

# 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.

## Office of the Attorney General

Request for Applications (RFA) for the Second Offering Sexual Assault Prevention and Crisis Services (SAPCS)-State Program

The Office of the Attorney General (OAG) is soliciting applications from programs that provide services to victims of sexual assault.

**Applicable Funding Source:** The source of funding is through a biennial appropriation by the Texas Legislature. All funding is contingent upon an appropriation to the OAG by the Texas Legislature. The OAG makes no commitment that an application, once submitted, or a grant, once funded, will receive subsequent funding.

### Eligibility Requirements:

**Eligible Applicants:** Sexual Assault Programs as defined by Texas Government Code, Section 420.003 and as stated in the Application Kit.

**Eligibility:** The OAG will initially screen each application for eligibility. Applications will be deemed ineligible if the application is submitted by an ineligible Applicant; the application is not submitted in the manner and form required by the Application Kit; the application is submitted after the deadline established in the Application Kit; or the application does not meet other requirements as stated in the RFA and the Application Kit.

**How to Obtain Application Kit:** The OAG will post the Application Kit on the OAG's website at <https://www.texasattorneygeneral.gov/divisions/grants>. Updates and other helpful reminders about the application process will also be posted at this location. Potential Applicants are encouraged to refer to the site regularly.

### Deadlines and Filing Instructions for the Grant Application:

**Create an On-Line Account:** Creating an on-line account in the Grant Offering and Application Lifecycle System (GOALS) is required to apply for a grant. **If an on-line account is not created, the Applicant will be unable to apply for funding.** To create an on-line account, the Applicant must email the point of contact information to [Grants@oag.texas.gov](mailto:Grants@oag.texas.gov) with the following information:

- First Name
- Last Name
- Email Address (*It is highly recommended to use a generic organization email address if available*)
- Organization Legal Name

**Application Deadline:** The Applicant must submit its application, including all required attachments, to the OAG by the deadline and the manner and form established in the Application Kit.

**Filing Instructions:** Strict compliance with the submission instructions, as provided in the Application Kit, is required. The OAG will **not** consider an Application if it is not submitted by the due date. The OAG will **not** consider an Application if it is not in the manner and form as stated in the Application Kit.

**Minimum and Maximum Amounts of Funding Available:** The minimum amount of funding for all programs is \$125,000 per fiscal year. The maximum amounts of funding are as follows: new sexual assault program \$125,000 per fiscal year; and currently funded sexual assault programs \$735,000 per fiscal year.

Regardless of the maximums stated above, a currently funded sexual assault program may not apply, per fiscal year, for an amount higher than the SAPCS-State funds it received in fiscal year (FY) 2023. The award amount is determined solely by the OAG. The OAG may award grants at amounts above or below the established funding levels and is not obligated to fund a grant at the amount requested.

A currently funded program is one that has an active grant contract for FY 2023. Previous grantees that were not funded in FY 2023, or that de-obligated their contracts in FY 2023, will be considered new Applicants for this Application Kit.

**Start Date and Length of Grant Contract Period:** The grant contract period (term) is up to two years from September 1, 2023 through August 31, 2025, subject to and contingent on funding and/or approval by the OAG.

**No Match Requirements:** There are no match requirements.

**Award Criteria:** The OAG will make funding decisions that support the efficient and effective use of public funds. Scoring components will include, but are not limited to, information provided by the Applicant on the proposed project activities and budget. Funding decisions will be determined using a competitive allocation method.

**Grant Purpose Area:** All grant projects must address one or more of the purpose areas as stated in the Application Kit.

**Prohibitions on Use of Grant Funds:** OAG grant funds may not be used to support or pay the costs of lobbying; indirect costs; fees to administer a subcontract; any portion of the salary or any other compensation for an elected government official; the purchase of food and beverages except as allowed under Texas State Travel Guidelines; the purchase or lease of vehicles; the purchase of promotional items or recreational activities; costs of travel that are unrelated to the direct delivery of services that support the OAG grant-funded program; the costs for consultants or vendors who participate directly in writing a grant application; or for any unallowable costs set forth in applicable state or federal law, rules, regulations, guidelines, policies, procedures or cost principles. Grant funds may not be used to purchase any other products or services the OAG identifies as inappropriate or unallowable within this RFA or the Application Kit.

**OAG Contact Information:** If additional information is needed, contact the Grants Administration Division at [Grants@oag.texas.gov](mailto:Grants@oag.texas.gov), or (512) 936-0792.

TRD-202302485  
Austin Kinghorn  
General Counsel  
Office of the Attorney General  
Filed: July 11, 2023



## Comptroller of Public Accounts

### Notice of General Meeting of the Multistate Tax Commission

Pursuant to Texas Tax Code, § 141.003, the comptroller provides notice of the general meeting of the Multistate Tax Commission.

The annual meeting of the commission will be held in person and virtually at 8:30 a.m., Wednesday, July 26, 2023.

The in-person meeting will be held at the Omni Austin Hotel Downtown, 700 San Jacinto, Austin, Texas 78701. Registration information for the Annual Meeting may be found at: <https://www.mtc.gov/events-training/56th-annual-meetings/>

For questions, please contact Shannon Brandt, Tax Policy Counsel, at [shannon.brandt@cpa.texas.gov](mailto:shannon.brandt@cpa.texas.gov)

Issued in Austin, Texas, on July 10, 2023.

TRD-202302477

William Hamner

Special Counsel for Tax Administration

Comptroller of Public Accounts

Filed: July 10, 2023



## Office of Consumer Credit Commissioner

### Notice of Rate Ceilings

The Consumer Credit Commissioner of Texas has ascertained the following rate ceilings by use of the formulas and methods described in §303.003 and §303.009, Texas Finance Code.

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 07/17/23 - 07/23/23 is 18% for consumer<sup>1</sup> credit.

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 07/17/23 - 07/23/23 is 18% for commercial<sup>2</sup> credit.

<sup>1</sup> Credit for personal, family, or household use.

<sup>2</sup> Credit for business, commercial, investment, or other similar purpose.

TRD-202302492

Leslie L. Pettijohn

Commissioner

Office of Consumer Credit Commissioner

Filed: July 12, 2023



## Texas Education Agency

### Request for Applications (RFA) Concerning Generation Twenty-Nine Open-Enrollment Charter Application for Subchapter D New Operators (RFA #701-24-101)

Filing Authority. Texas Education Code, §12.101

Eligible Applicants. The Texas Education Agency (TEA) is requesting applications under Request for Applications (RFA) #701-24-101 from eligible entities to operate open-enrollment charter schools. Eligible entities include public institutions of higher education, private or independent institutions of higher education, organizations exempt from taxation under the Internal Revenue Code of 1986 (26 United States Code, §501(c)(3)), or governmental entities. At least one member of the applicant team must attend one required applicant information session webinar. In addition, the board president of the sponsoring entity, if identified, must attend. Two webinars will be held, one on Friday, July 28, 2023, and one on Friday, August 4, 2023. The public may par-

ticipate in the webinars by registering in advance at [https://zoom.us/webinar/register/WN\\_e22QZAOrTKy1xE\\_hkRmt3Q](https://zoom.us/webinar/register/WN_e22QZAOrTKy1xE_hkRmt3Q).

Registrants will receive a confirmation email containing information about joining the webinar. The webinar will also be recorded and made available publicly; however, failure to attend at least one of the mandatory webinars in its entirety will disqualify an applicant from further consideration during the Generation 29 application cycle.

Description. The purpose of an open-enrollment charter is to provide an alternative avenue for restructuring schools. An open-enrollment charter school offers flexibility and choice for educators, parents, and students. An approved open-enrollment charter school may be located in a facility of a commercial or nonprofit entity or in a school district facility. If the open-enrollment charter school is to be located in a school district facility, it must be operated under the terms established by the board of trustees or governing body of the school district in an agreement between the charter school and the district.

An open-enrollment charter school will provide instruction to students at one or more elementary or secondary grade levels as provided by the charter. An open-enrollment charter school must be nonsectarian in its programs, admissions, policies, employment practices, and all other operations and may not be affiliated with a sectarian school or religious institution. It is governed under the specifications of the charter and retains authority to operate for the term of the charter contingent on satisfactory student performance as defined by the state accountability system. An open-enrollment charter school does not have the authority to impose taxes.

An open-enrollment charter school is subject to federal laws and certain state laws governing public schools, including laws and rules relating to a criminal offense, requirements relating to the Texas Student Data System, Public Education Information Management System, criminal history records, high school graduation, special education programs, bilingual education, prekindergarten programs, extracurricular activities, health and safety provisions, and public school accountability. As stated in Texas Education Code (TEC), §12.1056, in matters related to operation of an open-enrollment charter school, an open-enrollment charter school or charter holder is immune from liability and suit to the same extent as a school district, and the employees and volunteers of the open-enrollment charter school or charter holder are immune from liability and suit to the same extent as school district employees and volunteers. A member of the governing body of an open-enrollment charter school or of a charter holder is immune from liability and suit to the same extent as a school district trustee. TEC, §12.1057, states that an employee of an open-enrollment charter school who qualifies for membership in the Teacher Retirement System of Texas shall be covered under the system to the same extent a qualified employee of a school district is covered.

Dates of Project. An electronic version of the completed application must be submitted to TEA by 5:00 p.m. (Central Time), Friday, November 3, 2023, to be eligible for review.

Project Amount. TEC, §12.106, specifies the following.

(a) A charter holder is entitled to receive for the open-enrollment charter school funding under TEC, Chapter 48, equal to the amount of funding per student in weighted average daily attendance, excluding the adjustment under TEC, §48.052, the funding under TEC, §§48.101, 48.110, 48.111, and 48.112, and enrichment funding under TEC, §48.202(a), to which the charter holder would be entitled for the school under TEC, Chapter 48, if the school were a school district without a tier one local share for purposes of TEC, §48.266.

(a-1) In determining funding for an open-enrollment charter school under subsection (a), the amount of the allotment under TEC, §48.102, is

based solely on the basic allotment to which the charter holder is entitled and does not include any amount based on the allotment under TEC, §48.101.

(a-2) In addition to the funding provided by subsection (a), a charter holder is entitled to receive for the open-enrollment charter school an allotment per student in average daily attendance in an amount equal to the difference between the product of the quotient of the total amount of funding provided to eligible school districts under TEC, §48.101(b) or (c); and the total number of students in average daily attendance in school districts that receive an allotment under TEC, §48.101(b) or (c); and the sum of one and the quotient of the total number of students in average daily attendance in school districts that receive an allotment under TEC, §48.101(b) or (c); and the total number of students in average daily attendance in school districts statewide; and §125.

(a-3) In addition to the funding provided by subsections (a) and (a-2), a charter holder is entitled to receive for the open-enrollment charter school enrichment funding under TEC, §48.202, based on the state average tax effort.

(a-4) In addition to the funding provided by subsections (a), (a-2), and (a-3), a charter holder is entitled to receive funding for the open-enrollment charter school under TEC, §48.110 and §48.112, and TEC, Chapter 48, Subchapter D, if the charter holder would be entitled to the funding if the school were a school district. In addition, under TEC §48.109(a) a charter school is entitled to an annual allotment equal to the basic allotment multiplied by 0.07 for each school year or a greater amount provided by appropriation for each identified student in a program for gifted and talented students that the charter school certifies to the commissioner as complying with Subchapter D, Chapter 29. TEC, §12.106(b), states that an open-enrollment charter school is entitled to funds that are available to school districts from TEA or the commissioner of education in the form of grants or other discretionary funding unless the statute authorizing the funding explicitly provides that open-enrollment charter schools are not entitled to the funding. In addition, TEC, Chapter 12, states that an open-enrollment charter school may not charge tuition and must admit students based on a lottery if more students apply for admission than can be accommodated. An open-enrollment charter school must prohibit discrimination in admission policy on the basis of sex; national origin; ethnicity; religion; disability; academic, artistic, or athletic ability; or the district the child would otherwise attend. However, a charter school that specializes in the performing arts may require an applicant to audition. The charter may provide for the exclusion of a student who has a documented history of a criminal offense, juvenile court adjudication, or a discipline problem under TEC, Chapter 37, Subchapter A.

**Selection Criteria.** A complete description of selection criteria is included in the RFA.

The commissioner may approve open-enrollment charter schools as provided in TEC, §12.101. There are currently 180 charters approved under TEC, §12.101 (Subchapter D). There is a cap of 305 charters approved under TEC, §12.101. The commissioner is scheduled to consider awards under RFA #701-24-101 in May 2024.

The commissioner may approve applicants to ensure representation of urban, suburban, and rural communities; various instructional settings; innovative programs; diverse student populations and geographic regions; and various eligible entities. The commissioner will consider Statements of Impact from any school district whose enrollment is likely to be affected by the open-enrollment charter school. The commissioner may also consider the history of the sponsoring entity and the credentials and background of its board members. The commissioner may not award a charter to an entity that has within the preceding 10 years had a charter revoked, non-renewed, or surrendered. The com-

missioner will not consider an application submitted by an individual that is substantially related to an entity that has within the preceding 10 years had a charter revoked, non-renewed, or surrendered.

**Requesting the Application.** An application must be submitted under commissioner guidelines to be considered. A complete copy of the publication Generation Twenty-Nine Open-Enrollment Charter Application (RFA #701-24-101), which includes an application and guidance, may be obtained on the TEA website at [http://tea.texas.gov/Texas\\_Schools/Charter\\_Schools/](http://tea.texas.gov/Texas_Schools/Charter_Schools/).

**Further Information.** For clarifying information about the open-enrollment charter school application, contact the Division of Authorizing, Texas Education Agency, at (512) 463-9575 or [charterapplication@tea.texas.gov](mailto:charterapplication@tea.texas.gov).

Issued in Austin, Texas, on July 12, 2023.

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Cristina De La Fuente-Valadez

Director, Rulemaking

Texas Education Agency

Filed: July 12, 2023



**Request for Applications (RFA) Concerning Generation Twenty-Nine Open-Enrollment Charter Application for Texas Public Colleges or Universities and Texas Public Junior Colleges (RFA #701-24-102)**

**Filing Authority.** Texas Education Code, §12.152

**Eligible Applicants.** The Texas Education Agency (TEA) is requesting applications under Request for Applications (RFA) #701-24-102 from eligible entities to operate open-enrollment charter schools. Eligible entities are limited to Texas public colleges or universities and Texas public junior colleges. The supervising faculty member with oversight of the college of education requesting the charter must attend one required applicant information session webinar. Two webinars will be held, one on Friday, July 28, 2023, and one on Friday, August 4, 2023. The public may participate in the webinars by registering in advance at [https://zoom.us/webinar/register/WN\\_e22QZA-OrTKy1xE\\_hkRmt3Q](https://zoom.us/webinar/register/WN_e22QZA-OrTKy1xE_hkRmt3Q).

Registrants will receive a confirmation email containing information about joining the webinar. The webinar will also be recorded and made available publicly; however, failure to attend at least one of the mandatory webinars in its entirety will disqualify an applicant from further consideration during the Generation 29 application cycle.

**Description.** The purpose of an open-enrollment charter is to provide an alternative avenue for restructuring schools. An open-enrollment charter school offers flexibility and choice for educators, parents, and students. A public senior college or university, or public junior college open-enrollment charter school may operate on a campus of the public college or university, or public junior college or in the same county in which the public college or university, or public junior college is located and, under certain circumstances, elsewhere in the state.

An open-enrollment charter school will provide instruction to students at one or more elementary or secondary grade levels as provided by the charter. An open-enrollment charter school must be nonsectarian in its programs, admissions, policies, employment practices, and all other operations and may not be affiliated with a sectarian school or religious institution. It is governed under the specifications of the charter and retains authority to operate for the term of the charter contingent on satisfactory student performance as defined by the state accountability

system. An open-enrollment charter school does not have the authority to impose taxes.

An open-enrollment charter school is subject to federal laws and certain state laws governing public schools, including laws and rules relating to a criminal offense, requirements relating to the Texas Student Data System, Public Education Information Management System, criminal history records, high school graduation, special education programs, bilingual education, prekindergarten programs, extracurricular activities, health and safety provisions, and public school accountability. As stated in Texas Education Code (TEC), §12.1056, in matters related to operation of an open-enrollment charter school, an open-enrollment charter school or charter holder is immune from liability and suit to the same extent as a school district, and the employees and volunteers of the open-enrollment charter school or charter holder are immune from liability and suit to the same extent as school district employees and volunteers. A member of the governing body of an open-enrollment charter school or of a charter holder is immune from liability and suit to the same extent as a school district trustee. TEC, §12.1057, states that an employee of an open-enrollment charter school who qualifies for membership in the Teacher Retirement System of Texas shall be covered under the system to the same extent a qualified employee of a school district is covered.

Dates of Project. The electronic version of the completed application must be submitted to TEA by 5:00 p.m. (Central Time), Friday, November 3, 2023, to be eligible for review.

Project Amount. TEC, §12.106, specifies the following.

(a) Effective September 1, 2019, a charter holder is entitled to receive for the open-enrollment charter school funding under TEC, Chapter 48, equal to the amount of funding per student in weighted average daily attendance, excluding the adjustment under TEC, §48.052, the funding under TEC, §§48.101, 48.110, 48.111, and 48.112, and enrichment funding under TEC, §48.202(a), to which the charter holder would be entitled for the school under TEC, Chapter 48, if the school were a school district without a tier one local share for purposes of TEC, §48.266.

(a-1) In determining funding for an open-enrollment charter school under subsection (a), the amount of the allotment under TEC, §48.102, is based solely on the basic allotment to which the charter holder is entitled and does not include any amount based on the allotment under TEC, §48.101.

(a-2) In addition to the funding provided by subsection (a), a charter holder is entitled to receive for the open-enrollment charter school an allotment per student in average daily attendance in an amount equal to the difference between the product of the quotient of the total amount of funding provided to eligible school districts under TEC, §48.101(b) or (c); and the total number of students in average daily attendance in school districts that receive an allotment under TEC, §48.101(b) or (c); and the sum of one and the quotient of the total number of students in average daily attendance in school districts that receive an allotment under TEC, §48.101(b) or (c); and the total number of students in average daily attendance in school districts statewide; and \$125.

(a-3) In addition to the funding provided by subsections (a) and (a-2), a charter holder is entitled to receive for the open-enrollment charter school enrichment funding under TEC, §48.202, based on the state average tax effort.

(a-4) In addition to the funding provided by subsections (a), (a-2), and (a-3), a charter holder is entitled to receive funding for the open-enrollment charter school under TEC, §48.110 and §48.112, and TEC, Chapter 48, Subchapter D, if the charter holder would be entitled to the funding if the school were a school district. In addition, under TEC

§48.109(a) a charter school is entitled to an annual allotment equal to the basic allotment multiplied by 0.07 for each school year or a greater amount provided by appropriation for each identified student in a program for gifted and talented students that the charter school certifies to the commissioner as complying with Subchapter D, Chapter 29.

TEC, §12.106(b), states that an open-enrollment charter school is entitled to funds that are available to school districts from TEA or the commissioner of education in the form of grants or other discretionary funding unless the statute authorizing the funding explicitly provides that open-enrollment charter schools are not entitled to the funding. In addition, TEC, Chapter 12, states that an open-enrollment charter school may not charge tuition and must admit students based on a lottery if more students apply for admission than can be accommodated. An open-enrollment charter school must prohibit discrimination in admission policy on the basis of sex; national origin; ethnicity; religion; disability; academic, artistic, or athletic ability; or the district the child would otherwise attend. However, a charter school that specializes in the performing arts may require an applicant to audition. The charter may provide for the exclusion of a student who has a documented history of a criminal offense, juvenile court adjudication, or a discipline problem under TEC, Chapter 37, Subchapter A.

Selection Criteria. A complete description of selection criteria is included in the RFA.

The commissioner may approve open-enrollment charter schools as provided in TEC, §12.101 and §12.152. There are currently five charters approved under TEC, §12.152 (Subchapter E). There is no cap on the number of charters approved under TEC, §12.152. The commissioner is scheduled to consider awards under RFA #701-24-102 in May 2024.

The commissioner may approve applicants to ensure representation of urban, suburban, and rural communities; various instructional settings; innovative programs; diverse student populations and geographic regions; and various eligible entities. The commissioner will consider Statements of Impact from any school district whose enrollment is likely to be affected by the open-enrollment charter school. The commissioner may also consider the history of the sponsoring entity and the credentials and background of its board members. The commissioner may not award a charter to an entity that has within the preceding 10 years had a charter revoked, non-renewed, or surrendered. The commissioner will not consider an application submitted by an individual that is substantially related to an entity that has within the preceding 10 years had a charter revoked, non-renewed, or surrendered.

Requesting the Application. An application must be submitted under commissioner guidelines to be considered. A complete copy of the publication College or University Generation Twenty-Nine Open-Enrollment Charter Application (RFA #701-24-102), which includes an application and guidance, may be obtained on the TEA website at [http://tea.texas.gov/Texas\\_Schools/Charter\\_Schools/](http://tea.texas.gov/Texas_Schools/Charter_Schools/).

Further Information. For clarifying information about the open-enrollment charter school application, contact the Division of Authorizing, Texas Education Agency, at (512) 463-9575 or [charterapplication@tea.texas.gov](mailto:charterapplication@tea.texas.gov).

Issued in Austin, Texas, on July 12, 2023.

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Cristina De La Fuente-Valadez

Director, Rulemaking

Texas Education Agency

Filed: July 12, 2023



Request for Applications (RFA) Concerning Generation Twenty-Nine Open-Enrollment Charter Application for Subchapter D Experienced Operators (RFA #701-24-107)

Filing Authority. Texas Education Code, §12.101

Eligible Applicants. The Texas Education Agency (TEA) is requesting applications under Request for Applications (RFA) #701-24-107 from eligible entities to operate open-enrollment charter schools. Eligible entities include public institutions of higher education, private or independent institutions of higher education, organizations exempt from taxation under the Internal Revenue Code of 1986 (26 United States Code, §501(c)(3)), or governmental entities that are considered experienced operators and are operating or have operated a charter school in another portfolio or under another subchapter. At least one member of the applicant team must attend one required applicant information session webinar. In addition, the board president of the sponsoring entity, if identified, must attend. Two webinars will be held, one on Friday, July 28, 2023, and one on Friday, August 4, 2023. The public may participate in the webinars by registering in advance at [https://zoom.us/webinar/register/WN\\_e22QZAOrTKy1xE\\_hkRmt3Q](https://zoom.us/webinar/register/WN_e22QZAOrTKy1xE_hkRmt3Q).

Registrants will receive a confirmation email containing information about joining the webinar. The webinar will also be recorded and made available publicly; however, failure to attend at least one of the mandatory webinars in its entirety will disqualify an applicant from further consideration during the Generation 29 application cycle.

Description. The purpose of an open-enrollment charter is to provide an alternative avenue for restructuring schools. An open-enrollment charter school offers flexibility and choice for educators, parents, and students. An approved open-enrollment charter school may be located in a facility of a commercial or nonprofit entity or in a school district facility. If the open-enrollment charter school is to be located in a school district facility, it must be operated under the terms established by the board of trustees or governing body of the school district in an agreement between the charter school and the district.

An open-enrollment charter school will provide instruction to students at one or more elementary or secondary grade levels as provided by the charter. An open-enrollment charter school must be nonsectarian in its programs, admissions, policies, employment practices, and all other operations and may not be affiliated with a sectarian school or religious institution. It is governed under the specifications of the charter and retains authority to operate for the term of the charter contingent on satisfactory student performance as defined by the state accountability system. An open-enrollment charter school does not have the authority to impose taxes.

An open-enrollment charter school is subject to federal laws and certain state laws governing public schools, including laws and rules relating to a criminal offense, requirements relating to the Texas Student Data System, Public Education Information Management System, criminal history records, high school graduation, special education programs, bilingual education, prekindergarten programs, extracurricular activities, health and safety provisions, and public school accountability. As stated in Texas Education Code (TEC), §12.1056, in matters related to operation of an open-enrollment charter school, an open-enrollment charter school or charter holder is immune from liability and suit to the same extent as a school district, and the employees and volunteers of the open-enrollment charter school or charter holder are immune from liability and suit to the same extent as school district employees and volunteers. A member of the governing body of an open-enrollment charter school or of a charter holder is immune from liability and suit to the same extent as a school district trustee. TEC, §12.1057, states that an employee of an open-enrollment charter school who qualifies for membership in the Teacher Retirement System of Texas shall be

covered under the system to the same extent a qualified employee of a school district is covered.

Dates of Project. An electronic version of the completed application must be submitted to TEA by 5:00 p.m. (Central Time), Friday, November 3, 2023, to be eligible for review.

Project Amount. TEC, §12.106, specifies the following.

(a) A charter holder is entitled to receive for the open-enrollment charter school funding under TEC, Chapter 48, equal to the amount of funding per student in weighted average daily attendance, excluding the adjustment under TEC, §48.052, the funding under TEC, §§48.101, 48.110, 48.111, and 48.112, and enrichment funding under TEC, §48.202(a), to which the charter holder would be entitled for the school under TEC, Chapter 48, if the school were a school district without a tier one local share for purposes of TEC, §48.266.

(a-1) In determining funding for an open-enrollment charter school under subsection (a), the amount of the allotment under TEC, §48.102, is based solely on the basic allotment to which the charter holder is entitled and does not include any amount based on the allotment under TEC, §48.101.

(a-2) In addition to the funding provided by subsection (a), a charter holder is entitled to receive for the open-enrollment charter school an allotment per student in average daily attendance in an amount equal to the difference between the product of the quotient of the total amount of funding provided to eligible school districts under TEC, §48.101(b) or (c); and the total number of students in average daily attendance in school districts that receive an allotment under TEC, §48.101(b) or (c); and the sum of one and the quotient of the total number of students in average daily attendance in school districts that receive an allotment under TEC, §48.101(b) or (c); and the total number of students in average daily attendance in school districts statewide; and \$125.

(a-3) In addition to the funding provided by subsections (a) and (a-2), a charter holder is entitled to receive for the open-enrollment charter school enrichment funding under TEC, §48.202, based on the state average tax effort.

(a-4) In addition to the funding provided by subsections (a), (a-2), and (a-3), a charter holder is entitled to receive funding for the open-enrollment charter school under TEC, §48.110 and §48.112, and TEC, Chapter 48, Subchapter D, if the charter holder would be entitled to the funding if the school were a school district. In addition, under TEC §48.109(a) a charter school is entitled to an annual allotment equal to the basic allotment multiplied by 0.07 for each school year or a greater amount provided by appropriation for each identified student in a program for gifted and talented students that the charter school certifies to the commissioner as complying with Subchapter D, Chapter 29. TEC, §12.106(b), states that an open-enrollment charter school is entitled to funds that are available to school districts from TEA or the commissioner of education in the form of grants or other discretionary funding unless the statute authorizing the funding explicitly provides that open-enrollment charter schools are not entitled to the funding. In addition, TEC, Chapter 12, states that an open-enrollment charter school may not charge tuition and must admit students based on a lottery if more students apply for admission than can be accommodated. An open-enrollment charter school must prohibit discrimination in admission policy on the basis of sex; national origin; ethnicity; religion; disability; academic, artistic, or athletic ability; or the district the child would otherwise attend. However, a charter school that specializes in the performing arts may require an applicant to audition. The charter may provide for the exclusion of a student who has a documented history of a criminal offense, juvenile court adjudication, or a discipline problem under TEC, Chapter 37, Subchapter A.

Selection Criteria. A complete description of selection criteria is included in the RFA.

The commissioner may approve open-enrollment charter schools as provided in TEC, §12.101. There are currently 180 charters approved under TEC, §12.101 (Subchapter D). There is a cap of 305 charters approved under TEC, §12.101. The commissioner is scheduled to consider awards under RFA #701-24-107 in May 2024.

The commissioner may approve applicants to ensure representation of urban, suburban, and rural communities; various instructional settings; innovative programs; diverse student populations and geographic regions; and various eligible entities. The commissioner will consider Statements of Impact from any school district whose enrollment is likely to be affected by the open-enrollment charter school. The commissioner may also consider the history of the sponsoring entity and the credentials and background of its board members. The commissioner may not award a charter to an entity that has within the preceding 10 years had a charter revoked, non-renewed, or surrendered. The commissioner will not consider an application submitted by an individual that is substantially related to an entity that has within the preceding 10 years had a charter revoked, non-renewed, or surrendered.

Requesting the Application. An application must be submitted under commissioner guidelines to be considered. A complete copy of the publication Generation Twenty-Nine Open-Enrollment Charter Application (RFA #701-24-107), which includes an application and guidance, may be obtained on the TEA website at [http://tea.texas.gov/Texas\\_Schools/Charter\\_Schools/](http://tea.texas.gov/Texas_Schools/Charter_Schools/).

Further Information. For clarifying information about the open-enrollment charter school application, contact the Division of Authorizing, Texas Education Agency, at (512) 463-9575 or [charterapplication@tea.texas.gov](mailto:charterapplication@tea.texas.gov).

Issued in Austin, Texas, on July 12, 2023.

TRD-202302498

Cristina De La Fuente-Valadez

Director, Rulemaking

Texas Education Agency

Filed: July 12, 2023

## Texas Commission on Environmental Quality

### Agreed Orders

The Texas Commission on Environmental Quality (TCEQ, agency, 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 **August 21, 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 **August 21, 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: 410 WATER SUPPLY CORPORATION; DOCKET NUMBER: 2022-1007-PWS-E; IDENTIFIER: RN101439347; LOCATION: Detroit, Red River County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.117(e)(2), (h), and (i)(3), by failing to conduct water quality parameter sampling at each of the facility's entry points and the required distribution sample sites, have the samples analyzed, and report the results to the executive director (ED) for the June 1, 2021 - November 30, 2021, monitoring period; 30 TAC §290.117(f)(3)(A), by failing to submit a recommendation to the ED for optimal corrosion control treatment within six months after the end of the January 1, 2021 - December 31, 2021, monitoring period, during which the copper action level was exceeded; and 30 TAC §290.117(g)(2)(A), by failing to submit a recommendation to the ED for source water treatment within 180 days after the end of the January 1, 2021 - December 31, 2021, monitoring period, during which the copper action level was exceeded; PENALTY: \$2,662; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET AMOUNT: \$1,065; ENFORCEMENT COORDINATOR: Christiana McCrimmon, (512) 239-2811; REGIONAL OFFICE: 2916 Teague Drive, Tyler, Texas 75701-3734, (903) 535-5100.

(2) COMPANY: A AMBE NAV DURGA BAPS, INCORPORATED dba AA Quickway; DOCKET NUMBER: 2022-0598-PST-E; IDENTIFIER: RN101433068; LOCATION: Keller, Tarrant County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULES VIOLATED: 30 TAC §334.50(b)(1)(A) and TWC, §26.3475(c)(1), by failing to monitor the underground storage tanks in a manner which will detect a release at a frequency of at least once every 30 days; PENALTY: \$3,375; ENFORCEMENT COORDINATOR: Horus Garcia, (512) 239-1813; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(3) COMPANY: BOBCAT TRUCKING, INCORPORATED; DOCKET NUMBER: 2021-1574-EAQ-E; IDENTIFIER: RN111071429; LOCATION: Fair Oaks Ranch, Bexar County; TYPE OF FACILITY: commercial development project; RULE VIOLATED: 30 TAC §213.23(a)(1), by failing to obtain approval of an Edwards Aquifer Protection Plan prior to commencing a regulated activity over the Edwards Aquifer Contributing Zone; PENALTY: \$2,300; ENFORCEMENT COORDINATOR: John Thibodeaux, (409) 899-8753; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, (210) 492-3096.

(4) COMPANY: City of Cameron; DOCKET NUMBER: 2023-0396-PWS-E; IDENTIFIER: RN101392215; LOCATION: Cameron, Milam County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.115(f)(1) and Texas Health and Safety Code, §341.0315(c), by failing to comply with the maximum contaminant level of 0.080 milligrams per liter for total trihalomethanes, based on the locational running annual average; PENALTY: \$3,500; ENFORCEMENT COORDINATOR: Chiara Ballam, (512) 239-2812;

REGIONAL OFFICE: 6801 Sanger Avenue, Suite 2500, Waco, Texas 76710-7826, (254) 751-0335.

(5) COMPANY: City of Sinton; DOCKET NUMBER: 2022-0674-MWD-E; IDENTIFIER: RN101721330; LOCATION: Sinton, San Patricio 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 WQ0013641001, Effluent Limitations and Monitoring Requirements Number 1, by failing to comply with permitted effluent limitations; PENALTY: \$27,313; ENFORCEMENT COORDINATOR: Cheryl Thompson, (817) 588-5865; REGIONAL OFFICE: 500 North Shoreline Boulevard, Suite 500, Corpus Christi, Texas 78401-0318, (361) 881-6900.

(6) COMPANY: City of Springtown; DOCKET NUMBER: 2022-0233-PWS-E; IDENTIFIER: RN101392397; LOCATION: Springtown, Parker County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.42(d)(3)(A), by failing to return spent backwash water and the liquids from sludge settling lagoons, spent backwash water tanks, sludge thickeners, and similar dewatering facilities to the raw waterline upstream of the raw water sample tap and coagulant feed point; 30 TAC §290.42(d)(5), by failing to provide flow-measuring devices to measure the raw water supplied to the plant, the recycled decant water, the treated water used to backwash the filters, and the treated water discharged from the plant; and 30 TAC §290.110(c)(5), by failing to conduct chloramine effectiveness sampling to ensure that monochloramine is the prevailing chloramine species and that nitrification is controlled; PENALTY: \$1,740; ENFORCEMENT COORDINATOR: Samantha Duncan, (817) 588-5805; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(7) COMPANY: Conecus LLC; DOCKET NUMBER: 2021-1628-AIR-E; IDENTIFIER: RN100804467; LOCATION: Terrell, Kaufman County; TYPE OF FACILITY: metallurgical recycling; RULE VIOLATED: Texas Health and Safety Code, §382.085(a) and (b), by failing to not cause, suffer, allow, or permit the emission of any air contaminant or the performance of any activity that caused or contributed to, or that will cause or contribute to, air pollution; PENALTY: \$35,250; ENFORCEMENT COORDINATOR: Yuliya Dunaway, (210) 403-4077; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(8) COMPANY: El Paso Water Utilities Public Service Board; DOCKET NUMBER: 2022-0310-MWD-E; IDENTIFIER: RN103870341; LOCATION: El Paso, El Paso County; TYPE OF FACILITY: wastewater treatment facility with an associated wastewater collection system; RULES VIOLATED: 30 TAC §305.125(1), TWC, §26.121(a)(1), and Texas Pollutant Discharge Elimination System Permit Number WQ0010408009, Permit Conditions Numbers 2.d and 2.g, by failing to prevent the unauthorized discharge of wastewater into or adjacent to any water in the state; PENALTY: \$2,016,000; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET AMOUNT: \$2,016,000; ENFORCEMENT COORDINATOR: Cheryl Thompson, (817) 588-5865; REGIONAL OFFICE: 401 East Franklin Avenue, Suite 560, El Paso, Texas 79901-1212, (915) 834-4949.

(9) COMPANY: JGE Gas Solutions, LP f/k/a American Midstream Gas Solutions, LP; DOCKET NUMBER: 2021-0187-AIR-E; IDENTIFIER: RN100237502; LOCATION: Longview, Gregg County; TYPE OF FACILITY: natural gas plant; RULES VIOLATED: 30 TAC §101.20(1) and §122.143(4), 40 Code of Federal Regulations (CFR) §60.4214(b), Federal Operating Permit (FOP) Number O3097, General Terms and Conditions (GTC) and Special Terms and Conditions (STC) Number 1.A, and Texas Health and Safety Code (THSC), §382.085(b), by failing to keep records of the operation of the engine

in emergency and non-emergency service that are recorded through the non-resettable hour meter; 30 TAC §§101.20(1) and (3), 116.115(c), and 122.143(4), 40 CFR §60.18(f)(2), New Source Review Permit Numbers 23110 and PSD-TX-835, Special Conditions Number 2, FOP Number O3097, GTC and STC Number 11, and THSC, §382.085(b), by failing to monitor the flare with a flame present at all times using a thermocouple or any other equivalent device to detect the presence of a flame; 30 TAC §§101.20(2), 113.1090, and 122.143(4), 40 CFR §63.6650(b)(3), FOP Number O3097, GTC and STC Numbers 1.A and 1.F, and THSC, §382.085(b), by failing to submit a semi-annual 40 CFR Part 63 Subpart ZZZZ compliance report; 30 TAC §§106.8(c)(2)(B), 106.512(2)(C)(i), and 122.143(4), FOP Number O3097, GTC and STC Number 1.A, and THSC, §382.085(b), by failing to create and maintain records for a period of at least two years and make available upon request to the commission and any local air pollution control agency having jurisdiction; 30 TAC §111.111(a)(4)(A)(ii) and §122.143(4), FOP Number O3097, GTC and STC Numbers 1.A and 3.A.(iv)(3), and THSC, §382.085(b), by failing to record at least 98% of the required daily flare observations in the flare operation log; and 30 TAC §122.143(4) and §122.145(2)(A), FOP Number O3097, GTC, and THSC, §382.085(b), by failing to report all instances of deviations; PENALTY: \$35,983; ENFORCEMENT COORDINATOR: Johnnie Wu, (512) 239-2524; REGIONAL OFFICE: 2916 Teague Drive, Tyler, Texas 75701-3734, (903) 535-5100.

(10) COMPANY: Kuraray America, Incorporated; DOCKET NUMBER: 2021-0569-AIR-E; IDENTIFIER: RN100212216; LOCATION: Pasadena, Harris County; TYPE OF FACILITY: chemical manufacturing; RULES VIOLATED: 30 TAC §§106.6(c), 106.261, 116.115(b)(2)(F) and (c), and 122.143(4), Permit by Rule Registration Number 147121, New Source Review (NSR) Permit Number 9576, Special Conditions (SC) Number 1, Federal Operating Permit (FOP) Number O1561, General Terms and Conditions (GTC) and Special Terms and Conditions (STC) Number 16, and Texas Health and Safety Code (THSC), §382.085(b), by failing to comply with the maximum allowable emissions rate and certified emissions rate; and 30 TAC §116.115(c) and §122.143(4), NSR Permit Number 9576, SC Number 1, FOP Number O1561, GTC and STC Number 16, and THSC, §382.085(b), by failing to prevent unauthorized emissions; PENALTY: \$22,125; ENFORCEMENT COORDINATOR: Yuliya Dunaway, (210) 403-4077; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(11) COMPANY: Tommy Tackett dba Rock Island RV Park; DOCKET NUMBER: 2022-1715-PWS-E; IDENTIFIER: RN102092236; LOCATION: Boyd, Wise County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.39(e)(1) and (h)(1) and Texas Health and Safety Code (THSC), §341.035(a), by failing to submit plans and specifications to the executive director (ED) for review and approval prior to the construction of a new public water supply; 30 TAC §290.41(c)(3)(A), by failing to submit well completion data for review and approval prior to placing the facility's two public drinking water wells into service; 30 TAC §290.46(d)(2)(A) and §290.110(b)(4) and THSC, §341.0315(c), by failing to maintain a disinfectant residual of at least 0.2 milligrams per liter of free chlorine throughout the distribution system; and 30 TAC §290.46(e)(4)(A) and THSC, §341.033(a), by failing to operate the facility under the direct supervision of a water works operator who holds an applicable, valid Class D or higher license issued by the ED; PENALTY: \$10,717; ENFORCEMENT COORDINATOR: Ashley Lemke, (512) 239-1118; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(12) COMPANY: Westwood Shores Municipal Utility District; DOCKET NUMBER: 2023-0338-PWS-E; IDENTIFIER: RN101175560; LOCATION: Trinity, Trinity County; TYPE OF

FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.115(f)(1) and Texas Health and Safety Code, §341.0315(c) , by failing to comply with the maximum contaminant level of 0.080 milligrams per liter for total trihalomethanes, based on the locational running average; PENALTY: \$2,975; ENFORCEMENT COORDINATOR: Kaisie Hubschmitt, (512) 239-1482; REGIONAL OFFICE: 3870 Eastex Freeway, Beaumont, Texas 77703-1830, (409) 898-3838.

TRD-202302482

Gitanjali Yadav

Deputy Director, Litigation

Texas Commission on Environmental Quality

Filed: July 11, 2023



## Enforcement Orders

An agreed order was adopted regarding HASSAN LLC dba Culebra Food Stop, Docket No. 2021-0084-PST-E on July 11, 2023 assessing \$6,750 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Taylor Pearson, 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 Harris County Municipal Utility District 284, Docket No. 2021-1167-MWD-E on July 11, 2023 assessing \$3,375 in administrative penalties with \$675 deferred. Information concerning any aspect of this order may be obtained by contacting Laura Draper, 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 Jeffrey Cruise dba LONGHORN SEPTIC SERVICE, L.C. and Amanda Marie Cruise, Docket No. 2021-1253-SLG-E on July 11, 2023 assessing \$1,562 in administrative penalties with \$312 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 South Texas Frac LLC, Docket No. 2021-1633-AIR-E on July 11, 2023 assessing \$1,225 in administrative penalties with \$245 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 Thind Energy Inc dba On the Road 111, Docket No. 2022-1028-PST-E on July 11, 2023 assessing \$2,250 in administrative penalties with \$450 deferred. Information concerning any aspect of this order may be obtained by contacting Horus Garcia, 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 Cotton Center Water Supply Corporation, Docket No. 2022-1383-UTL-E on July 11, 2023 assessing \$610 in administrative penalties with \$122 deferred. Information concerning any aspect of this order may be obtained by contacting Miles Wehner, 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 Vidor Mhp No. 1, LLC, Docket No. 2022-1397-UTL-E on July 11, 2023 assessing \$520 in administrative penalties with \$104 deferred. Information concerning any aspect of this order may be obtained by contacting Miles Wehner, Enforce-

ment Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding MONTGOMERY PLACE WATER SYSTEM, INC., Docket No. 2022-1510-UTL-E on July 11, 2023 assessing \$510 in administrative penalties with \$102 deferred. Information concerning any aspect of this order may be obtained by contacting Chiara Ballam, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A field citation was adopted regarding Top-Way Materials LLC, Docket No. 2023-0045-WQ-E on July 11, 2023 assessing \$875 in administrative penalties. Information concerning any aspect of this citation may be obtained by contacting Katy Montgomery, 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 MESA GRANDE WATER SUPPLY CORPORATION, Docket No. 2023-0189-UTL-E on July 11, 2023 assessing \$600 in administrative penalties with \$120 deferred. Information concerning any aspect of this order may be obtained by contacting Nick Lohret-Froio, 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 Jim Wells County Fresh Water Supply District 1, Docket No. 2023-0208-UTL-E on July 11, 2023 assessing \$645 in administrative penalties with \$129 deferred. Information concerning any aspect of this order may be obtained by contacting Kaisie Hubschmitt, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A field citation was adopted regarding Devon Street Homes, L.P., Docket No. 2023-0283-WQ-E on July 11, 2023 assessing \$875 in administrative penalties. Information concerning any aspect of this citation may be obtained by contacting Monica Larina, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A field citation was adopted regarding Justin Riley Calcote, Docket No. 2023-0285-WOC-E on July 11, 2023 assessing \$175 in administrative penalties. Information concerning any aspect of this citation 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 field citation was adopted regarding Tony Ray Lorance, Docket No. 2023-0298-WOC-E on July 11, 2023 assessing \$175 in administrative penalties. Information concerning any aspect of this citation may be obtained by contacting Miles Caston, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A field citation was adopted regarding Hurtado Construction Company, Docket No. 2023-0350-WQ-E on July 11, 2023 assessing \$875 in administrative penalties. Information concerning any aspect of this citation may be obtained by contacting Monica Larina, 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 Gatesville, Docket No. 2023-0359-WQ-E on July 11, 2023 assessing \$875 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Monica Larina, 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 Khalifa Inc, Docket No. 2023-0430-WQ-E on July 11, 2023 assessing \$875 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Shane Glantz, 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 Gatesville, Docket No. 2023-0543-WQ-E on July 11, 2023 assessing \$875 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Monica Larina, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

TRD-202302505

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: July 12, 2023



### Notice of a Public Meeting on an Application for a Water Use Permit Application No. 13524

Waterstone Creek, LLC seeks authorization to construct and maintain a dam and reservoir on the South Llano River, Colorado River Basin, impounding 12.02 acre-feet of water for recreational purposes in Edwards County. Applicant will utilize a Firm Water Contract with the Lower Colorado River Authority to account for storage in the reservoir. More information on the application and how to participate in the permitting process is given below.

**APPLICATION.** Waterstone Creek, LLC, Applicant, 11610 Bistro Lane, Houston, Texas 72082, has applied to the Texas Commission on Environmental Quality (TCEQ) for a Water Use Permit pursuant to Texas Water Code (TWC) § 11.121 and TCEQ Rules Title 30 Texas Administrative Code (TAC) §§295.1, *et seq.* Notice was published and mailed to the water rights holders of record in the Colorado River Basin pursuant to Title 30 TAC §295.151.

Waterstone Creek, LLC seeks authorization to construct and maintain a dam and reservoir on the South Llano River, Colorado River Basin, impounding 12.02 acre-feet of water, for recreational purposes in Edwards County, ZIP code 78880.

The centerline of the dam is located at Latitude 30.253005° N, Longitude 99.954751° W in Edwards County, in Zip Code 78880.

Applicant submitted a Firm Water Contract with the Lower Colorado River Authority to account for storage of state water in the reservoir.

Ownership of the land to be inundated is evidenced by a *General Warranty Deed* dated May 26, 2016, recorded as Volume 347, Page 477 in the Official Records of Edwards County.

The application and fees were received on September 6, 2018. Additional information was received on November 21 and November 26, 2018. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on January 10, 2019. Additional information was received on April 16, 2019.

The Executive Director completed the technical review of the application and prepared a draft permit. The draft permit, if granted, would include special conditions including, but not limited to streamflow restrictions. The application, technical memoranda, and Executive Director's draft permit are available for viewing on the TCEQ web page at: [https://www.tceq.texas.gov/permitting/water\\_rights/wr-permitting/wr-apps-pub-notice](https://www.tceq.texas.gov/permitting/water_rights/wr-permitting/wr-apps-pub-notice) Alternatively, you may request a copy of the documents by contacting the TCEQ Office of the Chief Clerk

by phone at (512) 239-3300 or by mail at TCEQ OCC, Notice Team (MC-105), P.O. Box 13087, Austin, Texas 78711.

**PUBLIC COMMENT / PUBLIC MEETING.** You may submit public comments to the Office of the Chief Clerk at the address below. A public meeting will be held and will consist of two parts, an Informal Discussion Period and a Formal Comment Period. A public meeting is not a contested case hearing under the Administrative Procedure Act. During the Informal Discussion Period, the public is encouraged to ask questions of the applicant and TCEQ staff concerning the permit application and the Executive Director's recommendations, but the comments and questions submitted orally during the Informal Discussion Period will not be considered by the Commissioners and no formal response will be made. Responses will be provided orally during the Informal Discussion Period. During the Formal Comment Period, members of the public may state their formal comments orally into the official record. The Executive Director will subsequently summarize the formal comments and prepare a written response which will be considered by the Commissioners before they reach a decision on the application. The Executive Director's written response will be available to the public online or upon request. The public comment period on this application concludes at the close of the public meeting.

**The Public Meeting is to be held:**

**Thursday, August 10, 2023 at 6:00 p.m.**

**Rocksprings ISD School Auditorium**

**201 North Highway 377**

**Rocksprings, Texas 78880**

Additional information will be available on the agency calendar of events at the following link: <https://www.tceq.texas.gov/agency/decisions/hearings/calendar.html>.

**INFORMATION.** Citizens are encouraged to submit written comments anytime during the public meeting. Citizens may mail their comments to the Office of the Chief Clerk, TCEQ, Mail Code MC-105, P.O. Box 13087, Austin, Texas 78711-3087 or submit them electronically at <http://www14.tceq.texas.gov/epic/eComment/> by entering WRPERM 13524 in the search field before the public comment period closes.

For additional information, individual members of the general public may contact the Public Education Program at (800) 687-4040. General information regarding the TCEQ can be found at our web site at [www.tceq.texas.gov](http://www.tceq.texas.gov). Si desea información en español, puede llamar al (800) 687-4040 o por el internet al <http://www.tceq.texas.gov>.

Persons with disabilities who need special accommodations at the public meeting should call the Office of the Chief Clerk at (512) 239-3300 or (800) RELAY-TX (TDD) at least five business days prior to the meeting.

Issued: July 06, 2023

TRD-202302503

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: July 12, 2023



### Notice of an Application for a Temporary Water Use Permit Application No. 13885

Notices Issued July 10, 2023

East Texas Acres, LTD. (Applicant), 1173 County RD 1092, Center, Texas 75935, seeks a temporary water use permit to divert and use not to exceed 225 acre-feet of water within a period of three years from a point on Patroon Bayou, tributary of the Sabine River, Sabine River Basin. More information on the application and how to participate in the permitting process is given below.

The application and fees were received on November 14, 2022. Additional information was received on, February 1, February 27, March 10, and April 24, 2023. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on May 04, 2023.

The Executive Director completed the technical review of the application and prepared a draft permit. The draft permit, if granted, would include special conditions including, but not limited to, streamflow restrictions and installation of a measuring device for diversions. The application, technical memoranda, and Executive Director's draft permit are available for viewing on the TCEQ web page at: [https://www.tceq.texas.gov/permitting/water\\_rights/wr-permitting/view-wr-pend-apps](https://www.tceq.texas.gov/permitting/water_rights/wr-permitting/view-wr-pend-apps). Alternatively, you may request a copy of the documents by contacting the TCEQ Office of the Chief Clerk by phone at (512) 239-3300 or by mail at TCEQ OCC, Notice Team (MC-105), P.O. Box 13087, Austin, Texas 78711.

Written public comments and requests for a public meeting should be submitted to the Office of Chief Clerk, at the address provided in the information section below, by July 28, 2023. A public meeting is intended for the taking of public comment, and is not a contested case hearing. A public meeting will be held if the Executive Director determines that there is a significant degree of public interest in the application.

The TCEQ may grant a contested case hearing on this application if a written hearing request is filed by July 28, 2023. The Executive Director may approve the application unless a written request for a contested case hearing is filed by July 28, 2023.

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) applicant's name and permit number; (3) the statement "[I/we] request a contested case hearing;" (4) a brief and specific description of how you would be affected by the application in a way not common to the general public; and (5) the location and distance of your property relative to the proposed activity. You may also submit proposed conditions for the requested permit which would satisfy your concerns. 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.

If a hearing request is filed, the Executive Director will not issue the permit and will forward the application and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

Written hearing requests, public comments, or requests for a public meeting should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087 or electronically at <https://www14.tceq.texas.gov/epic/eComment/> by entering WRTP 13885 in the search field. 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 Public Education Program at (800) 687-4040. General information regarding the TCEQ can be found at our web site at

[www.tceq.texas.gov](http://www.tceq.texas.gov). Si desea información en español, puede llamar al (800) 687-4040 o por el internet al <http://www.tceq.texas.gov>.

TRD-202302502

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: July 12, 2023



### Notice of Application and Public Hearing for an Air Quality Standard Permit for a Concrete Batch Plant with Enhanced Controls Proposed Air Quality Registration Number 173083

**APPLICATION.** TPG Pressure Inc, 800 County Road 209, Alvarado, Texas 76009-8028 has applied to the Texas Commission on Environmental Quality (TCEQ) for an Air Quality Standard Permit for a Concrete Batch Plant with Enhanced Controls Registration Number 173083 to authorize the operation of a concrete batch plant. The facility is proposed to be located at 5150 Jefferson Chemical Road, Conroe, Montgomery County, Texas 77301. This link to an electronic map of the site or facility's general location is provided as a public courtesy and not part of the application or notice. For exact location, refer to application. <https://gisweb.tceq.texas.gov/LocationMapper/?marker=-95.38944,30.317222&level=13>. This application was submitted to the TCEQ on June 12, 2023. The primary function of this plant is to manufacture concrete by mixing materials including (but not limited to) sand, aggregate, cement and water. The executive director has determined the application was technically complete on July 7, 2023.

**PUBLIC COMMENT / PUBLIC HEARING.** Public written comments about this application may be submitted at any time during the public comment period. The public comment period begins on the first date notice is published and extends to the close of the public hearing. Public comments may be submitted either in writing to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC-105, P.O. Box 13087, Austin, Texas 78711-3087, or electronically at [www14.tceq.texas.gov/epic/eComment/](http://www14.tceq.texas.gov/epic/eComment/). Please be aware that any contact information you provide, including your name, phone number, email address and physical address will become part of the agency's public record.

A public hearing has been scheduled, that will consist of two parts, an informal discussion period and a formal comment period. During the informal discussion period, the public is encouraged to ask questions of the applicant and TCEQ staff concerning the application, but comments made during the informal period will not be considered by the executive director before reaching a decision on the permit, and no formal response will be made to the informal comments. During the formal comment period, members of the public may state their comments into the official record. **Written comments about this application may also be submitted at any time during the hearing.** The purpose of a public hearing is to provide the opportunity to submit written comments or an oral statement about the application. **The public hearing is not an evidentiary proceeding.**

**The Public Hearing is to be held:**

**Monday, August 28, 2023, at 6:00 p.m.**

**The Lone Star Convention & Expo Center (San Jacinto #1 Room)  
9055 Airport Road  
Conroe, Texas 77303**

**RESPONSE TO COMMENTS.** A written response to all formal comments will be prepared by the executive director after the comment period closes. The response, along with the executive director's decision on the application, will be mailed to everyone who submitted public comments and the response to comments will be posted in the permit file for viewing.

The executive director shall approve or deny the application not later than 35 days after the date of the public hearing, considering all comments received within the comment period, and base this decision on whether the application meets the requirements of the standard permit.

**CENTRAL/REGIONAL OFFICE.** The application will be available for viewing and copying at the TCEQ Central Office and the TCEQ Houston Regional Office, located at 5425 Polk Street, Suite H, Houston, Texas 77023-1452, during the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, beginning the first day of publication of this notice.

**INFORMATION. If you need more information about this permit application or the permitting process, please call the Public Education Program toll free at (800) 687-4040. Si desea información en español, puede llamar al (800) 687-4040.**

Further information may also be obtained from TPG Pressure, Inc., 800 County Road 209, Alvarado, Texas 76009-8028, or by calling Mr. Kenny Schappert, Vice President, Thompson Pipe Group, at (469) 313-2472.

Notice Issuance Date: July 7, 2023

TRD-202302504

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: July 12, 2023



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

In the May 19, 2023, issue of the *Texas Register* (48 TexReg 2609), the Texas Commission on Environmental Quality (commission) published notice of a Shutdown/Default Order, specifically Item Number 1, for SABIR, INC. dba Stop N Drive 7; Docket Number 2021-0796-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-202302456

Gitanjali Yadav

Deputy Director, Litigation

Texas Commission on Environmental Quality

Filed: July 6, 2023



#### Notice of District Petition

Notice issued July 12, 2023

TCEQ Internal Control No. D-04252023-034; Ellison Collections, LLC, a Texas limited liability company (Petitioner) filed a petition for creation of Montgomery County Municipal Utility District No. 238 (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, Austin Bank, 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 87.662 acres of land located within Montgomery County, Texas; and (4) none of the land to be included within the proposed District is within the corporate limits or extraterritorial jurisdiction of any city. The petition further states that the work proposed to be done by the District at the present time is the construction, acquisition, improvement, extension, maintenance and operation of works, improvements, facilities, plants, equipment and appliances helpful or necessary to provide more adequate drainage for the District, and to control, abate and amend local storm waters or other harmful excesses of waters, all as more particularly described in an engineer's report filed simultaneously with the filing of this petition, and such other purchase, construction, acquisition, improvement, maintenance and operation of such additional facilities, systems, plants and enterprises, and road facilities and park and recreational facilities, as shall be consistent with all the purposes for which the District is created (the "Project"). Petitioner represents that Texas Water Utilities L.P., based in Houston, Texas, shall construct, acquire, own, operate, maintain, and improve as necessary the water supply system and wastewater treatment system to meet the demands of the District. Petitioner further represents that Texas Water Utilities L.P. has obligated itself to construct, acquire, own, operate, maintain, and improve as necessary the water supply system and wastewater treatment system by contract with the Petitioner. The District, at the present time, has no plans to purchase, construct, acquire, maintain, own, operate, repair, improve or extend a waterworks and sanitary sewer system for residential and commercial purposes, but shall reserve such ability should it need to do so in the future to meet demands of the District, including at such times when the District may expand its territory and potential residential and/or commercial customers. 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 \$22,200,000 (including \$9,200,000 for water, wastewater, and drainage plus \$12,100,000 for roads and \$900,000 for recreational 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 re-

quest 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-202302506

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: July 12, 2023



### Notice of Opportunity to Comment on a Shutdown/Default Order of an Administrative Enforcement Action

The Texas Commission on Environmental Quality (TCEQ or commission) staff is providing an opportunity for written public comment on the listed Shutdown/Default Order (S/DO). Texas Water Code (TWC), §26.3475, authorizes the commission to order the shutdown of any underground storage tank (UST) system found to be noncompliant with release detection, spill and overflow prevention, and/or, after December 22, 1998, cathodic protection regulations of the commission, until such time as the owner/operator brings the UST system into compliance with those regulations. The commission proposes a Shutdown Order after the owner or operator of a UST facility fails to perform required corrective actions within 30 days after receiving notice of the release detection, spill, and overflow prevention, and/or after December 22, 1998, cathodic protection violations documented at the facility. The commission proposes a Default Order when the staff has sent an 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. In accordance with 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 **August 21, 2023**. The commission will consider any written comments received and the commission may withdraw or withhold approval of an S/DO if a comment discloses facts or considerations that indicate that consent to the proposed S/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 S/DO is not required to be published if those changes are made in response to written comments.

A copy of the proposed S/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 S/DO shall be sent to the attorney designated for the S/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 August 21, 2023**. The commission's attorney is available to discuss the S/DO and/or the

comment procedure at the listed phone number; however, comments on the S/DO shall be submitted to the commission in **writing**.

(1) COMPANY: Sheri Chapman; DOCKET NUMBER: 2022-0116-PST-E; TCEQ ID NUMBER: RN102241619; LOCATION: 18162 Gholson Road, Waco, McLennan County; TYPE OF FACILITY: out-of-service UST system; RULES VIOLATED: TWC, §26.3475(d) and 30 TAC §334.49(a)(2) and §334.54(b)(3), by failing to provide corrosion protection for the out-of-service UST system; and 30 TAC §37.867(a), by failing to empty the UST system within 90 days after financial assurance coverage terminates; PENALTY: \$3,937; STAFF ATTORNEY: William Hogan, Litigation, MC 175, (512) 239-5918; REGIONAL OFFICE: Waco Regional Office, 6801 Sanger Avenue, Suite 2500, Waco, Texas 76710-7826, (254) 751-0335.

TRD-202302453

Gitanjali Yadav

Deputy Director, Litigation

Texas Commission on Environmental Quality

Filed: July 6, 2023



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

The Texas Commission on Environmental Quality (TCEQ, agency, 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 **August 21, 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 August 21, 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: CIRCLE K STORES INC. dba Circle K Store 2704686 and dba Circle K Store 2704676; DOCKET NUMBER: 2019-1448-PST-E; TCEQ ID NUMBERS: RN101992360 and RN105829030; LOCATIONS: 6107 West Parmer Lane, Austin, Travis County (Facility 1 - Circle K Store 2704686) and 3817 Williams Drive, Georgetown, Williamson County (Facility 2 - Circle K Store 2704676); TYPE OF FACILITY: underground storage tank (UST) systems and convenience stores with retail sales of gasoline; RULES VIOLATED: 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 (Facility 1); TWC, §26.3475(c)(2) and 30 TAC §334.51(a)(6), by failing to assure that all installed spill and overflow prevention devices are maintained in good operating condition (Facility 1); TWC, §26.3475(d) and 30 TAC §334.49(b)(2), by failing to maintain all components of a UST system electrically isolated from the corrosive elements of the surrounding soil, backfill, groundwater or any other water, and from other metallic components (Facility 1); 30 TAC §334.7(d)(1)(F) and (3), by failing to provide written notice of any change or additional information to the agency regarding the USTs within 30 days from the date of the occurrence of the change or addition (Facility 1); and TWC, §26.3475(c)(1) and 30 TAC §334.50(b)(1)(B), by failing to monitor the USTs in a manner which will detect a release at a frequency of at least once every 30 days by using interstitial monitoring for USTs installed on or after January 1, 2009, by no later than September 1, 2018 (Facility 2); PENALTY: \$29,625; STAFF ATTORNEY: Cynthia Sirois, Litigation, MC 175, (512) 239-3392; REGIONAL OFFICE: Austin Regional Office, 12100 Park 35 Circle, Building A, Room 179, Austin, Texas 78753, (512) 339-2929.

(2) COMPANY: Ruby Hamilton Minard, Executrix of the Estate of Ralph A. Minard II and Minard II, LLC; DOCKET NUMBER: 2020-1297-PST-E; TCEQ ID NUMBER: RN111039830; LOCATION: 11640 Old Corpus Christi Highway, San Antonio, Bexar County; TYPE OF FACILITY: unregistered underground storage tank (UST) system; RULES VIOLATED: 30 TAC §334.7(a)(1), by failing to register a UST in existence on or after September 1, 1987, with the agency on authorized agency forms; 30 TAC §334.47(a)(2), by failing to permanently remove from service, no later than 60 days after the prescribed implementation date, a UST system for which any applicable component of the system is not brought into timely compliance with the upgrade requirements; and 30 TAC §334.75(b), by failing to contain and immediately cleanup a spill or overflow of any petroleum substance from an UST that is less than 25 gallons; PENALTY: \$11,250; 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-202302454

Gitanjali Yadav

Deputy Director, Litigation

Texas Commission on Environmental Quality

Filed: July 6, 2023



#### Notice of Opportunity to Comment on an Agreed Order of Administrative Enforcement Actions

The Texas Commission on Environmental Quality (TCEQ, agency, or commission) staff is providing an opportunity for written public comment on the listed Agreed Order (AO) in accordance with Texas Water Code (TWC), §7.075. TWC, §7.075, requires that before the commission may approve the AO, the commission shall allow the public an opportunity to submit written comments on the proposed AO. 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 **August 21, 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 August 21, 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: Nortex RediMix, LLC; DOCKET NUMBER: 2021-1029-AIR-E; TCEQ ID NUMBER: RN109942433; LOCATION: 10850 Luna Road, Dallas, Dallas County; TYPE OF FACILITY: concrete batch plant; RULES VIOLATED: Texas Health and Safety Code, §382.085(b), 30 TAC §116.115(b)(2)(E) and (c) and §116.615(8), and Standard Permit Registration Number 148415, Amendments to the Air Quality Standard Permit for Concrete Batch Plants, Special Conditions Number (3)(J), by failing to maintain written records sufficient to demonstrate applicability of and compliance with the standard permit; PENALTY: \$27,500; STAFF ATTORNEY: Katherine Keithley, Litigation, MC 175, (512) 239-0620; REGIONAL OFFICE: Dallas-Fort Worth Regional Office, 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

TRD-202302483

Gitanjali Yadav

Deputy Director, Litigation

Texas Commission on Environmental Quality

Filed: July 11, 2023



#### Notice of Opportunity to Comment on Default 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 Default Orders (DOs). 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 **August 21, 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 each 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 August 21, 2023**. The commission's attorneys are available to discuss the DOs and/or the comment procedure at the listed phone numbers; however, TWC, §7.075, provides that comments on the DO shall be submitted to the commission **in writing**.

(1) COMPANY: Dolores Luke dba Little Big Horn Services; DOCKET NUMBER: 2022-0412-MLM-E; TCEQ ID NUMBER: RN101228740; LOCATION: 9700 Little Big Horn Drive near Silsbee, Hardin County; TYPE OF FACILITY: public water system (PWS); RULES VIOLATED: 30 TAC §290.46(m)(4), by failing to maintain all water treatment units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances in a watertight condition and free of excessive solids; 30 TAC §290.46(f)(2) and (3)(A)(i)(III), by failing to maintain water works operation and maintenance records and make them readily available for review by the executive director (ED) upon request; 30 TAC §290.46(p)(2), by failing to provide the ED with a list of all the operators and operating companies that the PWS uses on an annual basis; Texas Health and Safety Code, §341.0351 and 30 TAC §290.39(j), by failing to notify the ED prior to making any significant change or addition to the system's production, treatment, storage, pressure maintenance, or distribution facilities; 30 TAC §290.42(j), by failing to use an approved chemical or media for the disinfection of potable water that conforms to American National Standards Institute/National Sanitation Foundation Standard 60 for Drinking Water Treatment Chemicals; 30 TAC §290.42(l), by failing to maintain a thorough and up-to-date plant operations manual for operator review and reference; 30 TAC §290.46(m), by failing to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment; and 30 TAC §288.20(c), by failing to review and update, as appropriate, the drought contingency plan at least every five years; PENALTY: \$1,491; STAFF ATTORNEY: Casey Kurnath, Litigation, MC 175, (512) 239-5932; REGIONAL OFFICE: Beaumont Regional Office, 3870 Eastex Freeway, Beaumont, Texas 77703-1830, (409) 898-3838.

(2) COMPANY: Wing Dingers Texas LLC. and Christopher R. Fischer; DOCKET NUMBER: 2021-0200-PWS-E; TCEQ ID NUMBER: RN108926569; LOCATION: 700 Northwest Loop 564, Mineola, Wood County; TYPE OF FACILITY: public water system (PWS); RULES VIOLATED: Texas Health and Safety Code, §341.035(a) and 30 TAC §290.39(e)(1) and (h)(1), by failing to submit plans and specifications to the executive director for review and approval prior to the construction of a new PWS; PENALTY: \$250; STAFF ATTORNEY: Clayton Smith, Litigation, MC 175, (512) 239-6224; REGIONAL OFFICE: Tyler Regional Office, 2916 Teague Drive, Tyler, Texas 75701-3734, (903) 535-5100.

TRD-202302455

Gitanjali Yadav

Deputy Director, Litigation

Texas Commission on Environmental Quality

Filed: July 6, 2023



Notice of Opportunity to Comment on Default 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 Default Orders (DOs). 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 **August 21, 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 each 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 August 21, 2023**. The commission's attorneys are available to discuss the DOs and/or the comment procedure at the listed phone numbers; however, TWC, §7.075, provides that comments on the DO shall be submitted to the commission **in writing**.

(1) COMPANY: SRC Water Supply Inc; DOCKET NUMBER: 2022-1259-UTL-E; TCEQ ID NUMBER: RN104443734; LOCATION: 1785 Limestone County Road 822 near Groesbeck, Limestone County; TYPE OF FACILITY: retail public utility, exempt utility, or provider or conveyor of potable or raw water service; RULE VIOLATED: TWC, §13.1394(b)(2), by failing to adopt and submit to TCEQ for approval an emergency preparedness plan that demonstrates the Utility's ability to provide emergency operations; PENALTY: \$510; STAFF ATTORNEY: Megan L. Grace, Litigation, MC 175, (512) 239-3334; REGIONAL OFFICE: Waco Regional Office, 6801 Sanger Avenue, Suite 2500, Waco, Texas 76710-7826, (254) 751-0335.

(2) COMPANY: SRC Water Supply Inc; DOCKET NUMBER: 2022-1266-UTL-E; TCEQ ID NUMBER: RN105600639; LOCATION: approximately 50 yards north of the intersection of County Road 160 and County Road 162 near San Diego, Jim Wells County; TYPE OF FACILITY: retail public utility, exempt utility, or provider or conveyor of potable or raw water service; RULE VIOLATED: TWC, §13.1394(b)(2), by failing to adopt and submit to TCEQ for approval an emergency preparedness plan that demonstrates the Utility's ability to provide emergency operations; PENALTY: \$650; STAFF ATTORNEY: Megan L. Grace, Litigation, MC 175, (512) 239-3334; REGIONAL OFFICE: Corpus Christi Regional Office, 500 North Shoreline Boulevard, Suite 500, Corpus Christi, Texas 78401-0318, (361) 881-6900.

(3) COMPANY: SRC Water Supply Inc; DOCKET NUMBER: 2022-1277-UTL-E; TCEQ ID NUMBER: RN101225753; LOCATION: 0.8 miles south of the intersection of Wolf Lane and State Highway 6 near

Valley Mills, McLennan County; TYPE OF FACILITY: retail public utility, exempt utility, or provider or conveyor of potable or raw water service; RULE VIOLATED: TWC, §13.1394(b)(2), by failing to adopt and submit to TCEQ for approval an emergency preparedness plan that demonstrates the Utility's ability to provide emergency operations; PENALTY: \$610; STAFF ATTORNEY: Megan L. Grace, Litigation, MC 175, (512) 239-3334; REGIONAL OFFICE: Waco Regional Office, 6801 Sanger Avenue, Suite 2500, Waco, Texas 76710-7826, (254) 751-0335.

(4) COMPANY: SRC Water Supply Inc; DOCKET NUMBER: 2022-1328-UTL-E; TCEQ ID NUMBER: RN102691243; LOCATION: 47 Pine Drive North, New Waverly, Walker County; TYPE OF FACILITY: retail public utility, exempt utility, or provider or conveyor of potable or raw water service; RULE VIOLATED: TWC, §13.1394(b)(2), by failing to adopt and submit to TCEQ for approval an emergency preparedness plan that demonstrates the Utility's ability to provide emergency operations; PENALTY: \$560; STAFF ATTORNEY: Megan L. Grace, Litigation, MC 175, (512) 239-3334; REGIONAL OFFICE: Houston Regional Office, 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(5) COMPANY: SRC Water Supply Inc; DOCKET NUMBER: 2022-1329-UTL-E; TCEQ ID NUMBER: RN102691995; LOCATION: 0.02 miles north of the intersection of Tara Park Drive and Porter Road, Hempstead, Waller County; TYPE OF FACILITY: retail public utility, exempt utility, or provider or conveyor of potable or raw water service; RULE VIOLATED: TWC, §13.1394(b)(2), by failing to adopt and submit to TCEQ for approval an emergency preparedness plan that demonstrates the Utility's ability to provide emergency operations; PENALTY: \$560; STAFF ATTORNEY: Megan L. Grace, Litigation, MC 175, (512) 239-3334; REGIONAL OFFICE: Houston Regional Office, 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(6) COMPANY: SRC Water Supply Inc; DOCKET NUMBER: 2022-1332-UTL-E; TCEQ ID NUMBER: RN105878870; LOCATION: 774 County Road 2050, Center, Shelby County; TYPE OF FACILITY: retail public utility, exempt utility, or provider or conveyor of potable or raw water service; RULE VIOLATED: TWC, §13.1394(b)(2), by failing to adopt and submit to TCEQ for approval an emergency preparedness plan that demonstrates the Utility's ability to provide emergency operations; PENALTY: \$640; STAFF ATTORNEY: Megan L. Grace, Litigation, MC 175, (512) 239-3334; REGIONAL OFFICE: Beaumont Regional Office, 3870 Eastex Freeway, Beaumont, Texas 77703-1830, (409) 898-3838.

(7) COMPANY: Waynette Pollock Brasuell a/k/a Waynette Isaacks; DOCKET NUMBER: 2022-0086-PST-E; TCEQ ID NUMBER: RN101785632; LOCATION: approximately 343 feet northwest of the intersection of Main Street and Farm-to-Market Road 1745, Chester, Tyler County; TYPE OF FACILITY: real property and an underground storage tank (UST) system; RULE VIOLATED: 30 TAC §334.47(a)(2), by failing to permanently remove from service, no later than 60 days after the prescribed upgrade implementation date, a UST system for which any applicable components of the system is not brought into timely compliance with upgrade requirements; PENALTY: \$3,750; STAFF ATTORNEY: Katherine Keithley, Litigation, MC 175, (512) 239-0620; REGIONAL OFFICE: Beaumont Regional Office, 3870 Eastex Freeway, Beaumont, Texas 77703-1830, (409) 898-3838.

TRD-202302484

Gitanjali Yadav  
Deputy Director, Litigation  
Texas Commission on Environmental Quality  
Filed: July 11, 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 June 25, 2023 to July 7, 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, July 14, 2023. The public comment period for this project will close at 5:00 p.m. on Sunday, August 13, 2023.

**FEDERAL AGENCY ACTIONS:**

**Applicant:** Pelican Pointe Properties, LLC

**Location:** The project site is located in Oyster Creek, at 818 CR 792, in Oyster Creek, Brazoria County, Texas.

**Latitude and Longitude:** 29.010585, -95.316803

**Project Description:** The applicant proposes mechanically excavating approximately 4,490 cubic yards (CY) of uplands and 65 CY of open water to extend a residential canal off Oyster Creek. The applicant proposes to discharge the material onto a 1.84-acre immediately adjacent upland placement area. The applicant also proposes to install 3,240 linear feet of bulkhead within the extended canal and surrounding the existing peninsula. Approximately 595 CY of material will be placed below the High Tide Line (HTL) of Oyster Creek and 7,667 CY of material will be placed above the HTL for lot grading to support future residential infrastructure including concrete roads, private water systems, and electrical distribution lines. A total of 0.086 acres of special aquatic sites will be filled as a result of this project.

The applicant has stated that they have avoided and minimized the environmental impacts by keeping the total quantity of special aquatic sites filled to less than 0.1 acre. The project has also been sited, designed, and will be constructed to the greatest extent practicable to avoid and otherwise minimize potential for adverse effects from: construction and maintenance of other development associated with the facility; direct release to coastal waters and critical area of pollutants from oil or hazardous substance spills or stormwater runoff; and deposition of airborne pollutants in coastal waters and critical areas. Mitigation has not been proposed for this project.

**Type of Application:** U.S. Army Corps of Engineers permit application # SWG-2023-00029. 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:** 23-1310-F1

**Applicant:** City of Port Aransas

**Location:** The project site is located in wetlands and open water adjacent to Corpus Christi Bay, at a point near 1002 TX-361, in Port Aransas, Nueces County, Texas.

**Latitude and Longitude:** 27.826752, -97.070084

**Project Description:** The applicant proposes to mechanically excavate a total of 1,333 cubic yards of material to create a drainage channel, Outfall 12B, that is at a maximum of 62-foot-wide at the top, 28-foot-wide at the bottom, and 3-foot deep. The excavation will temporarily impact a total of 0.92 acre and permanently impact a total of 0.41 acre of estuarine intertidal marsh and open water.

The applicant has stated that they have avoided and minimized the environmental impacts by operating from uplands to the greatest extent possible and accessing the project location with all machinery and equipment from construction access route located perpendicular to State Highway 361 (Alister Street). The applicant also stated they will utilize best management practices such as silt fencing or curtains during construction to minimize impacts to temporarily disturbed areas and reduce stormwater runoff of disturbed soils into avoided areas. The applicant stated the machinery will operate on timber matting within wetland areas and disturbed areas will be restored to pre-construction contours and allowed to revegetated naturally.

The applicant proposed to mitigate for impacts occurring from this Outfall 12B project and the Outfall 3 project, SWG-2023-00181, at the same permittee responsible tract. The permittee responsible tract is located at a point, 27.865966° North, 097.341019° West, which is 1.2 miles southwest of Portland, Texas situated adjacent to Nueces Bay, in the North Corpus Christi Bay watershed (HUC 12110201). The location of the permittee responsible tract is illustrated on Pages 10-12 of the project plans.

The impacts from Outfall 3 (0.68-acre) and Outfall 12B (0.41-acre) is a total loss of 0.68 acre of estuarine intertidal marsh. The applicant proposes to restore 1 acre of smooth cordgrass marsh for the loss of estuarine marsh. To protect the plant community and project site from off-road vehicle trespass, bollards will be installed at 30-foot intervals along the boundary line. The applicant stated that the 0.25 acre of excavation within the existing open water canals or ditches is not proposed for mitigation as no loss of function would occur.

**Type of Application:** U.S. Army Corps of Engineers permit application # SWG-2023-00179. 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:** 23-1311-F1

**Applicant:** Houston Audubon Society

**Location:** The project site is located in the Gulf of Mexico, approximately 1.4 miles south of the intersection of Texas State Highway 87 and Rettilon Road, in Port Bolivar, Galveston County, Texas.

**Latitude and Longitude:** 29.37212, -94.72784

**Project Description:** The applicant proposes to modify Department of the Army (DA) Permit SWG-1993-00438 to reconstruct and extend a vehicular barrier for the protection of a wildlife sanctuary. This barrier will consist of wooden pilings spaced 2-3 feet apart and extending from the mean higher high-water line to 100 yards seaward of the mean higher high-water line of the Gulf Mexico. The pilings will be installed via water jetting and hammer pile driving. The pilings will be 8-10 inches in diameter and placed 8 to 10 feet deep.

The applicant has stated that they have avoided and minimized the environmental impacts by designing the project that would not adversely affect critical habitat. The applicant has not proposed any compensatory mitigation.

**Type of Application:** U.S. Army Corps of Engineers permit application # SWG-1993-00438. This application will be reviewed pursuant to Section 10 of the Rivers and Harbors Act of 1899.

**CMP Project No:** 23-1313-F1

**Applicant:** Port of Beaumont Navigation District

**Location:** The project site is located in the Sabine-Neches Waterway, at 1225 Main Street, in Beaumont, Jefferson County, Texas.

**Latitude and Longitude:** 30.075713, -94.085002

**Project Description:** The applicant proposes to install 4 new monopiles with tire fenders and a new pile support relieving platform in the Sabine-Neches Waterway immediately adjacent to a loading dock. This is a modification to a previously authorized permit.

The applicant has stated that the project will not interfere with navigation, natural coastal processes, and avoids/minimizes shading. Due to the size and scope of the project, there is little potential to affect resources. No mitigation is proposed.

**Type of Application:** U.S. Army Corps of Engineers permit application # SWG- 997-01754. This application will be reviewed pursuant to Section 10 of the Rivers and Harbors Act of 1899.

**CMP Project No:** 23-1314-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-202302493

Mark Havens

Chief Clerk, Deputy Land Commissioner

General Land Office

Filed: July 12, 2023

## Texas Health and Human Services Commission

### Public Notice - Amendment of the Texas Healthcare Transformation and Quality Improvement Program (THTQIP) Waiver

In response to the public health emergency (PHE) resulting from COVID-19 which ended in May 2023, the Texas Health and Human Services Commission (HHSC) submitted a request to the Centers for Medicare & Medicaid Services (CMS) for an amendment to the Texas Healthcare Transformation and Quality Improvement Program (THTQIP) waiver administered under section 1115 of the Social Security Act. The request was submitted on April 5, 2023, through an Appendix K. HHSC submitted the amendment to comply with federal documentation requirements and close out remaining flexibilities implemented during the PHE. The proposed effective date for this amendment is March 13, 2020. The proposed end date is August 31, 2023.

HHSC requested approval to implement retroactively the following changes to the THTQIP Special Term and Condition (STC) 28 (b)(i)(1),



Interest List for STAR+PLUS 217-Like Home and Community-Based Services (HCBS) Group.

#### Proposed Changes

This amendment requested flexibility regarding STAR+PLUS HCBS members with Medical Assistance Only (MAO) (described as 217-Like in the THTQIP 1115 waiver) who left a nursing facility without community eligibility (STAR+PLUS HCBS) in place due to concerns about COVID-19 or in accordance with local orders during the early stages of the PHE. These MAO members were allowed to bypass the interest list and apply for STAR+PLUS HCBS.

The Appendix K may be utilized by the state during emergency situations to request an amendment to its approved 1115 waiver and may be completed retroactively as needed by the state.

Pursuant to 42 CFR §431.416(g), CMS determined the existence of unforeseen circumstances resulting from the COVID-19 PHE warrants an exception to the normal state and federal public notice procedures to expedite a decision on proposed COVID-19 section 1115 Appendix K amendments. Therefore, the public notice requirements normally applicable do not apply to this COVID-19 section 1115 Appendix K amendment.

An individual may obtain a free copy of the proposed waiver amendment, ask questions, or obtain additional information regarding this amendment by contacting Julyya Alvarez by U.S. mail, telephone, fax, or email. The addresses are as follows:

#### U.S. Mail

Texas Health and Human Services Commission

Attention: Julyya Alvarez, Waiver Coordinator

701 W. 51st Street

Mail Code: H310

Austin, Texas 78751

Email TX\_Medicaid\_Waivers@hhsc.state.tx.us.

Telephone (512) 438-4330

Fax (512) 323-1905

TRD-202302488

Karen Ray

Chief Counsel

Texas Health and Human Services Commission

Filed: July 11, 2023



#### Public Notice - Texas State Plan for Medical Assistance Amendment

The Texas Health and Human Services Commission (HHSC) announces its intent to submit amendments to the Texas State Plan for Medical Assistance, under Title XIX of the Social Security Act. The proposed amendments will be effective September 1, 2023.

The purpose of the amendments is to update the fee schedules in the current state plan by adjusting fees, rates, or charges for the following services:

Ambulance Services;

Early and Periodic Screening, Diagnosis, and Treatment Services (EPSDT);

Home Health Services; and

Physicians and Other Practitioners.

The proposed amendment is estimated to result in an annual aggregate expenditure of \$303,485 for federal fiscal year (FFY) 2023, consisting of \$189,284 in federal funds and \$114,201 in state general revenue. For FFY 2024, the estimated annual aggregate expenditure is \$3,603,160 consisting of \$2,180,993 in federal funds and \$1,422,167 in state general revenue. For FFY 2025, the estimated annual aggregate expenditure is \$3,564,968 consisting of \$2,144,328 in federal funds and \$1,420,640 in state general revenue. These modifications are to comply with House Bill 1 (H.B.1) Riders 31(a), 31(b), 33, and 34, 88th Legislature, Regular Session 2023.

Further detail on specific reimbursement rates and percentage changes will be made available on the HHSC Provider Finance website under the proposed effective date at: <https://pfd.hhs.texas.gov/rate-packets>.

#### Rate Hearing.

A Rate Hearing was conducted in person and online on July 11, 2023. Information about the proposed rate changes and hearings were published in the June 23, 2023, issue of the *Texas Register* (48 TexReg 3428-3429). Additional information and the notice of hearings can be found at <https://www.sos.state.tx.us/texreg/index.shtml>. Archived recordings of the hearings will be found at <https://www.hhs.texas.gov/about/meetings-events>.

#### 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 Policy Advisor, by mail at the Health and Human Services Commission, P.O. Box 13247, Mail Code H-600, Austin, Texas 78711; by telephone at (512) 487-3349; by facsimile at (512) 730-7472; or by e-mail at [Medicaid\\_Chip\\_SPA\\_Inquiries@hhsc.state.tx.us](mailto:Medicaid_Chip_SPA_Inquiries@hhsc.state.tx.us). Copies of the proposed amendment will be available for review at the local county offices of HHSC, (which were formerly the local offices of the Texas Department of Aging and Disability Services).

#### 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:

#### U.S. Mail

Texas Health and Human Services Commission

Attention: Provider Finance Department

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 Department

North Austin Complex

Mail Code H-400

4601 W. Guadalupe St.

Austin, Texas 78751

Phone number for package delivery: (512) 730-7401

Fax

Attention: Provider Finance at (512) 730-7475

Email  
PFDAcuteCare@hhs.texas.gov

Preferred Communication.

For quickest response, please use e-mail or phone, if possible, for communication with HHSC related to this state plan amendment.

TRD-202302479

Karen Ray

Chief Counsel

Texas Health and Human Services Commission

Filed: July 10, 2023



## Texas Higher Education Coordinating Board

### Meeting of Negotiated Rulemaking Committee on Research Funds Implementation (HB 1595)

Date of Meeting: August 3, 2023

Start Time of Meeting: 09:30 A.M.

Location: Meeting will be held via video conference. A link to the video conference will be available at <https://www.highered.texas.gov/>

Additional Information Obtained From: Laurie Frederick, Convener, (512) 427-6446, [Laurie.Frederick@highered.texas.gov](mailto:Laurie.Frederick@highered.texas.gov)

Agenda:

1. Introductions
2. Brief Overview of the Negotiated Rulemaking Process: What it is, What it's not
3. Brief Overview of Roles and Responsibilities
  - a) Role of Facilitator
  - b) Role of Sponsor Agency
  - c) Role of Committee Members
4. Consideration and Possible Action to Approve Facilitator
5. Procedural Issues
  - a) Consideration and Possible Action to Approve Ground Rules
  - b) Consideration and Possible Action to Approve Definition of Consensus
6. Discussion of Draft Rule Language on Research Funds Implementation (HB 1595)
7. Consideration and Possible Action to Approve Proposed Rule Language on Research Funds Implementation (HB 1595)

Individuals who may require auxiliary aids or services for this meeting should contact Glenn Tramel, ADA Coordinator, at (512) 427-6193 at least five days before the meeting so that appropriate arrangements can be made.

All persons requesting to address the Committee regarding an item on this agenda should do so in writing at least 24 hours before the start of the meeting at [Laurie.Frederick@highered.texas.gov](mailto:Laurie.Frederick@highered.texas.gov). A toll-free telephone number, free-of-charge video conference link, or other means will be provided by which to do so.

TRD-202302508

Nichole Bunker-Henderson  
General Counsel  
Texas Higher Education Coordinating Board  
Filed: July 12, 2023



### Meeting of Negotiated Rulemaking Committee on Texas Educational Opportunity Grant

Date of Meeting: August 2, 2023

Start Time of Meeting: 09:30 A.M.

Location: Meeting will be held via video conference. A link to the video conference will be available at <https://www.highered.texas.gov/>

Additional Information Obtained From: Laurie Frederick, Convener, (512) 427-6446, [Laurie.Frederick@highered.texas.gov](mailto:Laurie.Frederick@highered.texas.gov)

Agenda:

1. Introductions
2. Brief Overview of the Negotiated Rulemaking Process: What it is, What it's not
3. Brief Overview of Roles and Responsibilities
  - a) Role of Facilitator
  - b) Role of Sponsor Agency
  - c) Role of Committee Members
4. Consideration and Possible Action to Approve Facilitator
5. Procedural Issues
  - a) Consideration and Possible Action to Approve Ground Rules
  - b) Consideration and Possible Action to Approve Definition of Consensus
6. Discussion of Draft Rule Language on Texas Educational Opportunity Grant
7. Consideration and Possible Action to Approve Proposed Rule Language on Texas Educational Opportunity Grant

Individuals who may require auxiliary aids or services for this meeting should contact Glenn Tramel, ADA Coordinator, at (512) 427-6193 at least five days before the meeting so that appropriate arrangements can be made.

All persons requesting to address the Committee regarding an item on this agenda should do so in writing at least 24 hours before the start of the meeting at [Laurie.Frederick@highered.texas.gov](mailto:Laurie.Frederick@highered.texas.gov). A toll-free telephone number, free-of-charge video conference link, or other means will be provided by which to do so.

TRD-202302507  
Nichole Bunker-Henderson  
General Counsel  
Texas Higher Education Coordinating Board  
Filed: July 12, 2023



## Texas Department of Insurance

### Company Licensing

Application to do business in Texas for XLNT Insurance Company, a foreign fire and/or casualty company. The home office is in Derry, New Hampshire.

Application for Community Health Choice Texas, Inc., a domestic Health Maintenance Organization (HMO), DBA (doing business as) Community Health Choice. The home office is in Houston, 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-202302501

Justin Beam

Chief Clerk

Texas Department of Insurance

Filed: July 12, 2023



## **Texas Lottery Commission**

Scratch Ticket Game Number 2501 "HOUSTON TEXANS"

1.0 Name and Style of Scratch Ticket Game.

A. The name of Scratch Ticket Game No. 2501 is "HOUSTON TEXANS". The play style is "key number match".

1.1 Price of Scratch Ticket Game.

A. Tickets for Scratch Ticket Game No. 2501 shall be \$5.00 per Scratch Ticket.

1.2 Definitions in Scratch Ticket Game No. 2501.

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, FOOTBALL SYMBOL, GOALPOST SYMBOL, \$5.00, \$10.00, \$20.00, \$50.00, \$100, \$500, \$5,000 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. 2501 - 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	TWV

26	TWSX
27	TWSV
28	TWET
29	TWNI
30	TRTY
31	TRON
32	TRTO
33	TRTH
34	TRFR
35	TRFV
36	TRSX
37	TRSV
38	TRET
39	TRNI
40	FRTY
FOOTBALL SYMBOL	WIN\$
GOALPOST SYMBOL	WINX5
\$5.00	FIV\$
\$10.00	TEN\$
\$20.00	TWY\$
\$50.00	FFTY\$
\$100	ONHN
\$500	FVHN
\$5,000	FVTH
\$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 (2501), 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: 2501-0000001-001.

H. Pack - A Pack of "HOUSTON TEXANS" Scratch Ticket Game contains 075 Scratch Tickets, packed in plastic shrink-wrapping and fan-folded in pages of one (1). The Packs will alternate. One will show the front of Ticket 001 and back of 075 while the other fold will show the back of Ticket 001 and front of 075.

I. Non-Winning 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 - A Texas Lottery "HOUSTON TEXANS" Scratch Ticket Game No. 2501.

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 "HOUSTON TEXANS" Scratch Ticket Game is determined once the latex on the Scratch Ticket is scratched off to expose forty-five (45) 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 "FOOTBALL" Play Symbol, the player wins the prize for that symbol instantly. If the player reveals a "GOALPOST" 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 forty-five (45) 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 forty-five (45) 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 forty-five (45) Play Symbols must be exactly one of those described in Section 1.2.C of these Game Procedures;

17. Each of the forty-five (45) 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. GENERAL: The top Prize Symbol will appear on every Ticket, unless restricted by other parameters, play action or prize structure.

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

C. KEY NUMBER MATCH: No prize amount in a non-winning spot will correspond with the YOUR NUMBERS Play Symbol (i.e., 05 and \$5).

D. KEY NUMBER MATCH: There will be no matching non-winning YOUR NUMBERS Play Symbols on a Ticket.

E. KEY NUMBER MATCH: There will be no matching WINNING NUMBERS Play Symbols on a Ticket.

F. KEY NUMBER MATCH: A non-winning Prize Symbol will never match a winning Prize Symbol.

G. KEY NUMBER MATCH: A Ticket may have up to four (4) matching non-winning Prize Symbols, unless restricted by other parameters, play action or prize structure.

H. KEY NUMBER MATCH: The "FOOTBALL" (WINS) Play Symbol may appear multiple times on winning Tickets, unless restricted by other parameters, play action or prize structure.

I. KEY NUMBER MATCH: The "GOALPOST" (WINX5) Play Symbol will only appear on winning Tickets, as dictated by the prize structure.

J. KEY NUMBER MATCH: The "FOOTBALL" (WINS) and "GOALPOST" (WINX5) Play Symbols can appear together on the same Ticket.

### 2.3 Procedure for Claiming Prizes.

A. To claim a "HOUSTON TEXANS" Scratch Ticket Game prize of \$5.00, \$10.00, \$20.00, \$50.00, \$100 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 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 "HOUSTON TEXANS" Scratch Ticket Game prize of \$5,000 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 "HOUSTON TEXANS" 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.

F. If a person is indebted or owes delinquent taxes to the State, and is selected as a winner in a promotional second-chance drawing, the debt to the State must be paid within 14 days of notification or the prize will be awarded to an Alternate.

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 "HOUSTON TEXANS" 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 "HOUSTON TEXANS" 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 Game 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.

2.9 Promotional Second-Chance Drawings. Any Non-Winning "HOUSTON TEXANS" Scratch Ticket may be entered into one (1) of five (5) promotional drawings for a chance to win a promotional second-chance drawing prize. See instructions on the back of the Scratch Ticket for information on eligibility and entry requirements.

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 Ticket Prizes. There will be approximately 5,400,000 Scratch Tickets in the Scratch Ticket Game No. 2501. The approximate number and value of prizes in the game are as follows:

Figure 2: GAME NO. 2501 - 4.0

Prize Amount	Approximate Number of Winners*	Approximate Odds are 1 in **
\$5.00	576,000	9.38
\$10.00	648,000	8.33
\$20.00	144,000	37.50
\$50.00	33,750	160.00
\$100	20,655	261.44
\$500	1,133	4,766.11
\$5,000	10	540,000.00
\$100,000	4	1,350,000.00

\*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 3.79. 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. 2501 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 Game 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. 2501, 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-202302494  
 Bob Biard  
 General Counsel  
 Texas Lottery Commission  
 Filed: July 12, 2023

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**Texas Parks and Wildlife Department**  
 Notice of Proposed Real Estate Transactions  
 Acquisition of Land - Mitchell County



### **Approximately 500 Acres at Lake Colorado City State Park**

In a meeting on August 24, 2023, the Texas Parks and Wildlife Commission (the Commission) will consider authorizing the acquisition of approximately 500 acres at Lake Colorado City State Park. The public will have an opportunity to comment on the proposed transaction before the Commission takes action. The meeting will start at 9:00 a.m. at the Texas Parks and Wildlife Department Headquarters, 4200 Smith School Road, Austin, Texas 78744. Prior to the meeting, public comment may be submitted to Trey Vick, Land Conservation, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744, or by email to [trey.vick@tpwd.texas.gov](mailto:trey.vick@tpwd.texas.gov), or via the department's website at [www.tpwd.texas.gov](http://www.tpwd.texas.gov). Visit the TPWD website at [tpwd.texas.gov](http://tpwd.texas.gov) for the latest information regarding the Commission meeting.

### **Acquisition of Land - Cameron County**

#### **Approximately 42 Acres at Las Palomas Wildlife Management Area**

In a meeting on August 24, 2023, the Texas Parks and Wildlife Commission (the Commission) will consider authorizing the acquisition of approximately 42 acres at the Las Palomas Wildlife Management Area. The public will have an opportunity to comment on the proposed transaction before the Commission takes action. The meeting will start at 9:00 a.m. at the Texas Parks and Wildlife Department Headquarters, 4200 Smith School Road, Austin, Texas 78744. Prior to the meeting, public comment may be submitted to Stan David, Land Conservation, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744, or by email to [stan.david@tpwd.texas.gov](mailto:stan.david@tpwd.texas.gov), or via the department's website at [www.tpwd.texas.gov](http://www.tpwd.texas.gov). Visit the TPWD website at [tpwd.texas.gov](http://tpwd.texas.gov) for the latest information regarding the Commission meeting.

#### **Acquisition of Cultural Conservation Easement - Anderson County**

#### **Approximately 16 Acres at Big Lake Bottom WMA**

In a meeting on August 24, 2023, the Texas Parks and Wildlife Commission (the Commission) will consider authorizing the acquisition of an approximately 16-acre Cultural Conservation Easement at Big Lake Bottom WMA. The public will have an opportunity to comment on the proposed transaction before the Commission takes action. The meeting will start at 9:00 a.m. at the Texas Parks and Wildlife Department Headquarters, 4200 Smith School Road, Austin, Texas 78744. Prior to the meeting, public comment may be submitted to Stan David, Land Conservation, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744, or by email to [stan.david@tpwd.texas.gov](mailto:stan.david@tpwd.texas.gov), or via the department's website at [www.tpwd.texas.gov](http://www.tpwd.texas.gov). Visit the TPWD website at [tpwd.texas.gov](http://tpwd.texas.gov) for the latest information regarding the Commission meeting.

#### **Grant of Pipeline Easement - Jefferson County**

#### **Approximately 15.9 Acres at the J.D. Murphree Wildlife Management Area**

In a meeting on August 24, 2023, the Texas Parks and Wildlife Commission (the Commission) will consider authorizing the grant of a pipeline easement to Sempra LNG of approximately 15.9 acres at the J.D. Murphree Wildlife Management Area. The public will have an opportunity to comment on the proposed transaction before the Commission takes action. The meeting will start at 9:00 a.m. at the Texas Parks and Wildlife Department Headquarters, 4200 Smith School Road, Austin, Texas 78744. Prior to the meeting, public comment may be submitted to Jason Estrella, Land Conservation, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin,

Texas 78744, or by email to [Jason.estrella@tpwd.texas.gov](mailto:Jason.estrella@tpwd.texas.gov), or via the department's website at [www.tpwd.texas.gov](http://www.tpwd.texas.gov). Visit the TPWD website at [tpwd.texas.gov](http://tpwd.texas.gov) for the latest information regarding the Commission meeting.

### **Grant of Utility Easement - El Paso County**

#### **Approximately 1 Acre at Franklin Mountains State Park**

In a meeting on August 24, 2023, the Texas Parks and Wildlife Commission (the Commission) will consider authorizing the grant of a utility easement to El Paso Electric of approximately 1 acre at Franklin Mountains State Park. The public will have an opportunity to comment on the proposed transaction before the Commission takes action. The meeting will start at 9:00 a.m. at the Texas Parks and Wildlife Department Headquarters, 4200 Smith School Road, Austin, Texas 78744. Prior to the meeting, public comment may be submitted to Jason Estrella, Land Conservation, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744, or by email to [Jason.estrella@tpwd.texas.gov](mailto:Jason.estrella@tpwd.texas.gov), or via the department's website at [www.tpwd.texas.gov](http://www.tpwd.texas.gov). Visit the TPWD website at [tpwd.texas.gov](http://tpwd.texas.gov) for the latest information regarding the Commission meeting.

TRD-202302489

James Murphy

General Counsel

Texas Parks and Wildlife Department

Filed: July 12, 2023



## **Red River Authority of Texas**

### **Request for Statement of Qualifications for Engineering and Environmental Professional Services**

The Red River Authority of Texas (RRA) is currently soliciting Statements of Qualifications (SOQ) for selecting a pool of qualified Engineering Firms to provide Engineering Professional Services and Environmental Firms to provide Environmental Professional Services on an as-needed basis.

Firms should have a strong record in the development and implementation of water, wastewater, and asset programs, and in the implementation of environmental services, and other professional services for water resource agencies. The purpose of this program is to provide resources to assist RRA with technical issues as they arise for a five-year period beginning November 1, 2023, and ending October 31, 2028. Once the qualified pool of consultants is established and ranked, RRA will assign projects based upon the consultant's specialized expertise, experience, and availability to perform and complete the services in a timely manner at a fair and reasonable price. The selected firms will enter into engagement contracts for the task, as assigned. Such contracts will assist RRA in engineering design and regulatory services for all of RRA's operational and administrative facilities, in developing environmental program research and assessments, and in other professional or engineering services, as needed.

Additional information on the RFQ can be found at <https://www.rra.texas.gov/RFQs/RFQ-Engineering%20and%20Professional%20Services.pdf>.

Respondents must submit **one (1) electronic copy and five (5) hard copies of their Statement of Qualifications by 3:00 p.m. on Monday, August 7, 2023**. All responses should be submitted to:

Mr. Fabian Heaney, Assistant General Manager

Red River Authority of Texas

Mailing: P.O. Box 240

Wichita Falls, Texas 76307  
Physical: 3000 Hammon Road  
Wichita Falls, Texas 76310  
TRD-202302433  
Randy Whiteman  
General Manager  
Red River Authority of Texas  
Filed: July 5, 2023

*(Editor's note: In accordance with Texas Government Code, §2002.014, which permits the omission of material which is "cumbersome, expensive, or otherwise inexpedient," this order is not included in the print version of the Texas Register. The order is available in the on-line version of the July 21, 2023, issue of the Texas Register.)*

TRD-202302464  
Jaclyn Daumerie  
Rules Attorney  
Supreme Court of Texas  
Filed: July 7, 2023

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**Supreme Court of Texas**

Order Approving Revised Will Forms