

# 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.

## Alamo Area Metropolitan Planning Organization

### Request for Proposals - General Planning Services

The Alamo Area Metropolitan Planning Organization (AAMPO) is seeking proposals from qualified firms to provide General Planning Services.

The Request for Proposals (RFP) may be obtained by downloading the RFP and attachments from AAMPO's website at [www.alamoareampo.org](http://www.alamoareampo.org) or calling Sonia Jiménez, Deputy Director, at (210) 227-8651. Anyone wishing to submit a proposal must email it by 12:00 p.m. (CDT), Friday, September 30, 2022, to the AAMPO office at [aampo@alamoareampo.org](mailto:aampo@alamoareampo.org).

Reimbursable funding for this study, in the amount of \$750,000, is contingent upon the availability of federal transportation planning funds.

TRD-202203073

Sonia Jimenez

Deputy Director

Alamo Area Metropolitan Planning Organization

Filed: August 17, 2022

## 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 08/22/22 - 08/28/22 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 08/22/22 - 08/28/22 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-202203066

Leslie L. Pettijohn

Commissioner

Office of Consumer Credit Commissioner

Filed: August 16, 2022

## 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 **September 27, 2022**. TWC, §7.075, also requires that the commission promptly consider any written comments received and that the commission may withdraw or withhold approval of an AO if a comment discloses facts or considerations that indicate that consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the statutes and rules within the commission's jurisdiction or the commission's orders and permits issued in accordance with the commission's regulatory authority. Additional notice of changes to a proposed AO is not required to be published if those changes are made in response to written comments.

A copy of each proposed AO is available for public inspection at both the commission's central office, located at 12100 Park 35 Circle, Building C, 1st Floor, Austin, Texas 78753, (512) 239-2545 and at the applicable regional office listed as follows. Written comments about an AO should be sent to the enforcement coordinator designated for each AO at the commission's central office at P.O. Box 13087, Austin, Texas 78711-3087 and must be received by 5:00 p.m. on **September 27, 2022**. 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: Big Spring ISD; DOCKET NUMBER: 2022-0490-PST-E; IDENTIFIER: RN101751287; LOCATION: Big Spring, Howard County; TYPE OF FACILITY: fleet refueling; RULES VIOLATED: 30 TAC §334.8(c)(4)(A)(vii) and (5)(B)(ii), by failing to renew a previously issued underground storage tank (UST) delivery certificate by submitting a properly completed UST registration and self-certification form at least 30 days before the expiration date; and 30 TAC §334.8(c)(5)(A)(i) and TWC, §26.3467(a), by failing to make available to a common carrier a valid, current TCEQ delivery certificate before accepting delivery of a regulated substance into the regulated USTs; PENALTY: \$9,000; ENFORCEMENT COORDINATOR: Hailey Johnson, (512) 239-1756; REGIONAL OFFICE: 9900 West IH-20, Suite 100, Midland, Texas 79706, (432) 570-1359.

(2) COMPANY: City of Austin; DOCKET NUMBER: 2022-0515-AIR-E; IDENTIFIER: RN103219127; LOCATION: Cushing, Nacogdoches County; TYPE OF FACILITY: power plant; RULES VIOLATED: 30 TAC §§101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), New Source Review Permit Numbers 77679 and PSDTX1061M1, Special Conditions Number 1, Federal Operating Permit Number O3455, General Terms and Conditions and Special Terms and Conditions Number 8, and Texas Health and Safety Code, §382.085(b), by failing to comply with the maximum allowable emissions rate; PENALTY: \$9,000; ENFORCEMENT COORDINATOR: Yuliya Dunaway, (210) 403-4077; REGIONAL OFFICE: 3870 Eastex Freeway, Beaumont, Texas 77703-1830, (409) 898-3838.

(3) COMPANY: City of Beeville; DOCKET NUMBER: 2022-0472-MWD-E; IDENTIFIER: RN101614089; LOCATION: Beeville, Bee County; TYPE OF FACILITY: wastewater treatment; RULES VIOLATED: 30 TAC §305.125(1) and (5), TWC, §26.121(a)(1),

and Texas Pollutant Discharge Elimination System Permit Number WQ0010124002, Permit Conditions Number 2.g, by failing to prevent an unauthorized discharge of sewage into or adjacent to any water in the state; PENALTY: \$14,000; ENFORCEMENT COORDINATOR: Alejandro Laje, (512) 239-2547; REGIONAL OFFICE: 6300 Ocean Drive, Suite 1200, Corpus Christi, Texas 78412-5839, (361) 825-3100.

(4) COMPANY: City of George West; DOCKET NUMBER: 2018-1738-MWD-E; IDENTIFIER: RN101651495; LOCATION: George West, Live Oak County; TYPE OF FACILITY: wastewater treatment facility; RULES VIOLATED: 30 TAC §217.36(h) and §305.125(1) and (5) and Texas Pollutant Discharge Elimination System (TPDES) Permit Number WQ0010455002, Operational Requirements Number 4, by failing to maintain adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures by means of alternate power sources, standby generators, and/or retention of inadequately treated wastewater; 30 TAC §217.59(b)(2) and §317.3(a), by failing to secure the lift station in an intruder resistant manner; 30 TAC §305.125(1) and TPDES Permit Number WQ0010455002, Monitoring and Reporting Requirements Number 7(c), by failing to report to the TCEQ in writing, any effluent violation which deviates from the permitted effluent limitation by more than 40% within five working days of becoming aware of noncompliance; 30 TAC §305.125(1) and (4), TWC, §26.121(a)(1), and TPDES Permit Number WQ0010455002, Permit Conditions Number 2(d), by failing to take all reasonable steps to minimize or prevent any discharge or sludge use or disposal or other permit violation that has a reasonable likelihood of adversely affecting human health or the environment; 30 TAC §305.125(1) and (5), and TPDES Permit Number WQ0010455002, Operational Requirements Number 1, by failing to ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained; 30 TAC §305.125(1), TWC, §26.121(a)(1), and TPDES Permit Number WQ0010455002, Effluent Limitations and Monitoring Requirements Number 1, by failing to comply with permitted effluent limitations; 30 TAC §305.125(1), §319.6 and TPDES Permit Number WQ0010455002, Monitoring and Reporting Requirements Number 1, by failing to assure the quality of all measurements through the use of blanks, standards, duplicate analyses, and spikes; and 30 TAC §305.125(1) and §319.7(c), and TPDES Permit Number WQ0010455002, Monitoring and Reporting Requirements Number 3(c), by failing to maintain complete and accurate records of monitoring activities; PENALTY: \$96,476; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET AMOUNT: \$96,476; ENFORCEMENT COORDINATOR: Alejandro Laje, (512) 239-2547; REGIONAL OFFICE: 6300 Ocean Drive, Suite 1200, Corpus Christi, Texas 78412-5839, (361) 825-3100.

(5) COMPANY: City of Junction; DOCKET NUMBER: 2022-0505-PWS-E; IDENTIFIER: RN101383990; LOCATION: Junction, Kimble County; TYPE OF FACILITY: public water supply; RULE VIOLATED: 30 TAC §290.42(g)(3)(F), by failing to design the membrane system so that membrane units' feed water, filtrate, backwash supply, waste, and chemical cleaning piping have cross-connection protection to prevent chemicals from all chemical cleaning processes from contaminating other membrane units in other modes of operation; PENALTY: \$7,065; ENFORCEMENT COORDINATOR: Miles Wehner, (512) 239-2813; REGIONAL OFFICE: 622 South Oakes, Suite K, San Angelo, Texas 76903-7035, (325) 655-9479.

(6) COMPANY: Dixie Chemical Company, Incorporated; DOCKET NUMBER: 2021-1272-AIR-E; IDENTIFIER: RN100218486; LOCATION: Pasadena, Harris County; TYPE OF FACILITY: chemical manufacturing plant; RULES VIOLATED: 30 TAC §116.115(c) and §122.143(4), New Source Review Permit Number 18342, Special Conditions Number 32, Federal Operating Permit Number O3669,

General Terms and Conditions and Special Terms and Conditions Number 16, and Texas Health and Safety Code, §382.085(b), by failing to maintain the net heating value of the combustion zone gas of the flare at or above 270 British thermal units per standard cubic foot on an instantaneous basis at all times when waste is vented to the flare; PENALTY: \$98,100; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET AMOUNT: \$39,240; ENFORCEMENT COORDINATOR: Jo Hunsberger, (512) 239-1274; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(7) COMPANY: FIRST LAREDO STORE INC dba Tejano Mart 518; DOCKET NUMBER: 2022-0301-PST-E; IDENTIFIER: RN101432573; LOCATION: Laredo, Webb County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULES VIOLATED: 30 TAC §334.10(b)(2), by failing to assure that all underground storage tank (UST) recordkeeping requirements are met; and 30 TAC §334.50(b)(2) and TWC, §26.3475(a), by failing to provide release detection for the pressurized piping associated with the UST system; PENALTY: \$3,719; ENFORCEMENT COORDINATOR: Karolyn Kent, (512) 239-2536; REGIONAL OFFICE: 707 East Calton Road, Suite 304, Laredo, Texas 78041-3887, (956) 791-6611.

(8) COMPANY: Goodwill AB Inc dba Willis Food Mart; DOCKET NUMBER: 2022-0498-PST-E; IDENTIFIER: RN102784642; LOCATION: Commerce, Hunt County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULES VIOLATED: 30 TAC §334.49(a)(1) and TWC, §26.3475(d), by failing to provide corrosion protection for the underground storage tank system; PENALTY: \$3,750; ENFORCEMENT COORDINATOR: Courtney Gooris, (817) 588-5863; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(9) COMPANY: High Country Real Estate LLC dba FUEL CITY FLEET EXPRESS; DOCKET NUMBER: 2021-1007-PST-E; IDENTIFIER: RN105984553; LOCATION: Mesquite, Dallas County; TYPE OF FACILITY: unmanned truck stop with retail sales of diesel; RULES VIOLATED: 30 TAC §334.45(d)(1)(E)(iv), by failing to install and maintain sumps in a manner that assures that their sides, bottoms, and any penetration points are liquid tight; 30 TAC §334.50(b)(1)(B) and (2)(A)(iii) and TWC, §26.3475(c)(1), by failing to conduct release detection for underground storage tank and piping installed after January 1, 2009, at a frequency of at least once every 30 days using interstitial monitoring; 30 TAC §334.72, by failing to report a suspected release to the TCEQ within 24 hours of discovery; and 30 TAC §334.74, by failing to investigate and confirm all suspected releases of regulated substances requiring reporting under 30 TAC §334.72; PENALTY: \$16,776; ENFORCEMENT COORDINATOR: Horus Garcia, (512) 239-1813; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(10) COMPANY: KARMAN DHILLON INC dba Nu Way; DOCKET NUMBER: 2022-0516-PST-E; IDENTIFIER: RN102345451; LOCATION: Cooper, Delta County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULES VIOLATED: 30 TAC §334.50(b)(1)(A) and TWC, §26.3475(c)(1), by failing to monitor the underground storage tanks in a manner which will detect a release at a frequency of at least once every 30 days; PENALTY: \$4,500; ENFORCEMENT COORDINATOR: Hailey Johnson, (512) 239-1756; REGIONAL OFFICE: 2916 Teague Drive, Tyler, Texas 75701-3734, (903) 535-5100.

(11) COMPANY: Nerro Supply, LLC; DOCKET NUMBER: 2022-0522-PWS-E; IDENTIFIER: RN101238723; LOCATION: Dayton, Liberty County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.115(e)(2), by failing to conduct an operation evaluation and submit a written operation evaluation

report to the Executive Director within 90 days after being notified of the analytical results that caused an exceedance of the operational evaluation level of total trihalomethanes (TTHM) for Stage 2 Disinfection Byproducts at Site 2 during the fourth quarter of 2021; and 30 TAC §290.115(f)(1) and Texas Health and Safety Code, §341.0315(c), by failing to comply with the maximum contaminant level of 0.080 milligrams per liter for TTHM, based on the locational running annual average; PENALTY: \$2,487; ENFORCEMENT COORDINATOR: Ashley Lemke, (512) 239-1118; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(12) COMPANY: SOUTHERN HORIZONS DEVELOPMENT, INCORPORATED; DOCKET NUMBER: 2022-0493-PWS-E; IDENTIFIER: RN101226108; LOCATION: Splendora, Liberty County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.41(c)(3)(A), by failing to submit well completion data for review and approval prior to placing the facility's Well Number 3 into service; and 30 TAC §290.46(f)(2) and (3)(A)(vi), by failing to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request; PENALTY: \$687; ENFORCEMENT COORDINATOR: America Ruiz, (512) 239-2601; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(13) COMPANY: Southwest Texas Commercial Properties LLC dba Star Stop 430530; DOCKET NUMBER: 2021-1497-PST-E; IDENTIFIER: RN102387255; LOCATION: Eldorado, Schleicher County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULES VIOLATED: 30 TAC §334.48(h)(1)(A)(i) and TWC, §26.3475(c)(2), by failing to conduct a walkthrough visual inspection of the spill prevention equipment at least once every 30 days; 30 TAC §334.50(b)(1)(A) and TWC, §26.3475(c)(1), by failing to monitor the underground storage tanks (USTs) for releases in a manner which will detect a release at a frequency of at least once every 30 days; and 30 TAC §334.51(b)(2)(C)(ii) and TWC, §26.3475(c)(2), by failing to equip each UST with a valve or other appropriate device that shall be designed to automatically restrict the flow of regulated substances into the tank when the liquid level in the tank reaches a preset level which shall be no higher than the 90% capacity level for the tank; PENALTY: \$6,775; ENFORCEMENT COORDINATOR: Ken Moller, (512) 239-6111; REGIONAL OFFICE: 622 South Oakes, Suite K, San Angelo, Texas 76903-7035, (325) 655-9479.

(14) COMPANY: Southwest Texas Commercial Properties LLC dba Star Stop Food Mart 11; DOCKET NUMBER: 2021-1426-PST-E; IDENTIFIER: RN102410545; LOCATION: Eden, Concho County; TYPE OF FACILITY: convenience store with retail sales of fuel; RULES VIOLATED: 30 TAC §334.10(b)(2), by failing to assure that all underground storage tank (UST) recordkeeping requirements are met; and 30 TAC §334.50(b)(1)(A) and TWC, §26.3475(c)(1), by failing to monitor the UST in a manner which will detect a release at a frequency of at least once every 30 days; PENALTY: \$4,000; ENFORCEMENT COORDINATOR: Ken Moller, (512) 239-6111; REGIONAL OFFICE: 622 South Oakes, Suite K, San Angelo, Texas 76903-7035, (325) 655-9479.

(15) COMPANY: SUNNY SKIES RETAILER INCORPORATED dba EZ In N Out 2; DOCKET NUMBER: 2022-0509-PST-E; IDENTIFIER: RN102274917; LOCATION: Cleburne, Johnson County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULES VIOLATED: 30 TAC §334.50(b)(1)(A) and TWC, §26.3475(c)(1), by failing to monitor the underground storage tank in a manner which will detect a release at a frequency of at least once every 30 days; PENALTY: \$3,375; ENFORCEMENT COORDINATOR: Horus Garcia, (512) 239-1813; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(16) COMPANY: Sunoco Retail LLC dba Fast Break 9; DOCKET NUMBER: 2022-0261-PST-E; IDENTIFIER: RN102141405; LOCATION: San Marcos, Hays County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULES VIOLATED: 30 TAC §334.50(b)(1)(A) and TWC, §26.3475(c)(1), by failing to monitor the underground storage tanks in a manner which will detect a release at a frequency of at least once every 30 days; PENALTY: \$3,750; ENFORCEMENT COORDINATOR: Ken Moller, (512) 239-6111; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 339-2929.

(17) COMPANY: Surjit Singh dba Express Food Mart; DOCKET NUMBER: 2022-0521-PST-E; IDENTIFIER: RN102347879; LOCATION: Sherman, Grayson County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULES VIOLATED: 30 TAC §334.50(b)(1)(A) and TWC, §26.3475(c)(1), by failing to monitor the underground storage tanks in a manner which will detect a release at a frequency of at least once every 30 days; PENALTY: \$4,500; ENFORCEMENT COORDINATOR: Courtney Gooris, (817) 588-5863; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(18) COMPANY: TAKHAR & SON, L.L.C. dba Texas Oasis; DOCKET NUMBER: 2022-0517-PST-E; IDENTIFIER: RN102036878; LOCATION: Tioga, Grayson County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULES VIOLATED: 30 TAC §334.50(b)(1)(A) and TWC, §26.3475(c)(1), by failing to monitor the underground storage tanks for releases at a frequency of at least once every 30 days; PENALTY: \$4,500; ENFORCEMENT COORDINATOR: Stephanie McCurley, (512) 239-2607; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(19) COMPANY: Texas Department of Transportation; DOCKET NUMBER: 2022-0496-PST-E; IDENTIFIER: RN105205462; LOCATION: San Antonio, Bexar County; TYPE OF FACILITY: emergency generator; RULES VIOLATED: 30 TAC §334.50(b)(1)(A) and (2) and TWC, §26.3475(a) and (c)(1), by failing to monitor the underground storage tank (UST) for releases at a frequency of at least once every 30 days, and failing to provide release detection for the pressurized piping associated with the UST system; PENALTY: \$4,500; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET AMOUNT: \$3,600; ENFORCEMENT COORDINATOR: Stephanie McCurley, (512) 239-2607; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, (210) 490-3096.

(20) COMPANY: Texas MEX Limited Company, LLC dba Tejano Mart 515; DOCKET NUMBER: 2022-0363-PST-E; IDENTIFIER: RN101824670; LOCATION: Laredo, Webb County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULES VIOLATED: 30 TAC §334.10(b)(2), by failing to assure that all underground storage tank (UST) recordkeeping requirements are met; and 30 TAC §334.50(b)(1)(A) and (2) and TWC, §26.3475(a) and (c)(1), 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 failing to provide release detection for the pressurized piping associated with the UST system; PENALTY: \$4,619; ENFORCEMENT COORDINATOR: Courtney Gooris, (817) 588-5863; REGIONAL OFFICE: 707 East Calton Road, Suite 304, Laredo, Texas 78041-3887, (956) 791-6611.

TRD-202203050

Gitanjali Yadav

Deputy Director, Litigation

Texas Commission on Environmental Quality

Filed: August 16, 2022



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 169774

**APPLICATION.** BURNCO Texas, LLC, 8505 Freeport Parkway, Suite 190, Irving, Texas 75063-2548 has applied to the Texas Commission on Environmental Quality (TCEQ) for an Air Quality Standard Permit for a Concrete Batch Plant with Enhanced Controls Registration Number 169774 to authorize the operation of a concrete batch plant. The facility is proposed to be located at 9636 County Road 419, Anna, Collin County, Texas 75409. 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. <http://www.tceq.texas.gov/assets/public/hb610/index.html?lat=33.321666&lng=-96.525163&zoom=13&type=r>. This application was submitted to the TCEQ on July 27, 2022. 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 August 2, 2022.

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

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

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

**Monday, September 26, 2022, at 6:00 p.m.**

**Judith L. Harlow Elementary School (Cafeteria)**

**2412 Leonard Avenue**

**Anna, Texas 75409**

**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 com-

ments 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 Dallas/Fort Worth Regional Office, located at 2309 Gravel Drive, Fort Worth, Texas 76118-6951, 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 BURNCO Texas LLC, 8505 Freeport Parkway, Suite 190, Irving, Texas 75063-2548, or by calling Mrs. Melissa Fitts, Vice President, Westward Environmental, Inc. at (830) 249-8284.

Notice Issuance Date: August 12, 2022

TRD-202203049

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: August 16, 2022



Notice of Correction to Agreed Order Number 8

In the July 1, 2022, issue of the *Texas Register* (47 TexReg 3831), the Texas Commission on Environmental Quality (commission) published notice of Agreed Orders, specifically Item Number 8, for Friday Building Corporation Inc; Docket Number 2022-0608-WQ-E. The error is as submitted by the commission.

The reference to the Company should be corrected to read: "FRIDAY BUILDING CORPORATION INC."

For questions concerning the error, please contact Michael Parrish at (512) 239-2548.

TRD-202203053

Gitanjali Yadav

Deputy Director, Litigation

Texas Commission on Environmental Quality

Filed: August 16, 2022



Notice of Correction to Agreed Order Number 10

In the July 1, 2022, issue of the *Texas Register* (47 TexReg 3831), the Texas Commission on Environmental Quality (commission) published notice of Agreed Orders, specifically Item Number 10, for Mike Brattloff Homes Inc; Docket Number 2022-0607-WQ-E. The error is as submitted by the commission.

The reference to the Company should be corrected to read: "MIKE BRATTLFLOFF HOMES, INC."

For questions concerning the error, please contact Michael Parrish at (512) 239-2548.

TRD-202203052

Gitanjali Yadav

Deputy Director, Litigation

Texas Commission on Environmental Quality

Filed: August 16, 2022

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Notice of Correction to Agreed Order Number 20

In the April 23, 2021, issue of the *Texas Register* (46 TexReg 2842), the Texas Commission on Environmental Quality (commission) published notice of Agreed Orders, specifically Item Number 20, for SSM Business Enterprises dba Chilly Mart; Docket Number 2019-1354-PST-E. The error is as submitted by the commission.

The reference to the Company should be corrected to read: "SSM Business Enterprises, Inc. dba Chilly Mart."

The reference to rules violated should be corrected to remove: "30 TAC §334.50(d)(9)(A)(iv)."

The reference to the penalty should be corrected to read: "\$17,992."

For questions concerning the error, please contact Michael Parrish at (512) 239-2548.

TRD-202203051

Gitanjali Yadav

Deputy Director, Litigation

Texas Commission on Environmental Quality

Filed: August 16, 2022

◆ ◆ ◆  
Notice of Costs to Administer the Voluntary Cleanup Program and the Innocent Owner/Operator Program

In accordance with Texas Health and Safety Code, §361.613 (pertaining to the Voluntary Cleanup Program (VCP)) and 30 Texas Administrative Code §333.43 (pertaining to the Innocent Owner/Operator Program (IOP)), the executive director of the Texas Commission on Environmental Quality (TCEQ or commission) annually shall calculate the commission's costs to administer the VCP and the IOP, and shall publish in the *Texas Register* the rates established for the purpose of identifying the costs recoverable by the commission. The TCEQ has calculated and is publishing the bill rate for both the VCP and the IOP as \$115 per hour for the commission's Fiscal Year 2023.

The VCP and the IOP are implemented by the same TCEQ staff. Therefore, a single hourly bill rate for both programs is appropriate. The hourly bill rate is determined based upon current projections for staff salaries for the Fiscal Year 2023, including the fringe benefit rate and the indirect cost rate, minus anticipated federal funding that the commission will receive, and then divided by the estimated number of staff hours necessary to complete the program tasks. Fringe benefits include retirement, social security, and insurance expenses and are calculated at a set rate for the entire agency. The current fringe benefit rate is 33.30% of the budgeted salaries. Indirect costs include allowable overhead expenses and also are calculated at a set rate for the entire agency. The current indirect cost rate is 36.83% of the budgeted salary. The hourly bill rate was calculated and then rounded to the nearest whole dollar amount. The commission will use an hourly bill rate of \$115 for both the VCP and the IOP for the Fiscal Year 2023. After an applicant's initial \$1,000 application fee has been depleted for the VCP or the IOP review and oversight costs, invoices will be sent monthly to the applicant, or designee, for payment.

The commission anticipates receiving federal funding during Fiscal Year 2023 for the continued development and enhancement of the VCP and the IOP. If the federal funding anticipated for Fiscal Year 2023 does not become available, the commission may calculate and publish a new hourly bill rate. Federal funding of the VCP and the IOP should occur prior to October 1, 2022.

For more information, please contact Ms. Merrie Smith, P.G., VCP-CA Section, Remediation Division, Texas Commission on Environmental Quality, MC 221, 12100 Park 35 Circle, Austin, Texas 78753, or call (512) 239-5051, or email [merrie.smith@tceq.texas.gov](mailto:merrie.smith@tceq.texas.gov).

TRD-202203068

Gitanjali Yadav

Deputy Director, Litigation

Texas Commission on Environmental Quality

Filed: August 16, 2022

◆ ◆ ◆  
Notice of District Petition

Notice issued August 15, 2022

TCEQ Internal Control No. D-07122022-014; Gateway Core Equity, Ltd., a Texas limited partnership (Petitioner) filed a petition for creation of Gateway Municipal Utility District No. 1 (District) of Webb 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, Commerce Bank, on the property to be included in the proposed District and application material indicates that the lienholder consents to the creation of the proposed District; (3) the proposed District will contain approximately 647.347 acres located within Webb County, Texas; and (4) none of the land within the proposed District is within the corporate limits or extraterritorial jurisdiction of any city. The petition further states that the proposed District will: (1) purchase, construct, acquire, maintain, own, operate, repair, improve, and extend a waterworks and sanitary sewer system for residential and commercial purposes; (2) construct, acquire, improve, extend, maintain, and operate works, improvements, facilities, plants, equipment, and appliances helpful or necessary to provide more adequate drainage for the proposed District; (3) control, abate, and amend local storm waters or other harmful excesses of water; and (4) purchase, construct, acquire, improve, maintain, and operate such additional facilities, systems, plants, enterprises, and road facilities as shall be consonant with all of the purposes for which the proposed District is created. According to the petition, a preliminary investigation has been made to determine the cost of the project, and it is estimated by the Petitioners that the cost of said project will be approximately \$20,410,000 (\$11,110,000 for water, wastewater, and drainage and \$9,300,000 for roads).

INFORMATION SECTION

To view the complete issued notice, view the notice on our website 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 website, 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 website at [www.tceq.texas.gov](http://www.tceq.texas.gov).

TRD-202203047

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: August 16, 2022



### Notice of District Petition

Notice issued August 15, 2022

TCEQ Internal Control No. D-03292022-058; Denton Oliver Creek, LP, a Texas limited partnership and Astra Investments GP, LLC, a Texas limited liability company, its General Partner (Petitioners) filed a petition for creation of Oliver Creek Ranch Municipal Utility District of Denton County (District) with the Texas Commission on Environmental Quality (TCEQ). The petition was filed pursuant to Article XVI, §59 of the Constitution of the State of Texas; Chapters 49 and 54 of the Texas Water Code; 30 Texas Administrative Code Chapter 293; and the procedural rules of the TCEQ. The petition states that: (1) the Petitioners hold title to a majority in value of the land in the proposed District; (2) there is no lienholder on the property to be included in the proposed District; (3) the proposed District will contain approximately 570.976 acres located within Denton County, Texas; and (4) the District is located partially within the extraterritorial jurisdiction of the Town of Northlake, Texas, partially within the extraterritorial jurisdiction of the City of Justin, Texas (collectively, the Cities), and is not located within the corporate limits or extraterritorial jurisdiction of any other city, town, or village. Pursuant to Texas Water Code §54.016, the Petitioners filed petitions for consent on October 14, 2020 (Town of Northlake) and February 4, 2021 (City of Justin). A petition for water and sanitary sewer services was filed on July 27, 2021 with the City of Justin. Based on the application material, the City of Justin has not responded to the request for consent or water utility services. By Resolution No. 20-36, passed and approved on December 10, 2020, the Town of Northlake, Texas, gave its consent to the creation of the proposed District, pursuant to Texas Water Code §54.016. The City of Justin has not consented to the creation of the District and the Cities have failed to execute a contract providing for the water or sanitary sewer services requested by the Petitioners within the time limits prescribed by the Texas Local Government Code §42.042. Pursuant to the Texas Water Code §54.016(d), failure to execute such an agreement constitutes authorization for the Petitioners to initiate proceedings to include the land within the District. The petition further states that the work proposed to be done by the District at the present time is: (1) the construction of a water distribution system for domestic purposes; (2) the construction of a sanitary sewer system; (3) the control, abatement, and amendment

of the harmful excess of waters and the reclamation and drainage of overflowed lands within the District; (4) the construction and financing of macadamized, graveled, or paved roads, or improvements in aid of those roads; and (5) such other construction, installation, maintenance, purchase, and operation of such additional facilities, systems, plants, and enterprises as shall be consistent with the purposes for which the District is organized, all to the extent authorized by law from time to time. It is specifically proposed that the District be granted the authority to design, acquire, construct, finance, issue bonds for, operate, maintain, and convey to this state, a county, or a municipality for operation and maintenance, a road or any improvement in aid of the road, pursuant to Texas Water Code §54.234. 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 \$110,655,000 including (\$67,500,000 for water, wastewater, and drainage plus \$43,155,000 for roads).

### INFORMATION SECTION

To view the complete issued notice, view the notice on our website 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 website, 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 website at [www.tceq.texas.gov](http://www.tceq.texas.gov).

TRD-202203048

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: August 16, 2022



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

The Texas Commission on Environmental Quality (TCEQ or commission) staff is providing an opportunity for written public comment on the listed Agreed Order (AO) in accordance with Texas Water Code (TWC), §7.075. TWC, §7.075, requires that before the commission may approve the AO, the commission shall allow the public an opportunity to submit written comments on the proposed AO. TWC, §7.075, requires that notice of the opportunity to comment must be published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is **September 27, 2022**. 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 the 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 September 27, 2022**. Comments may also be sent by facsimile machine to the attorney at (512) 239-3434. The designated attorney is available to discuss the AO and/or the comment procedure at the listed phone number; however, TWC, §7.075, provides that comments on an AO shall be submitted to the commission in **writing**.

(1) COMPANY: SADDLE MOUNTAIN WATER COOPERATIVE, INC.; DOCKET NUMBER: 2020-1387-PWS-E; TCEQ ID NUMBER: RN110035979; LOCATION: 171 Saddle Mountain Trail near Kerrville, Kerr County; TYPE OF FACILITY: public water system (PWS); RULES VIOLATED: 30 TAC §290.41(c)(1)(F), by failing to obtain a sanitary control easement covering land within 150 feet of the facility's Wells Numbers 1 and 2; Texas Health and Safety Code (THSC), §341.0315(c) and 30 TAC §290.45(b)(1)(B)(iii), by failing to provide two or more service pumps having a total capacity of 2.0 gallons per minute per connection; and THSC, §341.0315(c) and 30 TAC §290.45(b)(1)(B)(iv), by failing to provide a pressure tank capacity of 20 gallons per connection; PENALTY: \$3,100; STAFF ATTORNEY: Clayton Smith, Litigation, MC 175, (512) 239-6224; REGIONAL OFFICE: San Antonio Regional Office, 14250 Judson Road, San Antonio, Texas 78233-4480, (210) 490-3096.

TRD-202203069

Gitanjali Yadav

Deputy Director, Litigation

Texas Commission on Environmental Quality

Filed: August 16, 2022



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

The Texas Commission on Environmental Quality (TCEQ, agency, or commission) staff is providing an opportunity for written public comment on the listed Default Orders (DOs). The commission staff proposes a DO when the staff has sent the Executive Director's Preliminary Report and Petition (EDPRP) to an entity outlining the alleged violations; the proposed penalty; the proposed technical requirements necessary to bring the entity back into compliance; and the entity fails

to request a hearing on the matter within 20 days of its receipt of the EDPRP or requests a hearing and fails to participate at the hearing. Similar to the procedure followed with respect to Agreed Orders entered into by the executive director of the commission, in accordance with Texas Water Code (TWC), §7.075, this notice of the proposed order and the opportunity to comment is published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is **September 27, 2022**. The commission will consider any written comments received, and the commission may withdraw or withhold approval of a DO if a comment discloses facts or considerations that indicate that consent to the proposed DO is inappropriate, improper, inadequate, or inconsistent with the requirements of the statutes and rules within the commission's jurisdiction, or the commission's orders and permits issued in accordance with the commission's regulatory authority. Additional notice of changes to a proposed DO is not required to be published if those changes are made in response to written comments.

A copy of each proposed DO is available for public inspection at both the commission's central office, located at 12100 Park 35 Circle, Building A, 3rd Floor, Austin, Texas 78753, (512) 239-3400 and at the applicable regional office listed as follows. Written comments about the DO should be sent to the attorney designated for the DO at the commission's central office at P.O. Box 13087, MC 175, Austin, Texas 78711-3087 and must be **received by 5:00 p.m. on September 27, 2022**. Comments may also be sent by facsimile machine to the attorney at (512) 239-3434. The commission's attorneys are available to discuss the DOs and/or the comment procedure at the listed phone numbers; however, TWC, §7.075, provides that comments on the DOs shall be submitted to the commission in **writing**.

(1) COMPANY: Jeremy Davis; DOCKET NUMBER: 2021-0316-PST-E; TCEQ ID NUMBER: RN102848603; LOCATION: 3702 Avenue A, Lubbock, Lubbock County; TYPE OF FACILITY: temporarily out-of-service underground storage tank (UST) system; RULES VIOLATED: TWC, §26.3475(d) and 30 TAC §334.49(c)(2)(C), by failing to inspect the impressed cathodic protection system at least once every 60 days to ensure the rectifier and other system components are operating properly; and 30 TAC §334.7(d)(1)(A) and (3), by failing to notify the agency of any change or additional information regarding the USTs within 30 days of occurrence of the change or addition; PENALTY: \$6,666; STAFF ATTORNEY: Taylor Pearson, Litigation, MC 175, (512) 239-5937; REGIONAL OFFICE: Lubbock Regional Office, 5012 50th Street, Suite 100, Lubbock, Texas 79414-3426, (806) 796-7092.

(2) COMPANY: Raymond W. Blair, Jr. dba Last Resort Properties; DOCKET NUMBER: 2019-1359-PWS-E; TCEQ ID NUMBER: RN102689452; LOCATION: 423 Buladora Drive near Lakewood Village, Little Elm, Denton County; TYPE OF FACILITY: public water system; RULE VIOLATED: TCEQ Agreed Order Docket Number 2017-1133-PWS-E, Ordering Provision Number 2.a.ii, by failing to provide public notification to the executive director regarding the failure to submit a Disinfectant Level Quarterly Operating Report, and regarding the failure to collect lead and copper tap samples; PENALTY: \$910; STAFF ATTORNEY: Taylor Pearson, Litigation, MC 175, (512) 239-5937; REGIONAL OFFICE: Dallas-Fort Worth Regional Office, 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

TRD-202203070

Gitanjali Yadav

Deputy Director, Litigation

Texas Commission on Environmental Quality

Filed: August 16, 2022

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Notice of Public Hearing on Assessment of Administrative Penalties and Requiring Certain Actions of Blue Cereus, LLC dba La Caleta Estates and Blue Cereus, LLC dba San Pedro Village: SOAH Docket No. 582-22-07515; TCEQ Docket No. 2022-0010-PWS-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. - September 8, 2022

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 June 1, 2022 concerning assessing administrative penalties against and requiring certain actions of Blue Cereus, LLC dba La Caleta Estates and Blue Cereus, LLC dba San Pedro Village, for violations in Val Verde County, Texas, of: 30 Texas Administrative Code §290.45(f)(1).

The hearing will allow Blue Cereus, LLC dba La Caleta Estates and Blue Cereus, LLC dba San Pedro Village, 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 Blue Cereus, LLC dba La Caleta Estates and Blue Cereus, LLC dba San Pedro Village, 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 Blue Cereus, LLC dba La Caleta Estates and Blue Cereus, LLC dba San Pedro Village 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.** Blue Cereus, LLC dba La Caleta Estates and Blue Cereus, LLC dba San Pedro Village, the Executive Director of the Commission, and the Commission's Public Interest Counsel are the only designated parties to this proceeding.

Legal Authority: Texas Health & Safety Code ch. 341 and 30 Texas Administrative Code chs. 70 and 290; Texas 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 Vic McWherter, 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: August 10, 2022

TRD-202202993

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: August 11, 2022

◆ ◆ ◆  
Notice of Water Quality Application

The following notice was issued on August 16, 2022

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 OF THE NOTICE BEING PUBLISHED IN THE TEXAS REGISTER.

INFORMATION SECTION

The Texas Commission on Environmental Quality (TCEQ) has initiated an amendment of Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0005143000 issued to Natgasoline LLC, which operates Beaumont Gas to Gasoline Plant, a produces methanol from natural gas facility, to change the single grab concentrations for benzo(a)anthracene and benzo(a)pyrene from 0.050 mg/L to 0.005 mg/L. The facility is located at 2366 Sulphur Plant Road, in the City of Beaumont, Jefferson County, Texas 77705.

If you need more information about these permit applications 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 [www.TCEQ.texas.gov](http://www.TCEQ.texas.gov). Si desea información en español, puede llamar al (800) 687-4040.

TRD-202203071

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: August 16, 2022

◆ ◆ ◆  
Notice of Water Rights Application

Notices Issued August 17, 2022



APPLICATION NO. 14-2553B; The City of Goldthwaite, 1219 Fisher Street, Goldthwaite, Texas 76844, Applicant, seeks to sever its water rights (1,000 acre-feet of water per year), authorized by Certificate of Adjudication No. 14-2546 and combine those rights with the 1,500 acre-feet of water per year, authorized by Certificate of Adjudication No. 14-2553. The City of Goldthwaite further seeks to amend the combined Certificate of Adjudication No. 14-2553 to change the purpose of use of all 2,500 acre-feet of water to municipal and industrial purposes, to store all of the authorized water in three existing off-channel reservoirs, and to add an additional off-channel reservoir, to authorize diversion of the 1,000 acre-feet of water from the City's authorized diversion point, and to add a place of use for all of the authorized water within the City's service area in Mills County. More information on the application and how to participate in the permitting process is given below. The application and fees were received on July 2, 2020. Additional information and fees were received on October 6, and November 9, 2020. The application was declared administratively complete and filed with the Office of the Chief Clerk on April 30, 2021. The Executive Director completed the technical review of the application and prepared a draft amendment. The draft amendment if granted, would include special conditions including, but not limited to, streamflow restrictions. The application, technical memoranda, and Executive Director's draft amendment are available for viewing on the TCEQ web page at: [https://www.tceq.texas.gov/permitting/water\\_rights/wr-permitting/wr-pending-apps](https://www.tceq.texas.gov/permitting/water_rights/wr-permitting/wr-pending-apps). Alternatively, you may request a copy of the documents by contacting the TCEQ Office of the Chief Clerk by phone at (512) 239-3300 or by mail at TCEQ OCC, Notice Team (MC-105), P.O. Box 13087, Austin, Texas 78711.

Written public comments and requests for a public meeting should be submitted to the Office of the Chief Clerk, at the address provided in the information section below by September 06, 2022. A public meeting is intended for the taking of public comment, and is not a contested case hearing. A public meeting will be held if the Executive Director determines that there is a significant degree of public interest in the application.

The TCEQ may grant a contested case hearing on this application if a written hearing request is filed by September 06, 2022. The Executive Director can consider an approval of the application unless a written request for a contested case hearing is filed by September 06, 2022.

To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) applicant's name and permit number; (3) the statement "[I/we] request a contested case hearing;" (4) a brief and specific description of how you would be affected by the application in a way not common to the general public; and (5) the location and distance of your property relative to the proposed activity. You may also submit proposed conditions to the requested permit which would satisfy your concerns. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below.

If a hearing request is filed, the TCEQ will not issue the permit and will forward the application and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting. Written hearing requests, public comments, or requests for a public meeting should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087 or electronically at <https://www14.tceq.texas.gov/epic/eComment/> by entering ADJ 2553 in the search field. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address. For additional information, individual members of the general public may contact the Public Education Program at (800) 687-4040.

General information regarding the TCEQ can be found at our website at [www.tceq.texas.gov](http://www.tceq.texas.gov). Si desea información en español, puede llamar al (800) 687-4040 o por el internet al <http://www.tceq.texas.gov>.

TRD-202203076

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: August 17, 2022

## Texas Ethics Commission

### List of Late Filers

Below is a list from the Texas Ethics Commission naming the filers who failed to pay the penalty fine for failure to file the report, or filing a late report, in reference to the specified filing deadline. If you have any questions, you may contact Scarlett Scalzo at (512) 463-5800.

#### **Deadline: Lobby Activities Report due May 10, 2022**

Richard J. Ybarra, 1902 Pease, Harlingen, Texas 78550

Timothy C. Ottinger, 3100 Main Street Ste. 600, Houston, Texas 77004

#### **Deadline: Lobby Activities Report due April 11, 2022**

Patrick R. Tarlton, 6300 Lohman Ford Rd. Ste. B., Lago Vista, Texas 78645

#### **Deadline: Lobby Activities Report due March 10, 2022**

John Kroll, 1212 Guadalupe St. Ste. 1003, Austin, Texas 78701

Patrick R. Tarlton, 6300 Lohman Ford Rd. Ste. B., Lago Vista, Texas 78645

#### **Deadline: Lobby Activities Report due February 10, 2022**

John Kroll, 1212 Guadalupe St. Ste. 1003, Austin, Texas 78701

#### **Deadline: Lobby Activities Report due January 10, 2022**

Frank R. Santos, 6905 Crosby Cir. #31, Austin, Texas 78746

#### **Deadline: Lobby Activities Report due April 12, 2021**

Patrick R. Tarlton, 6300 Lohman Ford Rd. Ste. B., Lago Vista, Texas 78645

#### **Deadline: Lobby Activities Report due January 11, 2021**

Frank R. Santos, 4014 6905 Crosby Cir. #31, Austin, Texas 78746

#### **Deadline: Lobby Activities Report due July 10, 2020**

Frank R. Santos, 46905 Crosby Cir. #31, Austin, Texas 78746

#### **Deadline: Lobby Activities Report due May 11, 2020**

Frank R. Santos, 6905 Crosby Cir. #31, Austin, Texas 78746

TRD-202202995

Anne T. Peters

Executive Director

Texas Ethics Commission

Filed: August 11, 2022

## Texas Health and Human Services Commission

### Public Notice - DBMD Waiver

The Texas Health and Human Services Commission (HHSC) is submitting a request to the Centers for Medicare & Medicaid Services (CMS)

for the renewal of the waiver application for the Deaf Blind with Multiple Disabilities (DBMD) Program. HHSC administers the DBMD Program under the authority of Section 1915(c) of the Social Security Act. CMS has approved the DBMD waiver application through February 28, 2023. The proposed effective date for the renewal is March 1, 2023.

The DBMD Program serves individuals with legal blindness, deafness, or a condition that leads to deaf blindness, and at least one additional disability that limits functional abilities. The program serves individuals in the community who would otherwise require care in an intermediate care facility for individuals with intellectual disability or a related condition.

The renewal request proposes to make the following changes:

Corrects acronyms, unit names, and other terminology to ensure accurate terms are used.

Updates the unduplicated number of participants, point-in-time numbers, and reserve capacity numbers, as well as the service projections, projections for consumer-directed services participants, and projections for annual average per capita Medicaid costs for all non-waiver institutional services (Factor G) and other Medicaid costs for the institutional population (Factor G') for all five waiver years in Appendices B, E, and J.

Updates certain Texas Administrative Code (TAC) references from Title 40 to Title 26 for accuracy.

Removes the phrase "legal entity and entities" when referencing financial management services agencies.

Updates references to the "Sanctions Action Review Committee" to "Adverse Action Review Committee" for accuracy.

#### Main Attachment #1: Transition Plan

HHSC includes a transition plan to address the discontinuation of day habilitation and the implementation of individualized skills and socialization, a new service, to comply with the Home and Community-Based Services (HCBS) settings requirements. The renewal request removes day habilitation as a service in the DBMD Program.

#### Appendix A

Adds an Administrative Authority Performance Measure as requested by the Centers for Medicare and Medicaid Services (CMS) as follows: A.a.1 Number and percent of individuals on the DBMD interest list who are offered waiver services on a first-come, first served basis by HHSC. N: Number of individuals on the DBMD interest list who are offered waiver services on a first come, first-served basis. D: Number of individuals who are offered enrollment from the interest list.

#### Appendix B

Updates the Unduplicated Number of Participants, point-in-time, and reserved capacity numbers for all five waiver years.

Adds a case manager and as requested by the individual or legally authorized representative, other persons as members of the service planning team.

In the "selection to entrance in the waiver" section, clarifies that when an individual is placed on the interest list the individual's name, mailing address, and date of birth is required.

Adds that submission of the level of care ID/RC assessment may be by fax or mail.

Adds in B-4 under the "Other specified groups," the following eligibility group to the waiver: Deemed Newborn Children (§1902(e)(4) and 2112(e), 42 CFR §435.117).

No revisions were made to the performance measures in appendix B.

#### Appendix C

Removes the day habilitation service and adds a new service, individualized skills and socialization, describes the service provider qualifications for the service, and identifies services that cannot be provided at the same time as individualized skills and socialization.

In the "entity responsible for verification" sections, HHSC deleted the following language, "HHSC verifies provider qualifications prior to awarding a provider agreement and on an ongoing basis." HHSC added, "the provider agency verifies service provider qualifications prior to hiring a service provider. HHSC verifies provider agency qualifications during initial contract monitoring reviews and during routine follow up reviews."

In the Financial Management Service section, to be consistent with current policy, adds language to clarify that an individual employer and financial management services agency (FMSA) are both required to verify that a service provider meets the qualifications before being hired and that the FMSA is required to obtain and retain documentation that a service provider continues to meet the qualifications.

Adds language to clarify that the FMSA may have multiple consumer directed services (CDS) program contracts and that a CDS DBMD contract may not be included in the sample of contracts reviewed by HHSC.

Clarifies that respite is not provided at the same time as the new service, individualized skills and socialization.

Clarifies that HHSC will conduct recertification health and life safety code surveys of Intermediate Care Facilities for Individuals with Intellectual Disabilities that provide respite, every 12-15 months and that CMS will conduct recertification surveys of these facilities in accordance with the State Operations Manual, chapter 2, section 2141.

Clarifies the definition of "Support Consultation" to state that it is an optional service for individuals self-directing their services, varies depending on an individual's needs, and is provided by a certified support advisor; to include the activities involved in practical skills training and assistance to enable an individual or his/her legally authorized representative to successfully direct those services the individual or the legally authorized representative elect for self-direction; to describe the role of the support advisor; and to state that the level of assistance and training provided through support consultation is beyond that provided by the FMSA.

Removes "Provider must have a Support Advisor certificate issued by HHSC" and added clarification that the support consultation service provider must have certification of successful completion of required training conducted or approved by HHSC.

Clarifies, to be consistent with current policy, that the provision of support consultation does not include the provision of service coordination or any other waiver service to the individual; that the support consultation service provider cannot be the individual's legally authorized representative, the spouse of the individual's legally authorized representative, the individual's designated representative, or the spouse of the individual's designated representative; and that upon the request of an individual or an individual's legally authorized representative, the financial management services agency must have support consultation services available.

Adds the statements that an individual employer and FMSA are both required by 40 Texas Administrative Code Chapter 41 Consumer Directed Services Option to verify that a service provider meets the qualifications required by the individual's program rules before being hired; and that a FMSA is required to obtain and retain documentation on file that a service provider continues to meet the qualifications required by

the individual's program rules, policies, and manuals, and other state and federal regulations.

Adds a statement that HHSC verifies qualifications of service providers were met prior to service delivery during reviews that are completed at least every three years.

Removes the phrase "or state plan Community First Choice Personal Assistance Services/Habilitation" from the limits section because, Community First Choice Personal Assistance/Habilitation is not a waiver service.

Removes the statement that HHSC verifies provider qualifications prior to awarding a provider agreement and on an ongoing basis. Clarifies that the provider agency verifies service provider qualifications prior to hiring and that HHSC verifies provider agency qualifications during initial contract monitoring reviews at least every three years.

Revises performance measure C.a.3 to read as follows: "Number and percent of licensed providers monitored according to the schedule required by policy, to ensure that providers are meeting all standards. N: Number of licensed providers monitored according to the schedule required by policy, to ensure that providers are meeting all standards. D: All licensed providers meeting the requirements for a scheduled monitoring."

Revises performance measure C.b.1 to read as follows: "Number and percent of newly enrolled financial management services agencies that initially met contract requirements. N: Number of newly enrolled financial management services agencies that initially met contract requirements D: Number of newly enrolled financial management services agencies reviewed." HHSC also revises the sampling to be less than 100% review.

Revises performance measure C.b.2 to read as follows: "Number and percent of monitored FMSAs that met program contract requirement. N: Number of monitored FMSAs that met program contract requirements. D: Number of FMSAs reviewed."

Revises performance measure C.b.3 to read as follows: "Number and percent of individuals/employers using the CDS option that had a service provider agreement for each employee hired. N: Number of employers using the CDS option that had a service provider agreement for each employee hired. D: Number of individuals/employers reviewed who had a new employee hired during the monitoring period."

Revises performance measure C.c.3 to read as follows: "Number and percent of provider staff meeting state training requirements by receiving a score of at least 80% on the HHSC DBMD Computer Based Training. N: Number of provider staff receiving a score of at least 80% on the HHSC DBMD Computer Based Training. D: Number of provider staff required to complete training during the reporting period." HHSC also revises the data source to the HHSC Provider Learning Portal and revises the sampling from 100 percent review to less than 100% review.

HHSC removes the following performance measure:

C.b.4 Number and percent of individuals/employers using the CDS option that had a Medicaid provider service agreement for each employee. N: Number of employers using the CDS option that had a Medicaid provider service agreement for each employee. D: Total number of individuals/employers reviewed.

#### Appendix D

In the "service plan development safeguards" section, updates the total number of DBMD providers across the state and the percentage of individuals that utilize the consumer directed services option.

No revisions were made to the performance measures in appendix D.

#### Appendix E

Updates the projections for the total number of participants utilizing the consumer directed services option

#### Appendix F

In the "Opportunity to Request a Fair Hearing" section, clarifies that HHSC staff sends a letter to the provider that describes the action HHSC has taken or will take and explains the right to request a fair hearing in accordance with Title 40 of the Texas Administrative Code, Part 15, § 357.3 and § 357.11 and 42 CFR §431.210. Clarifies that the provider gives a copy of the letter to the individual or legally authorized representative at least 10 days prior to the effective date of certain actions.

Clarifies that when an individual receives a letter in advance of the date of action, the individual will continue to receive the authorized amount of the service(s) in question while the fair hearing process is pending if the individual requests a fair hearing before the effective date of action.

#### Appendix G

Clarifies that reports of abuse, neglect or exploitation are reported to the Department of Family and Protective Services Statewide Intake Abuse Hotline.

Clarifies that allegations of abuse, neglect, and exploitation in Assisted Living Facilities are reported to the HHS Complaint and Incident Intake (CII).

Clarifies the role of HHSC Provider Investigations and the Department of Family and Protective Services Statewide Intake and where abuse, neglect and exploitation allegations must be reported.

Clarifies that priority one cases require contact by HHSC Provider Investigations with the alleged victim within 24 hours.

Clarifies that priority two cases require contact by HHSC Provider Investigations with the alleged victim within three calendar days.

Clarifies that priority three cases, require contact by HHSC Provider Investigations with the alleged victim within seven calendar days.

Revises G.a.9 to read as follows: "Number and percent of provider-reported deaths reviewed during the required timeframe. N: Number of provider-reported deaths reviewed during the required timeframe. D: Number of provider-reported deaths."

Revises G.a.10 to read as follows: "Number and percent of provider-reported deaths of individuals free from previous confirmed allegations of abuse, neglect, or exploitation within the last three months. N: Number of provider-reported deaths of individuals free from previous confirmed allegations of abuse, neglect, or exploitation within the last three months. D: Number of provider-reported deaths received during the reporting period."

For performance measure G.a.11 updates the name of the data source to the "HHSC Provider Learning Portal."

For performance measure G.b.1 updates the name of the data source to the "Critical Incident Management System."

Revises G.c.1 to read as follows: "Number and percent of individuals whose records reflect that the provider was in compliance with requirements related to unauthorized restraint. N: Number of individuals whose records reflect that the provider was in compliance with requirements related to unauthorized restraint. D: Number of individuals with reviewed records."

#### Appendix H

Replaces the term Quality Oversight Plan with the Quality Improvement Strategy and clarifies that the quality indicators are tracked and reported on a quarterly and annual basis.

Clarifies that the Quality Review Team consists of representatives from several departments within HHSC and meets on a quarterly basis to review comprehensive quality reports generated by the Quality Reporting Unit. Includes statement that these reports include quarterly and annual compliance results as well as remediation activities for each performance measure and that priorities for further scrutiny and follow-up with Quality Improvement Projects are established in the quarterly meetings.

Removes information about the promoting independence advisory committee and adds information about the Intellectual and Developmental Disability System Redesign Advisory Committee and the committee's role in advising HHSC on the implementation of the acute care services and long-term services and supports system redesign for people with intellectual and developmental disabilities.

Updates the information about the Use of a Patient Experience of Care/Quality of Life Survey with the NCI AD to add that the NCI-AD Adult Consumer Survey is designed to measure outcomes across nineteen broad domains comprising approximately 75 core indicators. Includes statement that indicators are the standard measures used across states to assess the outcomes of services provided to individuals, including respect and rights, service coordination, care coordination, employment, health, safety, person-centered planning, etc.

#### Appendix I

Clarifies that FMSAs are monitored using the following methods to include the review of timesheets, budgets, and Electronic Visit Verification (EVV) records or other financial records involved in their billing.

Removes the term "desk and on-site reviews" and clarifies that HHSC performs compliance reviews associated with claims the provider submits under a contract.

Clarifies that HHSC contract staff complete monitoring activities including contract and tax reviews.

Updates language related to EVV to align with the requirements of HHSC effective January 1, 2021.

Removes the term "on-site" in reference to monitoring reviews.

Includes information about the rate methodology for the new service, individualized skills and socialization.

Revises performance measure I.a.1 to read as follows: "Total dollar amount and percent of total dollar amount of paid claims, including those from FMSAs, that were coded and paid for according to the reimbursement methodology specified in the approved waiver. N: Total dollar amount of paid claims that were coded and paid for according to the reimbursement methodology specified in the approved waiver. D: Total dollar amount of paid claims."

Revises performance measure I.a.3. to read as follows: "Total dollar amount and percent of total dollar amount of reviewed FMSAs claims free from recoupment. N: Total dollar amount of reviewed FMSA claims free from recoupment. D: Total dollar amount of reviewed Financial Management Services claims; FMSA was added in the performance measure HHSC deleted providers are selected for monitoring based on the contract effective date, previous formal monitoring exit date, overall compliance score of the previous formal monitoring, and expenditures."

Removes the following performance measures in Appendix I:

I.a.2 Number and percent of monitored FMSAs for which claims were paid in accordance with the employee's established rate of pay and the service hours actually worked. N: Number of monitored FMSAs for which claims were paid in accordance with the employee's established rate of pay and the service hours actually worked. D: Total number of monitored FMSAs.

I.a.5 Number and percent of paid claims that reflected only the services listed in the service plan. N: Number of paid claims that reflected only the services listed in the service plan. D: Number of paid claims.

#### Appendix J

Adds individualized skills and socialization to the waiver service coverage charts and removes day habilitation. Updates the projected utilization for individualized skills and socialization as well as the other waiver services for waiver years one through five.

Updates the unduplicated number of participants, point-in-time numbers, as well as the service projections, and projections for annual average per capita Medicaid costs for all non-waiver institutional services (Factor G) and other Medicaid costs for the institutional population (Factor G') for all five waiver years.

If you want to obtain a free copy of the proposed waiver renewal or if you have questions, need additional information, or want to submit comments regarding this renewal, you may contact Jayasree Sankaran by U.S. mail, telephone, fax or email at the address and numbers listed below. Comments about the proposed waiver renewal must be submitted to HHSC by September 26, 2022.

#### U.S. Mail

Texas Health and Human Services Commission

Attention: Jayasree Sankaran, Waiver Coordinator, Federal Coordination, Rules, and Committees

John H. Winters Building, East Tower

701 W. 51st Street

Mail Code: H-310

Austin, Texas 78751

Telephone

(512) 438-4331

Fax

(512) 323-1905 Attention: Jayasree Sankaran

Email

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

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

The complete proposed waiver renewal can be found online on the HHSC website at

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

TRD-202203041

Karen Ray

Chief Counsel

Texas Health and Human Services Commission

Filed: August 15, 2022



Public Notice of Stakeholder Engagement Meetings for Medicaid Payment Rates

## MEETINGS.

The Texas Health and Human Services Commission (HHSC) will conduct stakeholder engagement meetings on September 14, 2022, to receive comments on Medicaid payment rate topics that may potentially be addressed at the upcoming November 2022 rate hearings. Commentary will be collected solely on the topics listed in this notice. Proposed rates will not be published at this time.

The meetings will be held online only at the following times according to topic areas:

Acute Care Services: September 14, 2022, 9:00 a.m. - 11:00 a.m.

Long-term Services & Supports: September 14, 2022, 11:30 a.m. - 1:30 p.m.

To attend online: The meetings will be held online via GoToWebinar. Visit the following GoToWebinar link to register to attend one or both of the online meetings. After registering, you will receive a confirmation email containing information about joining the webinar.

<https://attendee.gotowebinar.com/register/8683184598151895054>

Webinar ID: 457-428-283

HHSC will record the meetings. The recording will be archived and can be accessed on-demand at: <https://hhs.texas.gov/about-hhs/communications-events/live-archived-meetings>.

HHSC may limit speakers' time to ensure all attendees wishing to present public comment are afforded an opportunity to do so. HHSC reserves the right to end an engagement meeting if no participants have registered to present public comments within the first 30 minutes of the meeting.

## TOPICS.

Below is a list of topics that HHSC will collect commentary for during the stakeholder engagement meetings. These topics may potentially be presented at the subsequent rate hearing in November 2022. The final list of topics to be presented at the November 2022 rate hearing is at the discretion of HHSC.

Acute Care Services - Calendar Fee Review:

- Anesthesia;
- Ambulatory Surgical Centers/Hospital-based Ambulatory Surgical Centers - Group Rates;
- Clinical Lab;
- Dental Services;
- Diagnostic Radiology;
- Enteral Supplies ("B" Codes);
- Eye and Ocular Adnexa Surgery;
- Female Genital System Surgery;
- General and Integumentary System Surgery;
- Hearing Aid;
- Medical Nutrition Therapy;
- Ophthalmological Services;
- Orthotic Procedures and Devices;
- Physician Administered Drugs - NDCX;
- Physician Administered Drugs - Non-Oncology;
- Physician Administered Drugs - Oncology;

- Physician Administered Drugs - Vaccines & Toxoids; and
- Respiratory Therapists.

Acute Care Services - Medical Policy Review:

- Skin Substitute; and
- Texas Health Steps Dental Preventive Services.

Acute Care Services - Healthcare Common Procedure Coding System (HCPCS):

- Quarterly HCPCS Updates.

Long-term Services & Supports:

- Out-of-home Respite (Facility) in the STAR Kids Medically Dependent Children Program (MDCP)
- Prescribed Pediatric Extended Care Center (PPECC) rates in the PPECC program and in STAR Kids; and
- Transition Assistance Services rates in the Home and Community-based Services Adult Mental Health program, in the STAR Kids MDCP program, in the Texas Home Living 1915(c) Waiver program, and in the Youth Empowerment Services 1915(c) Waiver program.

A final agenda for the Stakeholder Engagement Meetings will be made available at <https://pfd.hhs.texas.gov/provider-finance-communications> by September 1, 2022. Interested parties may also obtain a copy of the agenda on or after that date by contacting Provider Finance by telephone at (512) 730-7401; by fax at (512) 730-7475; or by email at [ProviderFinanceDept@hhs.texas.gov](mailto:ProviderFinanceDept@hhs.texas.gov).

## WRITTEN COMMENTS.

Written comments regarding the proposed topics may be submitted in lieu of, or in addition to, oral comments until 5:00 p.m. the day following the meetings, September 15, 2022. Written comments may be sent by U.S. mail, overnight mail, 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 or special delivery mail:

Texas Health and Human Services Commission

Attn: Provider Finance Department

North Austin Complex

Mail Code H-400

4601 Guadalupe St

Austin, Texas 78751

Fax: Attention: Provider Finance at (512) 730-7475

Email: [ProviderFinanceDept@hhs.texas.gov](mailto:ProviderFinanceDept@hhs.texas.gov)

## PREFERRED COMMUNICATION.

Email or telephone communication is preferred.

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-202203072

Karen Ray

Chief Counsel

Texas Health and Human Services Commission

Filed: August 16, 2022



**Public Notice: Texas State Plan Amendment to Implement Emergency Triage, Treat, and Transport (ET3) Services for Transportation Services.**

The Texas Health and Human Services Commission (HHSC) announces its intent to submit transmittal number 22-0023 to the Texas State Plan for Medical Assistance, under Title XIX of the Social Security Act.

The purpose of this amendment is to implement Emergency Triage, Treat, and Transport (ET3) services as required by the 2022-23 General Appropriations Act, H.B. 1, 87th Legislature, Regular Session, 2021, Article II, HHSC, Rider 42. Implementation of ET3 services will allow Medicaid-enrolled emergency medical service providers to be reimbursed for transporting Medicaid beneficiaries to alternative destinations, other than an emergency department, facilitating appropriate treatment in place at the scene, and facilitating appropriate treatment via telemedicine or telehealth. The proposed amendment is effective 9/01/2022.

The proposed amendment is estimated to result in a cost savings of \$262,904 for the federal fiscal year (FFY) 2023, consisting of \$173,911 cost savings in federal funds and \$88,993 cost savings in state general revenue. For FFY 2024, the estimated cost savings is \$258,382 consisting of \$154,487 cost savings in federal funds and \$103,895 cost savings in state general revenue.

To obtain copies of the proposed amendment, interested parties may contact Shae James, State Plan Specialist, by mail at the Health and Human Services Commission, P.O. Box 13247, Mail Code H-600, Austin, Texas 78711; by telephone at (512) 428-2264; 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-202203004

Karen Ray

Chief Counsel

Texas Health and Human Services Commission

Filed: August 11, 2022



**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 purpose of the amendment is to update the rate methodology and payment rates for Financial Management Services Agencies (FMSA). Provider Finance Department (PFD) staff evaluated the FMSA rate methodology and payment rates as part of the biennial fee review. The proposed amendment is effective September 1, 2022.

The proposed amendment is estimated to result in an annual aggregate expenditure of \$8,498 for federal fiscal year 2022, consisting of \$6,038 in federal funds and \$2,460 in state general revenue. For FFY 2023, the estimated annual aggregate expenditure is \$106,601, consisting of

\$69,808 in federal funds and \$36,792 in state general revenue. For FFY 2024, the estimated annual aggregate expenditure is \$108,723, consisting of \$69,419 in federal funds and \$39,304 in state general revenue.

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

**Rate Hearing.** A rate hearing was held on May 16, 2022, at 9:00 a.m. in Austin, Texas. Information about the proposed rate change and the hearing can be found in the April 22, 2022 issue of the *Texas Register* on page 2359 at <http://www.sos.state.tx.us/texreg/index.shtml>.

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

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

U.S. Mail

Texas Health and Human Services Commission

Attention: Provider Finance, Mail Code H-400

P.O. Box 149030

Austin, Texas 78714-9030

Overnight mail, special delivery mail, or hand delivery

Texas Health and Human Services Commission

Attention: Provider Finance, Mail Code H-400

North Austin Complex

4601 West Guadalupe Street

Austin, Texas 78751

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

Fax

Attention: Provider Finance at (512) 730-7475

Email

[PFD-LTSS@hhsc.texas.gov](mailto:PFD-LTSS@hhsc.texas.gov)

**Preferred Communication.** During the current state of disaster due to COVID-19, physical forms of communication are checked with less frequency than during normal business operations. For the quickest response and to help curb the possible transmission of infection, please use email or phone if possible for communication with HHSC related to this rate hearing.

TRD-202203044

Karen Ray

Chief Counsel

Texas Health and Human Services Commission

Filed: August 15, 2022



**Texas Department of Insurance**

## Company Licensing

Application to do business in the state of Texas for TRM Specialty Insurance Company, a foreign fire and/or casualty company. The home office is in Indianapolis, Indiana.

Any objections must be filed with the Texas Department of Insurance, within twenty (20) calendar days from the date of the *Texas Register* publication, addressed to the attention of John Carter, 333 Guadalupe Street, MC FRD-CL, Austin, Texas 78701.

TRD-202203077

Justin Beam

Chief Clerk

Texas Department of Insurance

Filed: August 17, 2022



## Texas Lottery Commission

### Correction of Error

The Texas Lottery Commission published the game procedure for Scratch Ticket Game No. 2432 "SPECIAL EDITION SUPER LOTERIA" in the August 12, 2022, issue of the *Texas Register* (47 TexReg 4872). Due to an error by the Texas Register, the word "PIÑATA" was published incorrectly in a portion of the play instruction in section 1.2.C, Play Symbol.

The affected sentence should have read as follows:

C. Play Symbol - The printed data under the latex on the front of the Scratch Ticket that is used to determine eligibility for a prize. Each Play Symbol is printed in Symbol font in black ink in positive except for dual-image games. The possible black Play Symbols are: THE ARMADILLO SYMBOL, THE BAT SYMBOL, THE BLUEBONNET SYMBOL, THE BOAR SYMBOL, THE COWBOY HAT SYMBOL, THE COWBOY SYMBOL, THE CHILE PEPPER SYMBOL, THE COVERED WAGON SYMBOL, THE CACTUS SYMBOL, THE CHERRIES SYMBOL, THE CORN SYMBOL, THE FIRE SYMBOL, THE GUITAR SYMBOL, THE HEN SYMBOL, THE HORSE SYMBOL, THE HORSESHOE SYMBOL, THE JACKRABBIT SYMBOL, THE LIZARD SYMBOL, THE LONESTAR SYMBOL, THE MOCKINGBIRD SYMBOL, THE MORTAR PESTLE SYMBOL, THE OIL RIG SYMBOL, THE MARACAS SYMBOL, THE MOONRISE SYMBOL, THE NEWSPAPER SYMBOL, THE PIÑATA SYMBOL, THE ROADRUNNER SYMBOL, THE SHOES SYMBOL, THE SPEAR SYMBOL, THE PECAN TREE SYMBOL, THE RATTLESNAKE SYMBOL, THE SADDLE SYMBOL, THE SPUR SYMBOL, THE STRAWBERRY SYMBOL, THE SUNSET SYMBOL, THE WHEEL SYMBOL, THE

WINDMILL SYMBOL, \$5.00, \$10.00, \$15.00, \$20.00, \$50.00, \$100, \$200, \$500, \$5,000 and \$100,000.

TRD-202203054



## Public Utility Commission of Texas

### Notice of Petition for Rulemaking

Notice is given to the public of a petition filed with the Public Utility Commission of Texas (commission) on August 10, 2022, to initiate a rulemaking to amend 16 Texas Administrative Code (TAC) §25.181 and §25.182.

Project and Number: Petition for Rulemaking of Lone Star Chapter of the Sierra Club to Amend 16 TAC §25.181 (Energy Efficiency Goal) and §25.182 (Energy Efficiency Cost Recovery Factor). Project Number 53971.

Summary of Petition: Lone Star Chapter of the Sierra Club filed a petition for rulemaking to amend 16 TAC §25.181, relating to Energy Efficiency Goal and §25.182, Energy Efficiency Cost Recovery Factor. The petitioner proposes to make substantial changes to the peak demand reduction and energy efficiency goals and related programs, the cost caps and the performance bonuses.

The deadline to file comments in this project is September 16, 2022. At the time of this notice, the commission's rules requiring that comments be physically filed are suspended. *See* Project Number 50664, *Issues Related to the State of Disaster for Coronavirus Disease 2019*, Second Order Suspending Rules filed on July 16, 2020. As long as this suspension remains in effect, comments may be filed through the interchange on the commission's website. If the suspension of these rules is lifted during the pendency of this project, comments may be filed by submitting 16 copies to the Filing Clerk, Public Utility Commission of Texas, 1701 North Congress Avenue, P.O. Box 13326, Austin, Texas 78711-3326. Interested persons may contact the commission at (512) 936-7120 or (toll-free) (888) 782-8477. Hearing and speech-impaired individuals with text telephone (TTY) may contact the commission at (512) 936-7136 or use Relay Texas (toll-free) (800) 735-2989. All comments should reference Project Number 53971.

TRD-202203074

Adriana Gonzales

Rules Coordinator

Public Utility Commission of Texas

Filed: August 17, 2022

