

# 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.

## Texas Animal Health Commission

### Executive Director Order Declaring Quarantine for the State of Pennsylvania Due to Highly Pathogenic Avian Influenza

The Texas Animal Health Commission (the "Commission") is authorized to establish a quarantine against all or a portion of a state in which an animal disease exists to protect livestock, exotic livestock, domestic fowl, and exotic fowl in this state from the disease.

Pursuant to Texas Agriculture Code §161.054, the Commission by rule may regulate the movement of animals and may restrict the intrastate movement of animals even though the movement of the animals is unrestricted in interstate commerce. Under Texas Agriculture Code §161.061, the Commission may establish a quarantine against a state to protect livestock, exotic livestock, domestic fowl, and exotic fowl from diseases the Commission determines require control or eradication under the Commission's disease control authority under Texas Agriculture Code §161.041.

As specified in Title 4, Texas Administrative Code §45.3, the Commission is required to protect all livestock, exotic livestock, domestic fowl, and exotic fowl from avian influenza. Under Title 4, Texas Administrative Code §51.5, if the Executive Director of the Commission determines that avian influenza exists in another state and deems it necessary to protect livestock in this state, the Executive Director may establish a quarantine against all of the state. A quarantine established by the Executive Director will be acted on by the Commission at the next appropriate meeting.

Highly Pathogenic Avian Influenza (HPAI) is an influenza virus that may cause illness and death in domestic poultry, fowl, and birds. HPAI is extremely infectious, and can spread rapidly from flock to flock and is often fatal to chickens. In domestic poultry HPAI can cause morbidity and mortality rates between 90-100 percent, leading to detrimental economic consequences.

HPAI can spread easily through airborne transmission or indirectly through contaminated material. Due to the highly contagious nature of HPAI, rapid response to outbreaks is required. Movement control of animals, animal products, and other potentially contaminated materials is critical to prevent transmission of HPAI.

Currently, Pennsylvania is facing a widespread outbreak of HPAI. The Pennsylvania Department of Agriculture and the United States Department of Agriculture are actively working to control the outbreak of HPAI in Pennsylvania. Despite the measures taken in that state, the incidents of HPAI are increasing in Pennsylvania.

The Executive Director of the Commission finds that the widespread outbreak of HPAI in Pennsylvania creates a high probability that domestic poultry and birds in Pennsylvania will have, develop, or be exposed to HPAI.

The Executive Director further finds that the risk of disease exposure from the movement of animals, equipment, vehicles and other fomites from Pennsylvania to Texas could lead to disease exposure across Texas.

The Executive Director, therefore, has determined that an outbreak of HPAI in the State of Pennsylvania poses a threat to animal health in Texas.

To protect animal health in this state, the Executive Director imposes a quarantine for the State of Pennsylvania due to HPAI.

The Executive Director hereby orders the following quarantine:

All live poultry, unprocessed poultry, hatching eggs, unprocessed eggs, egg flats, poultry coops, cages, crates, other birds, and used poultry equipment originating from Pennsylvania must not enter Texas without express written consent from the Executive Director.

In accordance with Title 4, Texas Administrative Code §51.5 this quarantine order will be acted on by the Commission at the next appropriate meeting.

This order is issued pursuant to Texas Agriculture Code §§161.041, 161.054, and 161.061 and Title 4, Texas Administrative Code §51.5 and is effective immediately.

This order shall remain in effect pending further epidemiological assessment by the Texas Animal Health Commission.

Signed March 23, 2023.

Andy Schwartz, D.V.M.

Executive Director

TRD-202301164

Jeanine Coggeshall

General Counsel

Texas Animal Health Commission

Filed: March 23, 2023



## State Bar of Texas

Committee on Disciplinary Rules and Referenda Proposed Rule Changes, Rules 4.03, 4.04, 8.06, Texas Disciplinary Rules of Professional Conduct

# COMMITTEE ON DISCIPLINARY RULES AND REFERENDA PROPOSED RULE CHANGES

## Rule 4.03. Dealing With Unrepresented Persons

*The Committee on Disciplinary Rules and Referenda, or CDRR, was created by Government Code section 81.0872 and is responsible for overseeing the initial process for proposing a disciplinary rule. Pursuant to Government Code section 81.0876, the committee publishes the following proposed rule. The committee will accept comments concerning the proposed rule through June 8, 2023. Comments can be submitted at [texasbar.com/CDRR](https://texasbar.com/CDRR) or by email to [cdrr@texasbar.com](mailto:cdrr@texasbar.com). The committee will hold a public hearing on the proposed rule by teleconference on June 7, 2023, at 10 a.m. CDT. For teleconference participation information, please go to [texasbar.com/cdr/participate](https://texasbar.com/cdr/participate).*

### Proposed Rule (Redline Version)

#### Rule 4.03. Dealing With Unrepresented Persons

In dealing on behalf of a client with a person who is not represented by counsel, a lawyer shall not state or imply that the lawyer is disinterested. When the lawyer knows or reasonably should know that the unrepresented person misunderstands the lawyer's role in the matter, the lawyer shall make reasonable efforts to correct the misunderstanding. The lawyer shall not give legal advice to an unrepresented person, other than the advice to secure counsel, if the lawyer knows or reasonably should know that the interests of such a person are or have a reasonable possibility of being in conflict with the interests of the client.

#### Comment:

1. An unrepresented person, particularly one not experienced in dealing with legal matters, might assume that a lawyer is disinterested in loyalties or is a disinterested authority on the law even when the lawyer represents a client. During the course of a lawyer's representation of a client, the lawyer should not give advice to an unrepresented person other than the advice to obtain counsel. With regard to the special responsibilities of a prosecutor, see Rule 3.09.

2. The Rule distinguishes between situations involving unrepresented persons whose interests may be adverse to those of the lawyer's client and those in which the person's interests are not in conflict with the client's. In the former situation, the possibility that the lawyer will compromise the unrepresented person's interests is so great that the Rule prohibits the giving of any advice, apart from the advice to obtain counsel. Whether a lawyer is giving impermissible advice may depend on the experience and sophistication of the unrepresented person, as well as the setting in which the behavior and comments occur. This Rule does not prohibit a lawyer from negotiating the terms of a transaction or settling a dispute with an unrepresented person. So long as the lawyer has explained that the lawyer represents an adverse party and is not representing the person, the lawyer may inform the person of the terms on which the lawyer's client will enter into an agreement or settle a matter, prepare documents that require the person's signature and explain the lawyer's own view of the meaning of the document or the lawyer's view of the underlying legal obligations.

### Proposed Rule (Clean Version)

#### Rule 4.03. Dealing With Unrepresented Persons

In dealing on behalf of a client with a person who is not represented by counsel, a lawyer shall not state or imply that the lawyer is disinterested. When the lawyer knows or reasonably should know that the unrepresented person misunderstands the lawyer's role in the matter, the lawyer shall make reasonable efforts to correct the misunderstanding. The lawyer shall not give legal advice to an unrepresented person, other than the advice to secure counsel, if the lawyer knows or reasonably should know that the interests of such a person are or have a reasonable possibility of being in conflict with the interests of the client.

#### Comment:

1. An unrepresented person, particularly one not experienced in dealing with legal matters, might assume that a lawyer is disinterested in loyalties or is a disinterested authority on the law even when the lawyer represents a client. During the course of a lawyer's representation of a client, the lawyer should not give advice to an unrepresented person other than the advice to obtain counsel. With regard to the special responsibilities of a prosecutor, see Rule 3.09.

2. The Rule distinguishes between situations involving unrepresented persons whose interests may be adverse to those of the lawyer's client and those in which the person's interests are not in conflict with the client's. In the former situation, the possibility that the lawyer will compromise the unrepresented person's interests is so great that the Rule prohibits the giving of any advice, apart from the advice to obtain counsel. Whether a lawyer is giving impermissible advice may depend on the experience and sophistication of the unrepresented person, as well as the setting in which the behavior and comments occur. This Rule does not prohibit a lawyer from negotiating the terms of a transaction or settling a dispute with an unrepresented person. So long as the lawyer has explained that the lawyer represents an adverse party and is not representing the person, the lawyer may inform the person of the terms on which the lawyer's client will enter into an agreement or settle a matter, prepare documents that require the person's signature and explain the lawyer's own view of the meaning of the document or the lawyer's view of the underlying legal obligations. **TBJ**

# COMMITTEE ON DISCIPLINARY RULES AND REFERENDA PROPOSED RULE CHANGES

## Rule 404. Respect for Rights of Third Persons

*The Committee on Disciplinary Rules and Referenda, or CDRR, was created by Government Code section 81.0872 and is responsible for overseeing the initial process for proposing a disciplinary rule. Pursuant to Government Code section 81.0876, the committee publishes the following proposed rule. The committee will accept comments concerning the proposed rule through June 8, 2023. Comments can be submitted at [texasbar.com/CDRR](https://texasbar.com/CDRR) or by email to [cdrr@texasbar.com](mailto:cdrr@texasbar.com). The committee will hold a public hearing on the proposed rule by teleconference on June 7, 2023, at 10 a.m. CDT. For teleconference participation information, please go to [texasbar.com/cdrr/participate](https://texasbar.com/cdrr/participate).*

### Proposed Rule (Redline Version)

#### Proposed Rule 404. Respect for Rights of Third Persons

(a) In representing a client, a lawyer shall not use means that have no substantial purpose other than to embarrass, delay, or burden a third person, or use methods of obtaining evidence that violate the legal rights of such a person.

(b) A lawyer shall not present, participate in presenting, or threaten to present:

(1) criminal or disciplinary charges solely to gain an advantage in a civil matter; or

(2) civil, criminal or disciplinary charges against a complainant, a witness, or a potential witness in a bar disciplinary proceeding solely to prevent participation by the complainant, witness or potential witness therein.

(c) A lawyer who receives a document or electronically stored information relating to the representation of the lawyer's client and knows or reasonably should know that the document or electronically stored information was inadvertently sent shall promptly notify the sender.

#### Comment:

1. Although in most cases a lawyer's responsibility to the interest of his client is paramount to the interest of other persons, a lawyer should avoid the infliction of needless harm.

2. Using or threatening to use the criminal process solely to coerce a party in a private matter improperly suggests that the criminal process can be manipulated by private interests for personal gain. However, giving any notice required by law or applicable rules of practice or procedure as a prerequisite to instituting criminal charges does not violate this Rule, unless the underlying criminal charges were made without probable cause.

3. Using or threatening to use the civil, criminal, or disciplinary

processes to coerce a complainant, a witness, or a potential witness in a bar disciplinary proceeding is an implication that lawyers can manipulate the legal system to their personal advantage. Creating such false impressions is an abuse of the legal system that diminishes public confidence in the legal profession and in the fairness of the legal system as a whole.

4. Paragraph (c) recognizes that lawyers sometimes receive a document or electronically stored information that was mistakenly sent or produced by opposing parties or their lawyers. A document or electronically stored information is inadvertently sent when it is accidentally transmitted, such as when an email or letter is misaddressed or a document or electronically stored information is accidentally included with information that was intentionally transmitted. If a lawyer knows or reasonably should know that such a document or electronically stored information was sent inadvertently, then this Rule requires the lawyer to promptly notify the sender in order to permit that person to take protective measures. Whether the lawyer is required to take additional steps, such as returning the document or deleting electronically stored information, is a matter of law beyond the scope of these Rules, as is the question of whether the privileged status of a document or electronically stored information has been waived. Similarly, this Rule does not address the legal duties of a lawyer who receives a document or electronically stored information that the lawyer knows or reasonably should know may have been inappropriately obtained by the sending person. For purposes of this Rule, "document or electronically stored information" includes, in addition to paper documents, email and other forms of electronically stored information, including embedded data (commonly referred to as "metadata"), that is subject to being read or put into readable form. Metadata in electronic documents creates an obligation under this Rule only if the receiving lawyer knows or reasonably should know that the metadata was inadvertently sent to the receiving lawyer.

5. Some lawyers may choose to return a document or delete electronically stored information unread, for example, when the lawyer learns before receiving it that it was inadvertently sent. Where a lawyer is not required by applicable law to do so, the decision to voluntarily return such a document or delete electronically stored information is a matter of professional judgment ordinarily reserved to the lawyer. See Rules 1.02 and 10.4.

## Proposed Rule (Clean Version)

### Proposed Rule 4.04. Respect for Rights of Third Persons

(a) In representing a client, a lawyer shall not use means that have no substantial purpose other than to embarrass, delay, or burden a third person, or use methods of obtaining evidence that violate the legal rights of such a person.

(b) A lawyer shall not present, participate in presenting, or threaten to present:

(1) criminal or disciplinary charges solely to gain an advantage in a civil matter; or

(2) civil, criminal or disciplinary charges against a complainant, a witness, or a potential witness in a bar disciplinary proceeding solely to prevent participation by the complainant, witness or potential witness therein.

(c) A lawyer who receives a document or electronically stored information relating to the representation of the lawyer's client and knows or reasonably should know that the document or electronically stored information was inadvertently sent shall promptly notify the sender.

#### Comment:

1. Although in most cases a lawyer's responsibility to the interest of his client is paramount to the interest of other persons, a lawyer should avoid the infliction of needless harm.

2. Using or threatening to use the criminal process solely to coerce a party in a private matter improperly suggests that the criminal process can be manipulated by private interests for personal gain. However, giving any notice required by law or applicable rules of practice or procedure as a prerequisite to instituting criminal charges does not violate this Rule, unless the underlying criminal charges were made without probable cause.

3. Using or threatening to use the civil, criminal, or disciplinary

processes to coerce a complainant, a witness, or a potential witness in a bar disciplinary proceeding is an implication that lawyers can manipulate the legal system to their personal advantage. Creating such false impressions is an abuse of the legal system that diminishes public confidence in the legal profession and in the fairness of the legal system as a whole.

4. Paragraph (c) recognizes that lawyers sometimes receive a document or electronically stored information that was mistakenly sent or produced by opposing parties or their lawyers. A document or electronically stored information is inadvertently sent when it is accidentally transmitted, such as when an email or letter is misaddressed or a document or electronically stored information is accidentally included with information that was intentionally transmitted. If a lawyer knows or reasonably should know that such a document or electronically stored information was sent inadvertently, then this Rule requires the lawyer to promptly notify the sender in order to permit that person to take protective measures. Whether the lawyer is required to take additional steps, such as returning the document or deleting electronically stored information, is a matter of law beyond the scope of these Rules, as is the question of whether the privileged status of a document or electronically stored information has been waived. Similarly, this Rule does not address the legal duties of a lawyer who receives a document or electronically stored information that the lawyer knows or reasonably should know may have been inappropriately obtained by the sending person. For purposes of this Rule, "document or electronically stored information" includes, in addition to paper documents, email and other forms of electronically stored information, including embedded data (commonly referred to as "metadata"), that is subject to being read or put into readable form. Metadata in electronic documents creates an obligation under this Rule only if the receiving lawyer knows or reasonably should know that the metadata was inadvertently sent to the receiving lawyer.

5. Some lawyers may choose to return a document or delete electronically stored information unread, for example, when the lawyer learns before receiving it that it was inadvertently sent. Where a lawyer is not required by applicable law to do so, the decision to voluntarily return such a document or delete electronically stored information is a matter of professional judgment ordinarily reserved to the lawyer. See Rules 1.02 and 10.4. **TBJ**

# COMMITTEE ON DISCIPLINARY RULES AND REFERENDA PROPOSED RULE CHANGES

## Rule 8.06. Choice of Law

*The Committee on Disciplinary Rules and Referenda, or CDRR, was created by Government Code section 81.0872 and is responsible for overseeing the initial process for proposing a disciplinary rule. Pursuant to Government Code section 81.0876, the committee publishes the following proposed rule. The committee will accept comments concerning the proposed rule through June 8, 2023. Comments can be submitted at [texasbar.com/CDRR](https://texasbar.com/CDRR) or by email to [cdr@texasbar.com](mailto:cdr@texasbar.com). The committee will hold a public hearing on the proposed rule by teleconference on June 7, 2023, at 10 a.m. CDT. For teleconference participation information, please go to [texasbar.com/cdr/participate](https://texasbar.com/cdr/participate).*

### Proposed Rule (Redline Version)

#### **Rule 8.06. Choice of Law**

(a) In any exercise of the disciplinary authority of this jurisdiction, the rules of professional conduct to be applied shall be as follows:

(1) for conduct in connection with a matter pending before a tribunal, the rules of the jurisdiction in which the tribunal sits, unless the rules of the tribunal provide otherwise; and

(2) for any other conduct, the rules of the jurisdiction in which the lawyer's conduct occurred, or, if the predominant effect of the conduct is in a different jurisdiction, the rules of that jurisdiction shall be applied to the conduct. A lawyer shall not be subject to discipline if the lawyer's conduct conforms to the rules of a jurisdiction in which the lawyer reasonably believes the predominant effect of the lawyer's conduct will occur.

(b) A lawyer admitted to practice in this state is subject to the disciplinary authority for:

(1) an advertisement that does not comply with these rules and that is broadcast or disseminated in another jurisdiction, even if the advertisement complies with the rules governing lawyer advertisements in that jurisdiction, if the broadcast or dissemination of the advertisement is intended to be received by prospective clients in this state and is intended to secure employment to be performed in this state; and

(2) a written solicitation communication that does not comply with these rules and that is mailed in another jurisdiction, even if the communication complies with the rules governing written solicitation communications by lawyers in that jurisdiction, if the communication is mailed to an addressee in this state or is intended to secure employment to be performed in this state.

#### **Comment:**

1. A lawyer may be potentially subject to more than one set of rules of professional conduct which impose different obligations. The lawyer may be licensed to practice in more than one jurisdiction with differing rules, or may be admitted to practice before a

particular court with rules that differ from those of the jurisdiction or jurisdictions in which the lawyer is licensed to practice. Additionally, the lawyer's conduct may involve significant contacts with more than one jurisdiction.

2. Paragraph (a) seeks to resolve such potential conflicts. Its premise is that minimizing conflicts between rules, as well as uncertainty about which rules are applicable, is in the best interest of both clients and the profession (as well as the bodies having authority to regulate the profession). Accordingly, it takes the approach of (i) providing that any particular conduct of a lawyer shall be subject to only one set of rules of professional conduct, (ii) making the determination of which set of rules applies to particular conduct as straightforward as possible, consistent with recognition of appropriate regulatory interests of relevant jurisdictions, and (iii) providing protection from discipline for lawyers who act reasonably in the face of uncertainty.

3. Paragraph (a)(1) provides that as to a lawyer's conduct relating to a proceeding pending before a tribunal, the lawyer shall be subject only to the rules of professional conduct of that tribunal. As to all other conduct, including conduct in anticipation of a proceeding not yet pending before a tribunal, paragraph (a)(2) provides that a lawyer shall be subject to the rules of the jurisdiction in which the lawyer's conduct occurred, or, if the predominant effect of the conduct is in another jurisdiction, the rules of that jurisdiction shall be applied to the conduct. In the case of conduct in anticipation of a proceeding that is likely to be before a tribunal, the predominant effect of such conduct could be where the conduct occurred, where the tribunal sits or in another jurisdiction.

4. When a lawyer's conduct involves significant contacts with more than one jurisdiction, it may not be clear whether the predominant effect of the lawyer's conduct will occur in a jurisdiction other than the one in which the conduct occurred. So long as the lawyer's conduct conforms to the rules of a jurisdiction in which the lawyer reasonably believes the predominant effect will occur, the lawyer shall not be subject to discipline under this Rule. With respect to conflicts of interest, in determining a lawyer's reasonable belief under paragraph (a)(2), a written agreement between the lawyer and client that reasonably specifies a particular jurisdiction as within the scope of that paragraph may be considered if the agreement was obtained with the client's informed consent confirmed in the agreement.

5. If two admitting jurisdictions were to proceed against a lawyer for the same conduct, they should, applying this rule, identify the same governing ethics rules. They should take all appropriate steps to see that they do apply the same rule to the same conduct, and in all events should avoid proceeding against a lawyer on the basis of two inconsistent rules.

6. The choice of law provision applies to lawyers engaged in transnational practice, unless international law, treaties or other agreements between competent regulatory authorities in the affected jurisdictions provide otherwise.

## **Proposed Rule (Clean Version)**

### **Rule 8.06. Choice of Law**

(a) In any exercise of the disciplinary authority of this jurisdiction, the rules of professional conduct to be applied shall be as follows:

(1) for conduct in connection with a matter pending before a tribunal, the rules of the jurisdiction in which the tribunal sits, unless the rules of the tribunal provide otherwise; and

(2) for any other conduct, the rules of the jurisdiction in which the lawyer's conduct occurred, or, if the predominant effect of the conduct is in a different jurisdiction, the rules of that jurisdiction shall be applied to the conduct. A lawyer shall not be subject to discipline if the lawyer's conduct conforms to the rules of a jurisdiction in which the lawyer reasonably believes the predominant effect of the lawyer's conduct will occur.

(b) A lawyer admitted to practice in this state is subject to the disciplinary authority for:

(1) an advertisement that does not comply with these rules and that is broadcast or disseminated in another jurisdiction, even if the advertisement complies with the rules governing lawyer advertisements in that jurisdiction, if the broadcast or dissemination of the advertisement is intended to be received by prospective clients in this state and is intended to secure employment to be performed in this state; and

(2) a written solicitation communication that does not comply with these rules and that is mailed in another jurisdiction, even if the communication complies with the rules governing written solicitation communications by lawyers in that jurisdiction, if the communication is mailed to an addressee in this state or is intended to secure employment to be performed in this state

#### **Comment:**

1. A lawyer may be potentially subject to more than one set of rules of professional conduct which impose different obligations. The lawyer may be licensed to practice in more than one jurisdiction with differing rules, or may be admitted to practice before a

particular court with rules that differ from those of the jurisdiction or jurisdictions in which the lawyer is licensed to practice. Additionally, the lawyer's conduct may involve significant contacts with more than one jurisdiction.

2. Paragraph (a) seeks to resolve such potential conflicts. Its premise is that minimizing conflicts between rules, as well as uncertainty about which rules are applicable, is in the best interest of both clients and the profession (as well as the bodies having authority to regulate the profession). Accordingly, it takes the approach of (i) providing that any particular conduct of a lawyer shall be subject to only one set of rules of professional conduct, (ii) making the determination of which set of rules applies to particular conduct as straightforward as possible, consistent with recognition of appropriate regulatory interests of relevant jurisdictions, and (iii) providing protection from discipline for lawyers who act reasonably in the face of uncertainty.

3. Paragraph (a)(1) provides that as to a lawyer's conduct relating to a proceeding pending before a tribunal, the lawyer shall be subject only to the rules of professional conduct of that tribunal. As to all other conduct, including conduct in anticipation of a proceeding not yet pending before a tribunal, paragraph (a)(2) provides that a lawyer shall be subject to the rules of the jurisdiction in which the lawyer's conduct occurred, or, if the predominant effect of the conduct is in another jurisdiction, the rules of that jurisdiction shall be applied to the conduct. In the case of conduct in anticipation of a proceeding that is likely to be before a tribunal, the predominant effect of such conduct could be where the conduct occurred, where the tribunal sits or in another jurisdiction.

4. When a lawyer's conduct involves significant contacts with more than one jurisdiction, it may not be clear whether the predominant effect of the lawyer's conduct will occur in a jurisdiction other than the one in which the conduct occurred. So long as the lawyer's conduct conforms to the rules of a jurisdiction in which the lawyer reasonably believes the predominant effect will occur, the lawyer shall not be subject to discipline under this Rule. With respect to conflicts of interest, in determining a lawyer's reasonable belief under paragraph (a)(2), a written agreement between the lawyer and client that reasonably specifies a particular jurisdiction as within the scope of that paragraph may be considered if the agreement was obtained with the client's informed consent confirmed in the agreement.

5. If two admitting jurisdictions were to proceed against a lawyer for the same conduct, they should, applying this rule, identify the same governing ethics rules. They should take all appropriate steps to see that they do apply the same rule to the same conduct, and in all events should avoid proceeding against a lawyer on the basis of two inconsistent rules.

6. The choice of law provision applies to lawyers engaged in transnational practice, unless international law, treaties or other agreements between competent regulatory authorities in the affected jurisdictions provide otherwise. **TBJ**

TRD-202301152  
Haksoon Andrea Low  
Disciplinary Rules and Referenda Attorney  
State Bar of Texas  
Filed: March 23, 2023

## Central Texas Council of Governments

### Request for Proposal for Audit Services

The Central Texas Council of Governments (CTCOG) is soliciting proposals from qualified firms to audit financial statements of CTCOG and the Central Texas Workforce Development Board, Inc. (CTWDB) for the fiscal year ending June 30, 2023, with the option of auditing its financial statements for each of the four (4) subsequent fiscal years.

The audit shall be conducted in accordance with generally accepted accounting standards and other guidelines as presented in CTCOG's request for proposal.

The proposal packets may be obtained by downloading the RFPs at [www.ctcog.org](http://www.ctcog.org). For proposals to be considered, they must be received by Friday, April 14, 2023.

TRD-202301169  
Michael Irvine  
Director of Administration  
Central Texas Council of Governments  
Filed: March 23, 2023

## Coastal Bend Workforce Development Board

### Request for Proposal for Management and Operation of Career Center System (Including Youth Services) RFP No. 23-05

The Coastal Bend Workforce Development Board, dba Workforce Solutions Coastal Bend (WFSCB) is soliciting responses from qualified individuals or firms for the Management and Operation of the Career Center System (Including Youth Services) for Fiscal Year 2023-24. The contract may be renewed for three (3) additional one-year periods beyond the original acceptance award for a total not to exceed four (4) years.

WFSCB serves the eleven (11) county Coastal Bend Region consisting of the following counties: Aransas, Bee, Brooks, Duval, Jim Wells, Kenedy, Kleberg, Live Oak, Nueces, Refugio, and San Patricio. The Workforce Services Delivery System operates one-stop centers in the Cities of Alice, Beeville, Corpus Christi, Kingsville, and Sinton. WFSCB also operates satellite offices in the Cities of Falfurrias and Rockport. Services provided include general workforce information and referral; customer, employer, and job seeker services; customer intake, program eligibility and assessment; case management; enrollment into education and training programs; job placement; career counseling; support services; follow-up and retention services as funded by the Workforce Innovation and Opportunity Act (WIOA) Youth, Adult, and Dislocated Worker, Temporary Assistance to Needy Families (TANF)/Choices, Supplemental Nutrition Assistance Program (SNAP), Employment and Training, and Wagner-Peyser.

**The RFP will be available on Monday, April 3, 2023 at 2:00 p.m. Central Time** and can be accessed on our website at: <https://www.workforcesolutionscb.org/about-us/procurement-opportunities/> or by contacting Esther Velazquez at (361) 885-3013 or [esther.velazquez@workforcesolutionscb.org](mailto:esther.velazquez@workforcesolutionscb.org).

**A Pre-Proposal Conference will be held on Monday, April 10, 2023 at 10:00 a.m. Central Time** in the Main Conference Room at WFSCB's Administrative Offices located at 400 Mann Street, Suite 800, Corpus Christi, Texas 78401. The purpose of the meeting is to review the RFP requirements and answer any questions related to the RFP. While this meeting is not mandatory, attendance is strongly recommended. Parties unable to attend in person may participate virtually from a computer, tablet, or smart phone via Zoom:

### Join Zoom Meeting

<https://us02web.zoom.us/j/87570695931?pwd=ZGw5ZkZqQTlvSF-BmRmZvdTIHeUIRQT09>

US Toll-Free: (888) 475- 4499

Meeting ID: 875 7069 5931

Passcode: 576836

The RFP process consists of the submission of an Application and a Proposal. **Applications are due on Monday, May 22, 2023 at 4:00 p.m. Central Time and Proposals are due on Monday, June 26, 2023 at 4:00 p.m. Central Time.** Responses should be submitted via email to [esther.velazquez@workforcesolutionscb.org](mailto:esther.velazquez@workforcesolutionscb.org) or may be hand delivered or mailed to: Workforce Solutions of the Coastal Bend, 400 Mann Street, Suite 800, Corpus Christi, Texas 78401.

Workforce Solutions Coastal Bend is an Equal Opportunity Employer/Program. Auxiliary aids and services are available upon request to individuals with disabilities. Relay Texas: 1 (800) 735-2989 (TDD) and 1 (800) 735-2988 or 711 (Voice). Historically Underutilized Businesses (HUBs) are encouraged to apply.

Este documento contiene información importante sobre los requisitos, los derechos, las determinaciones y las responsabilidades del acceso a los servicios del sistema de la fuerza laboral. Hay disponibles servicios de idioma, incluida la interpretación y la traducción de documentos, sin ningún costo y a solicitud.

TRD-202301151  
Esther Velazquez  
Contract & Procurement Specialist  
Coastal Bend Workforce Development Board  
Filed: March 23, 2023

## Comptroller of Public Accounts

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

The Comptroller of Public Accounts, administering agency for the collection of the Oil Production Tax, has determined, as required by Tax Code, §202.058, that the average taxable price of oil for reporting period February 2023 is \$52.24 per barrel for the three-month period beginning on November 1, 2022, and ending January 31, 2023. Therefore, pursuant to Tax Code, §202.058, oil produced during the month of February 2023, from a qualified low-producing oil lease, is not eligible for credit on the oil production tax imposed by Tax Code, Chapter 202.

The Comptroller of Public Accounts, administering agency for the collection of the Natural Gas Production Tax, has determined, as required by Tax Code, §201.059, that the average taxable price of gas for reporting period February 2023 is \$3.02 per mcf for the three-month period beginning on November 1, 2022, and ending January 31, 2023. Therefore, pursuant to Tax Code, §201.059, gas produced during the month of February 2023, from a qualified low-producing well, is eligible for a 25% credit on the natural gas production tax imposed by Tax Code, Chapter 201.

The Comptroller of Public Accounts, administering agency for the collection of the Franchise Tax, has determined, as required by Tax Code, §171.1011(s), that the average closing price of West Texas Intermediate crude oil for the month of February 2023 is \$76.86 per barrel. Therefore, pursuant to Tax Code, §171.1011(r), a taxable entity shall not exclude total revenue received from oil produced during the month of February 2023, from a qualified low-producing oil well.

The Comptroller of Public Accounts, administering agency for the collection of the Franchise Tax, has determined, as required by Tax Code, §171.1011(s), that the average closing price of gas for the month of February 2023 is \$2.44 per MMBtu. Therefore, pursuant to Tax Code, §171.1011(r), a taxable entity shall exclude total revenue received from gas produced during the month of February 2023, from a qualified low-producing gas well.

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

TRD-202301196  
Jenny Burleson  
Director, Tax Policy  
Comptroller of Public Accounts  
Filed: March 28, 2023



Local Sales Tax Rate Changes Effective April 1, 2023

An additional 1 1/2 percent city sales and use tax for Municipal Street Maintenance and Repair as permitted under Chapter 327 of the Texas Tax Code will become effective April 1, 2023 in the city listed below.

CITY NAME	LOCAL CODE	LOCAL RATE	TOTAL RATE
Poetry (Hunt Co)	2116136	.020000	.082500
Poetry (Kaufman Co)	2116136	.015000	.077500

The additional 1/4 percent city sales and use tax for Municipal Street Maintenance and Repair as permitted under Chapter 327 of the Texas Tax Code will be abolished effective March 31, 2023 in the city listed below.

CITY NAME	LOCAL CODE	LOCAL RATE	TOTAL RATE
Coffee City (Henderson Co)	2107146	.015000	.077500

The city sales and use tax will be increased to 1 1/4 percent as permitted under Chapter 321 of the Texas Tax Code, effective April 1, 2023 in the city listed below.

CITY NAME	LOCAL CODE	LOCAL RATE	TOTAL RATE
Helotes (Bexar Co)	2015227	.020000	.082500

The city sales and use tax will be increased to 1 3/4 percent as permitted under Chapter 321 of the Texas Tax Code, effective April 1, 2023 in the city listed below.

CITY NAME	LOCAL CODE	LOCAL RATE	TOTAL RATE
Coupland (Williamson Co)	2246120	.020000	.082500

An additional 1/2 percent city sales and use tax for improving and promoting economic and industrial development as permitted under Chapter 505 of the Texas Local Government Code, Type B Corporations (4B) will become effective April 1, 2023 in the city listed below.

CITY NAME	LOCAL CODE	LOCAL RATE	TOTAL RATE
Farwell (Parmer Co)	2185034	.020000	.082500

The additional 1/4 percent city sales and use tax for improving and promoting economic and industrial development as permitted under Chapter 505 of the Texas Local Government Code, Type B Corporations (4B) will be reduced to 1/8% effective March 31, 2023 and the additional 1/2 percent city sales and use tax for Municipal Street Maintenance and Repair as permitted under Chapter 327 of the Texas Tax Code will be increased to 5/8 percent effective April 1, 2023 in the city listed below.

CITY NAME	LOCAL CODE	LOCAL RATE	TOTAL RATE
Bartonville (Denton Co)	2061211	.020000	.082500

The additional 3/8 percent city sales and use tax for improving and promoting economic and industrial development as permitted under Chapter 504 of the Texas Local Government Code, Type A Corporations

(4A) will be reduced to 1/4% effective March 31, 2023 and the additional 1/8 percent city sales and use tax for Municipal Street Maintenance and Repair as permitted under Chapter 327 of the Texas Tax Code will be increased to 1/4 percent effective April 1, 2023 in the city listed below.

CITY NAME	LOCAL CODE	LOCAL RATE	TOTAL RATE
Copperas Cove (Bell, Coryell and Lampasas Co)	2050018	.020000	.082500

A 1 1/2 percent special purpose district sales and use tax will become effective April 1, 2023 in the special purpose district listed below.

SPD NAME	LOCAL CODE	NEW RATE	DESCRIPTION
Southwest Leon County Emergency Services District No. 2	5145015	.015000	SEE NOTE 1

A 2 percent special purpose district sales and use tax will become effective April 1, 2023 in the special purpose district listed below.

SPD NAME	LOCAL CODE	NEW RATE	DESCRIPTION
Hardin County Emergency Services District No. 1	5100544	.020000	SEE NOTE 2

NOTE 1: The Southwest Leon County Emergency Services District No. 2 is located in the southwest portion of Leon County, which has a county sales and use tax. The unincorporated areas of Leon County in ZIP Codes 77871, 77865 and 77855 are partially located within the Southwest Leon County Emergency Services District No. 2. Contact the district representative at 512-789-8745 for additional boundary information.

NOTE 2: The Hardin County Emergency Services District No. 1 is located in the central portion of Hardin County. The district excludes, for sales tax purposes, the city of Kountze. The unincorporated areas of Hardin County in ZIP Code 77625 are partially located within the Hardin County Emergency Services District No. 1. Contact the district representative at 409-782-7620 for additional boundary information.

TRD-202301218  
 Jenny Burleson  
 Director, Tax Policy  
 Comptroller of Public Accounts  
 Filed: March 29, 2023

Leslie L. Pettijohn  
 Commissioner  
 Office of Consumer Credit Commissioner  
 Filed: March 28, 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 04/03/23 - 04/09/23 is 18% for Consumer<sup>1</sup>/Agricultural/Commercial<sup>2</sup> credit through \$250,000.

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 04/03/23 - 04/09/23 is 18% for Commercial over \$250,000.

<sup>1</sup> Credit for personal, family or household use.  
<sup>2</sup> Credit for business, commercial, investment or other similar purpose.  
 TRD-202301200

◆ ◆ ◆  
**Texas Commission on Environmental Quality**

**Agreed Orders**

The Texas Commission on Environmental Quality (TCEQ or commission) staff is providing an opportunity for written public comment on the listed Agreed Orders (AOs) in accordance with Texas Water Code (TWC), §7.075. TWC, §7.075, requires that before the commission may approve the AOs, the commission shall allow the public an opportunity to submit written comments on the proposed AOs. TWC, §7.075, requires that notice of the proposed orders and the opportunity to comment must be published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is **May 8, 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 require-

ments 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 **May 8, 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: Air Liquide Large Industries U.S. LP; DOCKET NUMBER: 2021-1515-AIR-E; IDENTIFIER: RN105147433; LOCATION: La Porte, Harris County; TYPE OF FACILITY: hydrogen production facility; RULES VIOLATED: 30 TAC §101.201(a)(1)(B) and §122.143(4), Federal Operating Permit (FOP) Number O3982, General Terms and Conditions (GTC) and Special Terms and Conditions (STC) Number 2.F, and Texas Health and Safety Code (THSC), §382.085(b), by failing to submit an initial notification for a reportable emissions event no later than 24 hours after the discovery of an emissions event; and 30 TAC §116.115(c) and §122.143(4), New Source Review Permit Numbers 87575 and N116, Special Conditions Number 1, FOP Number O3982, GTC and STC Number 6, and THSC, §382.085(b), by failing to prevent unauthorized emissions; PENALTY: \$21,288; ENFORCEMENT COORDINATOR: Amanda Diaz, (713) 422-8912; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(2) COMPANY: ANDERSON WATER COMPANY, INCORPORATED; DOCKET NUMBER: 2022-1465-UTL-E; IDENTIFIER: RN101220804; LOCATION: Anderson, Grimes County; TYPE OF FACILITY: retail public utility, exempt utility, or provider or conveyor of potable or raw water service that furnishes water service; RULE VIOLATED: TWC, §13.1394(b)(2), by failing to adopt and submit to the TCEQ for approval an emergency preparedness plan that demonstrates the facility's ability to provide emergency operations; PENALTY: \$520; ENFORCEMENT COORDINATOR: Carlos Flores, (915) 834-4964; REGIONAL OFFICE: 6801 Sanger Avenue, Suite 2500, Waco, Texas 76710-7826, (254) 751-0335.

(3) COMPANY: Charles R. Gilley DBA Whispering Oaks Water COOP; DOCKET NUMBER: 2022-1317-UTL-E; IDENTIFIER: RN101212181; LOCATION: Quinlan, Hunt County; TYPE OF FACILITY: retail public utility, exempt utility, or provider or conveyor of potable or raw water service that furnishes water service; RULE VIOLATED: TWC, §13.1394(b)(2), by failing to adopt and submit to the TCEQ for approval an emergency preparedness plan that demonstrates the facility's ability to provide emergency operations; PENALTY: \$610; ENFORCEMENT COORDINATOR: Nick Lohret-Froio, (512) 239-4495; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(4) COMPANY: Covia Holdings LLC; DOCKET NUMBER: 2021-1436-PWS-E; IDENTIFIER: RN101548956; LOCATION: Cleburne, Somervell County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.39(h)(3) and (j)(1)(A) and Texas Health and Safety Code (THSC), §341.0351, by failing to notify the executive director (ED) in writing as to the completion of a water works project

and attest to the fact that the completed work is substantially in accordance with the plans and specifications on file with the commission; 30 TAC §290.39(j)(2) and THSC, §341.0351, by failing to notify the ED in writing of the addition of treatment chemicals, including long-term treatment changes, that will impact the corrosivity of the water; and 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; PENALTY: \$1,650; ENFORCEMENT COORDINATOR: Ashley Lemke, (512) 239-1118; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(5) COMPANY: Equistar Chemicals, LP; DOCKET NUMBER: 2022-0907-AIR-E; IDENTIFIER: RN100542281; LOCATION: Channelview, Harris County; TYPE OF FACILITY: chemical manufacturing plant; RULES VIOLATED: 30 TAC §§101.20(3), 116.115(c), and 122.143(4), New Source Review Permit Numbers 1768, PSDTX1272, and N142M1, Special Conditions Number 1, Federal Operating Permit (FOP) Number O1426, General Terms and Conditions (GTC) and Special Terms and Conditions (STC) Number 38, and Texas Health and Safety Code (THSC), §382.085(b), by failing to prevent unauthorized emissions; 30 TAC §101.201(a)(1)(B) and §122.143(4), FOP Number O1426, GTC and STC Number 2.F, and THSC, §382.085(b), by failing to submit an initial notification for a reportable emissions event no later than 24 hours after the discovery of an emissions event; and 30 TAC §122.143(4) and §122.145(2)(A), FOP Number O1426, GTC, and THSC, §382.085(b), by failing to report all instances of deviations; PENALTY: \$23,883; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET AMOUNT: \$11,941; ENFORCEMENT COORDINATOR: Danielle Porras, (713) 767-3682; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(6) COMPANY: INEOS Styrolution America LLC; DOCKET NUMBER: 2021-1127-AIR-E; IDENTIFIER: RN104579487; LOCATION: Texas City, Galveston County; TYPE OF FACILITY: chemical manufacturing plant; RULES VIOLATED: 30 TAC §§101.20(1) - (3), 115.352(4), 115.783(5), 116.115(c), 116.715(a), and 122.143(4), 40 Code of Federal Regulations §§60.482-6(a)(1), 60.482-6a(a)(1), 61.242-6(a)(1), and 63.167(a)(1), New Source Review (NSR) Permit Number 8978 and PSDTX459M3, by failing to equip each open-ended valve or line with a cap, blind flange, plug, or a second valve; 30 TAC §101.201(a)(1)(B) and §122.143(4), Federal Operating Permit (FOP) Number O2849, General Terms and Conditions (GTC) and Special Terms and Conditions (STC) Number 2.F, and Texas Health and Safety Code (THSC), §382.085(b), by failing to submit an initial notification for a reportable emissions event no later than 24 hours after the discovery of an emissions event; and 30 TAC §116.115(c) and §122.143(4), NSR Permit Number 8978 and PSDTX459M3, Special Conditions Number 1, FOP Number O2849, GTC and STC Number 22, and THSC, §382.085(b), by failing to prevent unauthorized emissions; PENALTY: \$38,125; ENFORCEMENT COORDINATOR: Mackenzie Mehlmann, (512) 239-2572; REGIONAL OFFICE: 3870 Eastex Freeway, Beaumont, Texas 77703-1830, (409) 898-3838.

(7) COMPANY: INEOS USA LLC; DOCKET NUMBER: 2021-0473-AIR-E; IDENTIFIER: RN100238708; LOCATION: Alvin, Brazoria County; TYPE OF FACILITY: chemical manufacturing plant; RULES VIOLATED: 30 TAC §§101.20(3), 116.115(c), and 122.143(4), New Source Review Permit Numbers 95 and PSDTX854M2, Special Conditions Number 2, Federal Operating Permit (FOP) Number O2327, General Terms and Conditions (GTC) and Special Terms and Conditions (STC) Number 26, and Texas Health and Safety Code (THSC), §382.085(b), by failing to prevent unauthorized emissions; and 30 TAC §101.211(b)(1) and §122.143(4), FOP Number O2327, GTC and STC Number 2.G, and THSC, §382.085(b), by failing to identify the required information on the final record for

a scheduled maintenance, startup, or shutdown activity; PENALTY: \$46,468; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET AMOUNT: \$18,587; ENFORCEMENT COORDINATOR: Danielle Porras, (713) 767-3682; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(8) COMPANY: NAMELESS HOLLOW COUNCIL OF CO-OWNERS; DOCKET NUMBER: 2022-1396-UTL-E; IDENTIFIER: RN101191039; LOCATION: Leander, Travis County; TYPE OF FACILITY: retail public utility, exempt utility, or provider or conveyor of potable or raw water service that furnishes water service; RULE VIOLATED: TWC, §13.1394(b)(2), by failing to adopt and submit to the TCEQ for approval an emergency preparedness plan that demonstrates the facility's ability to provide emergency operations; PENALTY: \$700; ENFORCEMENT COORDINATOR: Miles Wehner, (512) 239-2813; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 339-2929.

(9) COMPANY: Oxy Vinyls, LP; DOCKET NUMBER: 2020-1239-AIR-E; IDENTIFIER: RN100224674; LOCATION: La Porte, Harris County; TYPE OF FACILITY: chemical manufacturing plant; RULES VIOLATED: 30 TAC §§101.20(3), 116.115(c), and 122.143(4), New Source Review Permit Numbers 3855B and PSDTX876, Special Conditions Number 1, Federal Operating Permit Number O1324, General Terms and Conditions and Special Terms and Conditions Numbers 23 and 24, and Texas Health and Safety Code, §382.085(b), by failing to prevent unauthorized emissions; PENALTY: \$65,476; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET AMOUNT: \$31,980; ENFORCEMENT COORDINATOR: Yuliya Dunaway, (210) 403-4077; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(10) COMPANY: Raven Butene-1, LLC; DOCKET NUMBER: 2021-0250-AIR-E; IDENTIFIER: RN110461415; LOCATION: Baytown, Harris County; TYPE OF FACILITY: chemical manufacturing plant; RULES VIOLATED: 30 TAC §101.201(a)(1)(B) and Texas Health and Safety Code (THSC), §382.085(b), by failing to submit an initial notification for a reportable emissions event no later than 24 hours after the discovery of an emissions event; 30 TAC §101.201(b)(1)(G) and (H) and THSC, §382.085(b), by failing to identify all required information on the final record for a reportable emissions event; 30 TAC §106.6(b), Permit by Rule (PBR) Registration Number 136004, and THSC, §382.085(b), by failing to prevent unauthorized emissions; and 30 TAC §106.6(c) and §106.261, PBR Registration Number 136004, and THSC, §382.085(b), by failing to comply with the certified emissions rate; PENALTY: \$23,750; ENFORCEMENT COORDINATOR: Danielle Porras, (713) 767-3682; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(11) COMPANY: Rohm and Haas Texas Incorporated; DOCKET NUMBER: 2021-0729-AIR-E; IDENTIFIER: RN100223205; LOCATION: Deer Park, Harris County; TYPE OF FACILITY: chemical manufacturing plant; RULES VIOLATED: 30 TAC §§101.20(3), 116.115(c), and 122.143(4), New Source Review Permit Numbers 723 and PSDTX828M1, Special Conditions Number 1, Federal Operating Permit Number O2233, General Terms and Conditions and Special Terms and Conditions Number 12, and Texas Health and Safety Code, §382.085(b), by failing to prevent unauthorized emissions; PENALTY: \$7,425; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET AMOUNT: \$3,712; ENFORCEMENT COORDINATOR: Danielle Porras, (713) 767-3682; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(12) COMPANY: San Diego Municipal Utility District 1; DOCKET NUMBER: 2022-1506-UTL-E; IDENTIFIER: RN101253821; LOCATION: San Diego, Duval County; TYPE OF FACILITY: retail public utility, exempt utility, or provider or conveyor of potable or

raw water service that furnishes water service; RULE VIOLATED: TWC, §13.1394(b)(2), by failing to adopt and submit to the TCEQ for approval an emergency preparedness plan that demonstrates the facility's ability to provide emergency operations; PENALTY: \$500; ENFORCEMENT COORDINATOR: Corinna Willis, (512) 239-2504; REGIONAL OFFICE: 707 East Calton Road, Suite 304, Laredo, Texas 78041-3887, (956) 791-6611.

(13) COMPANY: The Chemours Company FC, LLC; DOCKET NUMBER: 2021-0413-AIR-E; IDENTIFIER: RN108202599; LOCATION: La Porte, Harris County; TYPE OF FACILITY: chemical manufacturing plant; RULES VIOLATED: 30 TAC §101.201(a)(1)(B) and §122.143(4), Federal Operating Permit (FOP) Number O4053, General Terms and Conditions (GTC) and Special Terms and Conditions (STC) Number 2.F, and Texas Health and Safety Code (THSC), §382.085(b), by failing to submit an initial notification for a reportable emissions event no later than 24 hours after the discovery of an emissions event; 30 TAC §116.115(c) and §122.143(4), New Source Review Permit Numbers 20800 and 21130, Special Conditions Number 1, FOP Numbers O1846 and O4053, GTC and STC Numbers 6 and 7, and THSC, §382.085(b), by failing to prevent unauthorized emissions; and 30 TAC §122.143(4) and §122.146(1) and (2), FOP Numbers O4045 and O4053, GTC and STC Numbers 10 and 13, and THSC, §382.085(b), by failing to certify compliance with the terms and conditions of the permit for at least each 12-month period following initial permit issuance, and failing to submit a permit compliance certification within 30 days of any certification period; PENALTY: \$23,576; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET AMOUNT: \$9,430; ENFORCEMENT COORDINATOR: Amanda Diaz, (713) 422-8912; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(14) COMPANY: Thomas K. Rawls dba Lakeside Water Supply 5 and Danasa Rawls dba Lakeside Water Supply 5; DOCKET NUMBER: 2022-1402-UTL-E; IDENTIFIER: RN102686896; LOCATION: Colmesneil, Tyler County; TYPE OF FACILITY: retail public utility, exempt utility, or provider or conveyor of potable or raw water service that furnishes water service; RULE VIOLATED: TWC, §13.1394(b)(2), by failing to adopt and submit to the TCEQ for approval an emergency preparedness plan that demonstrates the facility's ability to provide emergency operations; PENALTY: \$500; ENFORCEMENT COORDINATOR: Miles Wehner, (512) 239-2813; REGIONAL OFFICE: 3870 Eastex Freeway, Beaumont, Texas 77703-1830, (409) 898-3838.

(15) COMPANY: WOODLAKE-JOSSERAND WATER SUPPLY CORPORATION; DOCKET NUMBER: 2021-0979-PWS-E; IDENTIFIER: RN101452621; LOCATION: Groveton, Trinity County; TYPE OF FACILITY: public water supply; RULES VIOLATED: TCEQ Agreed Order Docket Number 2019-0836-PWS-E, Ordering Provision Number 2.a.ii, by failing to provide public notification and submit a copy of the public notification, accompanied with a signed Certificate of Delivery, to the executive director (ED) regarding the failure to comply with the maximum contaminant level for total trihalomethanes (TTHM) based on the locational running annual average for the second quarter of 2017 through the fourth quarter of 2018; TCEQ Agreed Order Docket Number 2019-0836-PWS-E, Ordering Provision Number 2.a.ii, by failing to provide public notification and submit a copy of the public notification, accompanied with a signed Certificate of Delivery, to the ED regarding the failure to submit a written operation evaluation report to the ED within 90 days after being notified of analytical results that caused an exceedance of the operational evaluation level for TTHM for Stage 2 Disinfection Byproducts; 30 TAC §290.41(c)(1)(f) and TCEQ Agreed Order Docket Number 2018-1552-PWS-E, Ordering Provision Number 2.c, by failing to obtain a sanitary control easement

that covers the land within 150 feet of the facility's wells; 30 TAC §290.42(f)(1)(E)(ii)(IV), by failing to provide separate containment facilities for chemicals that are incompatible; 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 §290.45(b)(1)(C)(i)(IV), and Texas Health and Safety Code (THSC), §341.0315(c), by failing to provide a well capacity of 0.6 gallons per minute per connection; 30 TAC §290.45(b)(1)(C)(iv) and THSC, §341.0315(c), by failing to provide an elevated storage capacity of 100 gallons per connection; 30 TAC §290.46(f)(2) and (3)(D)(ii), by failing to maintain water works operation and maintenance records and make them readily available for review by the ED upon request; 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; 30 TAC §290.46(m)(1)(A), by failing to inspect the facility's elevated storage tank annually; 30 TAC §290.46(n)(1), by failing to issue a boil water notification to the customers of the facility using the applicable language and prescribed format specified in 30 TAC §290.47(c)(1); 30 TAC §290.46(n)(2), by failing to make available an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies; 30 TAC §290.117(i)(6) and (j) and TCEQ Agreed Order Docket Number 2019-0836-PWS-E, Ordering Provision Number 2.a.i, by failing to provide a consumer notification of lead tap water monitoring results to persons served at the sites that were tested, and failing to mail a copy of the consumer notification of tap results to the ED along with certification that the consumer notification was distributed in a manner consistent with TCEQ requirements; 30 TAC §290.119(b)(7), by failing to use an acceptable analytical method for disinfectant analyses; 30 TAC §290.121(a), and TCEQ Agreed Order Docket Number 2018-1552-PWS-E, Ordering Provision Number 2.a.i, by failing to maintain an up-to-date chemical and microbiological monitoring plan that is subject to the review and approval of the ED, and a copy of which is maintained at each water treatment plant and at a central location; and 30 TAC §290.271(b) and §290.274(a) and (c), by failing to mail or directly deliver one copy of the Consumer Confidence Report (CCR) to each bill paying customer by July 1st for each year, and failing to submit to the TCEQ by July 1st for each year a copy of the annual CCR and certification that the CCR has been distributed to the customers of the facility and that the information in the CCR is correct and consistent with compliance monitoring data; PENALTY: \$14,415; ENFORCEMENT COORDINATOR: Miles Wehner, (512) 239-2813; REGIONAL OFFICE: 3870 Eastex Freeway, Beaumont, Texas 77703-1830, (409) 898-3838.

TRD-202301192

Gitanjali Yadav

Deputy Director, Litigation

Texas Commission on Environmental Quality

Filed: March 28, 2023



Combined Notice of Public Meeting and Notice of Application and Preliminary Decision for TPDES Permit for Municipal Wastewater New Permit No. WQ0016171001

**APPLICATION AND PRELIMINARY DECISION.** Municipal Operations, LLC, P.O. Box 1689, Spring, Texas 77383, has applied to the Texas Commission on Environmental Quality (TCEQ) for new Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0016171001, to authorize the discharge of treated domestic wastewater at an annual average flow not to exceed 1,000,000 gallons per day. TCEQ received this application on May 23, 2022.

The facility will be located approximately 1.75 miles west-southwest of the intersection of Babcock Road and Scenic Loop Road, in Bexar County, Texas 78023. The treated effluent will be discharged via pipe to Helotes Creek, thence to impounded Helotes Creek, thence to Helotes Creek, thence to Culebra Creek, thence to Lower Leon Creek in Segment No. 1906 of the San Antonio River Basin. The unclassified receiving water uses are minimal aquatic life use for Helotes Creek (upstream of unnamed tributary), and limited aquatic life use for the pond and for Helotes Creek (downstream of unnamed tributary). The designated uses for Segment No. 1906 are primary contact recreation, public water supply, and high aquatic life use. In accordance with 30 Texas Administrative Code §307.5 and TCEQ's *Procedures to Implement the Texas Surface Water Quality Standards* (June 2010), an antidegradation review of the receiving waters was performed. A Tier 1 antidegradation review has preliminarily determined that existing water quality uses will not be impaired by this permit action. Numerical and narrative criteria to protect existing uses will be maintained. A Tier 2 review has preliminarily determined that no significant degradation of water quality is expected in Lower Leon Creek, which have been identified as having high aquatic life uses. Existing uses will be maintained and protected. The preliminary determination can be reexamined and may be modified if new information is received. This link to an electronic map of the site or facility's general location is provided as a public courtesy and is not part of the application or notice. For the exact location, refer to the application.

<https://tceq.maps.arcgis.com/apps/webappviewer/index.html?id=db5bac44afbc468bbdd360f8168250f&marker=-98.6975%2C29.653888&level=12>

The TCEQ Executive Director has completed the technical review of the application and prepared a draft permit. The draft permit, if approved, would establish the conditions under which the facility must operate. The Executive Director has made a preliminary decision that this permit, if issued, meets all statutory and regulatory requirements. The permit application, Executive Director's preliminary decision, and draft permit are available for viewing and copying at Igo Library, 13330 Kyle Seale Parkway, San Antonio, Texas.

**ALTERNATIVE LANGUAGE NOTICE.** Alternative language notice in Spanish is available at <https://www.tceq.texas.gov/permitting/wastewater/plain-language-summaries-and-public-notices>. El aviso de idioma alternativo en español está disponible en <https://www.tceq.texas.gov/permitting/wastewater/plain-language-summaries-and-public-notices>.

**PUBLIC COMMENT / PUBLIC MEETING.** You may submit public comments about this application. The TCEQ will hold a public meeting on this application because it was requested by a local legislator.

The purpose of a public meeting is to provide the opportunity to submit comments or to ask questions about the application. 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 will be encouraged to ask questions of the applicant and TCEQ staff concerning the permit application. The comments and questions submitted orally during the Informal Discussion Period will not be considered before a decision is reached on the permit application and no formal response will be made. Responses will be provided orally during the Informal Discussion Period. During the Formal Comment Period on the permit application, members of the public may state their formal comments orally into the official record. A written response to all timely, relevant and material, or significant comments will be prepared by the Executive Director. All formal comments will be considered before a decision is reached on the

permit application. A copy of the written response will be sent to each person who submits a formal comment or who requested to be on the mailing list for this permit application and provides a mailing address. Only relevant and material issues raised during the Formal Comment Period can be considered if a contested case hearing is granted on this permit application.

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

**Tuesday, May 9, 2023, at 7:00 p.m.**

**DoubleTree by Hilton**

**6809 N Loop 1604 W**

**San Antonio, Texas 78249**

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

**OPPORTUNITY FOR A CONTESTED CASE HEARING.** After the deadline for submitting public comments, the Executive Director will consider all timely comments and prepare a response to all relevant and material, or significant public comments. **Unless the application is directly referred for a contested case hearing, the response to comments will be mailed to everyone who submitted public comments and to those persons who are on the mailing list for this application. If comments are received, the mailing will also provide instructions for requesting a contested case hearing or reconsideration of the Executive Director's decision.** A contested case hearing is a legal proceeding similar to a civil trial in a state district court.

**TO REQUEST A CONTESTED CASE HEARING, YOU MUST INCLUDE THE FOLLOWING ITEMS IN YOUR REQUEST:** your name, address, phone number; applicant's name and proposed permit number; the location and distance of your property/activities relative to the proposed facility; a specific description of how you would be adversely affected by the facility in a way not common to the general public; a list of all disputed issues of fact that you submit during the comment period; and the statement "[I/we] request a contested case hearing." If the request for contested case hearing is filed on behalf of a group or association, the request must designate the group's representative for receiving future correspondence; identify by name and physical address an individual member of the group who would be adversely affected by the proposed facility or activity; provide the information discussed above regarding the affected member's location and distance from the facility or activity; explain how and why the member would be affected; and explain how the interests the group seeks to protect are relevant to the group's purpose.

Following the close of all applicable comment and request periods, the Executive Director will forward the application and any requests for reconsideration or for a contested case hearing to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

The Commission may only grant a request for a contested case hearing on issues the requestor submitted in their timely comments that were not subsequently withdrawn. **If a hearing is granted, the subject of a hearing will be limited to disputed issues of fact or mixed questions of fact and law relating to relevant and material water quality concerns submitted during the comment period.**

**EXECUTIVE DIRECTOR ACTION.** The Executive Director may issue final approval of the application unless a timely contested case hearing request or request for reconsideration is filed. If a timely hearing request or request for reconsideration is filed, the Executive Director will not issue final approval of the permit and will forward the

application and request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

**MAILING LIST.** If you submit public comments, a request for a contested case hearing or a reconsideration of the Executive Director's decision, you will be added to the mailing list for this specific application to receive future public notices mailed by the Office of the Chief Clerk. In addition, you may request to be placed on: (1) the permanent mailing list for a specific applicant name and permit number; and/or (2) the mailing list for a specific county. If you wish to be placed on the permanent and/or the county mailing list, clearly specify which list(s) and send your request to TCEQ Office of the Chief Clerk at the address below.

**All written public comments and public meeting requests must be submitted to the Office of the Chief Clerk, MC 105, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087 or electronically at [www.tceq.texas.gov/goto/comment](http://www.tceq.texas.gov/goto/comment) within 30 days from the date of newspaper publication of this notice or by the date of the public meeting, whichever is later.**

**INFORMATION AVAILABLE ONLINE.** For details about the status of the application, visit the Commissioners' Integrated Database at [www.tceq.texas.gov/goto/cid](http://www.tceq.texas.gov/goto/cid). Search the database using the permit number for this application, which is provided at the top of this notice.

**AGENCY CONTACTS AND INFORMATION.** Public comments and requests must be submitted either electronically at [www.tceq.texas.gov/goto/comment](http://www.tceq.texas.gov/goto/comment), or in writing to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC 105, P.O. Box 13087, Austin, Texas 78711-3087. Any personal information you submit to the TCEQ will become part of the agency's record; this includes email addresses. For more information about this permit application or the permitting process, please call the TCEQ Public Education Program, Toll Free, at (800) 687-4040 or visit their website at [www.tceq.texas.gov/goto/pep](http://www.tceq.texas.gov/goto/pep). Si desea información en español, puede llamar al (800) 687-4040.

Further information may also be obtained from Municipal Operations, LLC at the address stated above or by calling Mr. Troy R. Hotchkiss, P.E., Director of Engineering, Integrated Water Services, at (214) 957-1357.

Issuance Date: March 23, 2023

TRD-202301204

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: March 29, 2023



### Enforcement Orders

An agreed order was adopted regarding Darrell Kennemer, Docket No. 2019-1648-MSW-E on March 28, 2023 assessing \$7,500 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 P C S Development Company, Docket No. 2021-1278-PWS-E on March 28, 2023 assessing \$1,252 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Misty James, 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 UTLX Manufacturing LLC, Docket No. 2021-1384-AIR-E on March 28, 2023 assessing \$4,250 in administrative penalties with \$850 deferred. Information concerning any aspect of this order may be obtained by contacting Danielle Porras, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding TIGER POWER, INC dba Tiger Power, Docket No. 2022-0121-PST-E on March 28, 2023 assessing \$3,512 in administrative penalties with \$702 deferred. Information concerning any aspect of this order may be obtained by contacting Samantha Salas, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Aqua Utilities, Inc., Docket No. 2022-0292-MLM-E on March 28, 2023 assessing \$1,102 in administrative penalties with \$220 deferred. Information concerning any aspect of this order may be obtained by contacting Ecko Beggs, 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 YAM UNITED INVESTMENT GROUP, LLC, Docket No. 2022-0547-PWS-E on March 28, 2023 assessing \$1,000 in administrative penalties with \$200 deferred. Information concerning any aspect of this order may be obtained by contacting Corinna Willis, 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 A&G UNITED LLC dba MATLOCK C STORE, Docket No. 2022-0668-PST-E on March 28, 2023 assessing \$4,875 in administrative penalties with \$975 deferred. Information concerning any aspect of this order may be obtained by contacting Courtney Gooris, 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 Timbercrest Partners, LLC, Docket No. 2022-0670-MWD-E on March 28, 2023 assessing \$6,375 in administrative penalties with \$1,275 deferred. Information concerning any aspect of this order may be obtained by contacting Harley Hobson, 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 Lazy River RV & Trailer Park, LLC, Docket No. 2022-0722-PWS-E on March 28, 2023 assessing \$62 in administrative penalties with \$12 deferred. Information concerning any aspect of this order may be obtained by contacting Samantha Duncan, 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 Conroe Resort Utilities, LLC, Docket No. 2022-1225-UTL-E on March 28, 2023 assessing \$510 in administrative penalties with \$102 deferred. Information concerning any aspect of this order may be obtained by contacting Ecko Beggs, 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 TCW SUPPLY, INC, Docket No. 2022-1312-UTL-E on March 28, 2023 assessing \$500 in administrative penalties with \$100 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 City of Berryville, Docket No. 2022-1381-UTL-E on March 28, 2023 assessing \$500 in administrative penalties with \$100 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 RANCH HILLS WATER SUPPLY CORPORATION, Docket No. 2022-1416-UTL-E on March 28, 2023 assessing \$500 in administrative penalties with \$100 deferred. Information concerning any aspect of this order may be obtained by contacting Amanda Conner, 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 OILTON RURAL WATER SUPPLY CORPORATION THE STATE OF TEXAS, Docket No. 2022-1441-UTL-E on March 28, 2023 assessing \$825 in administrative penalties with \$165 deferred. Information concerning any aspect of this order may be obtained by contacting Samantha Salas, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Undine Texas, LLC, Docket No. 2022-1461-UTL-E on March 28, 2023 assessing \$1,000 in administrative penalties with \$200 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 City of Follett, Docket No. 2022-1507-UTL-E on March 28, 2023 assessing \$700 in administrative penalties with \$140 deferred. Information concerning any aspect of this order may be obtained by contacting Corinna Willis, 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 Rocker B Land Cattle Company LLC, Docket No. 2023-0119-WR-E on March 28, 2023 assessing \$875 in administrative penalties. Information concerning any aspect of this citation may be obtained by contacting Harley Hobson, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

TRD-202301213

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: March 29, 2023



### Extension of Public Comment Period on Proposed Rule Reviews for Chapters 3, 20, 122, 218, and 305

In the February 24, 2023, issue of the *Texas Register* (48 TexReg 1157), the Texas Commission on Environmental Quality (TCEQ or commission) published notice of public comment on the proposed Rule Reviews for chapters 3, 20, 122, 218, and 305. The TCEQ Public Comment Page and the *Texas Register* notice stated that the commission must receive all written comments by March 27, 2023. Due to an error on the TCEQ Public Comment page, the commission has extended the deadline for receipt of written comments on the proposed Rule Reviews to April 14, 2023.

Written comments may be submitted to Gwen Ricco, MC 205, Office of Legal Services, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087, or faxed to fax4808@tceq.texas.gov. Electronic comments may be submitted at: <https://tceq.commentinput.com/>. File size restrictions may apply to comments being submitted via the TCEQ Public Comment system.

TRD-202301216  
Guy Henry  
Acting Deputy Director, Environmental Law Division  
Texas Commission on Environmental Quality  
Filed: March 29, 2023

◆ ◆ ◆  
Notice and Comment Hearing Draft Permit No.: O1061

This is a notice for a notice and comment hearing on Federal Operating Permit Number O1061. During the notice and comment hearing informal questions on the Federal Operating Permit will be answered and formal comments will be received. The Texas Commission on Environmental Quality (TCEQ) has scheduled the notice and comment hearing regarding this application and draft permit as follows:

Date: May 4, 2023

Time: 7:00 p.m.

Location: Gaines Mason Auditorium - Deer Park Auditorium North  
402 Ivy Avenue

Deer Park, Texas

Location phone: (832) 668-7168

**Application and Draft Permit.** Intercontinental Terminals Company LLC, P.O. Box 698, Deer Park, Texas 77536-0698, an Other Warehousing and Storage facility, has applied to the TCEQ for a Renewal of Federal Operating Permit (herein referred to as permit) No. O1061, Application No. 28256 to authorize operation of the Deer Park Terminal. The area addressed by the application is located at 1943 Independence Pkwy S in La Porte, Harris County, Texas 77571-9801. This application was received by the TCEQ on October 17, 2018.

The TCEQ Executive Director has completed the technical review of the application and prepared a draft permit. The draft permit, if approved, will codify the conditions under which the site must operate. The TCEQ Executive Director recommends issuance of the draft permit. The purpose of a federal operating permit is to improve overall compliance with the rules governing air pollution control by clearly listing all applicable requirements, as defined in Title 30 Texas Administrative Code (30 TAC) §122.10. The permit will not authorize new construction or new emissions.

**Notice and Comment Hearing.** The hearing will be structured for the receipt of oral or written comments by interested persons. Registration and an informal discussion period with commission staff members will begin during the first 30 minutes. During the informal discussion period, the public is encouraged to ask questions and engage in open discussion with the applicant and the TCEQ staff concerning this application and draft permit. Issues raised during this discussion period **will only** be addressed in the formal response to comments if the issue is also presented during the hearing. After the conclusion of the informal discussion period, the TCEQ will conduct a notice and comment hearing regarding the application and draft permit. Individuals may present oral statements when called upon in order of registration. A five-minute time limit may be established at the hearing to assure that enough time is allowed for every interested person to speak. There will be no open discussion during the hearing; however, commission staff members will be available to discuss the proposal and answer questions after the hearing. The purpose of this hearing will be to receive formal public comment which the TCEQ will consider in determining whether to revise and/or issue the permit and in determining the accuracy and completeness of the permit. Any person may attend this meeting and submit written or oral comments. The hearing will be conducted in ac-

cordance with the Texas Clean Air Act § 382.0561, as codified in the Texas Health and Safety Code, and 30 TAC §122.340.

Persons who have special communication or other accommodation needs who are planning to attend the hearing should contact the TCEQ Public Education Program toll free at (800) 687-4040 or (800) RELAY-TX (TDD), at least five business days prior to the hearing.

**Any person may also submit written comments before the hearing to the Texas Commission on Environmental Quality, Office of 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/).** Written comments should include (1) your name, address, and daytime telephone number, and (2) the draft permit number found at the top of this notice.

**A notice of proposed final action that includes a response to comments and identification of any changes to the draft permit will be mailed to everyone who submitted: written comments, and/or hearing requests, attended the hearing, or requested to be on the mailing list for this application.** This mailing will also provide instructions for public petitions to the U.S. Environmental Protection Agency (EPA) to request that the EPA object to the issuance of the proposed permit. After receiving a petition, the EPA may only object to the issuance of a permit which is not in compliance with applicable requirements or the requirements of 30 TAC Chapter 122.

**Mailing List.** In addition to submitting public comments, a person may ask to be placed on a mailing list for this application by sending a request to the TCEQ Office of the Chief Clerk at the address above. Those on the mailing list will receive copies of future public notices (if any) mailed by the Chief Clerk for this application.

**Information.** For additional information about this permit application or the permitting process, please contact the Texas Commission on Environmental Quality, Public Education Program, MC-108, P.O. Box 13087, Austin, Texas 78711-3087 or toll free at (800) 687-4040. General information about the TCEQ can be found at [www.tceq.texas.gov](http://www.tceq.texas.gov). Si desea información en español, puede llamar al (800) 687-4040.

Further information may also be obtained for Intercontinental Terminals Company LLC by calling Michael Gaudet, Environmental Compliance Manager at (281) 884-0360.

Notice Issuance Date: March 21, 2023

TRD-202301203

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: March 29, 2023

◆ ◆ ◆  
Notice of a Proposed Renewal With Amendment of General Permit TXG830000 Authorizing the Discharge of Wastewater

The Texas Commission on Environmental Quality (TCEQ or commission) is proposing to renew and amend Texas Pollutant Discharge Elimination System General Permit TXG830000. This general permit authorizes the discharge of water contaminated by petroleum substances into or adjacent to water in the state. The proposed general permit applies to the entire state of Texas. General permits are authorized by Texas Water Code, §26.040.

**DRAFT GENERAL PERMIT.** The executive director has prepared a draft general permit renewal with amendments of an existing general permit that authorizes the discharge of water contaminated by petroleum substances into or adjacent to water in the state. No significant degradation of high-quality waters is expected, and existing uses will be maintained and protected. The executive director proposes to re-

quire regulated entities to submit a Notice of Intent to obtain authorization under the general permit.

The executive director has reviewed this action for consistency with the goals and policies of the Texas Coastal Management Program (CMP) according to General Land Office regulations and has determined that the action is consistent with applicable CMP goals and policies.

On the date that this notice is published, a copy of the draft general permit and fact sheet will be available for a minimum of 30 days for viewing and copying at the TCEQ Office of the Chief Clerk located at the TCEQ Austin office, at 12100 Park 35 Circle, Building F. These documents will also be available at the TCEQ's 16 regional offices and on the TCEQ website at <https://www.tceq.texas.gov/permitting/wastewater/general/index.html>.

**PUBLIC COMMENT/PUBLIC MEETING.** You may submit public comments or request a public meeting about this draft general permit. The purpose of a public meeting is to provide the opportunity to submit written or oral comment or to ask questions about the draft general permit. Generally, the TCEQ will hold a public meeting if the executive director determines that there is a significant degree of public interest in the draft general permit or if requested by a state legislator. A public meeting is not a contested case hearing.

**Written public comments must be received by 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/> within 30 days from the date this notice is published.**

**APPROVAL PROCESS.** After the comment period, the executive director will consider all the public comments and prepare a written response. The response will be filed with the TCEQ Office of the Chief Clerk at least 10 days before the scheduled commission meeting when the commission will consider approval of the general permit. The commission will consider all public comment in making its decision and will either adopt the executive director's response or prepare its own response. The commission will issue its written response on the general permit at the same time the commission issues or denies the general permit. A copy of any issued general permit and response to comments will be made available to the public for inspection at the agency's Austin office. A notice of the commissioners' action on the draft general permit and a copy of its response to comments will be mailed to each person who submitted a comment. Also, a notice of the commission's action on the draft general permit and the text of its response to comments will be published in the *Texas Register*.

**MAILING LISTS.** In addition to submitting public comments, you may ask to be placed on a mailing list to receive future public notices mailed by the TCEQ Office of the Chief Clerk. You may request to be added to: 1) the mailing list for this specific general permit; 2) the permanent mailing list for a specific county; or 3) both. Clearly specify the mailing lists to which you wish to be added and send your request to the TCEQ Office of the Chief Clerk at the address previously mentioned. Unless you otherwise specify, you will be included only on the mailing list for this specific general permit.

**INFORMATION.** If you need more information about this general permit or the permitting process, please call the TCEQ Public Education Program, toll free, at (800) 687-4040. General information about the TCEQ can be found at our website at: <https://www.tceq.texas.gov>.

Further information may also be obtained by calling Shannon Gibson, TCEQ Water Quality Division, at (512) 239-4284.

*Si desea información en español, puede llamar 1 (800) 687-4040.*

TRD-202301214

Guy Henry  
Deputy Director, Environmental Law Division  
Texas Commission on Environmental Quality  
Filed: March 29, 2023



## Notice of a Proposed Renewal With Amendment of General Permit WQG200000 Authorizing the Discharge of Wastewater

The Texas Commission on Environmental Quality (TCEQ or commission) is proposing to renew and amend State-Only General Permit WQG200000. This general permit authorizes the disposal of wastewater by evaporation or beneficial irrigation adjacent to water in the state from livestock manure compost operations. The proposed general permit applies to the entire state of Texas. General permits are authorized by Texas Water Code, §26.040.

**DRAFT GENERAL PERMIT.** The executive director has prepared a draft general permit renewal with amendments of an existing general permit that authorizes the disposal of wastewater by evaporation or beneficial irrigation adjacent to water in the state from livestock manure compost operations. No significant degradation of high-quality waters is expected, and existing uses will be maintained and protected. The executive director proposes to require regulated entities to submit a Notice of Intent to obtain authorization under the general permit.

The executive director has reviewed this action for consistency with the goals and policies of the Texas Coastal Management Program (CMP) according to General Land Office regulations and has determined that the action is consistent with applicable CMP goals and policies.

On the date that this notice is published, a copy of the draft general permit and fact sheet will be available for a minimum of 30 days for viewing and copying at the TCEQ Office of the Chief Clerk located at the TCEQ Austin office, at 12100 Park 35 Circle, Building F. These documents will also be available at the TCEQ's 16 regional offices and on the TCEQ website at <https://www.tceq.texas.gov/permitting/wastewater/general/index.html>.

**PUBLIC COMMENT/PUBLIC MEETING.** You may submit public comments or request a public meeting about this draft general permit. The purpose of a public meeting is to provide the opportunity to submit written or oral comment or to ask questions about the draft general permit. Generally, the TCEQ will hold a public meeting if the executive director determines that there is a significant degree of public interest in the draft general permit or if requested by a state legislator. A public meeting is not a contested case hearing.

**Written public comments must be received by 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/> within 30 days from the date this notice is published.**

**APPROVAL PROCESS.** After the comment period, the executive director will consider all the public comments and prepare a written response. The response will be filed with the TCEQ Office of the Chief Clerk at least 10 days before the scheduled commission meeting when the commission will consider approval of the general permit. The commission will consider all public comment in making its decision and will either adopt the executive director's response or prepare its own response. The commission will issue its written response on the general permit at the same time the commission issues or denies the general permit. A copy of any issued general permit and response to comments will be made available to the public for inspection at the agency's Austin office. A notice of the commissioners' action on the draft general permit and a copy of its response to comments will be mailed to each person who submitted a comment. Also, a notice of the commis-

sion's action on the draft general permit and the text of its response to comments will be published in the *Texas Register*.

**MAILING LISTS.** In addition to submitting public comments, you may ask to be placed on a mailing list to receive future public notices mailed by the TCEQ Office of the Chief Clerk. You may request to be added to: 1) the mailing list for this specific general permit; 2) the permanent mailing list for a specific county; or 3) both. Clearly specify the mailing lists to which you wish to be added and send your request to the TCEQ Office of the Chief Clerk at the address previously mentioned. Unless you otherwise specify, you will be included only on the mailing list for this specific general permit.

**INFORMATION.** If you need more information about this general permit or the permitting process, please call the TCEQ Public Education Program, toll free, at (800) 687-4040. General information about the TCEQ can be found at our website at: <https://www.tceq.texas.gov>.

Further information may also be obtained by calling Shannon Gibson, TCEQ Water Quality Division, at (512) 239-4284.

*Si desea información en español, puede llamar (800) 687-4040.*

TRD-202301215

Guy Henry

Acting Deputy Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: March 29, 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 171825

**APPLICATION.** Five Star Concrete LLC, 2 Grist Mill Road, Uhland, Texas 78640-9363 has applied to the Texas Commission on Environmental Quality (TCEQ) for an Air Quality Standard Permit for a permanent Concrete Batch Plant with Enhanced Controls Registration Number 171825 to authorize the operation of a permanent concrete batch plant with enhanced controls. The facility is proposed to be located at the following driving directions: from US Highway 290 drive north on Farm to Market Road 1100 to Manda Carlson Road and drive west on Manda Carlson Road for approximately 1.3 miles and the facility will be located on the left, Manor, Travis County, Texas 78653. This application is being processed in an expedited manner, as allowed by the commission's rules in 30 Texas Administrative Code, Chapter 101, Subchapter J. 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=-97.474444,30.392777&level=13>. This application was submitted to the TCEQ on February 17, 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 March 23, 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:**

**Wednesday, May 24, 2023, at 6:00 p.m.**

**Courtyard by Marriott Austin Pflugerville and Pflugerville Conference Center**

**16100 Impact Way**

**Pflugerville, Texas 78660**

**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 Austin Regional Office, located at 12100 Park 35 Circle Building A, Room 179, Austin, Texas 78753-1808, 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 Five Star Concrete, LLC, 2 Grist Mill Road, Uhland, Texas 78640-9363, or by calling Mr. Stephen Hampton, Compliance Manager at (512) 398-7797.

Notice Issuance Date: March 23, 2023

TRD-202301206

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: March 29, 2023



#### Notice of District Petition

Notice issued March 23, 2023

TCEQ Internal Control No. D-10132022-026; Cipriani Island Laguna Azure, LLC (Petitioner) filed a revised petition (petition) for creation

of Johnson County Municipal Utility District No. 2 (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 in the proposed District; (2) there are two lienholders, First Guaranty Bank and MCI Preferred Income Fund IV, LLC, on the property to be included in the proposed District; (3) the proposed District will contain approximately 184.30 acres located within Johnson County, Texas; and (4) all of the land within the proposed district is located wholly within the extraterritorial jurisdiction of the City of Mansfield (City). The petition further states that the work proposed to be done by the District at the present time is the construction, maintenance and operation of a waterworks system, including the purchase and sale of water, for domestic and commercial purposes; the construction, maintenance and operation of a sanitary sewer collection, treatment and disposal system, for domestic and commercial purposes; the construction, installation, maintenance, purchase and operation of drainage and roadway facilities and improvements; and the construction, installation, maintenance, purchase and operation of facilities, systems, plants and enterprises of such additional facilities as shall be consonant with the purposes for which the District is organized. 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 \$30,980,000 (including \$26,100,000 for water, wastewater, and drainage plus \$4,880,000 for roads). In accordance with Local Government Code §42.042 and Texas Water Code §54.016, the Petitioner submitted a petition to the City, requesting the City's consent to the creation of the District. After more than 90 days passed without receiving consent, the Petitioner submitted a petition to the City to provide water and sewer services to the District. The 120-day period for reaching a mutually agreeable contract as established by the Texas Water Code §54.016(c) expired and information provided indicates that the Petitioner and the City have not executed a mutually agreeable contract for service. Pursuant to Texas Water Code §54.016(d), failure to execute such an agreement constitutes authorization for the Petitioner to proceed to the TCEQ for inclusion of their Property into the District.

#### INFORMATION SECTION

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

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

will forward the petition and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting. If a contested case hearing is held, it will be a legal proceeding similar to a civil trial in state district court. Written hearing requests should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address. For additional information, individual members of the general public may contact the Districts Review Team, at (512) 239-4691. Si desea información en español, puede llamar al (512) 239-0200. General information regarding TCEQ can be found at our web site at [www.tceq.texas.gov](http://www.tceq.texas.gov).

TRD-202301205

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: March 29, 2023



#### Notice of District Petition

Notice issued March 23, 2023

TCEQ Internal Control No. D-01252023-030; Grand Parkway HG 2 LP, a Texas limited partnership (Petitioner) filed a petition for creation of Fort Bend County Municipal Utility District No. 134F (District) of Fort Bend County with the Texas Commission on Environmental Quality (TCEQ). The petition was filed pursuant to Article XVI, §59 of the Constitution of the State of Texas; Chapters 49 and 54 of the Texas Water Code; 30 Texas Administrative Code Chapter 293; and the procedural rules of the TCEQ.

The petition states that: (1) the Petitioner holds title to a majority in value of the land to be included in the proposed District; (2) there is one lienholder, Woodforest National Bank, on the property to be included in the proposed District and the lienholder consents to the creation of the proposed District; (3) the proposed District will contain approximately 364.652 acres located within Fort Bend County, Texas; and (4) all of the land within the proposed District is partially within the extraterritorial jurisdiction of City of Houston and partially not within the extraterritorial jurisdiction or corporate boundaries of any city. By Ordinance No. 2022-828, passed and adopted on October 19, 2022, City of Houston, Texas, gave its consent to the creation of the proposed District, pursuant to Texas Water Code §54.016. The petition further states that the proposed District will: (1) construct a water distribution system for domestic purposes; (2) construct a sanitary sewer system; (3) control, abate and amend the harmful excess of waters and the reclamation and drainage of overflowed lands within the District; (4) construct and finance macadamized, graveled, or paved roads, or improve in aid of those roads; and (5) construct, install, maintain, purchase and operate additional facilities, systems, plants and enterprises as shall be consistent with the purposes for which the District is organized. 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 \$83,807,295 (\$58,000,000 for water, wastewater, and drainage plus \$6,807,295 for recreation plus \$19,000,000 for roads).

#### INFORMATION SECTION

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

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

TRD-202301207

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: March 29, 2023



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

The Texas Commission on Environmental Quality (TCEQ or commission) staff is providing an opportunity for written public comment on the listed Agreed Orders (AOs) in accordance with Texas Water Code (TWC), §7.075. TWC, §7.075, requires that before the commission may approve the AOs, the commission shall allow the public an opportunity to submit written comments on the proposed AOs. TWC, §7.075, requires that notice of the opportunity to comment must be published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is **May 8, 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 May 8, 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: Dipesh Limbad dba Last Chance; DOCKET NUMBER: 2021-0458-PST-E; TCEQ ID NUMBER: RN102257532; LOCATION: 8500 Mitchell Bend Court, Granbury, Hood County; TYPE OF FACILITY: underground storage tank (UST) system and a convenience store with retail sales of gasoline; RULES VIOLATED: TWC, §26.3475(c)(1), 30 TAC §334.50(b)(1)(A), and TCEQ Agreed Order, Docket Number 2018-0184-PST-E, Ordering Provision Number 2.a.i., by failing to monitor the USTs in a manner which will detect a release at a frequency of at least once every 30 days; and TWC, §26.3475(b), 30 TAC §334.50(b)(2)(B)(i)(I), and TCEQ Agreed Order, Docket Number 2018-0184-PST-E, Ordering Provision Number 2.a.ii., by failing to provide release detection for the suction piping associated with the UST system; PENALTY: \$45,138; STAFF ATTORNEY: Cynthia Sirois, Litigation, MC 175, (512) 239-3392; REGIONAL OFFICE: Dallas-Fort Worth Regional Office, 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(2) COMPANY: Noe Abdiel Requena-Bernal dba NR TRUCKING; DOCKET NUMBER: 2022-0377-WQ-E; TCEQ ID NUMBER: RN111312732; LOCATION: 1.5 miles west of North Harvey Mitchell Parkway on Mumford Road near Bryan, Burleson County; TYPE OF FACILITY: aggregate production operation (APO); RULE VIOLATED: 30 TAC §342.25, by failing to register the site as an APO; PENALTY: \$5,000; 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.

(3) COMPANY: TEXAS CONCRETE SAND AND GRAVEL ENTERPRISE INC; DOCKET NUMBER: 2021-0362-WQ-E; TCEQ ID NUMBER: RN110863560; LOCATION: 3704 Farm-to-Market Road 1010, Cleveland, Liberty County; TYPE OF FACILITY: sand and gravel mining operation; RULES VIOLATED: TWC, §26.121(a), 30 TAC §305.125(1), and Texas Pollutant Discharge Elimination System (TPDES) Multi-Sector General Permit (MSGP) Number TXR05EL66, Part V, Section J, Number 5(b), by failing to install and maintain best management practices at the facility, which resulted in a discharge of pollutants into or adjacent to water in the state; TWC, §26.121(a)(1), 30 TAC §305.125(1), and TPDES MSGP Number TXR05EL66, Part V, Section J, Number 5(b), by failing to install and maintain best management practices at the facility, which resulted in a discharge of pollutants into or adjacent to water in the state; and 30 TAC §305.125(1) and TPDES MSGP Number TXR05EL66, Part III, Section E, Number (6)(b)(1), by failing to report an unauthorized discharge orally to the TCEQ Regional Office within 24 hours of becoming aware of the noncompliance, and in writing to the TCEQ Regional Office and the TCEQ Enforcement Division within five days of becoming aware of the noncompliance; PENALTY: \$8,751; 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.

TRD-202301194

Gitanjali Yadav

Deputy Director, Litigation

Texas Commission on Environmental Quality

Filed: March 28, 2023



Notice of Public Hearing on Assessment of Administrative Penalties and Requiring Certain Actions of Barry D Baker dba FARMERSVILLE TIRE SOAH Docket No. 582-23-15091 TCEQ Docket No. 2021-0807-MSW-E

The Texas Commission on Environmental Quality (TCEQ or the Commission) has referred this matter to the State Office of Administrative Hearings (SOAH). An Administrative Law Judge with the State Office of Administrative Hearings will conduct a public hearing at:

**10:00 a.m. - April 27, 2023**

**William P. Clements Building**

**300 West 15th Street, 4th Floor**

**Austin, Texas 78701**

The purpose of the hearing will be to consider the Executive Director's Preliminary Report and Petition mailed February 1, 2022 concerning assessing administrative penalties against and requiring certain actions of Barry D Baker dba FARMERSVILLE TIRE, for violations in Collin County, Texas, of: Tex. Health & Safety Code § 361.112(a) and 30 Texas Administrative Code §§328.56(d)(4), 328.58(a), (d), and (e) and 328.60(a).

The hearing will allow Barry D Baker dba FARMERSVILLE TIRE, the Executive Director, and the Commission's Public Interest Counsel to present evidence on whether a violation has occurred, whether an administrative penalty should be assessed, and the amount of such penalty, if any. The first convened session of the hearing will be to establish jurisdiction, afford Barry D Baker dba FARMERSVILLE TIRE, the Executive Director of the Commission, and the Commission's Public Interest Counsel an opportunity to negotiate and to establish a discovery and procedural schedule for an evidentiary hearing. Unless agreed to by all parties in attendance at the preliminary hearing, an evidentiary hearing will not be held on the date of this preliminary hearing. **Upon failure of Barry D Baker dba FARMERSVILLE TIRE to appear at the preliminary hearing or evidentiary hearing, the factual allegations in the notice will be deemed admitted as true, and the relief sought in the notice of hearing may be granted by default. The specific allegations included in the notice are those set forth in the Executive Director's Preliminary Report and Petition, attached hereto and incorporated herein for all purposes.** Barry D Baker dba FARMERSVILLE TIRE, the Executive Director of the Commission, and the Commission's Public Interest Counsel are the only designated parties to this proceeding.

Legal Authority: Tex. Water Code § 7.054 and Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 361, and 30 Texas Administrative Code chs. 70 and 328; Tex. Water Code § 7.058, and the Rules of Procedure of the Texas Commission on Environmental Quality and the State Office of Administrative Hearings, including 30 Texas Administrative Code §70.108 and §70.109 and ch. 80, and 1 Texas Administrative Code ch. 155.

Further information regarding this hearing may be obtained by contacting Megan L. Grace, Staff Attorney, Texas Commission on Environmental Quality, Litigation Division, Mail Code 175, P.O. Box 13087, Austin, Texas 78711-3087, telephone (512) 239-3400. Information concerning your participation in this hearing may be obtained by contacting Sheldon Wayne, Staff Attorney, Office of Public Interest Counsel, Mail Code 103, at the same P.O. Box address given above, or by telephone at (512) 239-6363.

**Any document filed prior to the hearing must be filed with TCEQ's Office of the Chief Clerk and SOAH. Documents filed with the Office of the Chief Clerk may be filed electronically at**

**[www.tceq.texas.gov/goto/efilings](http://www.tceq.texas.gov/goto/efilings) or sent to the following address: TCEQ Office of the Chief Clerk, Mail Code 105, P.O. Box 13087, Austin, Texas 78711-3087. Documents filed with SOAH may be filed via fax at (512) 322-2061 or sent to the following address: SOAH, 300 West 15th Street, Suite 504, Austin, Texas 78701. When contacting the Commission or SOAH regarding this matter, reference the SOAH docket number given at the top of this notice.**

**In accordance with 1 Texas Administrative Code §155.401(a), Notice of Hearing, "Parties that are not represented by an attorney may obtain information regarding contested case hearings on the public website of the State Office of Administrative Hearings at [www.soah.texas.gov](http://www.soah.texas.gov), or in printed format upon request to SOAH."**

Persons who need special accommodations at the hearing should call the SOAH Docketing Department at (512) 475-3445, at least one week before the hearing.

Issued: March 24, 2023

TRD-202301210

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: March 29, 2023

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Notice of Public Hearing on Assessment of Administrative Penalties and Requiring Certain Actions of Jonathan Dodd SOAH Docket No. 582-23-13899 TCEQ Docket No. 2021-1193-WQ-E

The Texas Commission on Environmental Quality (TCEQ or the Commission) has referred this matter to the State Office of Administrative Hearings (SOAH). An Administrative Law Judge with the State Office of Administrative Hearings will conduct a public hearing at:

**10:00 a.m. - April 27, 2023**

To join the Zoom meeting via computer:

<https://soah-texas.zoomgov.com/>

**Meeting ID:** 161 984 0712

**Password:** TCEQDC1

or

To join the Zoom meeting via telephone dial:

+1 (669) 254-5252

**Meeting ID:** 161 984 0712

**Password:** 5247869

The purpose of the hearing will be to consider the Executive Director's Preliminary Report and Petition mailed August 31, 2022 concerning assessing administrative penalties against and requiring certain actions of Jonathan Dodd, for violations in Wise County, Texas, of: Tex. Water Code § 26.121, 40 C.F.R. 122.26(c), and 30 Texas Administrative Code §281.25(a)(4).

The hearing will allow Jonathan Dodd, the Executive Director, and the Commission's Public Interest Counsel to present evidence on whether a violation has occurred, whether an administrative penalty should be assessed, and the amount of such penalty, if any. The first convened session of the hearing will be to establish jurisdiction, afford Jonathan Dodd, the Executive Director of the Commission, and the Commission's Public Interest Counsel an opportunity to negotiate and to establish a discovery and procedural schedule for an evidentiary hearing.

Unless agreed to by all parties in attendance at the preliminary hearing, an evidentiary hearing will not be held on the date of this preliminary hearing. **Upon failure of Jonathan Dodd to appear at the preliminary hearing or evidentiary hearing, the factual allegations in the notice will be deemed admitted as true, and the relief sought in the notice of hearing may be granted by default. The specific allegations included in the notice are those set forth in the Executive Director's Preliminary Report and Petition, attached hereto and incorporated herein for all purposes.** Jonathan Dodd, the Executive Director of the Commission, and the Commission's Public Interest Counsel are the only designated parties to this proceeding.

Legal Authority: Tex. Water Code § 7.054 and chs. 7 and 26 and 30 Texas Administrative Code chs. 70 and 281; Tex. Water Code § 7.058, and the Rules of Procedure of the Texas Commission on Environmental Quality and the State Office of Administrative Hearings, including 30 Texas Administrative Code §70.108 and §70.109 and ch. 80, and 1 Texas Administrative Code ch. 155.

Further information regarding this hearing may be obtained by contacting Casey Kurnath, Staff Attorney, Texas Commission on Environmental Quality, Litigation Division, Mail Code 175, P.O. Box 13087, Austin, Texas 78711-3087, telephone (512) 239-3400. Information concerning your participation in this hearing may be obtained by contacting Sheldon Wayne, Staff Attorney, Office of Public Interest Counsel, Mail Code 103, at the same P.O. Box address given above, or by telephone at (512) 239-6363.

**Any document filed prior to the hearing must be filed with TCEQ's Office of the Chief Clerk and SOAH. Documents filed with the Office of the Chief Clerk may be filed electronically at [www.tceq.texas.gov/goto/efilings](http://www.tceq.texas.gov/goto/efilings) or sent to the following address: TCEQ Office of the Chief Clerk, Mail Code 105, P.O. Box 13087, Austin, Texas 78711-3087. Documents filed with SOAH may be filed via fax at (512) 322-2061 or sent to the following address: SOAH, 300 West 15th Street, Suite 504, Austin, Texas 78701. When contacting the Commission or SOAH regarding this matter, reference the SOAH docket number given at the top of this notice.**

**In accordance with 1 Texas Administrative Code §155.401(a), Notice of Hearing, "Parties that are not represented by an attorney may obtain information regarding contested case hearings on the public website of the State Office of Administrative Hearings at [www.soah.texas.gov](http://www.soah.texas.gov), or in printed format upon request to SOAH."**

Persons who need special accommodations at the hearing should call the SOAH Docketing Department at (512) 475-3445, at least one week before the hearing.

Issued: March 24, 2023

TRD-202301209

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: March 29, 2023



Notice of Public Meeting Air Permit Renewal Permit Number 105998

**APPLICATION.** Argos USA LLC, has applied to the Texas Commission on Environmental Quality (TCEQ) for renewal of Air Quality Permit Number 105998, which would authorize continued operation of the Concrete Batch Plants located at 302 Bennington Street, Houston, Harris County, Texas 77022. **AVISO DE IDIOMA ALTERNATIVO.** El aviso de idioma alternativo en español está disponible en [https://www.tceq.texas.gov/permitting/air/newsreview/air-](https://www.tceq.texas.gov/permitting/air/newsreview/air-permits-pending-permit-apps)

[permits-pending-permit-apps](https://www.tceq.texas.gov/permitting/air/newsreview/air-permits-pending-permit-apps). 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. <http://www.tceq.texas.gov/assets/public/hb610/index.html?lat=29.821&lng=-95.3719&zoom=13&type=r>. The existing facility is authorized to emit the following air contaminants: particulate matter including particulate matter with diameters of 10 microns or less and 2.5 microns or less. This application was submitted to the TCEQ on December 12, 2022.

The executive director has determined the application is administratively complete and will conduct a technical review of the application. In addition to the renewal, this permitting action includes the incorporation of standard permits related to this permit. The reasons for any changes or incorporations, to the extent they are included in the renewed permit, may include the enhancement of operational control at the plant or enforceability of the permit.

**PUBLIC COMMENT/PUBLIC MEETING. You may submit public comments to the Office of the Chief Clerk at the address below.** The TCEQ will consider all public comments in developing a final decision on the application. 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 will be encouraged to ask questions of the applicant and TCEQ staff concerning the permit application. The comments and questions submitted orally during the Informal Discussion Period will not be considered before a decision is reached on the permit application, and no formal response will be made. Responses will be provided orally during the Informal Discussion Period. During the Formal Comment Period on the permit application, members of the public may state their formal comments orally into the official record. At the conclusion of the comment period, all formal comments will be considered before a decision is reached on the permit application. A written response to all formal comments will be prepared by the executive director and will be sent to each person who submits a formal comment or who requested to be on the mailing list for this permit application and provides a mailing address. Only relevant and material issues raised during the Formal Comment Period can be considered if a contested case hearing is granted on this permit application.

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

**Tuesday, May 2, 2023 at 7:00 p.m.**

**Northside Columbus Club Hall (Roemer)**

**607 E. Whitney Street**

**Houston, Texas 77022**

**INFORMATION.** Members of the public are encouraged to submit written comments anytime during the public meeting or by mail before the close of the public comment period to the Office of the Chief Clerk, TCEQ, Mail Code MC-105, P.O. Box 13087, Austin, Texas 78711-3087 or electronically at <https://www14.tceq.texas.gov/epic/eComment/>. If you need more information about the permit application or the permitting process, please call the TCEQ Public Education Program, toll free, at 1-800-687-4040. General information 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.*

The application will be available for viewing and copying at the TCEQ central office, TCEQ Houston regional office, and the Heights Neighborhood Library, 1302 Heights Boulevard, Houston, Harris County, Texas. The facility's compliance file, if any exists, is available for public review in the Houston regional office of the TCEQ. Fur-

ther information may also be obtained from Argos USA LLC, 8500 Freeport Parkway Suite 200, Irving, Texas 75063-1932 or by calling Mrs. Melissa Fitts, Vice President, Westward Environmental, Inc., at (830) 249-8284.

Persons with disabilities who need special accommodations at the 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.

Notice Issuance Date: March 29, 2023

TRD-202301211

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: March 29, 2023



#### Notice of Public Meeting for TPDES Permit for Municipal Wastewater New Permit No. WQ0016145001

**APPLICATION.** Preserve Hutto, LLC, 3200 Southwest Freeway, Suite 1870, Houston, Texas 77027, has applied to the Texas Commission on Environmental Quality (TCEQ) for new Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0016145001, to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 48,000 gallons per day. TCEQ received this application on April 8, 2022.

The facility will be located at 4428 Priem Lane, in the City of Pflugerville, Travis County, Texas 78660. The treated effluent will be discharged via pipe to an unnamed tributary, thence to Wilbarger Creek, thence to Colorado River Above La Grange in Segment No. 1434 of the Colorado River Basin. The unclassified receiving water use is limited aquatic life use for the unnamed tributary. The designated uses for Segment No. 1434 are primary contact recreation, public water supply, and exceptional aquatic life use. In accordance with 30 Texas Administrative Code §307.5 and the TCEQ's *Procedure to Implement the Texas Surface Water Quality Standards* (June 2010), an antidegradation review of the receiving waters was performed. A Tier 1 antidegradation review has preliminarily determined that existing water quality uses will not be impaired by this permit action. Numerical and narrative criteria to protect existing uses will be maintained. This review has preliminarily determined that no water bodies with exceptional, high, or intermediate aquatic life uses are present within the stream reach assessed; therefore, no Tier 2 degradation determination is required. No significant degradation of water quality is expected in water bodies with exceptional, high, or intermediate aquatic life uses downstream, and existing uses will be maintained and protected. The preliminary determination can be reexamined and may be modified if new information is received. This link to an electronic map of the site or facility's general location is provided as a public courtesy and is not part of the application or notice. For the exact location, refer to the application.

<https://tceq.maps.arcgis.com/apps/webappviewer/index.html?id=db5bac44afbc468bbddd360f8168250f&marker=-97.591666%2C30.495277&level=12>

The TCEQ Executive Director has completed the technical review of the application and prepared a draft permit. The draft permit, if approved, would establish the conditions under which the facility must operate. The Executive Director has made a preliminary decision that this permit, if issued, meets all statutory and regulatory requirements.

**ALTERNATIVE LANGUAGE NOTICE.** Alternative language notice in Spanish is available at <https://www.tceq.texas.gov/per>

mitting/wastewater/plain-language-summaries-and-public-notices. El aviso de idioma alternativo en español está disponible en <https://www.tceq.texas.gov/permitting/wastewater/plain-language-summaries-and-public-notices>.

**PUBLIC COMMENT / PUBLIC MEETING.** 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 will be encouraged to ask questions of the applicant and TCEQ staff concerning the permit application. The comments and questions submitted orally during the Informal Discussion Period will not be considered before a decision is reached on the permit application and no formal response will be made. Responses will be provided orally during the Informal Discussion Period. During the Formal Comment Period on the permit application, members of the public may state their formal comments orally into the official record. A written response to all timely, relevant and material, or significant comments will be prepared by the Executive Director. All formal comments will be considered before a decision is reached on the permit application. A copy of the written response will be sent to each person who submits a formal comment or who requested to be on the mailing list for this permit application and provides a mailing address. Only relevant and material issues raised during the Formal Comment Period can be considered if a contested case hearing is granted on this permit application.

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

Thursday, May 11, 2023, at 7:00 p.m.

#### Elevate Events

15806 Windermere Drive

Building B

Pflugerville, Texas 78660

**INFORMATION.** Members of the public are encouraged to submit written comments anytime during the meeting or by mail before the close of the public comment period to the Office of the Chief Clerk, TCEQ, Mail Code MC-105, P.O. Box 13087, Austin, Texas 78711-3087 or electronically at [www.tceq.texas.gov/goto/comment](http://www.tceq.texas.gov/goto/comment). If you need more information about the permit application or the permitting process, please call the TCEQ Public Education Program, Toll Free, at (800) 687-4040. *Si desea información en español, puede llamar (800) 687-4040.* General information about the TCEQ can be found at our web site at <http://www.tceq.texas.gov>.

The permit application, Executive Director's preliminary decision, and draft permit are available for viewing and copying at Austin Public Library, North Village Branch, 2505 Steck Avenue, Austin, Texas. Further information may also be obtained from Preserve Hutto, LLC at the address stated above or by calling Mr. Jerry Ince, P.E., Ward Getz and Associates, at (832) 344-6604.

Persons with disabilities who need special accommodations at the 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.

Issuance Date: March 29, 2023

TRD-202301212

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: March 29, 2023

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## Notice of Water Quality Application

The following notice was issued on March 23, 2023:

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

### INFORMATION SECTION

ProEnergy Services, LLC which operates Braes Bayou Plant, a natural gas-fired electric peaking power plant, has applied to the TCEQ for a minor amendment to Texas Pollutant Discharge Elimination System Permit No. WQ0005270000 to authorize the removal of Outfalls 001, 002, 003, and 005 and to revise the pH sampling method. The draft permit authorizes the discharge of water treatment wastes, turbine inlet air cooling water blowdown, and stormwater runoff at a daily average flow not to exceed 0.189 million gallons per day via Outfall 004. The facility is located approximately 900 feet north of the intersection of Lockwood Gubbles Road and Smithers Lake Road, near the City of Houston, Fort Bend County, Texas 77481.

TRD-202301208

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: March 29, 2023

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## Texas Health and Human Services Commission

### Public Notice: Texas State Plan Amendment

The Texas Health and Human Services Commission (HHSC) announces its intent to submit transmittal number 23-0009 to the Texas State Plan for Medical Assistance, under Title XIX of the Social Security Act. The proposed amendment is effective January 1, 2023.

Currently, HHSC lists in its Medicaid State Plan certain categories of drugs that the state excludes from Medicaid coverage. The State Plan also lists certain specific drug exceptions to these excluded categories. The purpose of this amendment is to move the list of covered drugs in the excluded categories from the Medicaid State Plan to the Vendor Drug Program's (VDP) website at <https://www.txvendordrug.com/>. One of the drugs that would be moved in this change is Naloxone, an agent that reverses opioid overdoses. The Food and Drug Administration is considering changing the status of this drug from prescription to over the counter (OTC). Most OTC drugs are excluded from Medicaid coverage, but certain OTC drugs are listed as exceptions, and therefore are covered by Medicaid. By moving the information about which OTC drugs HHSC does cover from the state plan to the VDP website, HHSC is able to start covering these drugs and making the public aware of the coverage much more quickly. HHSC will be able to quickly cover Naloxone (and make the public aware of that coverage) if the status changes to OTC, although a prescription will still be required as even covered OTC drugs require a prescription. This change would also allow HHSC to make prompt changes for drugs in other categories of excludable drugs, such as certain drugs for weight loss.

The proposed amendment is estimated to have no fiscal impact.

To obtain copies of the proposed amendment, interested parties may contact Kenneth Anzaldua, State Plan Lead, by mail at the Health and Human Services Commission, P.O. Box 13247, Mail Code

H-600, Austin, Texas 78711; by telephone at (512) 438-4326; by facsimile at (512) 730-7472; or by email at [Medicaid\\_Chip\\_SPA\\_Inquiries@hhsc.state.tx.us](mailto:Medicaid_Chip_SPA_Inquiries@hhsc.state.tx.us). Copies of the proposal will also be made available for public review at the local offices of the Texas Health and Human Services Commission.

TRD-202301172

Karen Ray

Chief Counsel

Texas Health and Human Services Commission

Filed: March 24, 2023

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## 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 May 12, 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:

Early and Periodic Screening, Diagnosis and Treatment Services;

Durable Medical Equipment, Prosthetics, Orthotics, and Supplies (DMEPOS);

Physicians and Other Practitioners; and

Clinical Diagnostic Laboratory Services.

The proposed amendment is estimated to result in an annual aggregate expenditure of \$8,363 for federal fiscal year (FFY) 2023, consisting of \$5,300 in federal funds and \$3,063 in state general revenue. For FFY 2024, the estimated annual aggregate expenditure is \$26,020 consisting of \$15,750 in federal funds and \$10,270 in state general revenue. For FFY 2025, the estimated annual aggregate expenditure is \$25,743 consisting of \$15,484 in federal funds and \$10,259 in state general revenue.

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 will be conducted online to propose specific rate changes and accept public testimony. Information about the proposed rate changes and hearings will be published in a subsequent issue of the *Texas Register*. 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 can 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 Shaneqwea James, 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.

Persons with disabilities who wish to participate in the hearing and require auxiliary aids or services should contact Provider Finance at (512)

730-7401 at least 72 hours before the hearing so appropriate arrangements can be made.

TRD-202301193

Karen Ray

Chief Counsel

Texas Health and Human Services Commission

Filed: March 28, 2023

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**Texas Juvenile Justice Department**

**Rule Review Plan and Timeline**

Texas Juvenile Justice Department (TJJD) staff will submit to the Texas Register Notices of Proposed Rule Reviews in accordance with the timeline promulgated below.

During the month identified to begin review in the table below, TJJD staff will post a Notice of Proposed Rule Review in the *Texas Register*; initiating a 30-day public comment period limited to the scope of whether the reasons for initially adopting or readopting the rules continue to exist. TJJD staff will prepare summaries and initial recommendations regarding whether the reasons for initially adopting the rules continue to exist and whether the rule should be considered for any future amendments through a new rulemaking procedure. The Board will readopt those rules that it finds should continue to exist. Rules identified as needing future amendments or as appropriate for repeal will be addressed in a new rulemaking action.

All new rules adopted after the approval of this plan will be assigned a Chapter and Title and will be added to the next four-year cycle to be reviewed no later than four years after the effective date.

Chapter	Subchapter	Divisions	Number of Rules or Standards	Target Board Action*	Publish Notification of Review	Public Comment Period Ends
385. Agency Management and Operations	A. Contracts (11##) B. Interaction with the Public (81##) C. Miscellaneous (99##)	N/A	31	June 2023	March 2023	April 2023
380. Rules for State-Operated Programs and Facilities	A. Admission, Placement, Release, and Discharge (85##)	1. Definitions 2. Commitment and Reception 3. Placement Planning 4. Movement Before Program Completion 5. Program Completion and Release 6. Parole and Discharge	25	August 2023	May 2023	June 2023
380. Rules for State-Operated Programs and Facilities	B. Treatment (87##)	1. Program Planning 2. Programming for Youth with Specialized Treatment Needs	34	October 2023	July 2023	August 2023
380. Rules for State-Operated Programs and Facilities	C. Program Services (91##)	1. Basic Services 2. Education Programs 3. Youth Employment and Work 4. Health Care Services	38	January 2024	October 2023	November 2023
380. Rules for State-Operated Programs and Facilities	D. Youth Rights and Remedies (93##) E. Behavior Management and Youth Discipline (95##)	For D: N/A For E: 1. Behavior Management 2. Process Hearings	D – 10 E – 14**	March 2024	December 2023	January 2024

<b>380. Rules for State-Operated Programs and Facilities</b>	<b>F. Security and Control (97##)</b> <b>G. General Provisions (99##)</b>	For F: N/A  For G: 1. Youth Records 2. Youth Funds 3. Juvenile Correctional Officers	F – 12 G – 5	June 2024	March 2024	April 2024
<b>341. Juvenile Probation Department General Standards</b>	<b>For 341:</b> <b>A. Definitions and General Provisions</b> <b>B. Juvenile Board Responsibilities</b> <b>C. Juvenile Board Responsibilities</b>	N/A	32	August 2024	May 2024	June 2024
<b>342. Standards for Housing Non-Texas Juveniles in Texas Detention and Correctional Facilities</b>	<b>D. Requirements for Juvenile Probation Officers</b> <b>E. Case Management</b> <b>F. Data Collection</b> <b>G. Restraints</b> <b>H. Carrying of Weapons</b> <b>For 342: N/A</b>					
<b>343. Standards for Secure Juvenile Pre-Adjudication Detention and Post-Adjudication Correctional Facilities</b>	<b>A. Definitions, Applicability, and General Documentation Requirements</b> <b>B. Pre-Adjudication and Post-Adjudication Secure Facility Standards</b> <b>C. Secure Pre-Adjudication Detention Facility Standards</b> <b>D. Secure Post-Adjudication Correctional Facility Standards</b>	N/A	211	October 2024	July 2024	August 2024

	E. Restraints					
344. Employment, Certification, and Training for Juvenile Officers	A. Definitions and Applicability B. Qualifications for Certification and Employment C. Criminal History and Background Checks D. Disqualifying Criminal History E. Training and Continuing Education F. Certification Exam G. Certification	N/A	46	January 2025	October 2024	November 2024
345. Juvenile Justice Professional Code of Ethics for Certified Officers	A. Definitions and Applicability B. Policy and Procedure C. Code of Ethics	N/A	5	March 2025	December 2024	January 2025
347. Title IV-E Federal Foster Care Program	N/A	N/A	1	June 2025	March 2025	April 2025
348. Juvenile Justice Alternative Education Programs	A. Purpose, Definitions, and Applicability B. Program Operations C. Accountability D. Funding	N/A	19	August 2025	May 2025	June 2025
349. General Administrative Standards	For 349: A. Definitions B. Waiver C. Disciplinary Actions and Hearings	N/A	349 – 32 359 – 2	October 2025	July 2025	August 2025
359. Memorandums of Understanding						

	<b>D. Complaints Against Juvenile Boards</b> <b>E. Confidentiality and Release of Abuse, Exploitation and Neglect Investigation Records</b>  For 359: N/A					
<b>350. Investigating Abuse, Neglect, Exploitation, Death, and Serious Incidents</b>						
<b>358. Identifying, Reporting, and Investigating Abuse, Neglect, Exploitation, Death, and Serious Incidents</b>	For 350: N/A  For 358: N/A	N/A	350 – 18 358 – 19	January 2026	October 2025	November 2025
<b>351. Standards for Short-Term Detention Facilities</b>	For 351: N/A					
<b>353. Substance Use Disorder Treatment Programs</b>	For 353: <b>A. Definitions and General Provisions</b> <b>B. Providers</b> <b>C. Treatment Program Requirements</b>	N/A	351 – 28 353 – 24 355 – 122	March 2026	December 2025	January 2026
<b>355. Standards for Non-Secure Correctional Facilities</b>	For 355: <b>A. Definitions</b> <b>B. Applicability and General Provisions</b>					



TRD-202301191  
Christian von Wupperfeld  
General Counsel  
Texas Juvenile Justice Department  
Filed: March 27, 2023

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**Public Utility Commission of Texas**

**Notice of Application to Adjust High Cost Support Under 16  
TAC §26.407(h)**

Notice is given to the public of an application filed with the Public Utility Commission of Texas (commission) on March 22, 2023, to adjust the high-cost support it receives from the Small and Rural Incumbent Local Exchange Company Universal Service Plan without effect to its current rates.

Docket Title and Number: Application of Ganado Telephone Company, Inc. dba YK Communications to Adjust High Cost Support under 16 Texas Administrative Code §26.407(h), Docket Number 54788.

The Ganado Telephone Company, Inc. requests a high-cost support adjustment increase of \$348,653. The requested adjustment complies with the cap of 140% of the annualized support the provider received in the previous 12 months, as required by 16 Texas Administrative Code §26.407(g)(1).

Persons wishing to comment on the action sought should contact the Public Utility Commission of Texas by mail at P.O. Box 13326, Austin, Texas 78711-3326, or by phone at (512) 936-7120 or toll free at (888) 782-8477 as a deadline to intervene may be imposed. Hearing and speech-impaired individuals with text telephone (TTY) may contact the commission through Relay Texas by dialing 7-1-1. All comments should reference Docket Number 54788.

TRD-202301170  
Andrea Gonzalez  
Rules Coordinator  
Public Utility Commission of Texas  
Filed: March 24, 2023