

REVIEW OF AGENCY RULES

This section contains notices of state agency rules review as directed by the Texas Government Code, §2001.039. Included here are (1) notices of *plan to review*; (2)

notices of *intention to review*, which invite public comment to specified rules; and (3) notices of *readoption*, which summarize public comment to specified rules. The complete text of an agency's *plan to review* is available after it is filed with the Secretary of State on the Secretary of State's web site (<http://www.sos.state.tx.us/texreg>). The complete text of an agency's rule being reviewed and considered for *readoption* is available in the *Texas Administrative Code* on the web site (<http://www.sos.state.tx.us/tac>).

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

Proposed Rule Reviews

Texas Education Agency

Title 19, Part 2

The Texas Education Agency (TEA) proposes the review of 19 TAC Chapter 62, Commissioner's Rules Concerning the Equalized Wealth Level, pursuant to the Texas Government Code, §2001.039.

As required by the Texas Government Code, §2001.039, the TEA will accept comments as to whether the reasons for adopting 19 TAC Chapter 62 continue to exist.

The public comment period on the review of 19 TAC Chapter 62 begins October 12, 2018, and ends November 12, 2018. A form for submitting public comments on proposed rule reviews is available on the TEA website at [https://tea.texas.gov/About_TEA/Laws_and_Rules/Commissioner_Rules_\(TAC\)/2017-2021_Commissioner_Rules_Currently_Under_Review/](https://tea.texas.gov/About_TEA/Laws_and_Rules/Commissioner_Rules_(TAC)/2017-2021_Commissioner_Rules_Currently_Under_Review/). Comments on the proposed review may also be submitted to Cristina De La Fuente-Valadez, Rulemaking, Texas Education Agency, 1701 North Congress Avenue, Austin, Texas 78701.

TRD-201804304

Cristina De La Fuente-Valadez

Director, Rulemaking

Texas Education Agency

Filed: October 3, 2018



The Texas Education Agency (TEA) proposes the review of 19 TAC Chapter 161, Commissioner's Rules Concerning Advisory Committees, pursuant to the Texas Government Code, §2001.039.

As required by the Texas Government Code, §2001.039, the TEA will accept comments as to whether the reasons for adopting 19 TAC Chapter 161 continue to exist.

The public comment period on the review of 19 TAC Chapter 161 begins October 12, 2018, and ends November 12, 2018. A form for submitting public comments on proposed rule reviews is available on the TEA website at [https://tea.texas.gov/About_TEA/Laws_and_Rules/Commissioner_Rules_\(TAC\)/2017-2021_Commissioner_Rules_Currently_Under_Review/](https://tea.texas.gov/About_TEA/Laws_and_Rules/Commissioner_Rules_(TAC)/2017-2021_Commissioner_Rules_Currently_Under_Review/). Comments on the proposed review may also be submitted to Cristina De La Fuente-Valadez, Rulemaking, Texas Education Agency, 1701 North Congress Avenue, Austin, Texas 78701.

TRD-201804306

Cristina De La Fuente-Valadez

Director, Rulemaking

Texas Education Agency

Filed: October 3, 2018



Texas Commission on Environmental Quality

Title 30, Part 1

The Texas Commission on Environmental Quality (commission) files this Notice of Intention to Review 30 TAC Chapter 9, Training.

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, readoption with amendments, or repeal every four years. During this review, the commission will assess whether the reasons for initially adopting the rules in Chapter 9 continue to exist.

Comments regarding suggested changes to the rules in Chapter 9 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 rule-making action by the commission.

Submittal of Comments

The commission invites public comment on this preliminary review of the rules in Chapter 9. Written comments may be submitted to Paige Bond 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://www6.tceq.texas.gov/rules/ecomments/>. File size restrictions may apply to comments being submitted via the eComments system. All comments should reference Non-Rule Project Number 2018-031-009-AS. Comments must be received by November 12, 2018. For further information, please contact Amber Kaskie, Human Resources and Staff Services Division, at (512) 239-0137.

TRD-201804285

David Timberger

Director, General Law Division

Texas Commission on Environmental Quality

Filed: October 2, 2018



The Texas Commission on Environmental Quality (commission) files this Notice of Intention to Review 30 TAC Chapter 91, Alternative Pub-

lic Notice and Public Participation Requirements for Specific Designated Facilities.

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, readoption with amendments, or repeal every four years. During this review, the commission will assess whether the reasons for initially adopting the rules in Chapter 91 continue to exist.

Comments regarding suggested changes to the rules in Chapter 91 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 rule-making action by the commission.

Submittal of Comments

The commission invites public comment on this preliminary review of the rules in Chapter 91. Written comments may be submitted to Derek Baxter, Register Rule/Agenda Coordinator, 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: <http://www6.tceq.texas.gov/rules/ecomments/>. File size restrictions may apply to comments being submitted via the eComments system. All comments should reference Non-Rule Project Number 2018-032-091-AI. Comments must be received by November 12, 2018. For further information, please contact Sherry Davis, Air Permits Division at (512) 239-2141.

TRD-201804282

Robert Martinez

Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: October 2, 2018



The Texas Commission on Environmental Quality (commission) files this Notice of Intention to Review 30 TAC Chapter 217, Design Criteria for Domestic Wastewater Systems.

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, readoption with amendments, or repeal every four years. During this review, the commission will assess whether the reasons for initially adopting the rules in Chapter 217 continue to exist.

Comments regarding suggested changes to the rules in Chapter 217 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 217. Written comments may be submitted to Ms. Kris Hogan, 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://www6.tceq.texas.gov/rules/ecomments/>. File size restrictions may apply to comments being submitted via the eComments system. All comments should reference Non-Rule Project Number 2018-009-217-OW. Comments must be received by November 12, 2018. For further information, please contact Laurie Fleet, Water Quality Division, at (512) 239-5445.

TRD-201804286

Robert Martinez

Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: October 2, 2018



The Texas Commission on Environmental Quality (commission) files this Notice of Intention to Review 30 TAC Chapter 317, Design Criteria Prior to 2008.

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, readoption with amendments, or repeal every four years. During this review, the commission will assess whether the reasons for initially adopting the rules in Chapter 317 continue to exist.

Comments regarding suggested changes to the rules in Chapter 317 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 317. Written comments may be submitted to Ms. Kris Hogan, 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://www6.tceq.texas.gov/rules/ecomments/>. File size restrictions may apply to comments being submitted via the eComments system. All comments should reference Non-Rule Project Number 2018-008-317-OW. Comments must be received by November 12, 2018. For further information, please contact Laurie Fleet, Water Quality Division, at (512) 239-5445.

TRD-201804287

Robert Martinez

Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: October 2, 2018



The Texas Commission on Environmental Quality (commission) files this Notice of Intention to Review 30 TAC Chapter 337, Dry Cleaner Environmental Response.

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, readoption with amendments, or repeal every four years. During this review, the commission will assess whether the reasons for initially adopting the rules in Chapter 337 continue to exist.

Comments regarding suggested changes to the rules in Chapter 337 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 337. Written comments may be submitted to Derek Baxter, 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://www6.tceq.texas.gov/rules/ecomments/>. File size restrictions may apply to comments being submitted via the eComments system.

tem. All comments should reference Non-Rule Project Number 2018-033-337-WS. Comments must be received by November 12, 2018. For further information, please contact Anna R. Brulloths, Project Manager, Remediation Division, at (512) 239-5052.

TRD-201804284

Charmaine Backens

Director, Litigation Division

Texas Commission on Environmental Quality

Filed: October 2, 2018



Texas Department of Transportation

Title 43, Part 1

Notice of Intention to Review

In accordance with Government Code, §2001.039, the Texas Department of Transportation (department) files this notice of intention to review Title 43 TAC, Part 1, Chapter 10, Ethical Conduct by Entities Doing Business with the Department and Chapter 16, Planning and Development of Transportation Projects.

The department will accept comments regarding whether the reasons for adopting these rules continue to exist. Comments regarding this rule review may be submitted to Rule Comments, Office of General Counsel, Texas Department of Transportation, 125 East 11th Street, Austin, Texas 78701-2483 or to RuleComments@txdot.gov with the subject line "Rule Review." The deadline for receipt of comments is 5:00 p.m. on November 12, 2018.

In accordance with Transportation Code, §201.811(a)(5), a person who submits comments must disclose, in writing with the comments, whether the person does business with the department, may benefit monetarily from the proposed amendments, or is an employee of the department.

TRD-201804172

Joanne Wright

Deputy General Counsel

Texas Department of Transportation

Filed: September 26, 2018



Adopted Rule Reviews

Teacher Retirement System of Texas

Title 34, Part 3

The Teacher Retirement System of Texas (TRS) adopts the four-year review of its rules in Texas Administrative Code, Title 34, Part 3 Chapters 21, 23, 25, 27, 29, 31, 33, 35, 39, 41, 43, 47, 49, and 51. TRS conducted its review in accordance with the requirements set forth in §2001.039 of the Government Code. TRS received no comments on its proposed review, which was published in the May 18, 2018, issue of the *Texas Register* (43 TexReg 3250).

Relating to the review of Chapter 21, TRS finds that the reasons for adopting Chapter 21 continue to exist and readopts the rules without changes.

Relating to the review of Chapter 23, TRS finds that the reasons for adopting Chapter 23 continue to exist and readopts the rules at this time without changes. At a later date, §§23.1, 23.5, 23.7, and 23.8 will be amended in separate rulemaking proceedings in accordance with the Texas Administrative Procedure Act.

Relating to the review of Chapter 25, TRS finds that the reasons for adopting Chapter 25 continue to exist and readopts the rules at this time without changes. At a later date, §§25.4, 25.113, 25.191, 25.302, and 25.303 will be amended in separate rulemaking proceedings in accordance with the Texas Administrative Procedure Act.

Relating to the review of Chapter 27, TRS finds that the reasons for adopting Chapter 27 continue to exist and readopts the rules at this time without changes. At a later date, §27.6, will be amended in a separate rulemaking proceeding in accordance with the Texas Administrative Procedure Act.

Relating to the review of Chapter 29, TRS finds that the reasons for adopting Chapter 29 continue to exist and readopts the rules at this time without changes. At a later date, §§29.11, and 29.81 will be amended in separate rulemaking proceedings in accordance with the Texas Administrative Procedure Act.

Relating to the review of Chapter 31, TRS finds that the reasons for adopting Chapter 31 continue to exist and readopts the rules without changes.

Relating to the review of Chapter 33, TRS finds that the reasons for adopting Chapter 33 continue to exist and readopts the rules without changes.

Relating to the review of Chapter 35, TRS finds that the reasons for adopting Chapter 35 continue to exist and readopts the rules without changes.

Relating to the review of Chapter 39, TRS finds that the reasons for adopting Chapter 39 continue to exist and readopts the rules without changes.

Relating to the review of Chapter 41, TRS finds that the reasons for adopting Chapter 41 continue to exist and readopts the rules at this time without changes. At a later date, §§41.1, 41.2, 41.3, 41.4, 41.7, 41.8, 41.9, 41.11, 41.15, 41.31, 41.32, 41.34, 41.39, 41.41, and 41.50 will be amended in separate rulemaking proceedings in accordance with the Texas Administrative Procedure Act.

Relating to the review of Chapter 43, TRS finds that the reasons for adopting Chapter 43 continue to exist and readopts the rules at this time without changes. At a later date, §§43.1, 43.12, and 43.45 will be amended in separate rulemaking proceedings in accordance with the Texas Administrative Procedure Act.

Relating to the review of Chapter 47, TRS finds that the reasons for adopting Chapter 47 continue to exist and readopts the rules without changes.

Relating to the review of Chapter 49, TRS finds that the reasons for adopting Chapter 49 continue to exist and readopts the rules without changes.

Relating to the review of Chapter 51, TRS finds that the reasons for adopting Chapter 51 continue to exist and readopts the rules at this time without changes. At a later date, §§51.1, 51.2, and 51.11 will be amended in separate rulemaking proceedings in accordance with the Texas Administrative Procedure Act.

This concludes the review of Texas Administrative Code, Title 34, Part 3 Chapters 21, 23, 25, 27, 29, 31, 33, 35, 39, 41, 43, 47, 49, and 51.

TRD-201804186

Brian K. Guthrie

Executive Director

Teacher Retirement System of Texas

Filed: September 27, 2018

