

# 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 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 19, Electronic Reporting; Electronic Transmission of Information by Commission.

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 19 continue to exist.

Comments regarding suggested changes to the rules in Chapter 19 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 19. 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: <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 2018-034-019-AD. Comments must be received by November 28, 2018. For further information, please contact Brad Patterson, Office of the Chief Clerk, at (512) 239-1201.

TRD-201804511

Robert Martinez

Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: October 16, 2018



The Texas Commission on Environmental Quality (commission) files this Notice of Intention to Review 30 TAC Chapter 25, Environmental Testing Laboratory Accreditation and Certification.

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 com-

mission will assess whether the reasons for initially adopting the rules in Chapter 25 continue to exist.

Comments regarding suggested changes to the rules in Chapter 25 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 25. 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 2018-035-025-CE. Comments must be received by November 28, 2018. For further information, please contact Ken Lancaster, Monitoring Division, at (512) 239-1990.

TRD-201804514

Robert Martinez

Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: October 16, 2018



The Texas Commission on Environmental Quality (commission) files this Notice of Intention to Review 30 TAC Chapter 30, Occupational Licenses and Registrations.

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 30 continue to exist.

Comments regarding suggested changes to the rules in Chapter 30 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 30. 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 2018-036-030-WS. Comments must be received by November 28, 2018. For further information, please contact Kelly Zrubek, Permitting and Registration Support Division at (512) 239-1865 or Alicia Ramirez, Staff Attorney, Environmental Law Division at (512) 239-0133.

TRD-201804515

Robert Martinez

Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: October 16, 2018



Texas Department of Motor Vehicles

#### **Title 43, Part 10**

The Texas Department of Motor Vehicles (department) files this notice of intention to review 43 TAC Chapter 219, Oversize and Overweight Vehicles and Loads. This review is conducted pursuant to Government Code, §2001.039, which requires state agencies to review their rules every four years and to readopt, readopt with amendments, or repeal the current rules. The department has determined that the reasons for initially adopting the rules continue to exist.

The department proposes to readopt §219.101 with amendments as published in the Proposed Rules section of this issue of the *Texas Register*. The department proposes to readopt the remainder of the sections in Chapter 219 without amendments.

Comments regarding this rule review may be submitted to Sarah Swanson, Interim General Counsel, Texas Department of Motor Vehicles, 4000 Jackson Avenue, Austin, Texas 78731 or by email to [rules@txdmv.gov](mailto:rules@txdmv.gov). The deadline for receipt of comments is 5:00 p.m. on November 26, 2018.

TRD-201804499

Sarah Swanson

Interim General Counsel

Texas Department of Motor Vehicles

Filed: October 15, 2018



Public Utility Commission of Texas

#### **Title 16, Part 2**

The Public Utility Commission of Texas (commission) publishes this notice of intention to review Chapter 24, Substantive Rules Applicable to Water and Sewer Service Providers, in accordance with Texas Government Code §2001.039, Agency Review of Existing Rules. The text of the rule sections will not be published. The text of the rules may be found in the Texas Administrative Code, Title 16, Economic Regulation, Part 2, or through the commission's website at [www.puc.texas.gov](http://www.puc.texas.gov). Project Number 48679 is assigned to this rule review project.

Texas Government Code §2001.039 requires that each state agency review and readopt, readopt with amendments, or repeal the rules adopted by that agency pursuant to Texas Government Code, Chapter 2001, Subchapter B, Rulemaking. As required by Texas Government Code §2001.039(e), this review is to assess whether the reasons for adopting or readopting a rule continue to exist. The commission requests specific comments from interested persons on this matter. In addition, the commission welcomes comments on any modifications interested persons believe would improve the rules.

If it is determined during this review that any section of Chapter 24 needs to be repealed or amended, the repeal or amendment will be initiated under a separate proceeding; thus, this notice of intention to review Chapter 24 has no effect on the sections as they currently exist.

Comments on the review of Chapter 24 may be submitted to the filing clerk, Public Utility Commission of Texas, 1701 North Congress Avenue, P.O. Box 13326, Austin, Texas 78711-3326, within 30 days of publication. Sixteen copies of comments to the proposed rule review are required to be filed pursuant to §22.71(c)(13) of this title. When filing comments, interested persons are requested to comment on the sections in the same order they are found in the chapters and to clearly designate which section is being commented upon. All comments should refer to Project Number 48679.

The notice of intention to review Chapter 24 is proposed under the Public Utility Regulatory Act, Texas Utilities Code Annotated §14.002 (West 2007 and Supp. 2017) (PURA) and Texas Water Code §13.041(b), which provide the commission with the authority to make and enforce rules reasonably required in the exercise of its powers and jurisdiction; PURA §14.052, which requires the commission to adopt and enforce rules governing practice and procedure before the commission and, as applicable, practice and procedure before the State Office of Administrative Hearings; and Texas Government Code §2001.039 (West 2018 and Supp. 2017), which requires each state agency to review its rules every four years.

Cross Reference to Statutes: Public Utility Regulatory Act §14.002 and §14.052; Texas Government Code §2001.039; Texas Water Code §13.041.

TRD-201804458

Andrea Gonzalez

Assistant Rules Coordinator

Public Utility Commission of Texas

Filed: October 12, 2018



### **Adopted Rule Reviews**

Credit Union Department

#### **Title 7, Part 6**

The Credit Union Commission (Commission) has completed its review of Chapter 95, Subchapter A (relating to Insurance Requirements), Subchapter B (relating to Liquidating Agents), Subchapter C (relating to Guaranty Credit Union), and Subchapter D (relating to Disclosure for Non-Federally Insured Credit Unions), consisting of §§95.100 - 95.110, 95.200, 95.205, 95.300 - 95.305, 95.310, and 95.400. The Commission proposes to readopt these rules.

The rules were reviewed as a result of the Department's general rule review under Texas Government Code Section 2001.039.

Notice of the review of 7 TAC, Part 6, Chapter 95 was published in the *Texas Register* as required on August 10, 2018 (43 TexReg 5245). The Department received no comments on the notice of intention to review.

As a result of the internal review by the Department, the Commission has determined that no revisions are appropriate and necessary. The Commission finds that the reasons for initially adopting these rules continue to exist, and readopts Chapter 95, Subchapters A and D in accordance with the requirements of Texas Government Code, Section 2001.039. This concludes the review of 7 TAC, Part 6, Chapter 93, Subchapters A, B, C, and D.

The Department hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's legal authority to readopt.



TRD-201804508  
Harold E. Feeney  
Commissioner  
Credit Union Department  
Filed: October 16, 2018