

# IN ADDITION

The *Texas Register* is required by statute to publish certain documents, including applications to purchase control of state banks, notices of rate ceilings issued by the Office of Consumer Credit Commissioner, and consultant proposal requests and awards. State agencies also may publish other notices of general interest as space permits.

## Comptroller of Public Accounts

### Certification of the Average Closing Price of Gas and Oil - April 2023

The Comptroller of Public Accounts, administering agency for the collection of the Oil Production Tax, has determined, as required by Tax Code, §202.058, that the average taxable price of oil for reporting period April 2023 is \$48.72 per barrel for the three-month period beginning on January 1, 2023, and ending March 31, 2023. Therefore, pursuant to Tax Code, §202.058, oil produced during the month of April 2023, from a qualified low-producing oil lease, is not eligible for credit on the oil production tax imposed by Tax Code, Chapter 202.

The Comptroller of Public Accounts, administering agency for the collection of the Natural Gas Production Tax, has determined, as required by Tax Code, §201.059, that the average taxable price of gas for reporting period April 2023 is \$1.51 per mcf for the three-month period beginning on January 1, 2023, and ending March 31, 2023. Therefore, pursuant to Tax Code, §201.059, gas produced during the month of April 2023, from a qualified low-producing well, is eligible for a 100% credit on the natural gas production tax imposed by Tax Code, Chapter 201.

The Comptroller of Public Accounts, administering agency for the collection of the Franchise Tax, has determined, as required by Tax Code, §171.1011(s), that the average closing price of West Texas Intermediate crude oil for the month of April 2023 is \$79.44 per barrel. Therefore, pursuant to Tax Code, §171.1011(r), a taxable entity shall not exclude total revenue received from oil produced during the month of April 2023, from a qualified low-producing oil well.

The Comptroller of Public Accounts, administering agency for the collection of the Franchise Tax, has determined, as required by Tax Code, §171.1011(s), that the average closing price of gas for the month of April 2023 is \$2.22 per MMBtu. Therefore, pursuant to Tax Code, §171.1011(r), a taxable entity shall exclude total revenue received from gas produced during the month of April 2023, from a qualified low-producing gas well.

Inquiries should be submitted to Jenny Burleson, Director, Tax Policy Division, P.O. Box 13528, Austin, Texas 78711-3528.

Issued in Austin, Texas, on May 30, 2023.

TRD-202301960

Jenny Burleson

Director, Tax Policy

Comptroller of Public Accounts

Filed: May 30, 2023

## Texas Commission on Environmental Quality

### Agreed Orders

The Texas Commission on Environmental Quality (TCEQ or commission) staff is providing an opportunity for written public comment on the listed Agreed Orders (AOs) in accordance with Texas Water Code (TWC), §7.075. TWC, §7.075, requires that before the commission

may approve the AOs, the commission shall allow the public an opportunity to submit written comments on the proposed AOs. TWC, §7.075, requires that notice of the proposed orders and the opportunity to comment must be published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is **July 11, 2023**. TWC, §7.075, also requires that the commission promptly consider any written comments received and that the commission may withdraw or withhold approval of an AO if a comment discloses facts or considerations that indicate that consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the statutes and rules within the commission's jurisdiction or the commission's orders and permits issued in accordance with the commission's regulatory authority. Additional notice of changes to a proposed AO is not required to be published if those changes are made in response to written comments.

A copy of each proposed AO is available for public inspection at both the commission's central office, located at 12100 Park 35 Circle, Building C, 1st Floor, Austin, Texas 78753, (512) 239-2545 and at the applicable regional office listed as follows. Written comments about an AO should be sent to the enforcement coordinator designated for each AO at the commission's central office at P.O. Box 13087, Austin, Texas 78711-3087 and must be received by 5:00 p.m. on **July 11, 2023**. Written comments may also be sent by facsimile machine to the enforcement coordinator at (512) 239-2550. The commission's enforcement coordinators are available to discuss the AOs and/or the comment procedure at the listed phone numbers; however, TWC, §7.075, provides that comments on the AOs shall be submitted to the commission in writing.

(1) COMPANY: BRAZOS PAVING INCORPORATED; DOCKET NUMBER: 2022-0923-WQ-E; IDENTIFIER: RN11528451; LOCATION: Bryan, Brazos County; TYPE OF FACILITY: operator; RULE VIOLATED: 30 TAC §281.25(a)(4), by failing to obtain a multi-sector general permit (stormwater); PENALTY: \$875; ENFORCEMENT COORDINATOR: Ellen Ojeda, (512) 239-2581; REGIONAL OFFICE: 6801 Sanger Avenue, Suite 2500, Waco, Texas 76710-7826, (254) 751-0335.

(2) COMPANY: Busy B Septic Services, LLC; DOCKET NUMBER: 2020-1497-SLG-E; IDENTIFIER: RN110641081; LOCATION: Boerne, Kendall County; TYPE OF FACILITY: sludge transporter business; RULES VIOLATED: 30 TAC §312.143(a), by failing to deposit wastes at a facility designated by or acceptable to the generator where the owner or operator of the facility agrees to receive the wastes and the Texas facility has written authorization by permit or registration issued by the Executive Director to receive wastes; 30 TAC §312.144(a), by failing to prominently mark vehicles used to collect and transport wastes; and 30 TAC §312.147(a), by failing to prevent the storage of waste in a mobile closed container for more than four days; PENALTY: \$25,938; ENFORCEMENT COORDINATOR: Cheryl Thompson, (817) 588-5865; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, (210) 490-3096.

(3) COMPANY: City of Austin; DOCKET NUMBER: 2021-0900-MWD-E; IDENTIFIER: RN102077328; LOCATION: Austin, Travis County; TYPE OF FACILITY: wastewater treatment facility; RULES VIOLATED: 30 TAC §305.125(1), TWC, §26.121(a)(1),

and Texas Pollutant Discharge Elimination System Permit Number WQ0012971001, Effluent Limitations and Monitoring Requirements Number 1, by failing to comply with permitted effluent limitations; PENALTY: \$8,250; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET AMOUNT: \$6,600; ENFORCEMENT COORDINATOR: Cheryl Thompson, (817) 588-5865; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 339-2929.

(4) COMPANY: City of Mason; DOCKET NUMBER: 2021-0836-MWD-E; IDENTIFIER: RN101917599; LOCATION: Mason, Mason County; TYPE OF FACILITY: wastewater treatment facility; RULES VIOLATED: 30 TAC §305.125(1), TWC, §26.121(a)(1), and Texas Pollutant Discharge Elimination System Permit Number WQ0010670001, Effluent Limitations and Monitoring Requirements Numbers 1 and 6, by failing to comply with permitted effluent limitations; PENALTY: \$19,250; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET AMOUNT: \$15,400; ENFORCEMENT COORDINATOR: Ellen Ojeda, (512) 239-2581; REGIONAL OFFICE: 622 South Oakes, Suite K, San Angelo, Texas 76903-7035, (325) 655-9479.

(5) COMPANY: City of Mount Vernon; DOCKET NUMBER: 2021-0853-MWD-E; IDENTIFIER: RN102962230; LOCATION: Mount Vernon, Franklin County; TYPE OF FACILITY: wastewater treatment facility; RULES VIOLATED: 30 TAC §305.125(1) and TWC, §26.121(a)(1) and Texas Pollutant Discharge Elimination System (TPDES) Permit Number WQ0011122002, Effluent Limitations and Monitoring Requirements Number 1, by failing to comply with permitted effluent limitations; and 30 TAC §305.125(1) and §319.5(b) and TPDES Permit Number WQ0011122002, Effluent Limitations and Monitoring Requirements Number 1, by failing to collect and analyze samples at the intervals specified in the permit; PENALTY: \$17,375; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET AMOUNT: \$13,900; ENFORCEMENT COORDINATOR: Cheryl Thompson, (817) 588-5865; REGIONAL OFFICE: 2916 Teague Drive, Tyler, Texas 75701-3734, (903) 535-5100.

(6) COMPANY: Eggemeyer Land Clearing, LLC; DOCKET NUMBER: 2023-0309-WQ-E; IDENTIFIER: RN106324650; LOCATION: New Braunfels, Comal County; TYPE OF FACILITY: operator; RULE VIOLATED: 30 TAC §281.25(a)(4), by failing to obtain a multi-sector general permit (stormwater); PENALTY: \$875; ENFORCEMENT COORDINATOR: Harley Hobson, (512) 239-1337; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, (210) 490-3096.

(7) COMPANY: EMJ CONSTRUCTION LLC; DOCKET NUMBER: 2022-0791-WQ-E; IDENTIFIER: RN111168993; LOCATION: El Paso, El Paso County; TYPE OF FACILITY: operator; RULE VIOLATED: 30 TAC §281.25(a)(4), by failing to obtain a construction general permit (stormwater); PENALTY: \$875; ENFORCEMENT COORDINATOR: Ellen Ojeda, (512) 239-2581; REGIONAL OFFICE: 401 East Franklin Avenue, Suite 560, El Paso, Texas 79901-1212, (915) 834-4949.

(8) COMPANY: NORTHWEST HARRIS COUNTY MUD 20; DOCKET NUMBER: 2022-0821-WQ-E; IDENTIFIER: RN103907002; LOCATION: Houston, Harris County; TYPE OF FACILITY: operator; RULE VIOLATED: 30 TAC §281.25(a)(4), by failing to obtain a multi-sector general permit (stormwater); PENALTY: \$875; ENFORCEMENT COORDINATOR: Ellen Ojeda, (512) 239-2581; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(9) COMPANY: Shell USA, Incorporated f/k/a Shell Oil Company; DOCKET NUMBER: 2021-0294-AIR-E; IDENTIFIER: RN100211879; LOCATION: Deer Park, Harris County; TYPE OF

FACILITY: oil refinery; RULES VIOLATED: 30 TAC §§101.20(3), 116.115(c), 116.715(a), and 122.143(4), Flexible Permit Numbers 21262 and PSDTX928, Special Conditions Number 1, Federal Operating Permit Number O1669, General Terms and Conditions and Special Terms and Conditions Numbers 24 and 30.A, by failing to prevent unauthorized emissions; PENALTY: \$25,000; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET AMOUNT: \$12,500; ENFORCEMENT COORDINATOR: Johnnie Wu, (512) 239-2524; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(10) COMPANY: UBANOSKI, DERRICK S; DOCKET NUMBER: 2023-0633-LII-E; IDENTIFIER: RN104283437; LOCATION: Magnolia, Montgomery County; TYPE OF FACILITY: operator; RULE VIOLATED: 30 TAC §30.5(a), by failing to obtain a required occupational license; PENALTY: \$175; ENFORCEMENT COORDINATOR: Carlos Flores, (915) 834-4964; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

TRD-202301958  
Gitanjali Yadav  
Deputy Director, Litigation  
Texas Commission on Environmental Quality  
Filed: May 30, 2023



#### Enforcement Orders

An agreed order was adopted regarding VICTORY ROCK TEXAS, LLC, Docket No. 2021-0751-AIR-E on May 30, 2023 assessing \$7,004 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Jennifer Peltier, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding G-N-K, INC. dba Road Runner Food Mart 33, Docket No. 2021-1145-PST-E on May 30, 2023 assessing \$7,258 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Marilyn Norrod, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

TRD-202302000  
Laurie Gharis  
Chief Clerk  
Texas Commission on Environmental Quality  
Filed: May 31, 2023



#### Enforcement Orders

An agreed order was adopted regarding Poly-America, L.P., Docket No. 2021-0625-AIR-E on May 31, 2023 assessing \$9,750 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Mackenzie Mehlmann, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Valero Refining-Texas, L.P., Docket No. 2021-0429-AIR-E on May 31, 2023 assessing \$81,938 in administrative penalties with \$16,387 deferred. Information concerning any aspect of this order may be obtained by contacting Mackenzie Mehlmann, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Ball Metal Beverage Container Corp., Docket No. 2021-0474-AIR-E on May 31, 2023 assessing \$7,750 in administrative penalties with \$1,550 deferred. Information concerning any aspect of this order may be obtained by contacting Johnnie Wu, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Texmark Chemicals, Inc., Docket No. 2021-1528-AIR-E on May 31, 2023 assessing \$9,300 in administrative penalties with \$1,860 deferred. Information concerning any aspect of this order may be obtained by contacting Mackenzie Mehlmann, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Sekisui Specialty Chemicals America, LLC, Docket No. 2021-1496-AIR-E on May 31, 2023 assessing \$27,200 in administrative penalties with \$5,440 deferred. Information concerning any aspect of this order may be obtained by contacting Danielle Porras, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Magellan E & P Holdings, Inc., Docket No. 2021-0933-AIR-E on May 31, 2023 assessing \$85,032 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Yuliya Dunaway, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Weatherford Aerospace, LLC, Docket No. 2022-0686-AIR-E on May 31, 2023 assessing \$57,125 in administrative penalties with \$11,425 deferred. Information concerning any aspect of this order may be obtained by contacting Yuliya Dunaway, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Holcim (US) Inc., Docket No. 2022-1408-AIR-E on May 31, 2023 assessing \$93,267 in administrative penalties with \$18,653 deferred. Information concerning any aspect of this order may be obtained by contacting Johnnie Wu, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding WEINRITTER REALTY, LP and WRR COMMERCE LLC, Docket No. 2019-0842-IHW-E on May 31, 2023 assessing \$7,500 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Tracy Chandler, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding TA Operating LLC dba Petro Stopping Center 307, Docket No. 2021-1402-IHW-E on May 31, 2023 assessing \$12,092 in administrative penalties with \$2,418 deferred. Information concerning any aspect of this order may be obtained by contacting Karolyn Kent, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Undine Texas Environmental, LLC, Docket No. 2021-0871-IWD-E on May 31, 2023 assessing \$37,050 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Ellen Ojeda, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Prasek's Hillje Smokehouse, INC., Docket No. 2021-1252-IWD-E on May 31, 2023 assessing

\$17,550 in administrative penalties with \$3,510 deferred. Information concerning any aspect of this order may be obtained by contacting Cheryl Thompson, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Gulf West Landfill TX, LP, Docket No. 2022-0462-IWD-E on May 31, 2023 assessing \$9,501 in administrative penalties with \$1,900 deferred. Information concerning any aspect of this order may be obtained by contacting Cecilio Banuelos, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding City of New Home, Docket No. 2022-0744-MLM-E on May 31, 2023 assessing \$8,998 in administrative penalties with \$1,799 deferred. Information concerning any aspect of this order may be obtained by contacting Daphne Greene, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A default order was adopted regarding Brand Technologies (TX), Inc., Docket No. 2019-0983-MSW-E on May 31, 2023 assessing \$2,500 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Clayton Smith, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A default order was adopted regarding Fast Recycling, Inc., Docket No. 2021-0639-MSW-E on May 31, 2023 assessing \$46,649 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Marilyn Norrod, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Memorial Villages Water Authority, Docket No. 2021-1556-MWD-E on May 31, 2023 assessing \$31,500 in administrative penalties with \$6,300 deferred. Information concerning any aspect of this order may be obtained by contacting Mark Gamble, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Town of Anthony, Docket No. 2021-0855-MWD-E on May 31, 2023 assessing \$114,062 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Ellen Ojeda, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding City of Austwell, Docket No. 2021-0542-MWD-E on May 31, 2023 assessing \$17,687 in administrative penalties with \$3,537 deferred. Information concerning any aspect of this order may be obtained by contacting Cheryl Thompson, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Aqua Texas, Inc., Docket No. 2021-1119-MWD-E on May 31, 2023 assessing \$45,500 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Cecilio Banuelos, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding LEASE BUILDERS, L.L.C., Docket No. 2021-1568-MWD-E on May 31, 2023 assessing \$12,750 in administrative penalties with \$2,550 deferred. Information concerning any aspect of this order may be obtained by contacting Cecilio Banuelos, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding UNIVERSAL FOREST PRODUCTS TEXAS LLC, Docket No. 2022-0857-MWD-E on May 31, 2023 assessing \$10,500 in administrative penalties with \$2,100 deferred. Information concerning any aspect of this order may be obtained by contacting Ellen Ojeda, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding IMEX ENTERPRISES, LLC and Grapeland Investments, LLC, Docket No. 2022-0259-PST-E on May 31, 2023 assessing \$9,400 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Jennifer Peltier, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A default order was adopted regarding F.S. DEVELOPMENT, LTD., Docket No. 2021-1598-PST-E on May 31, 2023 assessing \$7,666 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting William Hogan, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding JW Sands, LLC, Docket No. 2021-1527-AIR-E on May 31, 2023 assessing \$131,000 in administrative penalties with \$26,200 deferred. Information concerning any aspect of this order may be obtained by contacting Danielle Porras, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A default order was adopted regarding Gerald Holmes, Docket No. 2021-0870-MLM-E on May 31, 2023 assessing \$7,500 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Cynthia Sirois, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A default order was adopted regarding Kelly Chittum, Docket No. 2020-0715-MSW-E on May 31, 2023 assessing \$3,937 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Clayton Smith, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A default order was adopted regarding Kenny Hughes, Docket No. 2021-1105-MLM-E on May 31, 2023 assessing \$8,372 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Marilyn Norrod, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

TRD-202302001  
Laurie Gharis  
Chief Clerk  
Texas Commission on Environmental Quality  
Filed: May 31, 2023



#### Notice of Correction to Shutdown/Default Order Number 1

In the March 3, 2023, issue of the *Texas Register* (48 TexReg 1341), the Texas Commission on Environmental Quality (commission) published notice of a Shutdown/Default Order, specifically Item Number 1, for F.S. DEVELOPMENT, LTD.; Docket Number 2021-1598-PST-E. The error is as submitted by the commission.

The reference to the Order Type should be corrected to read: "Default"

For questions concerning the error, please contact William Hogan at (512) 239-5918.

TRD-202301963  
Gitanjali Yadav  
Deputy Director, Litigation  
Texas Commission on Environmental Quality  
Filed: May 30, 2023



#### Notice of District Petition

Notice issued May 26, 2023

TCEQ Internal Control No. D-04042023-004; 67213, LLC, a Texas limited liability company, (Petitioner) filed a petition for creation of Blue Grass Acres Municipal Utility District of Johnson County (District) with the Texas Commission on Environmental Quality (TCEQ). The petition was filed pursuant to Article XVI, §59 of the Constitution of the State of Texas; Chapters 49 and 54 of the Texas Water Code; 30 Texas Administrative Code Chapter 293; and the procedural rules of the TCEQ. The petition states that: (1) the Petitioner holds title to a majority in value of the land to be included in the proposed District; (2) there is one lienholder, Harper Cattle, LLC, a Texas limited liability company, on the property to be included in the proposed District and information provided indicates that the lienholder consents to the creation of the proposed District; (3) the proposed District will contain approximately 648.6 acres located within Johnson County, Texas; and (4) some of the land within the proposed District is partially within the extraterritorial jurisdiction of the City of Venus. The petition further states that the proposed District will: (1) construct, maintain, and operate a waterworks system, including the purchase and sale of water, for domestic and commercial purposes; (2) construct, maintain, and operate a sanitary sewer collection, treatment, and disposal system, for domestic and commercial purposes; (3) construct, install, maintain, purchase, and operate drainage and roadway facilities and improvements; and (4) construct, install, maintain, purchase, and operate facilities, systems, plants, and enterprises as shall be consonant with all of the purposes for which the proposed District is created. According to the petition, a preliminary investigation has been made to determine the cost of the project, and it is estimated by the Petitioners that the cost of said project will be approximately \$117,500,000 (\$92,000,000 for water, wastewater, and drainage and \$25,500,000 for roads). The Property is located partially within the extraterritorial jurisdiction of the City of Venus, Johnson County, Texas (the "City"). In accordance with Local Government Code §42.042 and Texas Water Code §54.016, the Petitioner submitted a petition to the City, requesting the City's consent to the creation of the District. After more than 90 days passed without receiving consent, the Petitioner submitted a petition to the City to provide water and sewer services to the proposed District. The 120-day period for reaching a mutually agreeable contract as established by the Texas Water Code §54.016(c) expired and the information provided indicates that the Petitioner and the City have not executed a mutually agreeable contract for service. Pursuant to Texas Water Code §54.016(d), failure to execute such an agreement constitutes authorization for the Petitioner to initiate proceedings to include the land within the proposed District.

#### INFORMATION SECTION

To view the complete issued notice, view the notice on our web site at [www.tceq.texas.gov/agency/cc/pub\\_notice.html](http://www.tceq.texas.gov/agency/cc/pub_notice.html) or call the Office of the Chief Clerk at (512) 239-3300 to obtain a copy of the complete notice. When searching the web site, type in the issued date range shown at the top of this document to obtain search results.

The TCEQ may grant a contested case hearing on the petition if a written hearing request is filed within 30 days after the newspaper publication of the notice. To request a contested case hearing, you must

submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) the name of the Petitioner and the TCEQ Internal Control Number; (3) the statement "I/we request a contested case hearing"; (4) a brief description of how you would be affected by the petition in a way not common to the general public; and (5) the location of your property relative to the proposed District's boundaries. You may also submit your proposed adjustments to the petition. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below. The Executive Director may approve the petition unless a written request for a contested case hearing is filed within 30 days after the newspaper publication of this notice. If a hearing request is filed, the Executive Director will not approve the petition and will forward the petition and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting. If a contested case hearing is held, it will be a legal proceeding similar to a civil trial in state district court. Written hearing requests should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address. For additional information, individual members of the general public may contact the Districts Review Team, at (512) 239-4691. Si desea información en español, puede llamar al (512) 239-0200. General information regarding TCEQ can be found at our web site at [www.tceq.texas.gov](http://www.tceq.texas.gov).

TRD-202301993

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: May 31, 2023



#### Notice of District Petition

Notice issued May 26, 2023

TCEQ Internal Control No. D-03292023-049; TCCI Sanctuary, LLC, a Texas limited liability company, (Petitioner) filed a petition for creation of Sanctuary Municipal Utility District No. 1 of Denton County (District) with the Texas Commission on Environmental Quality (TCEQ). The petition was filed pursuant to Article XVI, §59 of the Constitution of the State of Texas; Chapters 49 and 54 of the Texas Water Code; 30 Texas Administrative Code Chapter 293; and the procedural rules of the TCEQ. The petition states that: (1) the Petitioner holds title to a majority in value of the land to be included in the proposed District; (2) there are two lienholders, Grandview Bank and J. Young and Cattle, Ltd., on the property to be included in the proposed District, notification of creation was sent via certified mail to each lienholder; (3) the proposed District will contain approximately 433.92 acres located within Denton County, Texas; and (4) the land within the proposed District is wholly within the extraterritorial jurisdiction of the City of Denton. The petition further states that the proposed District will: (1) purchase, construct, acquire, improve, or extend inside or outside of its boundaries any and all works, improvements, facilities, plants, equipment, and appliances necessary or helpful to supply and distribute water for municipal, domestic, and commercial purposes; (2) collect, transport, process, dispose of, and control domestic and commercial wastes; (3) gather, conduct, divert, abate, amend, and control local storm water or other local harmful excesses of water in the proposed District; (4) design, acquire, construct, finance, improve, operate, and maintain macadamized, graveled, or paved roads and turnpikes, or improvements in aid of those roads; and (5) purchase, construct, acquire, improve, or extend inside or outside of its boundaries such additional

facilities, systems, plants, and enterprises as shall be consonant with all of the purposes for which the proposed District is created. According to the petition, a preliminary investigation has been made to determine the cost of the project, and it is estimated by the Petitioners that the cost of said project will be approximately \$34,375,000 (\$27,695,000 for water, wastewater, and drainage and \$6,680,000 for roads). In accordance with Local Government Code §42.042 and Texas Water Code §54.016, the Petitioner submitted a petition to the City, requesting the City's consent to the creation of the District. After more than 90 days passed without receiving consent, the Petitioner submitted a petition to the City to provide water and sewer services to the proposed District. The 120-day period for reaching a mutually agreeable contract as established by the Texas Water Code §54.016(c) expired and the information provided indicates that the Petitioner and the City have not executed a mutually agreeable contract for service. Pursuant to Texas Water Code §54.016(d), failure to execute such an agreement constitutes authorization for the Petitioner to initiate proceedings to include the land within the proposed District.

#### INFORMATION SECTION

To view the complete issued notice, view the notice on our web site at [www.tceq.texas.gov/agency/cc/pub\\_notice.html](http://www.tceq.texas.gov/agency/cc/pub_notice.html) or call the Office of the Chief Clerk at (512) 239-3300 to obtain a copy of the complete notice. When searching the web site, type in the issued date range shown at the top of this document to obtain search results.

The TCEQ may grant a contested case hearing on the petition if a written hearing request is filed within 30 days after the newspaper publication of the notice. To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) the name of the Petitioner and the TCEQ Internal Control Number; (3) the statement "I/we request a contested case hearing"; (4) a brief description of how you would be affected by the petition in a way not common to the general public; and (5) the location of your property relative to the proposed District's boundaries. You may also submit your proposed adjustments to the petition. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below. The Executive Director may approve the petition unless a written request for a contested case hearing is filed within 30 days after the newspaper publication of this notice. If a hearing request is filed, the Executive Director will not approve the petition and will forward the petition and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting. If a contested case hearing is held, it will be a legal proceeding similar to a civil trial in state district court. Written hearing requests should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address. For additional information, individual members of the general public may contact the Districts Review Team, at (512) 239-4691. Si desea información en español, puede llamar al (512) 239-0200. General information regarding TCEQ can be found at our web site at [www.tceq.texas.gov](http://www.tceq.texas.gov).

TRD-202301994

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: May 31, 2023



#### Notice of District Petition

Notice issued May 26, 2023

TCEQ Internal Control No. D-03292023-051; TCCI Sanctuary, LLC, a Texas limited liability company, (Petitioner) filed a petition for creation of Sanctuary Municipal Utility District No. 2 of Denton County (District) with the Texas Commission on Environmental Quality (TCEQ). The petition was filed pursuant to Article XVI, §59 of the Constitution of the State of Texas; Chapters 49 and 54 of the Texas Water Code; 30 Texas Administrative Code Chapter 293; and the procedural rules of the TCEQ. The petition states that: (1) the Petitioner holds title to a majority in value of the land to be included in the proposed District; (2) there are no lienholders on the property to be included in the proposed District; (3) the proposed District will contain approximately 377.11 acres located within Denton County, Texas; and (4) the land within the proposed District is wholly within the extraterritorial jurisdiction of the City of Denton. The petition further states that the proposed District will: (1) purchase, construct, acquire, improve, or extend inside or outside of its boundaries any and all works, improvements, facilities, plants, equipment, and appliances necessary or helpful to supply and distribute water for municipal, domestic, and commercial purposes; (2) collect, transport, process, dispose of, and control domestic and commercial wastes; (3) gather, conduct, divert, abate, amend, and control local storm water or other local harmful excesses of water in the proposed District; (4) design, acquire, construct, finance, improve, operate, and maintain macadamized, graveled, or paved roads and turnpikes, or improvements in aid of those roads; and (5) purchase, construct, acquire, improve, or extend inside or outside of its boundaries such additional facilities, systems, plants, and enterprises as shall be consonant with all of the purposes for which the proposed District is created.

According to the petition, a preliminary investigation has been made to determine the cost of the project, and it is estimated by the Petitioners that the cost of said project will be approximately \$26,750,000 (\$21,160,000 for water, wastewater, and drainage and \$5,590,000 for roads). In accordance with Local Government Code §42.042 and Texas Water Code §54.016, the Petitioner submitted a petition to the City, requesting the City's consent to the creation of the District. After more than 90 days passed without receiving consent, the Petitioner submitted a petition to the City to provide water and sewer services to the proposed District. The 120-day period for reaching a mutually agreeable contract as established by the Texas Water Code §54.016(c) expired and the information provided indicates that the Petitioner and the City have not executed a mutually agreeable contract for service. Pursuant to Texas Water Code §54.016(d), failure to execute such an agreement constitutes authorization for the Petitioner to initiate proceedings to include the land within the proposed District.

#### INFORMATION SECTION

To view the complete issued notice, view the notice on our web site at [www.tceq.texas.gov/agency/cc/pub\\_notice.html](http://www.tceq.texas.gov/agency/cc/pub_notice.html) or call the Office of the Chief Clerk at (512) 239-3300 to obtain a copy of the complete notice. When searching the web site, type in the issued date range shown at the top of this document to obtain search results.

The TCEQ may grant a contested case hearing on the petition if a written hearing request is filed within 30 days after the newspaper publication of the notice. To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) the name of the Petitioner and the TCEQ Internal Control Number; (3) the statement "I/we request a contested case hearing"; (4) a brief description of how you would be affected by the petition in a way not common to the general public; and (5) the location of your property relative to the proposed District's boundaries. You may also submit your proposed adjustments to the petition. Re-

quests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below. The Executive Director may approve the petition unless a written request for a contested case hearing is filed within 30 days after the newspaper publication of this notice. If a hearing request is filed, the Executive Director will not approve the petition and will forward the petition and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting. If a contested case hearing is held, it will be a legal proceeding similar to a civil trial in state district court. Written hearing requests should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address. For additional information, individual members of the general public may contact the Districts Review Team, at (512) 239-4691. Si desea información en español, puede llamar al (512) 239-0200. General information regarding TCEQ can be found at our web site at [www.tceq.texas.gov](http://www.tceq.texas.gov).

TRD-202301995

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: May 31, 2023



#### Notice of District Petition

Notice issued May 26, 2023

TCEQ Internal Control No. D-03152023-025; LB Warren, LLC (Petitioner) filed a petition for creation of Williamson County Municipal Utility District No. 39 (District) with the Texas Commission on Environmental Quality (TCEQ). The petition was filed pursuant to Article XVI, Section 59 of the Constitution of the State of Texas; Chapters 49 and 54 of the Texas Water Code; 30 Texas Administrative Code Chapter 293; and the procedural rules of the TCEQ. The petition states that: (1) the Petitioner holds title to a majority in value of the land to be included in the proposed District; (2) there is one lienholder, First National Bank Texas, on the property to be included in the proposed District and the aforementioned entity has consented to the creation of the District; (3) the proposed District will contain approximately 232.441 acres of land, more or less, located within Williamson County, Texas; and (4) the land to be included within the proposed District is not within the extraterritorial jurisdictions of any city. The petition further states that the proposed District will construct, purchase, acquire, maintain, own and operate water, wastewater, drainage, road and park and recreational facilities within the proposed District. It further states that the planned residential and commercial development of the area and the present and future inhabitants of the area will be benefited by the above-referenced work, which will promote the purity and sanitary condition of the State's waters and the public health and welfare of the community. According to the petition, a preliminary investigation has been made to determine the cost of the project, and it is estimated by the Petitioner, from the information available at this time, that the cost of said project will be approximately \$50,060,000 (\$43,370,000 for water, wastewater, and drainage facilities, \$3,470,000 for recreation facilities, and \$3,220,000 for road facilities).

#### INFORMATION SECTION

To view the complete issued notice, view the notice on our web site at [www.tceq.texas.gov/agency/cc/pub\\_notice.html](http://www.tceq.texas.gov/agency/cc/pub_notice.html) or call the Office of the Chief Clerk at (512) 239-3300 to obtain a copy of the complete notice. When searching the web site, type in the issued date range shown at the top of this document to obtain search results.

The TCEQ may grant a contested case hearing on the petition if a written hearing request is filed within 30 days after the newspaper publication of the notice. To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) the name of the Petitioner and the TCEQ Internal Control Number; (3) the statement "I/we request a contested case hearing"; (4) a brief description of how you would be affected by the petition in a way not common to the general public; and (5) the location of your property relative to the proposed District's boundaries. You may also submit your proposed adjustments to the petition. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below. The Executive Director may approve the petition unless a written request for a contested case hearing is filed within 30 days after the newspaper publication of this notice. If a hearing request is filed, the Executive Director will not approve the petition and will forward the petition and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting. If a contested case hearing is held, it will be a legal proceeding similar to a civil trial in state district court. Written hearing requests should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address. For additional information, individual members of the general public may contact the Districts Review Team, at (512) 239-4691. Si desea información en español, puede llamar al (512) 239-0200. General information regarding TCEQ can be found at our web site at [www.tceq.texas.gov](http://www.tceq.texas.gov).

TRD-202301996

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: May 31, 2023



#### Notice of District Petition

Notice issued May 26, 2023

TCEQ Internal Control No. D-01302023-038; Macedonia Asset LLC, a Texas limited liability company (Petitioner) filed a petition for creation of Woodside Manor Municipal Utility District (District) of Waller County with the Texas Commission on Environmental Quality (TCEQ). The petition was filed pursuant to Article XVI, §59 of the Constitution of the State of Texas; Chapters 49 and 54 of the Texas Water Code; 30 Texas Administrative Code Chapter 293; and the procedural rules of the TCEQ. The petition states that: (1) the Petitioner holds title to a majority in value of the land to be included in the proposed District; (2) there is one lienholder, Prosperity Bank, on the property to be included in the proposed District and the lienholder consents to the creation of the proposed District; (3) the proposed District will contain approximately 79.106 acres located within Waller County, Texas; and (4) all of the land within the proposed District is located outside the corporate boundaries and the extraterritorial jurisdiction of any city. The petition further states that the proposed District will: (1) purchase, construct, acquire, improve, or extend inside or outside of its boundaries any and all works, improvements, facilities, plants, equipment, and appliances necessary or helpful to supply and distribute water for municipal, domestic, and commercial purposes; (2) to collect, transport, process, dispose of and control domestic, and commercial wastes; to gather, conduct, divert, abate, amend and control local storm water or other local harmful excesses of water in the District; (3) to design, acquire, construct, finance, improve, operate,

and maintain macadamized, graveled, or paved roads and turnpikes, or improvements in aid of those roads; (4) design, acquire, construct, finance, improve, and maintain parks and recreational facilities; and (5) and to purchase, construct, acquire, improve, or extend inside or outside of its boundaries such additional facilities, systems, plants, and enterprises as shall be consonant with all of the purposes for which the proposed District is created. According to the petition, a preliminary investigation has been made to determine the cost of the project, and it is estimated by the Petitioners that the cost of said project will be approximately \$17,640,000 (\$10,370,000 for water, wastewater, and drainage plus \$1,000,000 for recreation plus \$6,270,000 for roads).

#### INFORMATION SECTION

To view the complete issued notice, view the notice on our web site at [www.tceq.texas.gov/agency/cc/pub\\_notice.html](http://www.tceq.texas.gov/agency/cc/pub_notice.html) or call the Office of the Chief Clerk at (512) 239-3300 to obtain a copy of the complete notice. When searching the web site, type in the issued date range shown at the top of this document to obtain search results.

The TCEQ may grant a contested case hearing on the petition if a written hearing request is filed within 30 days after the newspaper publication of the notice. To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) the name of the Petitioner and the TCEQ Internal Control Number; (3) the statement "I/we request a contested case hearing"; (4) a brief description of how you would be affected by the petition in a way not common to the general public; and (5) the location of your property relative to the proposed District's boundaries. You may also submit your proposed adjustments to the petition. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below. The Executive Director may approve the petition unless a written request for a contested case hearing is filed within 30 days after the newspaper publication of this notice. If a hearing request is filed, the Executive Director will not approve the petition and will forward the petition and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting. If a contested case hearing is held, it will be a legal proceeding similar to a civil trial in state district court. Written hearing requests should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address. For additional information, individual members of the general public may contact the Districts Review Team, at (512) 239-4691. Si desea información en español, puede llamar al (512) 239-0200. General information regarding TCEQ can be found at our web site at [www.tceq.texas.gov](http://www.tceq.texas.gov).

TRD-202301997

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: May 31, 2023



#### Notice of District Petition

Notice issued May 26, 2023

TCEQ Internal Control No. D-02152023-060; RESERVE AT BALCONES LAND HOLDINGS, LLC (Petitioner) filed a petition for creation of The Reserve at Balcones Municipal Utility District of Williamson County (District) with the Texas Commission on Environmental Quality (TCEQ). The petition was filed pursuant to Article XVI, § 59 of the Constitution of the State of Texas; Chapters 49 and

54 of the Texas Water Code; 30 Texas Administrative Code Chapter 293; and the procedural rules of the TCEQ.

The petition states that: (1) the Petitioner holds title to a majority in value of the land to be included in the proposed District; (2) there is one lienholder, Citizens National Bank, on the property to be included in the proposed district and information provided in the petition indicates that the lienholder consents to the creation of the proposed District; (3) the proposed District will contain approximately 248.93 acres of land located within Williamson County, Texas; and (4) no portion of the land to be included within the proposed District is located within the corporate limits or extraterritorial jurisdiction of any city, town or village in Texas. The petition further states that the proposed District will (1) purchase, construct, acquire, improve, or extend inside or outside of its boundaries any and all works, improvements, facilities, plants, equipment, and appliances necessary or helpful to supply and distribute water for municipal, domestic, and commercial purposes; (2) to gather, conduct, divert, abate, amend and control local storm water or other local harmful excesses of water or provide adequate drainage in the District; and (3) to purchase, construct, acquire, improve, or extend inside or outside of its boundaries such additional facilities, systems, plants and enterprises as shall be consistent with all of the purposes for which the proposed District is created. Additional work and services which may be performed by the proposed District include the purchase, construction, acquisition, provision, operation, maintenance, repair, improvement, extension, and development of a roadway system for the inhabitants of the District. According to the petition, a preliminary investigation has been made to determine the cost of the project, and it is estimated by the Petitioner, from the information available at this time, that the cost of said project will be approximately \$14,050,000 (including \$9,050,000 for utilities plus \$5,000,000 for roads).

#### INFORMATION SECTION

To view the complete issued notice, view the notice on our web site at [www.tceq.texas.gov/agency/cc/pub\\_notice.html](http://www.tceq.texas.gov/agency/cc/pub_notice.html) or call the Office of the Chief Clerk at (512) 239-3300 to obtain a copy of the complete notice. When searching the web site, type in the issued date range shown at the top of this document to obtain search results.

The TCEQ may grant a contested case hearing on the petition if a written hearing request is filed within 30 days after the newspaper publication of the notice. To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) the name of the Petitioner and the TCEQ Internal Control Number; (3) the statement "I/we request a contested case hearing"; (4) a brief description of how you would be affected by the petition in a way not common to the general public; and (5) the location of your property relative to the proposed District's boundaries. You may also submit your proposed adjustments to the petition. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below. The Executive Director may approve the petition unless a written request for a contested case hearing is filed within 30 days after the newspaper publication of this notice. If a hearing request is filed, the Executive Director will not approve the petition and will forward the petition and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting. If a contested case hearing is held, it will be a legal proceeding similar to a civil trial in state district court. Written hearing requests should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address. For additional information, individual members of the general public may contact the Districts Review Team, at

(512) 239-4691. Si desea información en español, puede llamar al (512) 239-0200. General information regarding TCEQ can be found at our web site at [www.tceq.texas.gov](http://www.tceq.texas.gov).

TRD-202301998  
Laurie Gharis  
Chief Clerk  
Texas Commission on Environmental Quality  
Filed: May 31, 2023

#### ◆ ◆ ◆ Notice of Opportunity to Comment on a Default Order of Administrative Enforcement Actions

The Texas Commission on Environmental Quality (TCEQ or commission) staff is providing an opportunity for written public comment on the listed Default Order (DO). The commission staff proposes a DO when the staff has sent the Executive Director's Preliminary Report and Petition (EDPRP) to an entity outlining the alleged violations; the proposed penalty; the proposed technical requirements necessary to bring the entity back into compliance; and the entity fails to request a hearing on the matter within 20 days of its receipt of the EDPRP or requests a hearing and fails to participate at the hearing. Similar to the procedure followed with respect to Agreed Orders entered into by the executive director of the commission, in accordance with Texas Water Code (TWC), §7.075, this notice of the proposed order and the opportunity to comment is published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is **July 11, 2023**. The commission will consider any written comments received, and the commission may withdraw or withhold approval of a DO if a comment discloses facts or considerations that indicate that consent to the proposed DO is inappropriate, improper, inadequate, or inconsistent with the requirements of the statutes and rules within the commission's jurisdiction, or the commission's orders and permits issued in accordance with the commission's regulatory authority. Additional notice of changes to a proposed DO is not required to be published if those changes are made in response to written comments.

A copy of the proposed DO is available for public inspection at both the commission's central office, located at 12100 Park 35 Circle, Building A, 3rd Floor, Austin, Texas 78753, (512) 239-3400 and at the applicable regional office listed as follows. Written comments about the DO should be sent to the attorney designated for the DO at the commission's central office at P.O. Box 13087, MC 175, Austin, Texas 78711-3087 and must be **received by 5:00 p.m. on July 11, 2023**. The commission's attorney is available to discuss the DO and/or the comment procedure at the listed phone number; however, TWC, §7.075, provides that comments on the DO shall be submitted to the commission in **writing**.

(1) COMPANY: OLMOS EQUIPMENT, INC.; DOCKET NUMBER: 2019-0973-MLM-E; TCEQ ID NUMBER: RN101381820; LOCATION: 440 Pinn Road, San Antonio, Bexar County; TYPE OF FACILITY: construction warehouse; RULES VIOLATED: 30 TAC §37.815(a) and (b), by failing to demonstrate financial assurance for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of the petroleum underground storage tanks (USTs); TWC, §26.3475(d) and 30 TAC §334.49(a)(2), by failing to ensure the UST corrosion protection system is operated and maintained in a manner that will provide continuous corrosion protection; TWC, §26.3475(c)(1) and 30 TAC §334.50(b)(1)(A), by failing to monitor the USTs in a manner which will detect a release at a frequency of at least once every 30 days; TWC, §26.3475(a) and 30 TAC §334.50(b)(2), by failing to provide release detection for the pressurized piping associated with the UST system; Texas Health and



Safety Code, §371.041, 30 TAC §324.4(1), and 40 Code of Federal Regulations (CFR) §279.22(b), by failing to maintain containers used to store used oil in good condition and not leaking; 30 TAC §324.15 and 40 CFR §279.22(d)(3), by failing to clean up and properly manage a release of used oil; and 30 TAC §330.15(c), by causing, suffering, allowing, or permitting the unauthorized disposal of municipal solid waste; PENALTY: \$52,197; STAFF ATTORNEY: Megan L. Grace, Litigation, MC 175, (512) 239-3334; REGIONAL OFFICE: San Antonio Regional Office, 14250 Judson Road, San Antonio, Texas 78233-4480, (210) 490-3096.

TRD-202301962  
Gitanjali Yadav  
Deputy Director, Litigation  
Texas Commission on Environmental Quality  
Filed: May 30, 2023



### Notice of Opportunity to Comment on Agreed Orders of Administrative Enforcement Actions

The Texas Commission on Environmental Quality (TCEQ or commission) staff is providing an opportunity for written public comment on the listed Agreed Orders (AOs) in accordance with Texas Water Code (TWC), §7.075. TWC, §7.075, requires that before the commission may approve the AOs, the commission shall allow the public an opportunity to submit written comments on the proposed AOs. TWC, §7.075, requires that notice of the opportunity to comment must be published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is **July 11, 2023**. TWC, §7.075, also requires that the commission promptly consider any written comments received and that the commission may withdraw or withhold approval of an AO if a comment discloses facts or considerations that indicate that consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the statutes and rules within the commission's jurisdiction or the commission's orders and permits issued in accordance with the commission's regulatory authority. Additional notice of changes to a proposed AO is not required to be published if those changes are made in response to written comments.

A copy of each proposed AO is available for public inspection at both the commission's central office, located at 12100 Park 35 Circle, Building A, 3rd Floor, Austin, Texas 78753, (512) 239-3400 and at the applicable regional office listed as follows. Written comments about an AO should be sent to the attorney designated for the AO at the commission's central office at P.O. Box 13087, MC 175, Austin, Texas 78711-3087 and must be **received by 5:00 p.m. on July 11, 2023**. The designated attorneys are available to discuss the AOs and/or the comment procedure at the listed phone numbers; however, TWC, §7.075, provides that comments on an AO shall be submitted to the commission in **writing**.

(1) COMPANY: City of Strawn; DOCKET NUMBER: 2019-1804-MWD-E; TCEQ ID NUMBER: RN101424968; LOCATION: South Front Street, approximately 0.05 miles west of the intersection of South Front Street and McKinley Avenue near Strawn, Palo Pinto County; TYPE OF FACILITY: water treatment facility; RULES VIOLATED: 30 TAC §305.125(1) and §319.11(d), and Texas Pollutant Discharge Elimination System (TPDES) Permit Number WQ0010326002, Effluent Limitation and Monitoring Requirement Number 1 and Operational Requirement Number 5, by failing to comply with flow measurements, equipment, installation, and procedures that conform to those prescribed in the Water Measurement Manual, United States Department of the Interior Bureau of Reclamation, Washington, D.C., or methods that are equivalent as approved by the executive director; and 30 TAC §305.125(1) and §319.11(c), and TPDES Permit Number

WQ0010326002, Effluent Limitations and Monitoring Requirements Numbers 1, 2, and 4, by failing to properly collect and analyze effluent samples according to the permit; PENALTY: \$38,000; Supplemental Environmental Project offset amount of \$38,000 applied to Wastewater Treatment Plant Improvements; STAFF ATTORNEY: Megan L. Grace, Litigation, MC 175, (512) 239-3334; REGIONAL OFFICE: Dallas-Fort Worth Regional Office, 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(2) COMPANY: RCH WATER SUPPLY CORPORATION; DOCKET NUMBER: 2021-0601-PWS-E; TCEQ ID NUMBER: RN102689635; LOCATION: approximately 0.25 miles south of State Highway 205 on Lofland Circle, Rockwall, Rockwall County; TYPE OF FACILITY: public water system; RULE VIOLATED: 30 TAC §290.44(h)(1)(A), by failing to ensure additional protection was provided at all residences or establishments where an actual or potential contamination hazard exists in the form of an air gap or backflow prevention assembly, as identified in 30 TAC §290.47(f); PENALTY: \$3,150; STAFF ATTORNEY: Megan L. Grace, Litigation, MC 175, (512) 239-3334; REGIONAL OFFICE: Dallas-Fort Worth Regional Office, 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

TRD-202301961  
Gitanjali Yadav  
Deputy Director, Litigation  
Texas Commission on Environmental Quality  
Filed: May 30, 2023



### Notice of Water Quality Application

The following notice was issued on May 25, 2023:

The following notice does not require publication in a newspaper. Written comments or requests for a public meeting may be submitted to the Office of the Chief Clerk, Mail Code 105, P.O. Box 13087, Austin, Texas 78711-3087 **WITHIN (30) DAYS FROM THE DATE THIS NOTICE IS ISSUED**.

#### INFORMATION SECTION

City of Alpine has applied for a minor amendment to the Texas Pollutant Discharge Elimination System Permit No. WQ0014349001 to authorize reduced discharge of treated domestic wastewater at an annual average flow not to exceed 1,480,000 gallons per day to daily average flow 900,000 gallon per day. The facility is approximately 2.5 miles northeast of the City of Alpine, on the west bank of Alpine Creek, in Brewster County, Texas 79830.

TRD-202301999  
Laurie Gharis  
Chief Clerk  
Texas Commission on Environmental Quality  
Filed: May 31, 2023



### General Land Office

#### Notice and Opportunity to Comment on Requests for Consistency Agreement/Concurrence Under the Texas Coastal Management Program

On January 10, 1997, the State of Texas received federal approval of the Coastal Management Program (CMP) (62 *Federal Register* pp. 1439 - 1440). Under federal law, federal agency activities and actions affecting the Texas coastal zone must be consistent with the CMP goals and policies identified in 31 TAC Chapter 26. Requests for federal consistency review were deemed administratively complete for the following

project(s) during the period of May 22, 2023 to May 25, 2023. As required by federal law, the public is given an opportunity to comment on the consistency of proposed activities in the coastal zone undertaken or authorized by federal agencies. Pursuant to 31 TAC §§30.25, 30.32, and 30.41, the public comment period extends 30 days from the date published on the Texas General Land Office web site. The notice was published on the web site on Friday, June 2, 2023. The public comment period for this project will close at 5:00 p.m. on Sunday, July 2, 2023.

#### FEDERAL AGENCY ACTIONS:

**Applicant:** Cape Velero Homeowners Association

**Location:** The project site is located in Port Bay, within an existing dredged canal and along the south and southwest shores of the Cape Velero Estates Development, in Rockport, Aransas County, Texas.

Latitude and Longitude:

Canal: 28.04033, -97.12442

DMPA 1 (upland): 28.04321, -97.12712

DMPA 2 (upland): 28.04545, -97.12324

Channel/Breakwater: 28.03950, -97.12780

Reef Ball Breakwater East End: 28.03964, -97.12790

Reef Ball Breakwater West End: 28.03953, -97.12865

**Project Description:** The applicant proposes to conduct maintenance dredging of 1.97 acres of an existing boat launch basin and boat canal. The boat launch basin and canal fronting the Cape Velero Subdivision was originally excavated in the mid-1980s. The existing 1.97-acre canal/basin area would be dredged to a depth of -3.0 feet mean sea level (MSL) and would yield an estimated 6,356 cubic yards (CY) of dredged material. In addition, the applicant proposes to establish a dredged-and-marked 30-foot-wide by 150-foot-long access channel into Port Bay from the existing boat canal. The proposed channel would confine boat traffic to a single channel until reaching navigable depths in Port Bay, thus minimizing possible seagrass and bay bottom damage by boat traffic where no channel currently exists. The proposed channel would have a 4- by 185-foot limestone breakwater (740-square-foot) installed on the southeast side to reduce wave energy and bay bottom creep, and to minimize sedimentation and reduce the frequency of future maintenance dredging requirements. This feature would affect 0.01 acre of bay bottom. Four 8-inch-diameter pilings would be installed at 37-foot intervals along the edge of the breakwater as markers to aid navigation. The new 0.11-acre boat access channel would be dredged to a depth of -3.0 feet MSL. The calculated dredge material volume would be 292 CY of material.

The dredged material would be mechanically excavated using a Wilco amphibious excavator. The contractor unit is 16-foot-wide and 32-foot-long with two 5-foot-wide pontoons and weighs 58,000 pounds. The drive system is hydraulic, powered by the Caterpillar 330 Excavator engine and hydraulic system, and has pyramid or flotation shoes on the drive system. This excavator floats in -4.5 feet of water and has a 50-foot operating reach. Dredging would start at the launch ramp basin and then proceed out the boat canal. Initially, the dredged material would be placed within a ring of hay bales on the uplands adjacent to the boat basin for dewatering until the excavator is beyond reach of the shoreline. A backhoe onshore would transfer the dewatered material to a dump truck that would transport the material to one of two upland disposal areas for unloading and leveling. Silt fencing would be utilized at the upland placement areas to hold the material in place until stabilized. When dredging beyond reach of the boat basin shoreline, and through the extent of the boat canal and proposed channel into Port Bay, the dredged materials would be placed on a set of small

barges with sidewalls. When barge loading capacity is reached, the individual barges would be pushed by a small outboard motor to the launch ramp and offloaded by backhoe into dump trucks. The dump trucks would relay the material to the upland disposal areas for unloading and leveling. Weighted sediment curtains would be used when working in open waters to minimize turbidity outside the work area. After the material has been placed within the upland disposal areas and one to two weeks of drying time has occurred, a small bulldozer would spread the material evenly within the disposal area. Based upon the anticipated dredge volume, an approximately 1-foot layer of material would be spread within each of the disposal areas. Once settling and conditioning of the materials is achieved over several months, the disposal areas would be seeded with common bermudagrass to establish vegetative cover. The expected time to complete dredging of the canal and associated access channel with breakwater is 22 days.

The applicant also proposes to install a 275-foot-long by 8-foot-wide (2,200-square-foot) breakwater consisting of a double row of 36-inch-diameter reef balls. The reef balls would be installed on a staggered offset with 3 feet of separation. The expected time to complete installation of the reef ball breakwater is 3 days.

In addition, the project would include launch ramp improvements through the addition of a 4- by-25-foot wing pier; a 4- by-60-foot walkway, and three 3- by-20-foot finger piers within the canal.

An estimated 4,585-square-foot of Widgeon grass (*Ruppia maritima*) would be directly impacted from the dredging and placement of the channel breakwater as currently proposed.

The applicant has stated that they have avoided and minimized the environmental impacts by the use of weighted sediment curtains during dredging operations to minimize turbidity outside the work area, and would use an upland contained disposal area for dewatering of dredged material.

Out of Kind - On-Site mitigation is offered to offset the seagrass impacts summarized above. The construction of a breakwater using a double row of 36-inch-diameter reef balls is proposed for the offset of impacts caused by the proposed mechanical dredging. The reef balls would be installed on a staggered offset with 3 feet of separation. This breakwater would dissipate wave energy from the prevailing winds that impact this impaired shoreline and slow or stop scouring of the nearshore water bottom. The shadow effect of the breakwater should allow for the expansion and/or establishment of submerged aquatic vegetation in the shadow of the breakwater within the bare bay bottoms fronting the wetland shoreline, and bare bottoms within the shallow waters behind the wetland shoreline. This action is expected to restore water quality and aquatic function through the re-colonization of seagrasses within the wave energy shadow. The placement of the breakwater would be aligned where areas of bare bay bottom interface with existing submerged aquatic vegetation. An indirect effect of the breakwater would be to slow or stop the continuing loss of the emergent wetlands downwind of the structure and potentially allow for some recovery. The wave energy shadow behind the proposed breakwater covers approximately 5,000-square-foot (0.11 acre) of bay bottom fronting the wetland shoreline.

**Type of Application:** U.S. Army Corps of Engineers permit application # SWG-2005-00696. This application will be reviewed pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act. Note: The consistency review for this project may be conducted by the Texas Commission on Environmental Quality as part of its certification under §401 of the Clean Water Act.

**CMP Project No:** 23-1274-F1

**Applicant:** City of Palacios

**Location:** The project site is located in Tres Palacios Bay, at two locations: the first being south of Fisherman's Memorial adjacent to Margerum Boulevard then southwest to the terminus of County Road 321; the second site runs parallel to a portion of East Bayshore Drive/County Road 305, in Matagorda County, Texas.

**Latitude and Longitude:**

North Project Site: 28.731785, -96.201372

South Project Site: 28.694422, -96.235024

**Project Description:** The applicant proposes to install approximately 6,620 linear feet of 20-foot-wide breakwaters into open waters of Tres Palacios Bay for shoreline protection. The applicant proposes to discharge approximately 13,515 cubic yards of clean rock fill to a height of 3 feet above the mean high water line (MHWL) into approximately 1.68 acres of unvegetated open water for the northern breakwater which would be comprised of five individual segments.

The southern breakwater would require the discharge of approximately 8,850 cubic yards of clean rock fill to a height of 3 feet above the MHWL into approximately 1.34 acres of unvegetated open water which would be comprised of three individual segments. The dimensions of each segment are located within the plans.

The applicant has stated that they have avoided and minimized the environmental impacts by orienting the design and location of the breakwater reefs to avoid impacts to waters of the U.S. as much as possible and designing the temporary workspace to be as close as possible to where the breakwater reefs will be constructed, yet still be located in unvegetated portions of the bay with no seagrass beds or oyster reefs, and being located as close as possible to the marina boat channel so barges and equipment have convenient, close access to the project site.

The applicant is not proposing mitigation since the project will serve to protect existing wetland habitat. The applicant has stated that although approximately 1.36 acres of potential oyster habitat may be impacted by the proposed project, the breakwaters would create an additional 3.28 acres of oyster habitat resulting in a net gain of 1.72 acres of oyster habitat.

**Type of Application:** U.S. Army Corps of Engineers permit application # SWG-2023-00171. This application will be reviewed pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act. Note: The consistency review for this project may be conducted by the Texas Commission on Environmental Quality as part of its certification under §401 of the Clean Water Act.

**CMP Project No:** 23-1276-F1

**Applicant:** Seahawk Shorelines System, LLC

**Location:** The project site is located in the Gulf of Mexico, at the Matagorda Ship Entrance, approximately 2.5 miles offshore from the Matagorda Peninsula jetties, in Matagorda County, Texas.

**Latitude and Longitude:**

Beginning of Pipeline: 23.388411° N, 096.289683° W;

End Of Pipeline: 23.3909° N, 096.286783° W

**Project Description:** The applicant proposes to remove an approximately 1,300-foot section of an existing, out-of-service 24-inch pipeline from the eastern side of the Matagorda Ship Channel to the western side of the channel. The pipeline will be exposed, cut into 40- to 80-foot lengths, and manually removed from the channel and placed on a construction barge and removed. If dredging is required for pipeline removal, up to 12,000 cubic yards of material will be excavated by a barge mounted clamshell dredge, placed in a barge, and transported for placement in open water Placement Area (PA) 7.

The ends of the remaining pipeline outside of the channel setback will be capped by a diver.

To avoid and minimize environmental impacts, a designated placement area will be utilized for project spoils. The contractor will closely monitor all excavation activities to ensure only the minimum amount of excavation is utilized to permit access to the pipeline using sonar survey equipment. Dredge spoils will be placed in an established PA-7, which has been used for dredge spoil discharge. This project will not disturb any known environmentally sensitive areas or cultural resources, per the Sampling, Chemical Analysis, and Bioassessment Report of Matagorda Ship Channel Improvement Project. No mitigation is required because all impacts are temporary, and waters would be restored to pre-construction contours and elevations following completion of the activity.

**Type of Application:** U.S. Army Corps of Engineers permit application # SWG-2022-00397. This application will be reviewed pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act. Note: The consistency review for this project may be conducted by The Railroad Commission of Texas as part of its certification under §401 of the Clean Water Act.

**CMP Project No:** 23-1277-F1

Further information on the applications listed above, including a copy of the consistency certifications or consistency determinations for inspection, may be obtained from the Texas General Land Office Public Information Officer at 1700 N. Congress Avenue, Austin, Texas 78701, or via email at [pialegal@glo.texas.gov](mailto:pialegal@glo.texas.gov). Comments should be sent to the Texas General Land Office Coastal Management Program Coordinator at the above address or via email at [federal.consistency@glo.texas.gov](mailto:federal.consistency@glo.texas.gov).

TRD-202301959

Mark Havens

Chief Clerk, Deputy Land Commissioner

General Land Office

Filed: May 30, 2023



## Texas Health and Human Services Commission

### Notice of Public Hearing on Proposed Changes to Payment Rates Related to Nursing Facility (NF) Services

Notice of Public Hearing on proposed changes to payment rates related to Nursing Facility (NF) services, proposed to be effective June 10, 2023, through August 31, 2023.

Hearing. The Texas Health and Human Services Commission (HHSC) will conduct a public hearing on June 13, 2023, at 9:00 a.m. to receive public comments on proposed changes to payment rates related to NF services resulting from Legislative Reviews.

Members of the public may attend the rate hearing in person, which will be held in the HHSC John H Winters Building, Public Hearing Room 125, First Floor, at 701 W. 51st Street, Austin, Texas 78751. HHSC will also broadcast the public hearing; the broadcast can be accessed on the HHS webpage (<https://hhs.texas.gov/about-hhs/communications-events/live-archived-meetings>). The broadcast will be archived and accessible on demand at the same website. HHSC will hold the hearing in compliance with Texas Human Resources Code Section 32.0282, which requires public notice of hearings on proposed Medicaid reimbursements.

Proposal. HHSC is proposing to implement temporary add-on rates for NFs for miscellaneous costs to be effective June 10, 2023, through August 31, 2023.

Methodology and Justification. The proposed payment rates maintain the emergency add-on reimbursement rate increase for NFs originally implemented for the federally declared COVID-19 public health emergency as described in Senate Bill 30, 88th Legislature, Regular Session, 2023. The proposed payment rates were calculated following S.B. 30, 88th Legislature, Regular Session.

Rate Hearing Packet. A briefing package describing the proposed payment rates will be available on the Provider Finance Department webpage (<https://pfd.hhs.texas.gov/rate-packets>) no later than June 1, 2023. Interested parties may obtain a copy of the briefing package before the hearing by contacting the HHSC Provider Finance Department by telephone at (737) 867-7817; by fax at (512) 730-7475; or by email at [PFD-LTSS@hhs.texas.gov](mailto:PFD-LTSS@hhs.texas.gov). The briefing package will also be available at the public hearing.

Written Comments. Written comments regarding the proposed payment rates may be submitted instead of, or in addition to, oral testimony until 5:00 p.m. on the day of the hearing. Written comments may be sent by U.S. mail to the Texas Health and Human Services Commission, Attention: Provider Finance Department, Mail Code H-400, P.O. Box 149030, Austin, Texas 78714-9030; by fax to Provider Finance at (512) 730-7475; or by email to [PFD-LTSS@hhs.texas.gov](mailto:PFD-LTSS@hhs.texas.gov). In addition, written comments may be sent by overnight mail or hand delivered to the Texas Health and Human Services Commission, Attention: Provider Finance, Mail Code H-400, North Austin Complex, 4601 W. Guadalupe St., Austin, Texas 78751.

Persons with disabilities who wish to attend the hearing and require auxiliary aids or services should contact the HHSC Provider Finance Department by calling (512) 730-7401 at least 72 hours before the hearing so appropriate arrangements can be made.

TRD-202301984

Karen Ray

Chief Counsel

Texas Health and Human Services Commission

Filed: May 30, 2023



### Public Notice: Amendment to the Waiver Application for the Home and Community-based Services (HCS) Program

The Texas Health and Human Services Commission (HHSC) is submitting a request to the Centers for Medicare & Medicaid Services (CMS) to amend the waiver application for the Home and Community-based Services (HCS) program. HHSC administers the HCS Program under the authority of Section 1915(c) of the Social Security Act. CMS has approved the HCS waiver application through August 31, 2023. The proposed effective date for this amendment is August 31, 2023.

This amendment request proposes to make the following changes:

#### Appendix B

HHSC updated waiver year (WY) 5 to reflect an increase in the Point-in-Time (PIT) and unduplicated participants (Factor C).

#### Appendix J

HHSC revised the unduplicated number of participants (Factor C) and PIT calculations for the overall projected cost of waiver services (Factor D) and the overall projected cost of other Medicaid services furnished to waiver participants (D Prime (D')) for WY5.

The HCS waiver program provides services and supports to individuals with intellectual disabilities who live in their own homes, in the home of a family member, or another community setting such as a three-person or four-person residence operated by an HCS program provider.

Services and supports are intended to enhance quality of life, functional independence, and health and well-being in continued community-based living and to supplement, rather than replace, existing informal or formal supports and resources. Services in the HCS waiver program include individualized skills and socialization, respite, supported employment, adaptive aids, audiology, occupational therapy, physical therapy, prescribed drugs, speech and language pathology, financial management services, support consultation, behavioral support, cognitive rehabilitation therapy, dental treatment, dietary services, employment assistance, minor home modifications, nursing, residential assistance, social work, supporting home living, and transition assistance services.

To obtain a free copy of the proposed waiver amendment, ask questions, obtain additional information, or submit comments about the amendment, please contact Julyya Alvarez by U.S. mail, telephone, fax, or email at the addresses and numbers below. A copy of the proposed waiver amendment may also be obtained online on the HHSC website at:

<https://www.hhs.texas.gov/laws-regulations/policies-rules/waivers>

Comments about the proposed waiver amendment must be submitted to HHSC by July 10, 2023.

The HHSC local offices of social services will post this notice for 30 days.

#### Addresses:

##### U.S. Mail

Texas Health and Human Services Commission

Attention: Julyya Alvarez, Waiver Coordinator, Federal Coordination, Rules and Committees

701 West 51st Street, Mail Code H-310

Austin, Texas 78751

##### Telephone

(512) 438-4330

##### Fax

Attention: Julyya Alvarez, Waiver Coordinator at (512) 323-1905

##### Email

[TX\\_Medicaid\\_Waivers@hhs.texas.gov](mailto:TX_Medicaid_Waivers@hhs.texas.gov)

TRD-202301992

Karen Ray

Chief Counsel

Texas Health and Human Services Commission

Filed: May 31, 2023



### Public Notice: CLASS Amendment 9-1-2023

The Texas Health and Human Services Commission (HHSC) is submitting a request to the Centers for Medicare & Medicaid Services (CMS) to amend the waiver application for the Community Living Assistance and Support Services (CLASS) program. HHSC administers the CLASS Program under the authority of Section 1915(c) of the Social Security Act. CMS has approved the CLASS waiver application through August 31, 2024. The proposed effective date for this amendment is September 1, 2023.

The amendment request proposes to make changes to Appendix J of the waiver application based on the 2024-2025 General Appropriations

Act, House Bill 1, 88th Legislature, Regular Session, 2023, (Article II, HHSC Rider 30(a)) that appropriates funding to increase attendant base wages in the CLASS program.

#### Appendix J

HHSC revised the calculations for the overall projected cost of waiver services (Factor D) of waiver year five (9/1/23 - 8/31/24). The updated projections in Appendix J account for rate increases for the following services provided by the waiver provider: prevocational services, respite, and residential habilitation as well as the Consumer Directed Services option for respite and residential habilitation.

A public rate hearing will be held on July 11, 2023, at 9:00 a.m. in Austin, Texas. The hearing will be held in the HHSC, John H Winters Building, Public Hearing Room 125, First Floor, 701 W. 51st Street, Austin, Texas 78751. Members of the public may attend the rate hearing in person. HHSC will also broadcast the public hearing; the broadcast can be accessed at <https://hhs.texas.gov/about-hhs/communications-events/live-archived-meetings>. The broadcast will be archived and accessible on demand at the same website.

The proposed amendment is estimated to result in an annual aggregate expenditure of \$1,198,333 for federal fiscal year (FFY) 2023, consisting of \$717,442 in federal funds and \$480,891 in state general revenue. For FFY 2024, the estimated annual aggregate expenditure is \$14,546,715 consisting of \$8,749,849 in federal funds and \$5,796,866 in state general revenue. For FFY 2025, the estimated annual aggregate expenditure is \$14,529,240 consisting of \$8,739,338 in federal funds and \$5,789,902 in state general revenue.

The CLASS waiver program provides community-based services and supports to individuals with a related condition who live in their own homes or in the home of another person, such as a family member. Services and supports are intended to enhance quality of life, functional independence, health and welfare, and to supplement, rather than replace, existing informal or formal supports and resources. Services in the CLASS waiver program are case management, prevocational services, residential habilitation, respite (in-home and out of home), supported employment, prescribed drugs, financial management services, support consultation, adaptive aids, auditory integration training/auditory enhancement training, behavioral support, cognitive rehabilitation therapy, continued family services, dental treatment, dietary, employment assistance, minor home modifications, nursing, occupational therapy services, physical therapy services, specialized therapies, speech and language pathology, support family services and transition assistance services.

To obtain a free copy of the proposed waiver amendment, ask questions, obtain additional information, or submit comments about the amendment, please contact Julyya Alvarez by U.S. mail, telephone, fax, or email at the addresses and numbers below. A copy of the proposed waiver amendment may also be obtained online on the HHSC website at:

<https://www.hhs.texas.gov/laws-regulations/policies-rules/waivers>

Comments about the proposed waiver amendment must be submitted to HHSC by July 10, 2023.

The HHSC local offices of social services will post this notice for 30 days and will have copies of the amendment available for review.

Addresses:

U.S. Mail

Texas Health and Human Services Commission

Attention: Julyya Alvarez, Waiver Coordinator, Federal Coordination, Rules and Committees

701 West 51st Street, Mail Code H-310

Austin, Texas 78751

Telephone

(512) 438-4321

Fax

Attention: Julyya Alvarez, Waiver Coordinator at (512) 323-1905

Email

[TX\\_Medicaid\\_Waivers@hhs.texas.gov](mailto:TX_Medicaid_Waivers@hhs.texas.gov)

For the in-person hearing, persons with disabilities who wish to attend the hearing and require auxiliary aids or services should contact Provider Finance at (512) 730-7401 at least 72 hours before the hearing so appropriate arrangements can be made.

TRD-202302003

Karen Ray

Chief Counsel

Texas Health and Human Services Commission

Filed: May 31, 2023



#### Public Notice: DBMD Amendment Effective 9-1-2023

The Texas Health and Human Services Commission (HHSC) is submitting a request to the Centers for Medicare & Medicaid Services (CMS) to amend the waiver application for the Deaf Blind with Multiple Disabilities (DBMD) program. HHSC administers the DBMD Program under the authority of Section 1915(c) of the Social Security Act. CMS has approved the DBMD waiver application through February 29, 2028. The proposed effective date for this amendment is September 1, 2023.

The amendment request proposes to make changes to Appendix J of the waiver application based on the 2024 - 2025 General Appropriations Act, House Bill 1, 88th Legislature, Regular Session, 2023, (Article II, HHSC Rider 29 and 30(a)) that appropriates funding to increase the case management services reimbursement rate and attendant base wages in the DBMD program. Additionally, case management services will be allowed to be billed on a monthly basis, rather than hourly, as directed by Rider 29.

#### Appendix J

HHSC revised the calculations for the overall projected cost of waiver services (Factor D) for waiver years one (3/1/23 - 2/29/24) through five (3/1/27 - 2/29/28). The updated projections in Appendix J account for rate increases for the following services provided by the waiver provider: assisted living, chore services, and case management, as well as the following services provided by the waiver provider and through the Consumer Directed Services option: residential habilitation and respite.

HHSC also updated projections for the annual average per capita Medicaid costs for all non-waiver institutional services (Factor G) for waiver years one through five in Appendix J.

A public rate hearing will be held on July 11, 2023, at 9:00 a.m. in Austin, Texas. The hearing will be held in the HHSC, John H Winters Building, Public Hearing Room 125, First Floor, 701 W. 51st Street, Austin, Texas 78751. Members of the public may attend the rate hearing in person. HHSC will also broadcast the public hearing; the broadcast can be accessed at <https://hhs.texas.gov/about-hhs/communications-events/live-archived-meetings>. The broadcast will be archived and accessible on demand at the same website.

The proposed amendment is estimated to result in an annual aggregate expenditure of \$51,898 for federal fiscal year (FFY) 2023, consisting of \$31,072 in federal funds and \$20,827 in state general revenue. For FFY 2024, the estimated annual aggregate expenditure is \$626,316 consisting of \$376,729 in federal funds and \$249,587 in state general revenue. For FFY 2025, the estimated annual aggregate expenditure is \$626,271 consisting of \$376,702 in federal funds and \$249,569 in state general revenue.

The DBMD waiver program provides community-based services and supports to individuals with legal blindness, deafness, or a condition that leads to deafblindness, and at least one additional disability that limits functional abilities and who live in their own homes or in the home of another person, such as a family member or in a small group home setting. Services and supports are intended to enhance quality of life, functional independence, health and welfare, and to supplement, rather than replace, existing informal or formal supports and resources. Services in the DBMD waiver program are case management, residential habilitation, respite (in-home and out of home), supported employment, prescribed medications, financial management services, support consultation, adaptive aids and medical supplies, assisted living, audiology services, behavioral support, chore services, dental treatment, dietary services, employment assistance, intervener, minor home modifications, nursing, occupational therapy services, orientation and mobility, physical therapy services, speech, hearing and language therapy, transition assistance services and individualized skills and socialization.

To obtain a free copy of the proposed waiver amendment, ask questions, obtain additional information, or submit comments about the amendment, please contact Julyya Alvarez by U.S. mail, telephone, fax, or email at the addresses and numbers below. A copy of the proposed waiver amendment may also be obtained online on the HHSC website at:

<https://www.hhs.texas.gov/laws-regulations/policies-rules/waivers>

Comments about the proposed waiver amendment must be submitted to HHSC by July 10, 2023.

The HHSC local offices of social services will post this notice for 30 days and will have copies of the amendment available for review.

Addresses:

U.S. Mail

Texas Health and Human Services Commission

Attention: Julyya Alvarez, Waiver Coordinator, Federal Coordination, Rules and Committees

701 West 51st Street, Mail Code H-310

Austin, Texas 78751

Telephone

(512) 438-4321

Fax

Attention: Julyya Alvarez, Waiver Coordinator at (512) 323-1905

Email

[TX\\_Medicaid\\_Waivers@hhs.texas.gov](mailto:TX_Medicaid_Waivers@hhs.texas.gov)

For the in-person hearing, persons with disabilities who wish to attend the hearing and require auxiliary aids or services should contact Provider Finance at (512) 730-7401 at least 72 hours before the hearing so appropriate arrangements can be made.

TRD-202302005

Karen Ray  
Chief Counsel  
Texas Health and Human Services Commission  
Filed: May 31, 2023



Public Notice: Texas State Plan for Medical Assistance Amendment

The Texas Health and Human Services Commission (HHSC) announces its intent to submit an amendment to the Texas State Plan for Medical Assistance under Title XIX of the Social Security Act. The proposed amendment is effective June 10, 2023, and will end on August 31, 2023.

The purpose of the amendment is to update the payment rates for Nursing Facilities (NF). The amendment will establish a temporary add-on for NFs for miscellaneous costs pursuant to Senate Bill 30, 88th Legislature, Regular Session, 2023.

The proposed amendment is estimated to result in an annual aggregate expenditure of \$19,312,432 for federal fiscal year 2023, consisting of \$12,045,164 in federal funds and \$7,267,268 in state general revenue.

Further detail on specific reimbursement rate changes is available on the HHSC Provider Finance Department (PFD) website under the proposed effective date at <http://pfd.hhs.texas.gov/rate-packets>.

A public rate hearing will be held on June 13, 2023, at 9:00 a.m. in Austin, Texas. The hearing will be held in the HHSC, John H Winters Building, Public Hearing Room 125, First Floor, 701 W. 51st Street, Austin, Texas 78751. Members of the public may attend the rate hearing in person. HHSC will also broadcast the public hearing; the broadcast can be accessed at <https://hhs.texas.gov/about-hhs/communications-events/live-archived-meetings>. The broadcast will be archived and accessible on demand at the same website.

Information about the proposed rate changes and the hearing will be published in the *Texas Register*. Additional information and the notice of hearings can be found at <https://www.sos.state.tx.us/texreg/index.shtml>.

Copy of Proposed Amendment(s).

Interested parties may obtain additional information or a free copy of the proposed amendments by Kenneth Anzaldua, State Plan Team Lead, by mail at the Health and Human Services Commission, P.O. Box 13247, Mail Code H-600, Austin, Texas 78711; by telephone at (512) 438-4326; by facsimile at (512) 730-7472; or by email at [Medicaid\\_Chip\\_SPA\\_Inquiries@hhsc.state.tx.us](mailto:Medicaid_Chip_SPA_Inquiries@hhsc.state.tx.us). Copies of the proposed amendments will be available for review at the local county offices of HHSC (formerly the local offices of the Texas Department of Aging and Disability Services).

Written Comments.

Written comments and requests to review comments may be sent by U.S. mail, overnight mail, special delivery mail, hand delivery, fax, or email:

U.S. Mail

Texas Health and Human Services Commission

Attention: Provider Finance, Mail Code H-400

P.O. Box 149030

Austin, Texas 78714-9030

Overnight mail, special delivery mail, or hand delivery

Texas Health and Human Services Commission  
Attention: Provider Finance, Mail Code H-400  
North Austin Complex  
4601 West Guadalupe Street  
Austin, Texas 78751  
Phone number for package delivery: (512) 730-7401

Fax

Attention: Provider Finance at (512) 730-7475

Email

PFD-LTSS@hhsc.texas.gov

Persons with disabilities who wish to participate in the hearing and require auxiliary aids or services should contact Provider Finance at (512) 730-7401 at least 72 hours before the hearing so appropriate arrangements can be made.

TRD-202301947

Karen Ray

Chief Counsel

Texas Health and Human Services Commission

Filed: May 26, 2023



**Public Notice: Texas State Plan for Medical Assistance Amendment - Home and Community-Based Services Adult Mental Health (HCBS-AMH) §1915(i) State Plan Benefit**

The Texas Health and Human Services Commission (HHSC) announces its intent to submit transmittal number (TN) 23-0024 to the Texas State Plan for Medical Assistance under Title XIX of the Social Security Act.

The Centers for Medicare and Medicaid Services approved the Home and Community-Based Services Adult Mental Health (HCBS-AMH) §1915(i) State Plan benefit through August 31, 2025. The requested effective date for this proposed amendment is September 1, 2023.

The proposed amendment updates the Methods and Standards for Establishing Payment Rates based on the 2024 - 2025 General Appropriations Act, House Bill 1, 88th Legislature, Regular Session, 2023, (Article II, HHSC Rider 30(a) which appropriated funding to increase attendant base wages in the Adult Mental Health §1915(i) HCBS AMH State Plan benefit.

HHSC revised calculations for the overall projected cost of state plan benefit services for state plan year four (9/1/23 - 8/31/24) and five (9/1/24 - 8/31/25). The updated projections in the state plan benefit account for rate increases in the following services: assisted living and in-home respite services.

A public rate hearing will be held on July 11, 2023, at 9:00 a.m. in Austin, Texas. The hearing will be held in the HHSC, John H Winters Building, Public Hearing Room 125, First Floor, 701 W. 51st Street, Austin, Texas 78751. Members of the public may attend the rate hearing in person. HHSC will also broadcast the public hearing; the broadcast can be accessed at <https://hhs.texas.gov/about-hhs/communications-events/live-archived-meetings>. The broadcast will be archived and accessible on demand at the same website.

The proposed amendment is estimated to result in an annual aggregate expenditure of \$1,256 for federal fiscal year (FFY) 2024, consisting of \$755 in federal funds and \$501 in state general revenue. For FFY

2025, the estimated annual aggregate expenditure is \$1,348 consisting of \$811 in federal funds and \$537 in state general revenue.

Copy of Proposed Amendment - Interested parties may obtain additional information and/or a free copy of the proposed amendment by contacting Nicole Hotchkiss, State Plan Coordinator, by mail or telephone at the address and telephone number provided below, or by email. Copies of the proposed amendments will be available for review at the local county offices of HHSC.

Written Comments - Written comments about the proposed amendment and/or requests to review comments may be sent by U.S. mail, overnight mail special delivery mail, hand delivery, fax, or email. Comments must be submitted to HHSC by July 10, 2023.

U.S. Mail

Texas Health and Human Services Commission Attention: Nicole Hotchkiss, SPA Coordinator, Federal Coordination, Rules and Committees

Health and Human Services Commission

PO Box 13247

Mail Code H-310

Austin, Texas 78711

Overnight Mail, special delivery mail, or hand delivery

Texas Health and Human Services Commission

Attention: Nicole Hotchkiss, SPA Coordinator, Federal Coordination, Rules and Committees

John H. Winters Building

Mail Code H-310

701 W. 51st St.

Austin, Texas 78751

Telephone

(512) 438-5035

Fax Attention: Nicole Hotchkiss at (512) 323-1905

Email

Medicaid\_Chip\_SPA\_Inquiries@hhsc.state.tx.us.

Persons with disabilities who wish to attend the hearing and require auxiliary aids or services should contact Provider Finance at (512) 730-7401 at least 72 hours before the hearing so appropriate arrangements can be made.

TRD-202301990

Karen Ray

Chief Counsel

Texas Health and Human Services Commission

Filed: May 31, 2023



**Public Notice: TxHML Amendment Effective 9-1-2023**

The Texas Health and Human Services Commission (HHSC) is submitting a request to the Centers for Medicare & Medicaid Services (CMS) to amend the waiver application for the Texas Home Living (TxHmL) program. HHSC administers the TxHmL Program under the authority of Section 1915(c) of the Social Security Act. CMS has approved the TxHmL waiver application through February 28, 2027. The proposed effective date for this amendment is September 1, 2023.

The amendment request proposes to make the following changes based on the 2024-2025 General Appropriations Act, House Bill 1, 88th Legislature, Regular Session, 2023, (Article II, HHSC Rider 30(a)) which appropriated funding to increase attendant base wages in the TxHmL program:

#### Appendix J

HHSC revised the calculations for the overall projected cost of waiver services (Factor D) for waiver years two (3/1/23 - 2/28/24) through five (3/1/26 - 2/28/27). The updated projections in appendix J account for rate increases for the following services provided by the waiver provider and through the consumer directed services option: Community Support and Respite.

HHSC also updated projections for the annual average per capita Medicaid costs for all non-waiver institutional services (Factor G) for waiver years two through five in Appendix J.

A public rate hearing will be held on July 11, 2023, at 9:00 a.m. in Austin, Texas. The hearing will be held in the HHSC, John H Winters Building, Public Hearing Room 125, First Floor, 701 W. 51st Street, Austin, Texas 78751. Members of the public may attend the rate hearing in person. HHSC will also broadcast the public hearing; the broadcast can be accessed at <https://hhs.texas.gov/about-hhs/communications-events/live-archived-meetings>. The broadcast will be archived and accessible on demand at the same website.

The proposed amendment is estimated to result in an annual aggregate expenditure of \$91,817 for federal fiscal year (FFY) 2023, consisting of \$54,971 in federal funds and \$36,846 in state general revenue. For FFY 2024, the estimated annual aggregate expenditure is \$1,085,815 consisting of \$653,118 in federal funds and \$432,697 in state general revenue. For FFY 2025, the estimated annual aggregate expenditure is \$1,077,414 consisting of \$648,065 in federal funds and \$429,349 in state general revenue.

The TxHmL waiver program provides services and supports to individuals with intellectual disabilities who live in their own homes or in the home of another person, such as a family member. Services and supports are intended to enhance quality of life, functional independence, and health and well-being in continued community-based living and to supplement, rather than replace, existing informal or formal supports and resources. Services in the TxHmL waiver program are respite, supported employment, prescription medications, financial management services, support consultation, adaptive aids, minor home modifications, audiology services, behavioral support, community support, dental treatment, dietary services, employment assistance, occupational therapy services, physical therapy services, nursing, speech-language pathology services, and individualized skills and socialization.

To obtain a free copy of the proposed waiver amendment, ask questions, obtain additional information, or submit comments about the amendment, please contact Julyya Alvarez by U.S. mail, telephone, fax, or email at the addresses and numbers below. A copy of the proposed waiver amendment may also be obtained online on the HHSC website at:

<https://www.hhs.texas.gov/laws-regulations/policies-rules/waivers>

Comments about the proposed waiver amendment must be submitted to HHSC by July 10, 2023.

The HHSC local offices of social services will post this notice for 30 days and will have copies of the amendment available for review.

#### Addresses:

U.S. Mail

Texas Health and Human Services Commission

Attention: Julyya Alvarez, Waiver Coordinator, Federal Coordination, Rules and Committees

701 West 51st Street, Mail Code H-310

Austin, Texas 78751

Telephone

(512) 438-4321

Fax

Attention: Julyya Alvarez, Waiver Coordinator at (512) 323-1905

Email

[TX\\_Medicaid\\_Waivers@hhs.texas.gov](mailto:TX_Medicaid_Waivers@hhs.texas.gov)

If an in-person hearing is necessary, persons with disabilities who wish to attend the hearing and require auxiliary aids or services should contact Provider Finance at (512) 730-7401 at least 72 hours before the hearing so appropriate arrangements can be made.

TRD-202302004

Karen Ray

Chief Counsel

Texas Health and Human Services Commission

Filed: May 31, 2023

## Texas Department of Insurance

### Company Licensing

Application for incorporation in the state of Texas for Farm Mutual Insurance, a domestic farm mutual. The home office is in Brenham, Texas.

Any objections must be filed with the Texas Department of Insurance, within twenty (20) calendar days from the date of the *Texas Register* publication, addressed to the attention of John Carter, 1601 Congress Ave., Suite 6.900, Austin, Texas 78711.

TRD-202302002

Justin Beam

Chief Clerk

Texas Department of Insurance

Filed: May 31, 2023

## Texas Lottery Commission

### Scratch Ticket Game Number 2499 "EXTREME GREEN"

#### 1.0 Name and Style of Scratch Ticket Game.

A. The name of Scratch Ticket Game No. 2499 is "EXTREME GREEN". The play style is "key number match".

#### 1.1 Price of Scratch Ticket Game.

A. The price for Scratch Ticket Game No. 2499 shall be \$5.00 per Scratch Ticket.

#### 1.2 Definitions in Scratch Ticket Game No. 2499.

A. Display Printing - That area of the Scratch Ticket outside of the area where the overprint and Play Symbols appear.

B. Latex Overprint - The removable scratch-off covering over the Play Symbols on the front of the Scratch Ticket.

C. Play Symbol - The printed data under the latex on the front of the Scratch Ticket that is used to determine eligibility for a prize. Each Play



Symbol is printed in Symbol font in black ink in positive except for dual-image games. The possible black Play Symbols are: 01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, MONEY BAG SYMBOL, STACK OF CASH SYMBOL, VAULT SYMBOL, \$5.00, \$10.00, \$20.00, \$50.00, \$100, \$200, \$500, \$1,000 and \$100,000.

D. Play Symbol Caption - The printed material appearing below each Play Symbol which explains the Play Symbol. One caption appears under each Play Symbol and is printed in caption font in black ink in positive. The Play Symbol Caption which corresponds with and verifies each Play Symbol is as follows:

Figure 1: GAME NO. 2499 - 1.2D

PLAY SYMBOL	CAPTION
01	ONE
02	TWO
03	THR
04	FOR
05	FIV
06	SIX
07	SVN
08	EGT
09	NIN
10	TEN
11	ELV
12	TLV
13	TRN
14	FTN
15	FFN
16	SXN
17	SVT
18	ETN
19	NTN
20	TWY
21	TWON
22	TWTO
23	TWTH
24	TWFR
25	TWFV
26	TWSX
27	TWSV
28	TWET
29	TWNH
30	TRTY

31	TRON
32	TRTO
33	TRTH
34	TRFR
35	TRFV
36	TRSX
37	TRSV
38	TRET
39	TRNI
40	FRTY
41	FRON
42	FRTO
43	FRTH
44	FRFR
45	FRFV
46	FRSX
47	FRSV
48	FRET
49	FRNI
MONEY BAG SYMBOL	WIN\$
STACK OF CASH SYMBOL	DBL
VAULT SYMBOL	WINX5
\$5.00	FIV\$
\$10.00	TEN\$
\$20.00	TWY\$
\$50.00	FFTY\$
\$100	ONHN
\$200	TOHN
\$500	FVHN
\$1,000	ONTH
\$100,000	100TH

E. Serial Number - A unique thirteen (13) digit number appearing under the latex scratch-off covering on the front of the Scratch Ticket. The Serial Number is for validation purposes and cannot be used to play the game. The format will be: 0000000000000.

F. Bar Code - A twenty-four (24) character interleaved two (2) of five (5) Bar Code which will include a four (4) digit game ID, the seven (7) digit Pack number, the three (3) digit Ticket number and the ten (10) digit Validation Number. The Bar Code appears on the back of the Scratch Ticket.

G. Game-Pack-Ticket Number - A fourteen (14) digit number consisting of the four (4) digit game number (2499), a seven (7) digit Pack number, and a three (3) digit Ticket number. Ticket numbers start with 001 and end with 075 within each Pack. The format will be: 2499-000001-001.

H. Pack - A Pack of the "EXTREME GREEN" Scratch Ticket Game contains 075 Tickets, packed in plastic shrink-wrapping and fanfolded in pages of one (1). Ticket 001 will be shown on the front of the Pack; the back of Ticket 075 will be revealed on the back of the Pack. All packs will be tightly shrink-wrapped. There will be no breaks between the Tickets in a Pack. Every other Pack will reverse; i.e., reverse order will be: the back of Ticket 001 will be shown on the front of the Pack and the front of Ticket 075 will be shown on the back of the Pack.

I. Non-Winning Scratch Ticket - A Scratch Ticket which is not programmed to be a winning Scratch Ticket or a Scratch Ticket that does not meet all of the requirements of these Game Procedures, the State Lottery Act (Texas Government Code, Chapter 466), and applicable rules adopted by the Texas Lottery pursuant to the State Lottery Act and referenced in 16 TAC, Chapter 401.

J. Scratch Ticket Game, Scratch Ticket or Ticket - Texas Lottery "EXTREME GREEN" Scratch Ticket Game No. 2499.

2.0 Determination of Prize Winners. The determination of prize winners is subject to the general Scratch Ticket validation requirements set forth in Texas Lottery Rule 401.302, Scratch Ticket Game Rules, these Game Procedures, and the requirements set out on the back of each Scratch Ticket. A prize winner in the "EXTREME GREEN" Scratch Ticket Game is determined once the latex on the Scratch Ticket is scratched off to expose fifty-five (55) Play Symbols. If a player matches any of the YOUR NUMBERS Play Symbols to any of the WINNING NUMBERS Play Symbols, the player wins the prize for that number. If the player reveals a "MONEY BAG" Play Symbol, the player wins the prize for that symbol instantly. If the player reveals a "STACK OF CASH" Play Symbol, the player wins DOUBLE the prize for that symbol. If the player reveals a "VAULT" Play Symbol, the player wins 5 TIMES the prize for that symbol. No portion of the Display Printing nor any extraneous matter whatsoever shall be usable or playable as a part of the Scratch Ticket.

2.1 Scratch Ticket Validation Requirements.

A. To be a valid Scratch Ticket, all of the following requirements must be met:

1. Exactly fifty-five (55) Play Symbols must appear under the Latex Overprint on the front portion of the Scratch Ticket;
2. Each of the Play Symbols must have a Play Symbol Caption underneath, unless specified, and each Play Symbol must agree with its Play Symbol Caption;
3. Each of the Play Symbols must be present in its entirety and be fully legible;
4. Each of the Play Symbols must be printed in black ink except for dual image games;

5. The Scratch Ticket shall be intact;

6. The Serial Number and Game-Pack-Ticket Number must be present in their entirety and be fully legible;

7. The Serial Number must correspond, using the Texas Lottery's codes, to the Play Symbols on the Scratch Ticket;

8. The Scratch Ticket must not have a hole punched through it, be mutilated, altered, unreadable, reconstituted or tampered with in any manner;

9. The Scratch Ticket must not be counterfeit in whole or in part;

10. The Scratch Ticket must have been issued by the Texas Lottery in an authorized manner;

11. The Scratch Ticket must not have been stolen, nor appear on any list of omitted Scratch Tickets or non-activated Scratch Tickets on file at the Texas Lottery;

12. The Play Symbols, Serial Number and Game-Pack-Ticket Number must be right side up and not reversed in any manner;

13. The Scratch Ticket must be complete and not miscut, and have exactly fifty-five (55) Play Symbols under the Latex Overprint on the front portion of the Scratch Ticket, exactly one Serial Number and exactly one Game-Pack-Ticket Number on the Scratch Ticket;

14. The Serial Number of an apparent winning Scratch Ticket shall correspond with the Texas Lottery's Serial Numbers for winning Scratch Tickets, and a Scratch Ticket with that Serial Number shall not have been paid previously;

15. The Scratch Ticket must not be blank or partially blank, misregistered, defective or printed or produced in error;

16. Each of the fifty-five (55) Play Symbols must be exactly one of those described in Section 1.2.C of these Game Procedures;

17. Each of the fifty-five (55) Play Symbols on the Scratch Ticket must be printed in the Symbol font and must correspond precisely to the artwork on file at the Texas Lottery; the Scratch Ticket Serial Numbers must be printed in the Serial font and must correspond precisely to the artwork on file at the Texas Lottery; and the Game-Pack-Ticket Number must be printed in the Game-Pack-Ticket Number font and must correspond precisely to the artwork on file at the Texas Lottery;

18. The Display Printing on the Scratch Ticket must be regular in every respect and correspond precisely to the artwork on file at the Texas Lottery; and

19. The Scratch Ticket must have been received by the Texas Lottery by applicable deadlines.

B. The Scratch Ticket must pass all additional validation tests provided for in these Game Procedures, the Texas Lottery's Rules governing the award of prizes of the amount to be validated, and any confidential validation and security tests of the Texas Lottery.

C. Any Scratch Ticket not passing all of the validation requirements is void and ineligible for any prize and shall not be paid. However, the Executive Director may, solely at the Executive Director's discretion, refund the retail sales price of the Scratch Ticket. In the event a defective Scratch Ticket is purchased, the only responsibility or liability of the Texas Lottery shall be to replace the defective Scratch Ticket with another unplayed Scratch Ticket in that Scratch Ticket Game (or a Scratch Ticket of equivalent sales price from any other current Texas Lottery Scratch Ticket Game) or refund the retail sales price of the Scratch Ticket, solely at the Executive Director's discretion.

2.2 Programmed Game Parameters.

A. Consecutive Non-Winning Tickets within a Pack will not have matching patterns, in the same order, of either Play Symbols or Prize Symbols.

B. A Ticket can win as indicated by the prize structure.

C. A Ticket can win up to twenty-five (25) times.

D. On winning and Non-Winning Tickets, the top cash prizes of \$1,000 and \$100,000 will each appear at least once, except on Tickets winning twenty-five (25) times, with respect to other parameters, play action or prize structure.

E. No matching non-winning YOUR NUMBERS Play Symbols will appear on a Ticket.

F. A non-winning Prize Symbol will never match a winning Prize Symbol.

G. Tickets winning more than one (1) time will use as many WINNING NUMBERS Play Symbols as possible to create matches, unless restricted by other parameters, play action or prize structure.

H. No matching WINNING NUMBERS Play Symbols will appear on a Ticket.

I. All YOUR NUMBERS Play Symbols will never equal the corresponding Prize Symbol (i.e., \$5 and 05, \$10 and 10 and \$20 and 20).

J. On all Tickets, a Prize Symbol will not appear more than four (4) times, except as required by the prize structure to create multiple wins.

K. On Non-Winning Tickets, a WINNING NUMBERS Play Symbol will never match a YOUR NUMBERS Play Symbol.

L. The "MONEY BAG" (WIN\$) Play Symbol will never appear on the same Ticket as the "STACK OF CASH" (DBL) or "VAULT" (WINX5) Play Symbols.

M. The "STACK OF CASH" (DBL) Play Symbol will never appear more than once on a Ticket.

N. The "STACK OF CASH" (DBL) Play Symbol will win DOUBLE the prize for that Play Symbol and will win as per the prize structure.

O. The "STACK OF CASH" (DBL) Play Symbol will never appear on a Non-Winning Ticket.

P. The "STACK OF CASH" (DBL) Play Symbol will never appear as a WINNING NUMBERS Play Symbol.

Q. The "VAULT" (WINX5) Play Symbol will never appear more than once on a Ticket.

R. The "VAULT" (WINX5) Play Symbol will win 5 TIMES the prize for that Play Symbol and will win as per the prize structure.

S. The "VAULT" (WINX5) Play Symbol will never appear on a Non-Winning Ticket.

T. The "VAULT" (WINX5) Play Symbol will never appear as a WINNING NUMBERS Play Symbol.

U. The "STACK OF CASH" (DBL) and "VAULT" (WINX5) Play Symbols can appear on the same Ticket as per the prize structure.

V. The "MONEY BAG" (WIN\$) Play Symbol will win the prize for that Play Symbol.

W. The "MONEY BAG" (WIN\$) Play Symbol will never appear more than once on a Ticket.

X. The "MONEY BAG" (WIN\$) Play Symbol will never appear on a Non-Winning Ticket.

Y. The "MONEY BAG" (WIN\$) Play Symbol will never appear as a WINNING NUMBERS Play Symbol.

### 2.3 Procedure for Claiming Prizes.

A. To claim a "EXTREME GREEN" Scratch Ticket Game prize of \$5.00, \$10.00, \$20.00, \$50.00, \$100, \$200 or \$500, a claimant shall sign the back of the Scratch Ticket in the space designated on the Scratch Ticket and may present the winning Scratch Ticket to any Texas Lottery Retailer. The Texas Lottery Retailer shall verify the claim and, if valid, and upon presentation of proper identification, if appropriate, make payment of the amount due the claimant and physically void the Scratch Ticket; provided that the Texas Lottery Retailer may, but is not required, to pay a \$50.00, \$100, \$200 or \$500 Scratch Ticket Game. In the event the Texas Lottery Retailer cannot verify the claim, the Texas Lottery Retailer shall provide the claimant with a claim form and instruct the claimant on how to file a claim with the Texas Lottery. If the claim is validated by the Texas Lottery, a check shall be forwarded to the claimant in the amount due. In the event the claim is not validated, the claim shall be denied and the claimant shall be notified promptly. A claimant may also claim any of the above prizes under the procedure described in Section 2.3.B and Section 2.3.C of these Game Procedures.

B. To claim a "EXTREME GREEN" Scratch Ticket Game prize of \$1,000 or \$100,000, the claimant must sign the winning Scratch Ticket and may present it at one of the Texas Lottery's Claim Centers. If the claim is validated by the Texas Lottery, payment will be made to the bearer of the validated winning Scratch Ticket for that prize upon presentation of proper identification. When paying a prize of \$600 or more, the Texas Lottery shall file the appropriate income reporting form with the Internal Revenue Service (IRS) and shall withhold federal income tax at a rate set by the IRS if required. In the event that the claim is not validated by the Texas Lottery, the claim shall be denied and the claimant shall be notified promptly.

C. As an alternative method of claiming a "EXTREME GREEN" Scratch Ticket Game prize the claimant may submit the signed winning Scratch Ticket and a thoroughly completed claim form via mail. If a prize value is \$1,000,000 or more, the claimant must also provide proof of Social Security number or Tax Payer Identification (for U.S. Citizens or Resident Aliens). Mail all to: Texas Lottery Commission, P.O. Box 16600, Austin, Texas 78761-6600. The Texas Lottery is not responsible for Scratch Tickets lost in the mail. In the event that the claim is not validated by the Texas Lottery, the claim shall be denied and the claimant shall be notified promptly.

D. Prior to payment by the Texas Lottery of any prize, the Texas Lottery shall deduct the amount of a delinquent tax or other money from the winnings of a prize winner who has been finally determined to be:

1. delinquent in the payment of a tax or other money to a state agency and that delinquency is reported to the Comptroller under Government Code §403.055;
2. in default on a loan made under Chapter 52, Education Code;
3. in default on a loan guaranteed under Chapter 57, Education Code; or
4. delinquent in child support payments in the amount determined by a court or a Title IV-D agency under Chapter 231, Family Code.

E. If a person is indebted or owes delinquent taxes to the State, other than those specified in the preceding paragraph, the winnings of a person shall be withheld until the debt or taxes are paid.

2.4 Allowance for Delay of Payment. The Texas Lottery may delay payment of the prize pending a final determination by the Executive Director, under any of the following circumstances:

A. if a dispute occurs, or it appears likely that a dispute may occur, regarding the prize;

B. if there is any question regarding the identity of the claimant;

C. if there is any question regarding the validity of the Scratch Ticket presented for payment; or

D. if the claim is subject to any deduction from the payment otherwise due, as described in Section 2.3.D of these Game Procedures. No liability for interest for any delay shall accrue to the benefit of the claimant pending payment of the claim.

2.5 Payment of Prizes to Persons Under 18. If a person under the age of 18 years is entitled to a cash prize under \$600 from the "EXTREME GREEN" Scratch Ticket Game, the Texas Lottery shall deliver to an adult member of the minor's family or the minor's guardian a check or warrant in the amount of the prize payable to the order of the minor.

2.6 If a person under the age of 18 years is entitled to a cash prize of \$600 or more from the "EXTREME GREEN" Scratch Ticket Game, the Texas Lottery shall deposit the amount of the prize in a custodial bank account, with an adult member of the minor's family or the minor's guardian serving as custodian for the minor.

2.7 Scratch Ticket Claim Period. All Scratch Ticket prizes must be claimed within 180 days following the end of the Scratch Ticket Game or within the applicable time period for certain eligible military personnel as set forth in Texas Government Code §466.408. Any rights to a prize that is not claimed within that period, and in the manner specified in these Game Procedures and on the back of each Scratch Ticket, shall be forfeited.

2.8 Disclaimer. The number of prizes in a game is approximate based on the number of Scratch Tickets ordered. The number of actual prizes available in a game may vary based on number of Scratch Tickets manufactured, testing, distribution, sales and number of prizes claimed. A Scratch Ticket Game may continue to be sold even when all the top prizes have been claimed.

### 3.0 Scratch Ticket Ownership.

A. Until such time as a signature is placed upon the back portion of a Scratch Ticket in the space designated, a Scratch Ticket shall be owned by the physical possessor of said Scratch Ticket. When a signature is placed on the back of the Scratch Ticket in the space designated, the player whose signature appears in that area shall be the owner of the Scratch Ticket and shall be entitled to any prize attributable thereto. Notwithstanding any name or names submitted on a claim form, the Executive Director shall make payment to the player whose signature appears on the back of the Scratch Ticket in the space designated. If more than one name appears on the back of the Scratch Ticket, the Executive Director will require that one of those players whose name appears thereon be designated by such players to receive payment.

B. The Texas Lottery shall not be responsible for lost or stolen Scratch Tickets and shall not be required to pay on a lost or stolen Scratch Ticket.

4.0 Number and Value of Scratch Prizes. There will be approximately 7,200,000 Scratch Tickets in Scratch Ticket Game No. 2499. The approximate number and value of prizes in the game are as follows:

Figure 2: GAME NO. 2499 - 4.0

Prize Amount	Approximate Number of Winners*	Approximate Odds are 1 in **
\$5.00	768,000	9.38
\$10.00	576,000	12.50
\$20.00	288,000	25.00
\$50.00	112,000	64.29
\$100	19,500	369.23
\$200	2,300	3,130.43
\$500	1,160	6,206.90
\$1,000	60	120,000.00
\$100,000	5	1,440,000.00

\*The number of prizes in a game is approximate based on the number of tickets ordered. The number of actual prizes available in a game may vary based on number of tickets manufactured, testing, distribution, sales and number of prizes claimed.

\*\*The overall odds of winning a prize are 1 in 4.07. The individual odds of winning for a particular prize level may vary based on sales, distribution, testing, and number of prizes claimed.

A. The actual number of Scratch Tickets in the game may be increased or decreased at the sole discretion of the Texas Lottery Commission.

5.0 End of the Scratch Ticket Game. The Executive Director may, at any time, announce a closing date (end date) for the Scratch Ticket Game No. 2499 without advance notice, at which point no further Scratch Tickets in that game may be sold. The determination of the closing date and reasons for closing will be made in accordance with the Scratch Ticket closing procedures and the Scratch Ticket Game Rules. See 16 TAC §401.302(j).

6.0 Governing Law. In purchasing a Scratch Ticket, the player agrees to comply with, and abide by, these Game Procedures for Scratch Ticket Game No. 2499, the State Lottery Act (Texas Government Code, Chapter 466), applicable rules adopted by the Texas Lottery pursuant to the State Lottery Act and referenced in 16 TAC, Chapter 401, and all final decisions of the Executive Director.

TRD-202301985  
 Bob Biard  
 General Counsel  
 Texas Lottery Commission  
 Filed: May 31, 2023

◆ ◆ ◆

**Regional Water Planning Group - Area B**

**Regional Water Planning Group - Area B Solicitation of Nominations**

The Regional Water Planning Group - Area B (RWPG-B) was established by state law, including Texas Water Code Chapter 16, 31 TAC Chapters 355, 357, and 358, and the Texas Water Development Board. Region B includes the following counties: Archer, Baylor, Clay, Cottle, Foard, Hardeman, King, Montague, Wichita, Wilbarger, and the part of Young County that encompasses the City of Olney. The purpose of the RWPG-B is to provide comprehensive regional water planning and to carry out the related responsibilities placed on regional water planning groups by statute. Foremost among those responsibilities is the development of a 50-year regional water plan that identifies both short- and long-term water supply needs and recommends water management strategies for addressing those needs.

Notice is hereby given that the Regional Water Planning Group - Area B is soliciting nominations for the following interest group categories whose 5-year term expires effective August 31, 2023:

- Agriculture - Heath Ownbey
- Agriculture - Wilson Scaling
- Municipalities - Alderman Gayle Simpson
- Counties - Judge Randall Jackson
- Environmental - J. K. (Rooter) Brite

Industries - Tamela Armstrong  
River Authorities - Randy Whiteman  
Water Districts - Mike McGuire  
Water Utilities - Tommy Holub

To qualify for voting membership on the RWPG-B, nominees must represent the interest group category for which a member is sought within the Region B planning area, be willing to participate in the regional water planning process, and abide by the Bylaws of the planning group.

Nominations for one of the interest group categories listed above may be submitted to the administrative agency - Red River Authority of Texas, Attention: Stacey Green, Post Office Box 240, Wichita Falls, Texas 76307-0240, or emailed to [stacey.green@rra.texas.gov](mailto:stacey.green@rra.texas.gov). **Nominations should include nominee's name and contact information along with a resume and/or cover letter detailing their interest/qualifications. Nominations must be received or postmarked by Monday, July 17, 2023.** Nominations will be considered at the August 2023 RWPG-B Public Meeting TBA.

For additional information, please contact Red River Authority of Texas at (940) 723-2236.

TRD-202301949  
Randy Whiteman  
General Manager  
Regional Water Planning Group - Area B  
Filed: May 26, 2023

◆ ◆ ◆  
**Texas Veterans Commission**

**Correction of Error**

The Texas Veterans Commission (Commission) proposed amendments to 40 TAC §450.1 and §450.3 in the May 26, 2023, issue of the *Texas Register* (48 TexReg 2688). Due to an error by the Texas Register, the first paragraph of the preamble was incorrect. The paragraph should have read as follows:

The Texas Veterans Commission (commission) proposes an amendment to Chapter 450, §450.1 and §450.3, Veterans County Service Officers Certificate of Training. Simultaneous with this proposed amendment, the commission separately posts notice that, pursuant to Texas Government Code §2001.039, the commission will review Title 40, Part 15, Chapter 450, Veterans County Service Officers Certificate of Training.

TRD-202301989

◆ ◆ ◆

**Workforce Solutions Deep East Texas**

Request for Proposal #23-418 Lease Space for Workforce Solutions Deep East Texas Polk County Workforce Center in Livingston, Texas

Issued by  
WORKFORCE SOLUTIONS DEEP EAST TEXAS  
415 S. First Street, Suite 110B, Lufkin, Texas 75901  
(936) 639-8898  
[www.detwork.org](http://www.detwork.org)

The Deep East Texas Local Workforce Development Board dba Workforce Solutions Deep East Texas Board (Board) is soliciting proposals for lease space for its Workforce Solutions Deep East Texas Polk County Workforce Center (WFC) to be located in Livingston, (Polk County), Texas. The purpose of this Request for Proposal (RFP) is to solicit proposals to lease existing space, renovate existing space, and/or construct a facility that can be leased in whole or part to the Board.

Anyone interested in submitting a proposal should obtain a copy of the Request for Proposal (RFP) at [www.detwork.org](http://www.detwork.org) or request a copy of the RFP by emailing [procurement@detwork.org](mailto:procurement@detwork.org).

Release Date: May 26, 2023  
Bidders Conference: June 22, 2023, 9:00 a.m. (CST)  
Deadline for Submission of Questions: June 29, 2023, 2:00 p.m. (CST)  
Proposal Due Date and Time: July 20, 2023, 4:00 p.m. (CST)  
Projected Notice of Award Date: August 18, 2023  
Proposals must be submitted via email to [procurement@detwork.org](mailto:procurement@detwork.org).

Workforce Solutions Deep East Texas is an equal opportunity employer/program and auxiliary aids and services are available upon request to include individuals with disabilities.

RELAY Texas service at 711 or (TDD) 1-(800) 735-2989/1-(800) 735-2988 (voice).

TRD-202301948  
Mark Durand  
Executive Director  
Workforce Solutions Deep East Texas  
Filed: May 26, 2023

◆ ◆ ◆