will be published in the Proposed Rules section of a future issue of the *Texas Register* and will be open for public comment prior to final adoption by the agency.

This concludes the agency's review of 25 TAC Chapter 229, Food and Drug, as required by the Texas Government Code, §2001.039.

TRD-202302811

Jessica Miller

Director, Rules Coordination Office

Department of State Health Services

Filed: August 8, 2023



Health and Human Services Commission

### Title 26, Part 1

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

Chapter 88, State Long-Term Care Ombudsman Program

Notice of the review of this chapter was published in the June 9, 2023, issue of the *Texas Register* (48 TexReg 2971). HHSC received one comment concerning this chapter.

Comment: One commentor recommends updating 26 TAC Chapter 88, including Subchapter E, Requirements of a Host Agency, to come into compliance with the changes made in the 2020 reauthorization of the Older Americans Act, as amended through P.L. 116-131.

Response: HHSC agrees with the comment. Prior to the reauthorization in 2020 of the Older Americans Act of 1965, §306(a)(9)(A) required that the area agency on aging, in carrying out the State Long-Term Care Ombudsman program, expend not less than the total amount of funds appropriated under this Act and expended by the agency in fiscal year 2000. The 2020 reauthorization revised §306(a)(9)(A) to require that the area agency on aging expend not less than the total amount of funds appropriated under this Act and expended by the agency in fiscal year 2019.

A revision to 26 TAC §88.406 is needed to reflect this change to §306(a)(9)(A). The Office of the State Long-Term Care Ombudsman plans to make this revision in an upcoming rule project.

HHSC has reviewed Chapter 88 in accordance with §2001.039 of the 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 88. Any appropriate amendments to Chapter 88 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 Chapter 88 as required by the Government Code, §2001.039.

TRD-202302877

Jessica Miller

Director, Rules Coordination Office

Health and Human Services Commission

Filed: August 8, 2023



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

CHAPTER 711, INVESTIGATIONS OF INDIVIDUALS RECEIVING SERVICES FROM CERTAIN PROVIDERS

SUBCHAPTER A, INTRODUCTION

SUBCHAPTER C, DUTY TO REPORT

SUBCHAPTER E, CONDUCTING THE INVESTIGATION

SUBCHAPTER F, PROVISION OF SERVICES

SUBCHAPTER G, RELEASE OF REPORT AND FINDINGS

SUBCHAPTER J, APPEALING THE INVESTIGATION FINDING

SUBCHAPTER L, EMPLOYEE MISCONDUCT REGISTRY

Notice of the review of this chapter was published in the June 9, 2023, issue of the *Texas Register* (48 TexReg 2971). HHSC received no comments concerning this chapter.

HHSC has reviewed Chapter 711 in accordance with §2001.039 of the 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 711. Any appropriate amendments to Chapter 711 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 Chapter 711 as required by the Government Code, §2001.039.

TRD-202302874

Jessica Miller

Director, Rules Coordination Office

Health and Human Services Commission

Filed: August 8, 2023



Texas Commission on Environmental Quality

### Title 30, Part 1

The Texas Commission on Environmental Quality (commission) has completed its Rule Review of 30 Texas Administrative Code (TAC) Chapter 80, Contested Case Hearings, as required by Texas Government Code, §2001.039. Texas Government Code, §2001.039, requires a state agency to review and consider for readoption, re-adoption with amendments, or repeal each of its rules every four years. The commission published its Notice of Intent to Review these rules in the March 24, 2023, issue of the *Texas Register* (48 TexReg 1643).

The review assessed whether the initial reasons for adopting the rules continue to exist and the commission has determined that those reasons exist. The rules in Chapter 80 are required because they provide the procedures for contested case hearings regarding permit applications and enforcement actions, including action by the commission on these items and requirements for challenging final actions of the commission. The commission identified non-substantive changes that may be addressed during future rulemakings.

#### Public Comment

The public comment period closed on April 24, 2023. The commission did not receive comments on the rules review of this chapter.

As a result of the review, the commission finds that the reasons for adopting the rules in 30 TAC Chapter 80 continue to exist and readopts these sections in accordance with the requirements of Texas Government Code, §2001.039. Changes to the rules identified as part of this review process may be addressed in a separate rulemaking action, in accordance with the Texas Administrative Procedure Act.

TRD-202302767

Charmaine Backens

Deputy Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: August 4, 2023



The Texas Commission on Environmental Quality (commission or TCEQ) has completed its Rule Review of 30 Texas Administrative Code (TAC) Chapter 122, Federal Operating Permits Program, as required by Texas Government Code, §2001.039. Texas Government Code, §2001.039, requires a state agency to review and consider for readoption, readoption with amendments, or repeal each of its rules every four years. The commission published its Notice of Intent to Review these rules in the February 24, 2023, issue of the *Texas Register* (48 TexReg 1158) and an extension of the public comment was published in the April 7, 2023, issue of the *Texas Register* (48 TexReg 1875).

The review assessed whether the initial reasons for adopting the rules continue to exist and the commission has determined that those reasons exist. The rules in Chapter 122 are required because the rules implement the Federal Operating Permits Program established under Federal Clean Air Act (FCAA), Title V. Under Texas Health and Safety Code, §382.051 and §§382.054 - 382.0564, the Texas Legislature provided the commission with the authority to regulate federal sources through the issuance and enforcement of a federal operating permit. A federal operating permit is required for: an affected source as defined by FCAA, §402; a major source as defined by FCAA, Title III; a major source as defined by FCAA, Title V; a source subject to the standards or regulations under FCAA, §111 or §112; a source required to have a permit under FCAA, Title I, Part C or Part D; a major stationary source or major emitting facility under FCAA, §302; and any other stationary source in a category designated by the United States Environmental Protection Agency (EPA) through rulemaking as subject to the requirements of FCAA, Title V.

Texas received final interim approval from the EPA in 1996 to implement the Federal Operating Permits Program. In 2001, Texas was granted final full approval by EPA to implement the Federal Operating Permits Program. Maintaining Chapter 122 provides TCEQ the authority to implement, regulate, and enforce regulations for applicable sources. Without the rules codified in Chapter 122, the EPA could make a determination that TCEQ is not adequately administering and enforcing the operating permits program. After such a determination, if not corrected by TCEQ, authority to administer this program would be

remitted to the EPA and Region 6 would have to take over the program and issue the permits. Ultimately, the result would be an increased burden on the regulated community, and the state would be subject to federal sanctions as specified in FCAA, §502(i) for failure to implement and enforce the required permitting program, which include loss of federal highway funds and the application of emission offset requirements for new or modified sources of emissions.

#### Public Comment

The public comment period closed on April 14, 2023. Comments were received on this review from the United States Environmental Protection Agency Region 6 (EPA).

#### Comments

EPA provided a variety of comments and concerns about the Title V program. A summary of EPA's comments is provided below:

A. TCEQ should evaluate whether any of the Chapter 122 rules should be revised or amended to reflect changes made to the Part 70 regulations to the petition provisions made final on February 5, 2020 (85 Federal Register 6431). EPA states 30 TAC §122.360(a) does not currently comply with the additional language added to 40 CFR §70.12(a)(1).

B. EPA stated there are recurring programmatic issues with the TCEQ Title V program that EPA has objected to in a number of Title V permits, and TCEQ should revise Chapter 122 rules to address those issues.

C. EPA stated there is inadequate incorporation of permits by rule (PBRs) into Title V permits and suggests revising the definition of "applicable requirement" in 30 TAC §122.10(2)(H) to clarify that all emission units permitted under Chapter 106 or Chapter 116 must be included in Title V permits.

D. TCEQ should make necessary corrections to their rules or forms to ensure that documentation of insignificant activities which are exempted due to size or production rate are included in a Title V permit application.

E. EPA stated that they support TCEQ's efforts to incorporate PBRs into the Title V permit in a manner clearly identifying each registration and the emission unit(s) to which it applies and noted that the PBR Supplemental Tables are accomplishing the task. EPA stated they regularly find the PBR Supplemental Tables do not always identify all registered PBRs and lack detailed information. EPA stated TCEQ should evaluate whether Chapter 122 rules should be revised to ensure that PBRs will be cited to the lowest level of citation necessary to identify what applicable requirements apply.

F. EPA suggested that Title V permits issued by TCEQ should include a reference table identifying all emission units with the emission point number (EPN), or other identifier from the New Source Review (NSR) permit, and the Unit/Group/Process ID number from the Title V permit.

G. TCEQ should consider whether changes to Chapter 122 rules are necessary to clarify that emission limitations and operational limits cannot not be claimed as confidential under the Title V program, and to clarify that Title V applications are not entitled to confidential treatment.

H. EPA stated that while certain emission limitations and standards can be incorporated by reference into Title V permits, they object to TCEQ's use of incorporation by reference for requirements contained in Plant-Wide Applicability Limit (PAL), Prevention of Significant Deterioration (PSD), and Nonattainment NSR permits. EPA stated TCEQ should confirm that the program is being implemented properly to ensure Title V permits satisfy the FCAA.

I. TCEQ should consider revising 30 TAC §122.222 to require that off-permit changes and operational flexibility actions are consolidated into Title V permits on renewal.

J. EPA stated a concern that TCEQ routinely issues Title V permits that contain high level citations for New Source Performance Standard (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP) applicable requirements. EPA stated TCEQ should consider revising Chapter 122 rules to require NSPS and NESHAP applicable requirements are identified to a sufficient detail within Title V permits.

K. EPA stated a concern that TCEQ's OP-REQ1 application form does not include all the emissions related information required by 40 CFR §70.5(c)(3) and stated that TCEQ should ensure all of its forms comply with the federal standard.

**Response to all comments**

**The commission recognizes that the EPA has expressed concern about a number of aspects of the Chapter 122 rules implementing the Federal Operating Permit Program. As stated in the February 24, 2023, *Texas Register* notice of this rules review, the commission is not considering any rule amendments to the Chapter 122 rules as part of this review action. The Federal Operating Permits Program authorization mechanism implemented by Chapter 122 is an essential component of the agency's air permitting program, and the commission finds that the reasons that the Chapter 122 rules were initially adopted continue to exist. The commission is re-adopting Chapter 122 without change. The commission will consider these comments as ongoing stakeholder input for possible future policy or rulemaking action.**

As a result of the review, the commission finds that the reasons for adopting the rules in 30 TAC Chapter 122 continue to exist and re-opts these sections in accordance with the requirements of Texas Government Code, §2001.039.

TRD-202302768  
Charmaine Backens  
Deputy Director, Environmental Law Division  
Texas Commission on Environmental Quality  
Filed: August 4, 2023



The Texas Commission on Environmental Quality (TCEQ or commission) has completed its Rule Review of 30 Texas Administrative Code (TAC) Chapter 218, Brine Evaporation Pits, 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. The commission published its Notice of Intent to Review these rules in the February 24, 2023, issue of the *Texas Register* (48 TexReg 1158) and an extension of the public comment was published in the April 7, 2023, issue of the *Texas Register* (48 TexReg 1875).

The review assessed whether the initial reasons for adopting the rules continue to exist and the commission has determined that those reasons exist. The rules in Chapter 218 are required to implement Texas Water Code, §26.132 by regulating brine evaporation pit operations that are operated for the commercial production of brine product by solar evaporation and that were in operation on or after October 16, 2008. Chapter 218 prohibits discharge from the facility into or adjacent to water in the state; requires owners or operators to obtain an individual permit to operate the facility; establishes standards for design, construction, lo-

cation, operation, and maintenance to prevent contamination of surface and groundwater resources; requires the owner or operator to provide financial assurance for proper closure of the evaporation pit; and requires the owner or operator to obtain pollution liability insurance for bodily injury and property damage to third parties.

**Public Comment**

The public comment period closed on April 14, 2023. The commission did not receive comments on the rules review of this chapter.

As a result of the review the commission finds that the reasons for adopting the rules in 30 TAC Chapter 218 continue to exist and re-opts these sections in accordance with the requirements of Texas Government Code, §2001.039.

TRD-202302769  
Charmaine Backens  
Deputy Director, Environmental Law Division  
Texas Commission on Environmental Quality  
Filed: August 4, 2023



The Texas Commission on Environmental Quality (commission) has completed its Rule Review of 30 Texas administrative Code (TAC) Chapter 305, Consolidated Permits, 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. The commission published its Notice of Intent to Review these rules in the February 24, 2023, issue of the *Texas Register* (48 TexReg 1158) and an extension of the public comment was published in the April 7, 2023, issue of the *Texas Register* (48 TexReg 1875).

The review assessed whether the initial reasons for adopting the rules in Chapter 305 continue to exist and the commission has determined that those reasons exist. The rules in Chapter 305 are required because the rules set out the standards and requirements for applications, permits, executive director authorizations, and actions by the commission to carry out the responsibilities for the management of waste disposal activities and administration of the National Pollutant Discharge Elimination System Program through the Texas Pollutant Discharge Elimination System Program. In addition, there are references to air emissions interspersed in the chapter. The rules in Chapter 305 generally set out requirements for signatories to the original or amendment applications and describe what activities trigger amendments. The rules also contain application contents for permits, licenses, and waste post-closure orders.

**Public Comment**

The public comment period closed on April 14, 2023. The commission did not receive comments on the rules review of this chapter.

As a result of the review the commission finds that the reasons for adopting the rules in 30 TAC Chapter 305 continue to exist and re-opts the rules in Chapter 305 in accordance with the requirements of Texas Government Code, §2001.039.

TRD-202302770  
Charmaine Backens  
Deputy Director, Environmental Law Division  
Texas Commission on Environmental Quality  
Filed: August 4, 2023

