

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.

Camino Real Regional Mobility Authority

Notice of Availability of Request for Proposals to Provide Underwriter Services

The Camino Real Regional Mobility Authority ("CRRMA"), a political subdivision, is soliciting statements of interest and qualifications from firms interested in providing underwriting services to the CRRMA. Firms responding must demonstrate a history of experience with revenue financings similar to those of the CRRMA, provide a structure and approach to marketing that most effectively meets the CRRMA's objectives, identify its underwriting capacity, provide its cost of funds, and provide references, case studies, and new financing ideas.

The request for proposals will be available on or after October 13, 2023. Copies may be obtained electronically from the Procurements Page of the CRRMA website (www.crrma.org). Copies will also be available by contacting Robert Studer at studer@crrma.org or (915) 212-1579. Periodic updates, addenda, and clarifications may will be posted on the CRRMA website, and interested parties are responsible for monitoring the website accordingly.

Responses must be submitted to Robert Studer at studer@crrma.org. Final responses must be received by 3:00 p.m., (El Paso time) November 10, 2023, to be eligible for consideration. Each firm will be evaluated based on the criteria and process set forth in the request for proposals. The final selection of underwriting firms, if any, will be made by the CRRMA Board of Directors.

TRD-202303693

Robert Studer

Director of Finance

Camino Real Regional Mobility Authority

Filed: October 4, 2023

Comptroller of Public Accounts

Certification of the Average Closing Price of Gas and Oil - August 2023

The Comptroller of Public Accounts, administering agency for the collection of the Oil Production Tax, has determined, as required by Tax Code, §202.058, that the average taxable price of oil for reporting period August 2023 is \$45.84 per barrel for the three-month period beginning on May 1, 2023, and ending July 31, 2023. Therefore, pursuant to Tax Code, §202.058, oil produced during the month of August 2023, from a qualified low-producing oil lease, is not eligible for credit on the oil production tax imposed by Tax Code, Chapter 202.

The Comptroller of Public Accounts, administering agency for the collection of the Natural Gas Production Tax, has determined, as required by Tax Code, §201.059, that the average taxable price of gas for reporting period August 2023 is \$1.16 per mcf for the three-month period beginning on May 1, 2023, and ending July 31, 2023. Therefore, pursuant to Tax Code, §201.059, gas produced during the month of August 2023, from a qualified low-producing well, is eligible for a 100% credit on the natural gas production tax imposed by Tax Code, Chapter 201.

The Comptroller of Public Accounts, administering agency for the collection of the Franchise Tax, has determined, as required by Tax Code, §171.1011(s), that the average closing price of West Texas Intermediate crude oil for the month of August 2023 is \$81.32 per barrel. Therefore, pursuant to Tax Code, §171.1011(r), a taxable entity shall not exclude total revenue received from oil produced during the month of August 2023, from a qualified low-producing oil well.

The Comptroller of Public Accounts, administering agency for the collection of the Franchise Tax, has determined, as required by Tax Code, §171.1011(s), that the average closing price of gas for the month of August 2023 is \$2.65 per MMBtu. Therefore, pursuant to Tax Code, §171.1011(r), a taxable entity shall exclude total revenue received from gas produced during the month of August 2023, from a qualified low-producing gas well.

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

Issued in Austin, Texas, on September 27, 2023.

TRD-202303579

Jenny Burleson

Director, Tax Policy

Comptroller of Public Accounts

Filed: September 27, 2023

Notice of Public Hearing on Proposed Statewide Procurement and Support Services Rule Amendments Concerning Vendor Performance Reporting

The Comptroller of Public Accounts will conduct a public hearing to receive comments from interested persons concerning proposed amendments to 34 TAC §20.509, Vendor Performance Reporting. The proposal is published in the October 13, 2023, issue of the *Texas Register*.

The hearing is scheduled for Thursday, November 9, 2023 at 10:00 a.m. There is no physical location for this meeting. To access the online public meeting by web browser, please enter the following URL into your browser: <https://txcpa.webex.com/txcpa/j.php?MTID=mfae8f91b93c70a92028543c39a652d1d>. To join the meeting by computer or cell phone using the Webex app, use the access code 2495 042 9928. Persons interested in providing comments at the public hearing may contact Mr. Gerard MacCrossan, Comptroller of Public Accounts, at Gerard.MacCrossan@cpa.texas.gov or by calling (512) 463-4468 by Wednesday, November 8, 2023.

Any interested person may appear and offer comments or statements. Organizations, associations, or groups are encouraged to present their commonly held views or similar comments through a representative member where possible.

Persons with disabilities who plan to participate in this meeting and who may need auxiliary aids or services should contact Mr. Gerard MacCrossan at Gerard.MacCrossan@cpa.texas.gov. Requests should be made as far in advance as possible so that appropriate arrangements can be made.

Persons who choose not to provide comments during this public hearing may still provide written comments to the Comptroller. Written comments on the proposal may be submitted to Ms. Tosca M. McCormick, Comptroller of Public Accounts, P.O. Box 13186, Austin, Texas 78701-3186 or to the email address: Tosca.McCormick@cpa.texas.gov. The deadline for submission of written comments is November 12, 2023.

TRD-202303678

Victoria North

General Counsel, Fiscal and Agency Affairs Legal Services

Comptroller of Public Accounts

Filed: October 3, 2023

Office of Consumer Credit Commissioner

Notice of Rate Ceilings

The Consumer Credit Commissioner of Texas has ascertained the following rate ceilings by use of the formulas and methods described in §303.003, §303.005, and §303.009, Texas Finance Code.

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 10/09/23 - 10/15/23 is 18.00% for consumer¹ credit.

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 10/09/23 - 10/15/23 is 18.00% for commercial² credit.

The monthly ceiling as prescribed by §303.005³ and §303.009 for the period of 10/01/23 - 10/31/23 is 18.00%.

¹ Credit for personal, family, or household use.

² Credit for business, commercial, investment, or other similar purpose.

³ Only for variable rate commercial transactions, as provided by §303.004(a).

TRD-202303686

Leslie L. Pettijohn

Commissioner

Office of Consumer Credit Commissioner

Filed: October 4, 2023

Texas Education Agency

Notice of Additional Public Comment Period for Proposed Amendments to 19 TAC Chapter 150, Commissioner's Rules Concerning Educator Appraisal, Subchapter AA, Teacher Appraisal, §150.1002, Assessment of Teacher Performance, and §150.1004, Teacher Response and Appeals

The Texas Education Agency (TEA) published Proposed Amendments to 19 TAC Chapter 150, Commissioner's Rules Concerning Educator Appraisal, Subchapter AA, Teacher Appraisal, §150.1002, Assessment of Teacher Performance, and §150.1004, Teacher Response and Appeals in the August 11, 2023 issue of the *Texas Register* (48 TexReg 4377).

Due to requests to review the draft Texas Teacher Evaluation and Support System (T-TESS) Alternate Domain I rubric referenced in the proposed amendments, TEA is posting the draft T-TESS Alternate Domain I rubric online and providing an additional public comment period for the proposed amendments.

The draft T-TESS Alternate Domain I rubric can be found at https://www.teachfortexas.org/Resource_Files/Additional_Resources/T-TESS_Alt_Domain_1_Rubric.pdf.

The additional public comment period will be from October 13, 2023 - November 13, 2023.

Issued in Austin, Texas, on October 4, 2023.

TRD-202303690

Cristina De La Fuente-Valadez

Director, Rulemaking

Texas Education Agency

Filed: October 4, 2023

Commission on State Emergency Communications

Notice Concluding Annual Review of 1 TAC §255.4

The Commission on State Emergency Communications (CSEC) published notice of its annual review of the definitions of the terms "local exchange access line" and "equivalent local exchange access line" in §255.4 in the August 11, 2023, issue of the *Texas Register* (48 TexReg 4413).

CSEC is required by Health and Safety Code §771.063 to adopt by rule the foregoing definitions and to annually review the definitions "to address technical and structural changes in the provision of telecommunications and data services."

No comments were received regarding CSEC's notice of annual review.

CSEC has determined not to propose amendments to the definitions in §255.4, and to leave in effect the rule as adopted by CSEC in September 2007.

This concludes CSEC's annual review of §255.4.

TRD-202303583

Patrick Tyler

General Counsel

Commission on State Emergency Communications

Filed: September 28, 2023

Texas Commission on Environmental Quality

Agreed Orders

The Texas Commission on Environmental Quality (TCEQ or commission) staff is providing an opportunity for written public comment on the listed Agreed Orders (AOs) in accordance with Texas Water Code (TWC), §7.075. TWC, §7.075, requires that before the commission may approve the AOs, the commission shall allow the public an opportunity to submit written comments on the proposed AOs. TWC, §7.075, requires that notice of the proposed orders and the opportunity to comment must be published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is **November 13, 2023**. TWC, §7.075, also requires that the commission promptly consider any written comments received and that the commission may withdraw or withhold approval of an AO if a comment discloses facts or considerations that indicate that consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the statutes and rules within the commission's jurisdiction or the commission's orders and permits issued in accordance with the commission's regulatory authority. Additional notice of changes to a proposed AO is not required to be published if those changes are made in response to written comments.

A copy of each proposed AO is available for public inspection at both the commission's central office, located at 12100 Park 35 Circle, Build-

ing 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 **November 13, 2023**. Written comments may also be sent by facsimile machine to the enforcement coordinator at (512) 239-2550. The commission's enforcement coordinators are available to discuss the AOs and/or the comment procedure at the listed phone numbers; however, TWC, §7.075, provides that comments on the AOs shall be submitted to the commission in writing.

(1) COMPANY: City of Alto; DOCKET NUMBER: 2021-1471-MWD-E; IDENTIFIER: RN101721363; LOCATION: Alto, Cherokee County; TYPE OF FACILITY: wastewater treatment facility; RULES VIOLATED: 30 TAC §305.65 and §305.125(2) and TWC, §26.121(a)(1), by failing to maintain authorization to discharge wastewater into or adjacent to any water in the state; PENALTY: \$15,000; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET AMOUNT: \$12,000; ENFORCEMENT COORDINATOR: Cheryl Thompson, (817) 588-5865; REGIONAL OFFICE: 2916 Teague Drive, Tyler, Texas 75701-3734, (903) 535-5100.

(2) COMPANY: D and W, Incorporated; DOCKET NUMBER: 2022-0151-PWS-E; IDENTIFIER: RN101247161; LOCATION: Lubbock, Lubbock County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.39(j) and Texas Health and Safety Code (THSC), §341.0351, by failing to notify the Executive Director prior to making any significant change or addition to the system's production, treatment, storage, pressure maintenance, or distribution facilities; 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; 30 TAC §290.42(j), by failing to use an approved chemical or media for the treatment of potable water that conforms to the American National Standards Institute/National Sanitation Foundation Standard 60 for Drinking Water Treatment Chemicals; 30 TAC §290.45(c)(1)(A)(i) and THSC, §341.0315(c), by failing to provide a well capacity of 1.0 gallons per minute per unit; 30 TAC §290.46(s)(1), by failing to calibrate the facility's well meters at least once every three years; 30 TAC §290.46(u), by failing to plug an abandoned public water supply well with cement in accordance with 16 TAC Chapter 76 or submit the test results proving that the well is in a non-deteriorated condition; and 30 TAC §290.46(v), by failing to ensure that the electrical wiring is installed in compliance with a local or national electrical code; PENALTY: \$4,585; ENFORCEMENT COORDINATOR: Epifanio Villarreal, (361) 881-6991; REGIONAL OFFICE: 5012 50th Street, Suite 100, Lubbock, Texas 79414-3426, (806) 796-7092.

(3) COMPANY: JUSTICE SAND COMPANY, INCORPORATED; DOCKET NUMBER: 2022-1610-AIR-E; IDENTIFIER: RN100871540; LOCATION: Bay City, Matagorda County; TYPE OF FACILITY: portable rock crusher; RULES VIOLATED: 30 TAC §116.110(a) and Texas Health and Safety Code, §382.0518(a) and §382.085(b), by failing to obtain authorization prior to constructing any new facility or modifying an existing facility that emits air contaminants; PENALTY: \$6,000; ENFORCEMENT COORDINATOR: Desmond Martin, (512) 239-2814; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(4) COMPANY: Mary Janet Hendrix Duncan; DOCKET NUMBER: 2022-0227-MLM-E; IDENTIFIER: RN109153478; LOCATION: Azle, Wise County; TYPE OF FACILITY: land application site; RULES VIOLATED: 30 TAC §305.65, 312.4(a) and (d), and §312.122, by failing to maintain authorization to land apply water treatment plant sludge; and TWC, §26.121(a)(1), by failing to prevent the discharge of wastewater into or adjacent to any water in the state;

PENALTY: \$7,875; ENFORCEMENT COORDINATOR: Shane Glantz, (806) 468-0507; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(5) COMPANY: Monument Chemical Port Arthur, LLC; DOCKET NUMBER: 2021-1157-MWD-E; IDENTIFIER: RN100640283; LOCATION: Port Arthur, Jefferson County; TYPE OF FACILITY: wastewater treatment facility; RULES VIOLATED: 30 TAC §305.125(1), TWC, §26.121(a)(1), and Texas Pollutant Discharge Elimination System Permit Number WQ0015321001, Effluent Limitations and Monitoring Requirements Number 1, by failing to comply with permitted effluent limitations; PENALTY: \$23,400; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET AMOUNT: \$11,700; ENFORCEMENT COORDINATOR: Taylor Williamson, (512) 239-2097; REGIONAL OFFICE: 3870 Eastex Freeway, Beaumont, Texas 77703-1830, (409) 898-3838.

(6) COMPANY: RDS Opportunity Fund LLC dba Golden Triangle Business Park; DOCKET NUMBER: 2022-0305-PWS-E; IDENTIFIERS: RN111414207 and RN111452421; LOCATIONS: Fort Worth and Mansfield, Tarrant County; TYPE OF FACILITIES: public water supplies; RULES VIOLATED: 30 TAC §290.39(e)(1) and (h)(1) and Texas Health and Safety Code (THSC), §341.035(a), by failing to submit plans and specifications to the Executive Director for review and approval prior to the construction of the new public water supply; 30 TAC §290.41(c)(3)(A), by failing to submit well completion data for review and approval prior to placing the facility's Well Numbers 2 through 7 into service; 30 TAC §290.42(b)(1) and (e)(3), by failing to provide disinfection facilities for the groundwater supply for the purpose of microbiological control and distribution protection; 30 TAC §290.46(e)(4)(A), by failing to operate the facility under the direct supervision of a water works operator who holds a Class D or higher license; and 30 TAC §290.46(n)(3), by failing to keep on file copies of well completion data as defined in 30 TAC 290.41(c)(3)(A) for as long as the well remains in service; PENALTY: \$15,376; ENFORCEMENT COORDINATOR: Ronica Rodriguez Scott, (361) 881-6990; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(7) COMPANY: Sralla MHP, LP; DOCKET NUMBER: 2021-1343-MWD-E; IDENTIFIER: RN104090998; LOCATION: Crosby, Harris County; TYPE OF FACILITY: wastewater treatment facility; RULES VIOLATED: 30 TAC §305.125(1), TWC, §26.121(a)(1), and Texas Pollutant Discharge Elimination System Permit Number WQ0014500001, Effluent Limitations and Monitoring Requirements Numbers 1 and 6, by failing to comply with permitted effluent limitations; PENALTY: \$53,625; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET AMOUNT: \$26,812; ENFORCEMENT COORDINATOR: Monica Larina, (512) 239-0184; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(8) COMPANY: The American Legion, Missing In Action Post Number 231, The American Legion, Department Of Texas, Pottsboro, Texas; DOCKET NUMBER: 2023-0444-UTL-E; IDENTIFIER: RN110053949; LOCATION: Pottsboro, Grayson County; TYPE OF FACILITY: retail public utility, exempt utility, or provider or conveyor of potable or raw water service that furnishes water service; RULE VIOLATED: TWC, §13.1394(b)(2), by failing to adopt and submit to the TCEQ for approval an emergency preparedness plan that demonstrates the facility's ability to provide emergency operations; PENALTY: \$600; ENFORCEMENT COORDINATOR: Hannah Shakir, (512) 239-1142; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(9) COMPANY: Town of Woodsboro; DOCKET NUMBER: 2021-0677-MWD-E; IDENTIFIER: RN101920551; LOCATION:

Woodsboro, Refugio County; TYPE OF FACILITY: wastewater treatment facility; RULES VIOLATED: 30 TAC §305.125(1), TWC, §26.121(a)(1), and Texas Pollutant Discharge Elimination System (TPDES) Permit Number WQ0010156001, Effluent Limitations and Monitoring Requirements Number 1, by failing to comply with permitted effluent limitations; 30 TAC §305.125(1), TWC, §26.121(a)(1), and TPDES Permit Number WQ0010156001, Permit Conditions Number 2.g, by failing to prevent an unauthorized discharge of wastewater into or adjacent to any water in the state; 30 TAC §305.125(1) and (5) and TPDES Permit Number WQ0010156001, Operational Requirements Number 1, by failing to properly operate and maintain the facility and all of its systems of collection, treatment, and disposal; and 30 TAC §317.3(a), by failing to secure the lift station in an intruder-resistant manner; PENALTY: \$30,925; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET AMOUNT: \$24,740; ENFORCEMENT COORDINATOR: Kolby Farren, (512) 239-2098; REGIONAL OFFICE: 500 North Shoreline Boulevard, Suite 500, Corpus Christi, Texas 78401-0318, (361) 881-6900.

(10) COMPANY: Vidor Mhp Number 1, LLC; DOCKET NUMBER: 2021-0557-MWD-E; IDENTIFIER: RN101525749; LOCATION: Vidor, Orange County; TYPE OF FACILITY: wastewater treatment facility; RULES VIOLATED: 30 TAC §305.64(b) and §305.125(1) and (5) and Texas Pollutant Discharge Elimination System Permit Number WQ00014049001, Permit Conditions Number 5.a, by failing to submit to the Executive Director an application for transfer at least 30 days before the proposed transfer date; PENALTY: \$3,450; ENFORCEMENT COORDINATOR: Monica Larina, (512) 239-0184; REGIONAL OFFICE: 3870 Eastex Freeway, Beaumont, Texas 77703-1830, (409) 898-3838.

TRD-202303606
Gitanjali Yadav
Deputy Director, Litigation
Texas Commission on Environmental Quality
Filed: September 29, 2023



Combined Notice of Receipt of Application and Intent to Obtain a Water Quality Permit (NORI) and Notice of Application and Preliminary Decision (NAPD) for TPDES Permit for Municipal Wastewater Renewal with Substantial Modification of Pretreatment Program

Notice Issued September 29, 2023

APPLICATION AND PRELIMINARY DECISION. City of Round Rock, City of Cedar Park, and City of Austin, 212 East Main Street, Round Rock, Texas 78664, has applied to the Texas Commission on Environmental Quality (TCEQ) for a renewal of Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0010264002, which authorizes the discharge of treated domestic wastewater at an annual average flow not to exceed 40,000,000 gallons per day. A substantial modification to the approved pretreatment program has been included. The application also includes a request for an extension of the temporary variance to the public water supply designation for the stretch of Brushy Creek that is not located in the Edwards Aquifer contributing, transition, or recharge zones. The Standards Implementation Team recommends the applicant's variance extension be granted pending approval by the U.S. Environmental Protection Agency of the proposed modification of the public water supply use for Segment No. 1244, Brushy Creek, in the next revision of the Texas Surface Water Quality Standards. TCEQ received this application on November 14, 2022.

This combined notice is being issued because the NORI did not include mention of the substantial modification to the approved pretreatment program and the request to extend the temporary variance to the public water supply designation for sections of Brushy Creek. The correction is noted in bold.

The facility is located at 3939 East Palm Valley Boulevard, Round Rock, in Williamson County, Texas 78665. The treated effluent is discharged directly to Brushy Creek in Segment No. 1244 of the Brazos River Basin. The designated uses for Segment No. 1244 are primary contact recreation, public water supply, aquifer protection, and high aquatic life use. Aquifer protection use applies to the contributing, recharge, and transition zones of the Edwards Aquifer; however, this facility's discharge is not located in any of the listed zones. This link to an electronic map of the site or facility's general location is provided as a public courtesy and is not part of the application or notice. For the exact location, refer to the application.

<https://gisweb.tceq.texas.gov/LocationMapper/?marker=-97.620833,30.526666&level=18>

The TCEQ Executive Director has completed the technical review of the application and prepared a draft permit. The draft permit, if approved, would establish the conditions under which the facility must operate. The Executive Director has made a preliminary decision that this permit, if issued, meets all statutory and regulatory requirements. The permit application, Executive Director's preliminary decision, and draft permit are available for viewing and copying at the Utilities and Environmental Services Building, 3400 Sunrise Road, Round Rock, Texas.

PUBLIC COMMENT / PUBLIC MEETING. You may submit public comments or request a public meeting about this application. The purpose of a public meeting is to provide the opportunity to submit comments or to ask questions about the application. TCEQ holds a public meeting if the Executive Director determines that there is a significant degree of public interest in the application or if requested by a local legislator. A public meeting is not a contested case hearing.

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

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

member would be affected; and explain how the interests the group seeks to protect are relevant to the group's purpose.

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

The Commission may only grant a request for a contested case hearing on issues the requestor submitted in their timely comments that were not subsequently withdrawn. If a hearing is granted, the subject of a hearing will be limited to disputed issues of fact or mixed questions of fact and law relating to relevant and material water quality concerns submitted during the comment period. TCEQ may act on an application to renew a permit for discharge of wastewater without providing an opportunity for a contested case hearing if certain criteria are met.

EXECUTIVE DIRECTOR ACTION. The Executive Director may issue final approval of the application unless a timely contested case hearing request or request for reconsideration is filed. If a timely hearing request or request for reconsideration is filed, the Executive Director will not issue final approval of the permit and will forward the application and request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

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

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

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

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

Further information may also be obtained from the City of Round Rock, City of Cedar Park, and City of Austin at the address stated above or by calling Mr. Michael Thane, P.E., Director, Utilities and Environmental Services, City of Round Rock, at (512) 218-3236.

TRD-202303702

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: October 4, 2023



Notices Issued October 03, 2023

NOTICE OF AN APPLICATION TO AMEND A CERTIFICATE OF ADJUDICATION

APPLICATION NO. 08-2335B

The City of Denton, 901-A Texas Street, Denton, Texas 76209, Applicant, seeks to amend Certificate of Adjudication No. 08-2335 to add a place of use being its service area and the service area of its wholesale customers, to add industrial, recreational, and agricultural purposes of use, and to divert from anywhere in and along the perimeter of Lake Ray Roberts. More information on the application and how to participate in the permitting process is given below.

The application and partial fees were received on November 30, 2022. Additional information and fees were received on March 20 and 27, 2023. The application was declared administratively complete and filed with the Office of the Chief Clerk on March 31, 2023.

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

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 October 20, 2023. A public meeting is intended for the taking of public comment and is not a contested case hearing. A public meeting will be held if the Executive Director determines that there is a significant degree of public interest in the application.

The TCEQ may grant a contested case hearing on this application if a written hearing request is filed by October 20, 2023. The Executive Director may approve the application unless a written request for a contested case hearing is filed by October 20, 2023.

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

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

Written hearing requests, public comments, or requests for a public meeting should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087 or electronically at <https://www14.tceq.texas.gov/epic/eComment/> by entering ADJ 2335 in the search field. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address. For additional information, individual members of the general public may contact the Public Education Program at (800) 687-4040. General information regarding the TCEQ can be found at our web site at www.tceq.texas.gov. Si desea información en español, puede llamar al (800) 687-4040 o por el internet al <http://www.tceq.texas.gov>.

APPLICATION NO. 08-2348B

The City of Denton, 901-A Texas Street, Denton, Texas 76209, Applicant, seeks to amend Certificate of Adjudication No. 08-2348 to add a place of use being its service area and the service area of its wholesale customers, to add industrial, recreational, and agricultural purposes of use, to divert from anywhere in and along the perimeter of Lewisville Reservoir (also known as Lake Lewisville), and to increase the diversion rate from the reservoir. More information on the application and how to participate in the permitting process is given below.

The application and partial fees were received on November 30, 2022. Additional information and fees were received on March 20, and 27, 2023. The application was declared administratively complete and filed with the Office of the Chief Clerk on April 11, 2023.

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

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 October 20, 2023. A public meeting is intended for the taking of public comment and is not a contested case hearing. A public meeting will be held if the Executive Director determines that there is a significant degree of public interest in the application.

The TCEQ may grant a contested case hearing on this application if a written hearing request is filed by October 20, 2023. The Executive Director may approve the application unless a written request for a contested case hearing is filed by October 20, 2023.

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

If a hearing request is filed, the Executive Director will not issue the permit and will forward the application and hearing request to

the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

Written hearing requests, public comments, or requests for a public meeting should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087 or electronically at <https://www14.tceq.texas.gov/epic/eComment/> by entering ADJ 2348 in the search field. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address. For additional information, individual members of the general public may contact the Public Education Program at (800) 687-4040. General information regarding the TCEQ can be found at our web site at www.tceq.texas.gov. Si desea información en español, puede llamar al (800) 687-4040 o por el internet al <http://www.tceq.texas.gov>.

TRD-202303704

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: October 4, 2023



Notice of Commission Action on General Permit WQG200000

The Texas Commission on Environmental Quality (TCEQ) reissued State Only General Permit Number WQG200000 during its public meeting on September 27, 2023. This general permit authorizes the disposal of wastewater generated from livestock manure composting operations and processes by evaporation, or beneficial use by irrigation adjacent to water in the state.

Texas Water Code, §26.040(d) and 30 Texas Administrative Code (TAC) Chapter §205.3(e) require the executive Director (ED) of the TCEQ to respond to all timely filed public comments. The ED must make these responses publicly available and must file them with the Office of Chief Clerk at least ten days before the commission considers whether to approve the general permit. Additionally, 30 TAC §205.3(e)(4) requires notice of the commission's action on the proposed general permit and the text of the response to comments to be published in the *Texas Register*.

No public comments were received on the draft permit. This notice satisfies the requirement to publish notice of the commission's action on the proposed general permit.

The issued permit is available at the TCEQ Central File Room and on the TCEQ website at: <https://www.tceq.texas.gov/permitting/wastewater/general/index.html>.

TRD-202303610

Charmaine Backens

Deputy Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: September 29, 2023



Notice of District Petition

Notice issued September 28, 2023

TCEQ Internal Control No. D-06142023-027; LGI Homes-Texas, LLC, a Texas limited liability company (Petitioner), filed a petition for creation of Fort Bend County Municipal Utility District No. 261 (District) with the Texas Commission on Environmental Quality (TCEQ). The petition was filed pursuant to Article XVI, § 59 of the Constitution of the State of Texas; Chapters 49 and 54 of the Texas Water Code; 30 Texas Administrative Code Chapter 293; and the procedural rules of the TCEQ. The petition states that: (1) the Petitioner holds title to a

majority in value of the land to be included in the proposed District; (2) there are no lienholders on the property; (3) the proposed District will contain approximately 314.147 acres of land located within Fort Bend County, Texas; and (4) all of the land to be included within the proposed district is located outside the extraterritorial jurisdiction of the City of Needville (City) and no part of the area within the District is within the corporate boundaries of any incorporated city, town, or village, nor the extraterritorial jurisdiction of any other city, town, or village. The petition further states that the purposes of and the general nature of the work of the proposed District will be (A) the purchase, construction, acquisition, repair, improvement, and extension inside or outside of the proposed District's boundaries of land, easements, works, improvements, facilities, plants, equipment, and appliances (including financing of same) necessary to: (1) provide a water supply for municipal uses, domestic uses, industrial uses, and commercial purposes; (2) collect, transport, process, dispose of, and control domestic, industrial, or commercial wastes whether in fluid, solid, or composite state; and (3) to gather, conduct, divert, and control local storm water or other local harmful excesses of water in the proposed District; (B) the payment of District organization expenses, operational expenses during construction, and interest during construction; (C) the design, acquisition, construction, financing, operation, and maintenance of a road or any improvement in aid thereof; and (D) the provision of such other facilities, systems, plants, and enterprises as shall be consonant with the purposes for which the 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 Petitioner, from the information available at this time, that the cost of said project will be approximately \$66,330,000 (including \$42,400,000 for water, wastewater, and drainage plus \$23,930,000 for road improvements).

INFORMATION SECTION

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

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

(512) 239-0200. General information regarding TCEQ can be found at our web site at www.tceq.texas.gov.

TRD-202303700

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: October 4, 2023



Notice of District Petition

Notice issued October 2, 2023

TCEQ Internal Control No. D-08232023-047; Circle S Midlothian, LLC, a Texas limited liability company, (Petitioner) filed a petition for creation of Circle S Middle Municipal Utility District of Ellis County (District) with the Texas Commission on Environmental Quality (TCEQ). The petition was filed pursuant to Article XVI, Section 59 of the Constitution of the State of Texas; Chapters 49 and 54 of the Texas Water Code; 30 Texas Administrative Code Chapter 293; and the procedural rules of the TCEQ. The petition states that: (1) the Petitioner holds title to a majority in value of the land to be included in the proposed District; (2) there is one lienholder, AgTexas Farm Credit Services, on the property to be included in the proposed District and the aforementioned entity has consented to the creation of the District; (3) the proposed District will contain approximately 407.5 acres of land, more or less, located within Ellis County, Texas; and (4) all of the land to be included within the proposed District is located within the extraterritorial jurisdiction of the City of Midlothian (City). The petition further states that the proposed District will: (1) construct, maintain, and operate a waterworks system, including the purchase and sale of water, for domestic and commercial purposes; (2) construct, maintain, and operate a sanitary sewer collection, treatment, and disposal system, for domestic and commercial purposes; (3) construct, install, maintain, purchase, and operate drainage and roadway facilities and improvements; and (4) construct, install, maintain, purchase, and operate such additional facilities, systems, plants, and enterprises as shall be consistent with the purposes for which the District is created. It further states that the planned residential and commercial development of the area and the present and future inhabitants of the area will be benefited by the above-referenced work, which will promote the purity and sanitary condition of the State's waters and the public health and welfare of the community.

According to the petition, a preliminary investigation has been made to determine the cost of the project, and it is estimated by the Petitioner, from the information available at this time, that the cost of said project will be approximately \$53,300,000 (\$37,500,000 for water, wastewater, and drainage facilities and \$15,800,000 for road facilities). In accordance with Local Government Code § 42.042 and Texas Water Code § 54.016, a petition was submitted to the City, requesting the City's consent to the creation of the District. After more than 90 days passed without receiving consent, a petition was submitted to the City to provide water and sewer services to the District. The 120-day period for reaching a mutually agreeable contract as established by the Texas Water Code § 54.016(c) expired and information provided indicates that the Petitioner and the City have not executed a mutually agreeable contract for service. Pursuant to Texas Water Code § 54.016(d), failure to execute such an agreement constitutes authorization for the Petitioner to proceed to the TCEQ for inclusion of the land into the District.

INFORMATION SECTION

To view the complete issued notice, view the notice on our web site at www.tceq.texas.gov/agency/cc/pub_notice.html or call the Office of the Chief Clerk at (512) 239-3300 to obtain a copy of the complete

notice. When searching the web site, type in the issued date range shown at the top of this document to obtain search results.

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

TRD-202303703

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: October 4, 2023



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

The Texas Commission on Environmental Quality (TCEQ, agency, or commission) staff is providing an opportunity for written public comment on the listed Default Order (DO). The commission staff proposes a DO when the staff has sent the Executive Director's Preliminary Report and Petition (EDPRP) to an entity outlining the alleged violations; the proposed penalty; the proposed technical requirements necessary to bring the entity back into compliance; and the entity fails to request a hearing on the matter within 20 days of its receipt of the EDPRP or requests a hearing and fails to participate at the hearing. Similar to the procedure followed with respect to Agreed Orders entered into by the executive director of the commission, in accordance with Texas Water Code (TWC), §7.075, this notice of the proposed order and the opportunity to comment is published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is **November 13, 2023**. The commission will consider any written comments received, and the commission may withdraw or withhold approval of a DO if a comment discloses facts or considerations that indicate that consent to the proposed DO is inappropriate, improper, inadequate, or inconsistent with the requirements of the statutes and rules within the commission's jurisdiction, or the commission's orders and permits issued in accordance with the commission's regulatory authority. Additional notice of changes to a proposed DO is

not required to be published if those changes are made in response to written comments.

A copy of the proposed DO is available for public inspection at both the commission's central office, located at 12100 Park 35 Circle, Building A, 3rd Floor, Austin, Texas 78753, (512) 239-3400 and at the applicable regional office listed as follows. Written comments about the DO should be sent to the attorney designated for the DO at the commission's central office at P.O. Box 13087, MC 175, Austin, Texas 78711-3087 and must be **received by 5:00 p.m. on November 13, 2023**. The commission's attorney is available to discuss the DO and/or the comment procedure at the listed phone number; however, TWC, §7.075, provides that comments on the DO shall be submitted to the commission in **writing**.

(1) COMPANY: Sodolaks Properties, LLC; DOCKET NUMBER: 2022-0278-PST-E; TCEQ ID NUMBER: RN104072798; LOCATION: 112 Highway 39 South, Normangee, Leon County; TYPE OF FACILITY: temporarily out-of-service underground storage tank (UST) system; RULES VIOLATED: 30 TAC §§37.815, 37.867(a), and 334.54(e)(5), by failing to maintain financial assurance for a temporarily out-of-service UST system, or to properly empty the UST system and conduct a site check and any necessary corrective actions for a temporarily out-of-service UST system in order to meet financial assurance exemption requirements; TWC, §26.3475(d) and 30 TAC §334.49(c)(2)(C) and §334.54(b)(3), by failing to inspect the impressed current corrosion protection system at least once every 60 days to ensure that the rectifier and other system components are operating properly; TWC, §26.3475(d) and 30 TAC §334.49(c)(4)(C) and §334.54(b)(3), by failing to test the corrosion protection system for operability and adequacy of protection at least once every three years; 30 TAC §334.7(d)(1)(A) and (3), by failing to notify the agency of any change or additional information regarding the UST system within 30 days from the date of the occurrence of the change or addition; and 30 TAC §334.602(a), by failing to designate, train, and certify at least one named individual for each class of operator - Class A, B, and C - for the facility; PENALTY: \$8,497; STAFF ATTORNEY: William Hogan, Litigation, MC 175, (512) 239-5918; REGIONAL OFFICE: Waco Regional Office, 6801 Sanger Avenue, Suite 2500, Waco, Texas 76710-7826, (254) 751-0335.

TRD-202303635

Gitanjali Yadav

Deputy Director, Litigation

Texas Commission on Environmental Quality

Filed: September 29, 2023



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

The Texas Commission on Environmental Quality (TCEQ or commission) staff is providing an opportunity for written public comment on the listed Agreed Orders (AOs) in accordance with Texas Water Code (TWC), §7.075. TWC, §7.075, requires that before the commission may approve the AOs, the commission shall allow the public an opportunity to submit written comments on the proposed AOs. TWC, §7.075, requires that notice of the opportunity to comment must be published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is November 13, 2023. TWC, §7.075, also requires that the commission promptly consider any written comments received and that the commission may withdraw or withhold approval of an AO if a comment discloses facts or considerations that indicate that consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the statutes and rules within the commission's jurisdiction or the commis-

sion's orders and permits issued in accordance with the commission's regulatory authority. Additional notice of changes to a proposed AO is not required to be published if those changes are made in response to written comments.

A copy of each proposed AO is available for public inspection at both the commission's central office, located at 12100 Park 35 Circle, Building A, 3rd Floor, Austin, Texas 78753, (512) 239 3400 and at the applicable regional office listed as follows. Written comments about an AO should be sent to the attorney designated for the AO at the commission's central office at P.O. Box 13087, MC 175, Austin, Texas 78711 3087 and must be received by 5:00 p.m. on November 13, 2023. The designated attorneys are available to discuss the AOs and/or the comment procedure at the listed phone numbers; however, TWC, §7.075, provides that comments on an AO shall be submitted to the commission in writing.

(1) COMPANY: Carol Mahan and Tanner Mahan; DOCKET NUMBER: 2021-0287-WR-E; TCEQ ID NUMBER: RN104076856; LOCATION: San Saba River, Menard County; TYPE OF FACILITY: real property and appurtenant water rights; RULE VIOLATED: TCEQ Agreed Order Docket Number 2018-1447-WR-E, Ordering Provision Number 2.a., by failing to complete construction of a gate within the dam by no later than August 31, 2020; PENALTY: \$2,400; STAFF ATTORNEY: Clayton Smith, Litigation, MC 175, (512) 239-6224; REGIONAL OFFICE: San Angelo Regional Office, 622 South Oakes, Suite K, San Angelo, Texas 76903-7035, (325) 655-9479.

(2) COMPANY: Holly P. Wright and Tyler O. Wright; DOCKET NUMBER: 2021-0287-WR-E; TCEQ ID NUMBER: RN104076856; LOCATION: San Saba River, Menard County; TYPE OF FACILITY: real property and appurtenant water rights; RULE VIOLATED: TCEQ Agreed Order Docket Number 2018-1447-WR-E, Ordering Provision Number 2.a., by failing to complete construction of a gate within the dam by no later than August 31, 2020; PENALTY: \$2,400; STAFF ATTORNEY: Clayton Smith, Litigation, MC 175, (512) 239-6224; REGIONAL OFFICE: San Angelo Regional Office, 622 South Oakes, Suite K, San Angelo, Texas 76903-7035, (325) 655-9479.

(3) COMPANY: Richard Thomas; DOCKET NUMBER: 2020-0630-WQ-E; TCEQ ID NUMBER: RN109840116; LOCATION: 334 County Road O, Lubbock, Lynn County; TYPE OF FACILITY: residential property; RULES VIOLATED: TWC, §26.121(a)(1) and TCEQ Agreed Order Docket Number 2018-0117-WQ-E, Ordering Provision Numbers 2.a. and 2.b.iii., by failing to prevent an unauthorized discharge of wastewater into or adjacent to any water in the state; PENALTY: \$10,500; STAFF ATTORNEY: William Hogan, Litigation, MC 175, (512) 239-5918; REGIONAL OFFICE: Lubbock Regional Office, 5012 50th Street, Suite 100, Lubbock, Texas 79414-3426, (806) 796-7092.

TRD-202303632

Gitanjali Yadav

Deputy Director, Litigation

Texas Commission on Environmental Quality

Filed: September 29, 2023



Notice of Public Meeting for TPDES Permit for Municipal Wastewater New Permit No. WQ0016220001

APPLICATION. Tack Redwood Partners, 230 Klattenhoff Lane, Suite 100, Hutto, Texas 78634, has applied to the Texas Commission on Environmental Quality (TCEQ) for new Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0016220001, to authorize the discharge of treated domestic wastewater at a daily average

flow not to exceed 423,000 gallons per day. TCEQ received this application on September 13, 2022.

The facility will be located approximately 0.7 of a mile southeast of the intersection of State Highway 142 and County Road 241, in Caldwell County, Texas 78644. The treated effluent will be discharged to Big West Fork Plum Creek, thence to West Fork Plum Creek, thence to Plum Creek in Segment No. 1810 of the Guadalupe River Basin. The unclassified receiving water use is limited aquatic life use for Big West Fork Plum Creek. The designated uses for Segment No. 1810 are primary contact recreation, aquifer protection, and high aquatic life use. In accordance with 30 Texas Administrative Code Section 307.5 and the TCEQ's Procedures to Implement the Texas Surface Water Quality Standards (June 2010), an antidegradation review of the receiving waters was performed. A Tier 1 antidegradation review has preliminarily determined that existing water quality uses will not be impaired by this permit action. Numerical and narrative criteria to protect existing uses will be maintained. This review has preliminarily determined that no water bodies with exceptional, high, or intermediate aquatic life uses are present within the stream reach assessed; therefore, no Tier 2 degradation determination is required. No significant degradation of water quality is expected in water bodies with exceptional, high, or intermediate aquatic life uses downstream, and existing uses will be maintained and protected. The preliminary determination can be reexamined and may be modified if new information is received. This link to an electronic map of the site or facility's general location is provided as a public courtesy and is not part of the application or notice. For the exact location, refer to the application.

<https://tceq.maps.arcgis.com/apps/webappviewer/index.html?id=db5bac44afbc468bbdd360f8168250f&marker=-97.78103%2C29.871667&level=12>

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

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

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

The Public Meeting is to be held:

Monday, November 13, 2023 at 7:00 p.m.

The Connection Center

200 S Blanco Street

Lockhart, Texas 78644

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

The permit application, Executive Director's preliminary decision, and draft permit are available for viewing and copying at Dr. Eugene Clark Public Library, 217 South Main Street, Lockhart, Texas. Further information may also be obtained from Tack Redwood Partners at the address stated above or by calling Mr. Andy Barrett, Attorney, Andy Barrett & Associates, PLLC, at (512) 217-4956.

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

Issued: September 29, 2023

TRD-202303701

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: October 4, 2023

◆ ◆ ◆
General Land Office

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

On January 10, 1997, the State of Texas received federal approval of the Coastal Management Program (CMP) (62 *Federal Register* pp. 1439 - 1440). Under federal law, federal agency activities and actions affecting the Texas coastal zone must be consistent with the CMP goals and policies identified in 31 TAC Chapter 26. Requests for federal consistency review were deemed administratively complete for the following project(s) during the period of September 25, 2023 to September 29, 2023. As required by federal law, the public is given an opportunity to comment on the consistency of proposed activities in the coastal zone undertaken or authorized by federal agencies. Pursuant to 31 TAC §§30.20(f), 30.30(h), and 30.40(e), the public comment period extends 30 days from the date published on the Texas General Land Office web site. The notice was published on the web site on Friday, October 6, 2023. The public comment period for this project will close at 5:00 p.m. on November 5, 2023.

Federal License and Permit Activities:

Applicant: John R. Sullivan

Location: The project site is located in wetlands and surface waters adjacent to Gangs Bayou, Sweetwater Lake, and West Bay, within

the tract located at 11314 Homrighaus Road, in Galveston, Galveston County, Texas.

Latitude and Longitude: 29.252473, -94.897818

Project Description: The applicant's proposed project consists of six components, as discussed further below. The applicant's proposal is for the discharge of non-beach quality sand material for thin layer dredged material placement, fill material placed for construction of elevation improvements (oak motte), fill material placed for temporary construction access paths, temporary thin layer dredged material pipe placement, a temporary staging/laydown area, excavation of four ponds to obtain beach quality sand material, enhancement of the four ponds with wetland creation and vegetative shelves, construction of moist soil management areas, and fill material placed for the construction of berms, berm bumpouts, excavation of swales, and placement of three separate culvert systems, and one manual water control structure. Some of the work and/or structures of this proposal occurs outside of waters of the US. The six components are described below in further detail.

The applicant's proposed project will temporarily impact a total of 12.28 acres of wetlands and 13.24 acres of open water by the discharge of fill material and excavation activities to create the berms, berm bumpouts, elevation improvements, culverts, swales, and four ponds. The details are as follows:

- 4.11 acres of wetlands and 0.18 acre of open water (4.29 acres) from the berms, berm bumpouts, elevation improvements, and culverts
- 4.94 acres of wetlands and 13.05 acres of open water (17.99 acres) from the swales and four ponds
- 2.47 acres of wetlands and 0.01 acre of open water (2.48 acres) from the temporary access path
- 0.76 acre from the temporary thin layer dredged material placement pipeline

The applicant's proposed project will permanently impact a total of 57.45 acres of wetlands and 0.26 acre of open water by the discharge of fill material and excavation activities to create the berms, berm bumpouts, elevation improvements, culverts, swales, and four ponds. The details are as follows:

- 10.31 acres of wetlands and 0.16 acre of open water (10.47 acres) from the berms, berm bumpouts, elevation improvements, and culverts
- 47.14 acres of wetlands and 0.10 acre of open water (47.24 acres) for the swales and four ponds

Thin layer dredged material placement

The estimated 23,898 cubic yards of non-beach quality sand or top layer of material excavated from the ponds will be hydrolyzed and pumped through dredge pipes and placed in a thin layer over the northwest 22 acres of the tract situated parallel to Sportsman Road.

Elevation improvements (oak motte)

A portion of the non-beach quality sand or top layer of material excavated from the ponds will also be utilized as grade improvements to support construction of 16.31 acres of oak mottes that provide habitat diversity. These elevation improvements (oak mottes) will be situated around Pond 2 and located beneath Pond 3 before the moist soil management area and Pond 4. An estimated 25,278 cubic yards of material will be utilized to elevate uplands, to an elevation of 4.3 feet, for 10.38 acres of prairie plantings.

Temporary access paths, pipe placement, staging/laydown area

- An estimated 9,405 linear feet of temporary access paths will impact 2.48 acres of wetlands and open water. The temporary access path will be constructed through the tract to allow for construction of the various components of the proposed project.

- An estimated 0.76 acre of temporary impacts will occur from temporary placement of the thin layer dredged material dispersment pipeline.

- A temporary staging/laydown area will occur in the southern portion of the tract and be situated adjacent to the moist soil management area and west of the elevation improvement (oak motte).

Ponds with vegetative shelves

The excavation of 1,049,986 cubic yards of beach quality sand from the proposed locations of the four ponds will be utilized for previously authorized and/or proposed beach nourishment projects for Galveston Island beaches. This excavation will create four separate ponds which will be enhanced with vegetative planting consisting of floating/submerged, tall emergent marsh, shallow emergent marsh, and marsh margin.

- Pond 1, 20.89 acres and 20 feet deep, will be a saltwater pond with a 1.03 acres of vegetative edge of fringe marsh.

- Pond 2, 15.31 acres and 20 feet deep, will be a brackish/intermediate pond with 0.99 acre of vegetative edge fringe marsh. The elevation improvement (oak motte) will border the south and southwestern edge of this pond.

- Pond 3, 4.80 acres and 10 feet deep, will be a freshwater/intermediate pond with four separate plantings along the elevation gradient. The vegetative plantings will be 3.95 acres of floating/submerged vegetation, 3.51 acres of tall emergent marsh, 3.81 acres of shallow emergent marsh, and then 3.88 acres of marsh margin.

- Pond 4, 1.71 acres and 5 feet deep, will be a freshwater pond with the four separate plantings along the elevation gradient. The vegetative plantings will be 1.69 acres of floating/submerged vegetation, 1.52 acres of tall emergent marsh, 1.55 acres of shallow emergent marsh, and then 2.64 acres of marsh margin. The elevation improvement (oak motte) will border the western and southern edge of this pond. This pond will also be bordered with 5.86 acres of coastal prairie planting.

Moist soil management

The two parallel areas totaling 37.10 acres situated in the middle portion of the tract will be designated as four separate moist soil management areas. These areas will be situated south of Pond 2, around Pond 3, and north of Pond 4.

Berms, Swales, Culverts, and water control structure

An estimated 7,992 linear feet of constructed berms, excavation for the creation of 4,241 linear feet of swales, three culvert locations, and one manual water control structure will be constructed to prevent saltwater intrusion within the tract and to manage water flow from adjacent properties.

The proposed berms will impact 3.64 acres of wetlands and 0.16 acre of open water by the placement of 13,502 cubic yards of onsite material. The berms are proposed to be 3.2-foot-high by 10-foot-wide at the top with an additional 0.93 acre of berm bumpout to be constructed to provide habitat diversity.

The two proposed vegetative swales will impact a total of 1.34 acres of wetlands and 0.10 acre of open water and will manage drainage from adjacent properties.

- Swale 1, 4 feet deep x 4 feet wide x 3 feet wide, is situated parallel to the western boundary of the tract and will flow towards the proposed culvert and manual water control structure.

- Swale 2, 3 feet deep x 4 feet wide x 3 feet wide, is situated parallel to the eastern boundary of the tract and adjacent to 8 Mile Road (Anderson Ways Road) and will flow towards Pond 1.

The three culvert locations and one manual water control structure will impact 0.01 acre of wetlands within the tract.

- Culvert 1 location will involve installation of two, 25-foot-long by 12-inch-diameter pipes placed within the vegetative swale situated on the eastern boundary of the tract and adjacent to 8 Mile Road (Anderson Ways Road).

- Culvert 2 location will involve installation of three, 22-foot-long by 12-inch-diameter pipes placed within the constructed berm along Zone 3 of the moist soil management area situated on the western boundary of the tract.

- Culvert 3 location will involve installation of one, 30-foot-long by 24-inch-diameter pipe placed within the vegetative swale situated on the western boundary of the tract.

- The manual water control structure will be placed within the constructed berm along Zone 3 of the moist soil management area situated on the western boundary of the tract.

The applicant has stated that they have avoided and minimized the environmental impacts by avoiding existing habitat on the project site by the greatest extent practicable. The project avoids 128.56 acres of existing wetlands, 35.10 acres of sand flats/shorebird habitat, and 7.15 acres of open water within the 379-acre tract.

The applicant does not propose to mitigate for the project impacts. The applicant proposes to restore, enhance, and create a total of 156.37 acres of habitat improvements, consisting of 28.14 acres of dry habitat and 128.23 acres of moist habitat, within the tract. This restoration, enhancement, and creation work for the moist habitat consists of 37.10 acres of moist soil management areas, 22 acres of thin layer dredged material placement, 42.71 acres of ponds with a total of 26.42 acres of vegetative planting. The restoration, enhancement, and creation work for the dry habitat consists of 16.31 acres of elevation improvement (oak motte), and 10.38 acres of coastal prairie. The applicant calculated the ratio, 2.2 to 1, of habitat creation to wetland and open water impact. The applicant stated the overall impacts of a discharge into and the excavation of the existing wetlands and open water is the minimal needed to achieve the project purpose.

Type of Application: U.S. Army Corps of Engineers permit application #SWG-2023-00293. This application will be reviewed pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act. Note: The consistency review for this project may be conducted by the Texas Commission on Environmental Quality as part of its certification under §401 of the Clean Water Act.

CMP Project No: 24-1024-F1

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

TRD-202303680

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Official Notice to Vessel Owner/Operator

Pursuant to §40.254, Tex Nat. Res. Code

PRELIMINARY REPORT

Authority

This preliminary report and notice of violation was issued by the, Deputy Director, Oil Spill Prevention and Response Division (OSPR), Texas General Land Office, on 9/14/2023.

Facts

Based on an investigation conducted by Texas General Land Office-Region 2 staff on 9/14/2023, the Commissioner of the General Land Office (GLO), has determined that a 58' Hatteras Yachtfisher, identified as **GLO Vessel Tracking Number 95541** is in a wrecked, derelict and substantially dismantled condition without the consent of the commissioner. The vessel is located at 29° 17' 32" N, 94° 58' 9" W in Galveston County, TX.

The GLO determined that pursuant to OSPRA §40.254(b)(2)(B), that the vessel does have intrinsic value. The GLO has also determined that, because of the vessel's location and condition, the vessel poses a **THREAT TO THE ENVIRONMENT/THREAT TO PUBLIC HEALTH, SAFETY, OR WELFARE.**

Violation

YOU ARE HEREBY GIVEN NOTICE, pursuant to the provisions of § 40.254 of the Texas Natural Resources Code, (OSPRA) that you are in violation of OSPRA §40.108(a) that prohibits a person from leaving, abandoning, or maintaining any structure or vessel in or on coastal waters, on public or private lands, or at a public or private port or dock if the structure or vessel is in a wrecked, derelict, or substantially dismantled condition, and the Commissioner determines the vessel is involved in an actual or threatened unauthorized discharge of oil; a threat to the public health, safety, and welfare; a threat to the environment; or a navigational hazard. The Commissioner is authorized by OSPRA §40.108(b) to dispose of or contract for the disposal of any vessel described in §40.108(a).

Recommendation

The Deputy Director has determined who the person is responsible for abandoning this vessel (GLO Tracking Number 95541) and recommends that the Commissioner order the abandoned vessel be disposed of in accordance with OSPRA §40.108.

The owner or operator of this vessel can request a hearing to contest the violation and the removal and disposal of the vessel. If the owner or operator wants to request a hearing, a request in writing must be made within twenty (20) days of this notice being posted on the vessel. The request for a hearing must be sent to: Texas General Land Office, Oil Spill Prevention and Response Division, P.O. Box 12873, Austin, Texas 78711. Failure to request a hearing may result in the removal and disposal of the vessel by the GLO. If the GLO removes and disposes of the vessel, the GLO has authority under TNRC §40.108(b) to recover the costs of removal and disposal from the vessel's owner or operator. For additional information contact us at (512) 463-2613.

TRD-202303655

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Texas Health and Human Services Commission

Public Notice - Amendments to the Texas State Plan for Medical Assistance and the Texas State Plan for the Children's Health Insurance Program

The Texas Health and Human Services Commission (HHSC) announces its intent to submit the following amendments: Transmittal Number 23-0028 to amend the Texas State Plan for Medical Assistance under Title XIX of the Social Security Act; and Transmittal Number 23-0029 to amend the Texas State Plan for the Children's Health Insurance Program (CHIP) under Title XXI of the Social Security Act. The requested effective date of the proposed amendments is March 1, 2024.

The purpose of these amendments is to provide 12 months of continuous postpartum coverage to pregnant individuals who were enrolled under CHIP or Medicaid while pregnant. The 12-month postpartum period begins on the last day of a beneficiary's pregnancy and extends through the end of the month in which the 12-month period ends.

Individuals who were enrolled in Medicaid or CHIP while pregnant and are still less than 12 months postpartum, but whose coverage was terminated prior to the effective date of these amendments, will be provided continuous eligibility for the remainder of their 12-month postpartum period provided they continue to be state residents.

Additionally, a previous amendment to the CHIP State Plan allowed 12-month continuous coverage for children under the age of nineteen effective January 1, 2022. This CHIP state plan amendment also reflects this coverage.

These amendments are being requested under the following authority:

Under section 1902(e)(5) and section 1902(e)(6) of the Social Security Act, pregnant women receive Medicaid continuous coverage from the pregnancy start date through 60 days following termination of pregnancy.

Section 9812 of the American Rescue Plan Act (ARPA) of 2021, Pub. L. No. 117-2, added section 1902(e)(16) of the Social Security Act to allow states the option to extend Medicaid eligibility for pregnant women for 12 months after the woman's pregnancy ends. Section 9822 of the ARPA also added subparagraph (J) to section 2107(e)(1) of the Social Security Act that allowed states to extend CHIP coverage to targeted low-income pregnant children and, if applicable, to targeted low-income pregnant women for 12 months after the individual's pregnancy ends. The ARPA made these options available for only five years.

Section 5113 of the Consolidated Appropriations Act (CAA), 2023, Pub. L. No. 117-328, made the options allowed under ARPA permanent. Under the CAA, if states elect the option under Medicaid, they are required to provide the same continuous postpartum coverage in their separate CHIP programs.

House Bill 12 (88th Texas Legislative Session, 2023) requires HHSC to continue to provide Medicaid to a woman who is eligible for Medicaid for pregnant women coverage for a period of not less than to 12 months that begins on the last day of the woman's pregnancy and ends on the last day of the month in which the 12-month period ends in accordance with Section 1902(e)(16), Social Security Act (42 U.S.C. Section 1396a(e)(16)).

To obtain copies of the proposed amendment, interested parties may contact Nicole Hotchkiss, State Plan Coordinator, by mail at the Health and Human Services Commission, P.O. Box 13247, Mail Code H-600, Austin, Texas 78711; by telephone at (512) 438-5035; by facsimile at (512) 730-7472; or by email at 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-202303692

Karen Ray

Chief Counsel

Texas Health and Human Services Commission

Filed: October 4, 2023



Public Notice - CLASS EVV Amendment

The Texas Health and Human Services Commission (HHSC) is submitting a request to the Centers for Medicare & Medicaid Services (CMS) to amend the waiver application for the Community Living Assistance and Support Services (CLASS) program. HHSC administers the CLASS Program under the authority of Section 1915(c) of the Social Security Act. CMS has approved the CLASS waiver application through August 31, 2024. The proposed effective date for this amendment is February 26, 2024.

The request proposes to amend Appendix I to change existing language regarding Electronic Visit Verification (EVV) requirements. HHSC currently requires program providers to use EVV for certain personal care services. This amendment addresses the requirement in §1903(l) of the Social Security Act (U.S.C. Title 42, §1396b(l)) to also use EVV for home health care services. The amendment references the state rules that describe all of the services for which the use of EVV is required instead of listing the specific services. These state rules do not currently include the home health services for which the use of EVV will be required but will include these services by January 2024. The personal care service for which the use of EVV is currently required is in-home respite delivered by the provider or through the consumer directed services (CDS) option. The home health care services for which the use of EVV will be required effective January 1, 2024, are nursing services, occupational therapy services, and physical therapy services delivered by the provider or through the CDS option.

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

To obtain a free copy of the proposed waiver amendment, ask questions, obtain additional information, or submit comments about the amendment, please contact Jayasree Sankaran by U.S. mail, telephone, fax, or email at the addresses and numbers below. A copy of the pro-

posed waiver amendment may also be obtained online on the HHSC website at:

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

Comments about the proposed waiver amendment must be submitted to HHSC by November 13, 2023.

The Access and Eligibility Services for local benefit offices will post this notice for 30 days and will have copies of the amendment available for review.

Addresses:

U.S. Mail

Texas Health and Human Services Commission

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

701 West 51st Street, Mail Code H-310

Austin, Texas 78751

Telephone

(512) 438-4331

Fax

Attention: Jayasree Sankaran, Waiver Coordinator at (512) 323-1905

Email

TX_Medicaid_Waivers@hhs.texas.gov

TRD-202303695

Karen Ray

Chief Counsel

Texas Health and Human Services Commission

Filed: October 4, 2023



Public Notice - DBMD Amendment

The Texas Health and Human Services Commission (HHSC) is submitting a request to the Centers for Medicare & Medicaid Services (CMS) to amend the waiver application for the Deaf Blind with Multiple Disabilities (DBMD) program. HHSC administers the DBMD Program under the authority of Section 1915(c) of the Social Security Act. CMS has approved the DBMD waiver application through February 29, 2028. The proposed effective date for this amendment is February 26, 2024.

The request proposes to amend Appendix I to change existing language regarding Electronic Visit Verification (EVV) requirements. HHSC currently requires program providers to use EVV for certain personal care services. This amendment addresses the requirement in §1903(l) of the Social Security Act (U.S.C. Title 42, §1396b(l)) to also use EVV for home health care services. The amendment references the state rules that describe all of the services for which the use of EVV is required instead of listing the specific services. These state rules do not currently include the home health services for which the use of EVV will be required but will include these services by January 2024. The personal care service for which the use of EVV is currently required is in-home respite delivered by the provider or through the consumer directed services (CDS) option. The home health care services for which the use of EVV will be required effective January 1, 2024, are nursing services, occupational therapy services, and physical therapy services delivered by the provider.

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

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

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

Comments about the proposed waiver amendment must be submitted to HHSC by November 13, 2023.

The HHSC Access and Eligibility Services for local benefit offices will post this notice for 30 days and will have copies of the amendment available for review.

Addresses:

U.S. Mail

Texas Health and Human Services Commission

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

701 West 51st Street, Mail Code H-310

Austin, Texas 78751

Telephone

(512) 438-4331

Fax

Attention: Jayasree Sankaran, Waiver Coordinator at (512) 323-1905

Email

TX_Medicaid_Waivers@hhs.texas.gov

TRD-202303694

Karen Ray

Chief Counsel

Texas Health and Human Services Commission

Filed: October 4, 2023



Public Notice - HCS Amendment

The Texas Health and Human Services Commission (HHSC) is submitting a request to the Centers for Medicare & Medicaid Services (CMS) to amend the Home and Community-based Services (HCS) waiver program authorized under §1915(c) of the Social Security Act. CMS has

approved the HCS waiver application through August 31, 2028. The proposed effective date for the amendment is February 26, 2024.

The request proposes to amend Appendix I to change existing language regarding Electronic Visit Verification (EVV) requirements. HHSC currently requires program providers to use EVV for certain personal care services. This amendment addresses the requirement in §1903(l) of the Social Security Act (U.S.C. Title 42, §1396b(l)) to also use EVV for home health care services. The amendment references the state rules that describe all of the services for which the use of EVV is required instead of listing the specific services. These state rules do not currently include the home health services for which the use of EVV will be required but will include these services by January 2024. The personal care services for which the use EVV are currently required are in-home respite delivered by the provider or through the consumer directed services (CDS) option and in-home individualized skills and socialization delivered by the provider. The home health care services for which the use of EVV will be required effective January 1, 2024, are nursing services delivered by the provider or through the consumer directed services (CDS) option, occupational therapy services delivered by the provider, and physical therapy services delivered by the provider.

HHSC also removed Attachment #1: Transition Plan as it is no longer applicable.

The HCS waiver program provides services and supports to individuals with intellectual disabilities who live in their own homes, in the home of a family member, or another community setting such as a three-person or four-person residence operated by an HCS program provider. Services and supports are intended to enhance quality of life, functional independence, and health and well-being in continued community-based living and to supplement, rather than replace, existing informal or formal supports and resources.

Services in the HCS waiver program include respite, supported employment, adaptive aids, audiology, occupational therapy, physical therapy, prescribed drugs, speech and language pathology, financial management services, support consultation, behavioral support, cognitive rehabilitation therapy, dental treatment, dietary services, employment assistance, individualized skills and socialization, minor home modifications, nursing, residential assistance, social work, supporting home living, and transition assistance services.

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

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

Comments about the proposed waiver amendment request must be submitted to HHSC by November 13, 2023.

The Access and Eligibility Services for local benefit offices will post this notice for 30 days and will have copies of the amendment available for review.

Addresses:

U.S. Mail

Texas Health and Human Services Commission

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

701 West 51st Street, Mail Code H-310

Austin, Texas 78751

Telephone

(512) 438-4321

Fax

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

Email

TX_Medicaid_Waivers@hhs.texas.gov

TRD-202303698

Karen Ray

Chief Counsel

Texas Health and Human Services Commission

Filed: October 4, 2023



Public Notice - MDCP Amendment

The Texas Health and Human Services Commission (HHSC) is submitting a request to the Centers for Medicare & Medicaid Services (CMS) to amend the waiver application for the Medically Dependent Children Program (MDCP) program. HHSC administers the MDCP Program under the authority of Section 1915(c) of the Social Security Act. The proposed effective date for this amendment is February 26, 2024.

The request proposes to amend Appendix I to change existing language regarding Electronic Visit Verification (EVV) requirements. HHSC currently requires program providers to use EVV for certain personal care services. This amendment addresses the requirement in §1903(l) of the Social Security Act (U.S.C. Title 42, §1396b(l)) to also use EVV for home health care services. The amendment references the state rules that describe all of the services for which the use of EVV is required instead of listing the specific services. These state rules do not currently include the home health services for which the use of EVV will be required but will include these services by January 2024. The personal care services for which the use of EVV is currently required are in-home respite provided by an attendant delivered by the provider or through the consumer directed services (CDS) option and flexible family support services provided by an attendant delivered by the provider or through the CDS option. The home health care services for which the use of EVV will be required effective January 1, 2024, are in-home respite provided by a nurse, and flexible family support services provided by a nurse delivered by the provider or through the CDS option.

The MDCP waiver program provides home and community-based services to medically fragile individuals from birth through age 20 who, without the waiver program, would require institutionalization in a nursing facility. Services in the MDCP waiver program include respite, adaptive aids, minor home modifications, employment assistance, supported employment, financial management services, transition assistance services, and flexible family support services. Texas uses the MDCP waiver program to provide services to Texans in the least restrictive environment possible. These environments include the individual's or a family member's home, or a Child Protective Services foster care home which can meet the individual's complex medical needs.

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

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

Comments about the proposed waiver amendment request must be submitted to HHSC by November 13, 2023.

The HHSC Access and Eligibility Services for local benefit offices will post this notice for 30 days and will have copies of the proposed changes available for review.

Address:

U.S. Mail

Texas Health and Human Services Commission

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

701 West 51st Street, Mail Code H-310

Austin, Texas 78751

Telephone

(512) 438-4321

Fax

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

Email

TX_Medicaid_Waivers@hhs.texas.gov

TRD-202303697

Karen Ray

Chief Counsel

Texas Health and Human Services Commission

Filed: October 4, 2023



Revised TxHML Public Notice

This revised Public Notice of Intent (PNI) replaces the PNI that was issued on October 6, 2023. The revisions are in bold type or otherwise noted.

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

The new proposed effective date for this amendment is February 26, 2024.

The request proposes to amend Appendix I to change existing language regarding Electronic Visit Verification (EVV) requirements. HHSC **currently requires** program providers to use EVV for certain **personal care** services. This **amendment addresses the requirement** in §1903(l) of the Social Security Act (U.S.C. Title 42, §1396b(l)) **to also use EVV for home health care services. The amendment references the state rules that describe all of the services for which the use of EVV is required instead of listing the specific services. These state rules do not currently include the home health services for which the use of EVV will be required but will include these services by January 2024. The personal care services for which the use of EVV are currently required are in-home respite and in-home individualized skills and socialization delivered by the provider or through the consumer directed services (CDS) option. The home health care services for which the use of EVV will be required effective January 1, 2024, are nursing services, occupational therapy services, and physical therapy services delivered by the provider or through the consumer directed services (CDS) option.**

HHSC also removed Attachment #1: Transition Plan as it is no longer applicable.

The TxHmL waiver program provides services and supports to individuals with intellectual disabilities who live in their own homes or in the home of another person, such as a family member. Services and supports are intended to enhance quality of life, functional independence, and health and well-being in continued community-based living and to supplement, rather than replace, existing informal or formal supports and resources.

Services in the TxHmL waiver program are respite, supported employment, prescription medications, financial management services, support consultation, adaptive aids, minor home modifications, audiology services, behavioral support, community support, dental treatment, dietary services, employment assistance, occupational therapy services, physical therapy services, nursing, speech-language pathology services, and individualized skills and socialization.

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

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

Comments about the proposed waiver amendment must be submitted to HHSC by **November 13, 2023**.

The Access and Eligibility Services for local benefit offices will post this notice for 30 days and will have copies of the amendment available for review.

Addresses:

U.S. Mail

Texas Health and Human Services Commission

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

701 West 51st Street, Mail Code H-310

Austin, Texas 78751

Telephone

(512) 438-4321

Fax

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

Email

TX_Medicaid_Waivers@hhs.texas.gov

TRD-202303696

Karen Ray

Chief Counsel

Texas Health and Human Services Commission

Filed: October 4, 2023



Texas Department of Insurance

Company Licensing

Application for Western United Life Assurance Company, a foreign life, accident and/or health company, to change its name to Western

United Life Insurance Company. The home office is in Spokane, Washington.

Application for Peachtree Casualty Insurance Company, a foreign fire and/or casualty company, to change its name to Go Insurance Company. The home office is in Oklahoma City, Oklahoma.

Application for incorporation in the state of Texas for Shared Health Insurance Company, a domestic life, accident and/or health company. The home office is in Austin, Texas.

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

TRD-202303699

Justin Beam

Chief Clerk

Texas Department of Insurance

Filed: October 4, 2023



Texas Windstorm Insurance Association--Declarations Pages Filings

Notice of TWIA Commercial Application Form Filing

Reference Nos. P-0923-02 and P-0923-03

SERFF State Tracking Nos. S715313 and S715314

In accordance with 28 TAC §5.4911, the Texas Windstorm Insurance Association (TWIA) has filed revised forms with the Texas Department of Insurance for approval:

--TWIA Residential Policy - Dwelling Declarations Page

--TWIA Commercial Policy - Building and Business Personal Property Declarations Page

TWIA is revising the declarations pages to reflect House Bill 3208, 88th Legislature, 2023. Under House Bill 3208, if an insured cancels the policy, TWIA will keep the entire annual premium unless the cancellation is for one of the reasons listed in Insurance Code §2210.204(d).

You can see the revised declarations pages, TWIA's description of the filings, and other supporting information online at www.tdi.texas.gov/submissions/indextwia.html#form. You can also get a copy of the filings from the Office of the Chief Clerk, MC: GC-CCO, Texas Department of Insurance, P.O. Box 12030, Austin, Texas 78711-2030.

Public Comment: Send comments on the revised form filings to ChiefClerk@tdi.texas.gov or to the Office of the Chief Clerk, MC: GC-CCO, Texas Department of Insurance, P.O. Box 12030, Austin, Texas 78711-2030 by 5:00 p.m., central time, on November 13, 2023.

Hearing Requests: To request a public hearing about the revised form filings, you must submit a request separately by 5:00 p.m., central time, on November 2, 2023. Send the hearing request by email to ChiefClerk@tdi.texas.gov or by mail to the Texas Department of Insurance, Office of the Chief Clerk, MC: GC-CCO, P.O. Box 12030, Austin, Texas 78711-2030.

TRD-202303585

Jessica Barta

General Counsel

Texas Department of Insurance

Filed: September 28, 2023

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Texas Lottery Commission

Scratch Ticket Game Number 2508 "TEXAS LOTERIA"

1.0 Name and Style of Scratch Ticket Game.

A. The name of Scratch Ticket Game No. 2508 is "TEXAS LOTERIA". The play style is "row/column/diagonal".

1.1 Price of Scratch Ticket Game.

A. The price for Scratch Ticket Game No. 2508 shall be \$3.00 per Scratch Ticket.

1.2 Definitions in Scratch Ticket Game No. 2508.

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

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

C. Play Symbol - The printed data under the latex on the front of the Scratch Ticket that is used to determine eligibility for a prize. Each Play Symbol is printed in Symbol font in black ink in positive except for dual-image games. The possible black Play Symbols are: THE ARMADILLO SYMBOL, THE BAT SYMBOL, THE

BLUEBONNET SYMBOL, THE BOAR SYMBOL, THE CACTUS SYMBOL, THE CHERRIES SYMBOL, THE CHILE PEPPER SYMBOL, THE CORN SYMBOL, THE COVERED WAGON SYMBOL, THE COWBOY HAT SYMBOL, THE COWBOY SYMBOL, THE FIRE SYMBOL, THE GUITAR SYMBOL, THE HEN SYMBOL, THE HORSE SYMBOL, THE HORSESHOE SYMBOL, THE JACKRABBIT SYMBOL, THE LIZARD SYMBOL, THE LONE STAR SYMBOL, THE MARACAS SYMBOL, THE MOCKINGBIRD SYMBOL, THE MOONRISE SYMBOL, THE MORTAR PESTLE SYMBOL, THE NEWSPAPER SYMBOL, THE OIL RIG SYMBOL, THE PECAN TREE SYMBOL, THE PIÑATA SYMBOL, THE RATTLESNAKE SYMBOL, THE ROADRUNNER SYMBOL, THE SADDLE SYMBOL, THE SHOES SYMBOL, THE SPEAR SYMBOL, THE SPUR SYMBOL, THE STRAWBERRY SYMBOL, THE SUNSET SYMBOL, THE WHEEL SYMBOL and THE WINDMILL SYMBOL.

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

Figure 1: GAME NO. 2508 - 1.2D

PLAY SYMBOL	CAPTION
THE ARMADILLO SYMBOL	ARMADILLO
THE BAT SYMBOL	BAT
THE BLUEBONNET SYMBOL	BLUEBONNET
THE BOAR SYMBOL	BOAR
THE CACTUS SYMBOL	CACTUS
THE CHERRIES SYMBOL	CHERRIES
THE CHILE PEPPER SYMBOL	CHILE PEPPER
THE CORN SYMBOL	CORN
THE COVERED WAGON SYMBOL	COVERED WAGON
THE COWBOY HAT SYMBOL	COWBOY HAT
THE COWBOY SYMBOL	COWBOY
THE FIRE SYMBOL	FIRE
THE GUITAR SYMBOL	GUITAR
THE HEN SYMBOL	HEN
THE HORSE SYMBOL	HORSE
THE HORSESHOE SYMBOL	HORSESHOE
THE JACKRABBIT SYMBOL	JACKRABBIT
THE LIZARD SYMBOL	LIZARD
THE LONE STAR SYMBOL	LONE STAR
THE MARACAS SYMBOL	MARACAS
THE MOCKINGBIRD SYMBOL	MOCKINGBIRD
THE MOONRISE SYMBOL	MOONRISE
THE MORTAR PESTLE SYMBOL	MORTAR PESTLE
THE NEWSPAPER SYMBOL	NEWSPAPER
THE OIL RIG SYMBOL	OIL RIG

THE PECAN TREE SYMBOL	PECAN TREE
THE PIÑATA SYMBOL	PIÑATA
THE RATTLESNAKE SYMBOL	RATTLESNAKE
THE ROADRUNNER SYMBOL	ROADRUNNER
THE SADDLE SYMBOL	SADDLE
THE SHOES SYMBOL	SHOES
THE SPEAR SYMBOL	SPEAR
THE SPUR SYMBOL	SPUR
THE STRAWBERRY SYMBOL	STRAWBERRY
THE SUNSET SYMBOL	SUNSET
THE WHEEL SYMBOL	WHEEL
THE WINDMILL SYMBOL	WINDMILL

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

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

G. Game-Pack-Ticket Number - A fourteen (14) digit number consisting of the four (4) digit game number (2508), a seven (7) digit Pack number, and a three (3) digit Ticket number. Ticket numbers start with 001 and end with 075 within each Pack. The format will be: 2508-0000001-001.

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

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

J. Scratch Ticket Game, Scratch Ticket or Ticket - Texas Lottery "TEXAS LOTERIA" Scratch Ticket Game No. 2508.

2.0 Determination of Prize Winners. The determination of prize winners is subject to the general Scratch Ticket validation requirements set

forth in Texas Lottery Rule 401.302, Scratch Ticket Game Rules, these Game Procedures, and the requirements set out on the back of each Scratch Ticket. Each Scratch Ticket contains exactly 30 (thirty) Play Symbols. A prize winner in the "TEXAS LOTERIA" Scratch Ticket Game is determined once the latex on the Scratch Ticket is scratched off to expose Play Symbols as follows: 1) The player completely scratches the CALLER'S CARD to reveal 14 symbols. 2) The player scratches ONLY the symbols on the PLAYBOARD that exactly match the symbols revealed on the CALLER'S CARD. 3) If the player reveals a complete row, column or diagonal line, the player wins the prize for that line. 1) El jugador raspa completamente la CARTA DEL GRITÓN para revelar 14 símbolos. 2) El jugador SOLAMENTE raspa los símbolos en la TABLA DE JUEGO que son exactamente iguales a los símbolos revelados en la CARTA DEL GRITÓN. 3) Si el jugador revela una línea completa, horizontal, vertical o diagonal, el jugador gana el premio para esa línea. No portion of the Display Printing nor any extraneous matter whatsoever shall be usable or playable as a part of the Scratch Ticket.

2.1 Scratch Ticket Validation Requirements.

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

1. Exactly thirty (30) Play Symbols must appear under the Latex Overprint on the front portion of the Scratch Ticket;
2. Each of the Play Symbols must have a Play Symbol Caption underneath, unless specified, and each Play Symbol must agree with its Play Symbol Caption;
3. Each of the Play Symbols must be present in its entirety and be fully legible;

4. Each of the Play Symbols must be printed in black ink except for dual image games;
5. The Scratch Ticket shall be intact;
6. The Serial Number and Game-Pack-Ticket Number must be present in their entirety and be fully legible;
7. The Serial Number must correspond, using the Texas Lottery's codes, to the Play Symbols on the Scratch Ticket;
8. The Scratch Ticket must not have a hole punched through it, be mutilated, altered, unreadable, reconstituted or tampered with in any manner;
9. The Scratch Ticket must not be counterfeit in whole or in part;
10. The Scratch Ticket must have been issued by the Texas Lottery in an authorized manner;
11. The Scratch Ticket must not have been stolen, nor appear on any list of omitted Scratch Tickets or non-activated Scratch Tickets on file at the Texas Lottery;
12. The Play Symbols, Serial Number and Game-Pack-Ticket Number must be right side up and not reversed in any manner;
13. The Scratch Ticket must be complete and not miscut, and have exactly thirty (30) Play Symbols under the Latex Overprint on the front portion of the Scratch Ticket, exactly one Serial Number and exactly one Game-Pack-Ticket Number on the Scratch Ticket;
14. The Serial Number of an apparent winning Scratch Ticket shall correspond with the Texas Lottery's Serial Numbers for winning Scratch Tickets, and a Scratch Ticket with that Serial Number shall not have been paid previously;
15. The Scratch Ticket must not be blank or partially blank, misregistered, defective or printed or produced in error;
16. Each of the thirty (30) Play Symbols must be exactly one of those described in Section 1.2.C of these Game Procedures;
17. Each of the thirty (30) Play Symbols on the Scratch Ticket must be printed in the Symbol font and must correspond precisely to the artwork on file at the Texas Lottery; the Scratch Ticket Serial Numbers must be printed in the Serial font and must correspond precisely to the artwork on file at the Texas Lottery; and the Game-Pack-Ticket Number must be printed in the Game-Pack-Ticket Number font and must correspond precisely to the artwork on file at the Texas Lottery;
18. The Display Printing on the Scratch Ticket must be regular in every respect and correspond precisely to the artwork on file at the Texas Lottery; and
19. The Scratch Ticket must have been received by the Texas Lottery by applicable deadlines.

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

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

2.2 Programmed Game Parameters.

A. A Ticket can win up to three (3) times in accordance with the approved prize structure.

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

C. There will be no matching Play Symbols in the CALLER'S CARD/CARTA DEL GRITÓN play area.

D. At least eight (8), but no more than twelve (12), CALLER'S CARD/CARTA DEL GRITÓN Play Symbols will match a symbol on the PLAYBOARD/TABLA DE JUEGO play area on a Ticket.

E. No matching Play Symbols are allowed on the PLAYBOARD/TABLA DE JUEGO play area.

2.3 Procedure for Claiming Prizes.

A. To claim a "TEXAS LOTERIA" Scratch Ticket Game prize of \$3.00, \$5.00, \$8.00, \$10.00, \$15.00, \$18.00, \$20.00, \$30.00, \$33.00, \$50.00, \$80.00 or \$250, a claimant shall sign the back of the Scratch Ticket in the space designated on the Scratch Ticket and may present the winning Scratch Ticket to any Texas Lottery Retailer. The Texas Lottery Retailer shall verify the claim and, if valid, and upon presentation of proper identification, if appropriate, make payment of the amount due the claimant and physically void the Scratch Ticket; provided that the Texas Lottery Retailer may, but is not required, to pay a \$30.00, \$33.00, \$50.00, \$80.00 or \$250 Scratch Ticket Game. In the event the Texas Lottery Retailer cannot verify the claim, the Texas Lottery Retailer shall provide the claimant with a claim form and instruct the claimant on how to file a claim with the Texas Lottery. If the claim is validated by the Texas Lottery, a check shall be forwarded to the claimant in the amount due. In the event the claim is not validated, the claim shall be denied and the claimant shall be notified promptly. A claimant may also claim any of the above prizes under the procedure described in Section 2.3.B and Section 2.3.C of these Game Procedures.

B. To claim a "TEXAS LOTERIA" Scratch Ticket Game prize of \$3,000 or \$50,000, the claimant must sign the winning Scratch Ticket and may present it at one of the Texas Lottery's Claim Centers. If the claim is validated by the Texas Lottery, payment will be made to the bearer of the validated winning Scratch Ticket for that prize upon presentation of proper identification. When paying a prize of \$600 or more, the Texas Lottery shall file the appropriate income reporting form with the Internal Revenue Service (IRS) and shall withhold federal income tax at a rate set by the IRS if required. In the event that the claim is not validated by the Texas Lottery, the claim shall be denied and the claimant shall be notified promptly.

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

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

1. delinquent in the payment of a tax or other money to a state agency and that delinquency is reported to the Comptroller under Government Code §403.055;

2. in default on a loan made under Chapter 52, Education Code;
3. in default on a loan guaranteed under Chapter 57, Education Code; or
4. delinquent in child support payments in the amount determined by a court or a Title IV-D agency under Chapter 231, Family Code.

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

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

- A. if a dispute occurs, or it appears likely that a dispute may occur, regarding the prize;
- B. if there is any question regarding the identity of the claimant;
- C. if there is any question regarding the validity of the Scratch Ticket presented for payment; or
- D. if the claim is subject to any deduction from the payment otherwise due, as described in Section 2.3.D of these Game Procedures. No liability for interest for any delay shall accrue to the benefit of the claimant pending payment of the claim.

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

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

2.7 Scratch Ticket Claim Period. All Scratch Ticket prizes must be claimed within 180 days following the end of the Scratch Ticket Game

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

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

3.0 Scratch Ticket Ownership.

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

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

4.0 Number and Value of Scratch Prizes. There will be approximately 32,400,000 Scratch Tickets in Scratch Ticket Game No. 2508. The approximate number and value of prizes in the game are as follows:

Figure 2: GAME NO. 2508 - 4.0

Prize Amount	Approximate Number of Winners*	Approximate Odds are 1 in **
\$3.00	3,024,000	10.71
\$5.00	1,296,000	25.00
\$8.00	864,000	37.50
\$10.00	648,000	50.00
\$15.00	648,000	50.00
\$18.00	324,000	100.00
\$20.00	216,000	150.00
\$30.00	216,000	150.00
\$33.00	103,680	312.50
\$50.00	32,400	1,000.00
\$80.00	15,120	2,142.86
\$250	4,860	6,666.67
\$3,000	230	140,869.57
\$50,000	14	2,314,285.71

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

**The overall odds of winning a prize are 1 in 4.38. The individual odds of winning for a particular prize level may vary based on sales, distribution, testing, and number of prizes claimed.

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

5.0 End of the Scratch Ticket Game. The Executive Director may, at any time, announce a closing date (end date) for the Scratch Ticket Game No. 2508 without advance notice, at which point no further Scratch Tickets in that game may be sold. The determination of the closing date and reasons for closing will be made in accordance with the Scratch Ticket closing procedures and the Scratch Ticket Game Rules. See 16 TAC §401.302(j).

6.0 Governing Law. In purchasing a Scratch Ticket, the player agrees to comply with, and abide by, these Game Procedures for Scratch Ticket Game No. 2508, the State Lottery Act (Texas Government Code, Chapter 466), applicable rules adopted by the Texas Lottery pursuant to the

State Lottery Act and referenced in 16 TAC, Chapter 401, and all final decisions of the Executive Director.

TRD-202303675
 Bob Biard
 General Counsel
 Texas Lottery Commission
 Filed: October 3, 2023



Scratch Ticket Game Number 2552 "BREAK THE BANK"

1.0 Name and Style of Scratch Ticket Game.

A. The name of Scratch Ticket Game No. 2552 is "BREAK THE BANK". The play style is "key number match".

1.1 Price of Scratch Ticket Game.

A. The price for Scratch Ticket Game No. 2552 shall be \$2.00 per Scratch Ticket.

1.2 Definitions in Scratch Ticket Game No. 2552.

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

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

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

for dual-image games. The possible black Play Symbols are: 01, 03, 04, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 2X SYMBOL, 5X SYMBOL, \$2.00, \$4.00, \$5.00, \$10.00, \$15.00, \$20.00, \$50.00, \$200, \$1,000, \$3,000 and \$30,000.

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

Figure 1: GAME NO. 2552 - 1.2D

PLAY SYMBOL	CAPTION
01	ONE
03	THR
04	FOR
06	SIX
07	SVN
08	EGT
09	NIN
10	TEN
11	ELV
12	TLV
13	TRN
14	FTN
15	FFN
16	SXN
17	SVT
18	ETN
19	NTN
20	TWY
21	TWON
22	TWTO
23	TWTH
24	TWFR
25	TWV
26	TWSX

27	TWSV
28	TWET
29	TWNI
30	TRTY
2X SYMBOL	DBL
5X SYMBOL	WINX5
\$2.00	TWO\$
\$4.00	FOR\$
\$5.00	FIV\$
\$10.00	TEN\$
\$15.00	FFN\$
\$20.00	TWY\$
\$50.00	FFTY\$
\$200	TOHN
\$1,000	ONTH
\$3,000	THTH
\$30,000	30TH

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

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

G. Game-Pack-Ticket Number - A fourteen (14) digit number consisting of the four (4) digit game number (2552), a seven (7) digit Pack number, and a three (3) digit Ticket number. Ticket numbers start with 001 and end with 125 within each Pack. The format will be: 2552-0000001-001.

H. Pack - A Pack of the "BREAK THE BANK" Scratch Ticket Game contains 125 Tickets, packed in plastic shrink-wrapping and fanfolded in pages of two (2). One Ticket will be folded over to expose a front

and back of one Ticket on each Pack. Please note the Packs will be in an A, B, C and D configuration.

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

J. Scratch Ticket Game, Scratch Ticket or Ticket - Texas Lottery "BREAK THE BANK" Scratch Ticket Game No. 2552.

2.0 Determination of Prize Winners. The determination of prize winners is subject to the general Scratch Ticket validation requirements set forth in Texas Lottery Rule 401.302, Scratch Ticket Game Rules, these Game Procedures, and the requirements set out on the back of each Scratch Ticket. A prize winner in the "BREAK THE BANK" Scratch Ticket Game is determined once the latex on the Scratch Ticket is scratched off to expose twenty-two (22) Play Symbols. If a player matches any of the YOUR NUMBERS Play Symbols to either of the

WINNING NUMBERS Play Symbols, the player wins the PRIZE for that number. If the player reveals a "2X" Play Symbol, the player wins DOUBLE the PRIZE for that symbol. If the player reveals a "5X" Play Symbol, the player wins 5 TIMES the PRIZE for that symbol. No portion of the Display Printing nor any extraneous matter whatsoever shall be usable or playable as a part of the Scratch Ticket.

2.1 Scratch Ticket Validation Requirements.

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

1. Exactly twenty-two (22) Play Symbols must appear under the Latex Overprint on the front portion of the Scratch Ticket;
2. Each of the Play Symbols must have a Play Symbol Caption underneath, unless specified, and each Play Symbol must agree with its Play Symbol Caption;
3. Each of the Play Symbols must be present in its entirety and be fully legible;
4. Each of the Play Symbols must be printed in black ink except for dual image games;
5. The Scratch Ticket shall be intact;
6. The Serial Number and Game-Pack-Ticket Number must be present in their entirety and be fully legible;
7. The Serial Number must correspond, using the Texas Lottery's codes, to the Play Symbols on the Scratch Ticket;
8. The Scratch Ticket must not have a hole punched through it, be mutilated, altered, unreadable, reconstituted or tampered with in any manner;
9. The Scratch Ticket must not be counterfeit in whole or in part;
10. The Scratch Ticket must have been issued by the Texas Lottery in an authorized manner;
11. The Scratch Ticket must not have been stolen, nor appear on any list of omitted Scratch Tickets or non-activated Scratch Tickets on file at the Texas Lottery;
12. The Play Symbols, Serial Number and Game-Pack-Ticket Number must be right side up and not reversed in any manner;
13. The Scratch Ticket must be complete and not miscut, and have exactly twenty-two (22) Play Symbols under the Latex Overprint on the front portion of the Scratch Ticket, exactly one Serial Number and exactly one Game-Pack-Ticket Number on the Scratch Ticket;
14. The Serial Number of an apparent winning Scratch Ticket shall correspond with the Texas Lottery's Serial Numbers for winning Scratch Tickets, and a Scratch Ticket with that Serial Number shall not have been paid previously;
15. The Scratch Ticket must not be blank or partially blank, misregistered, defective or printed or produced in error;
16. Each of the twenty-two (22) Play Symbols must be exactly one of those described in Section 1.2.C of these Game Procedures;
17. Each of the twenty-two (22) Play Symbols on the Scratch Ticket must be printed in the Symbol font and must correspond precisely to the artwork on file at the Texas Lottery; the Scratch Ticket Serial Numbers must be printed in the Serial font and must correspond precisely to the artwork on file at the Texas Lottery; and the Game-Pack-Ticket Number must be printed in the Game-Pack-Ticket Number font and must correspond precisely to the artwork on file at the Texas Lottery;

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

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

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

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

2.2 Programmed Game Parameters.

A. GENERAL: The top Prize Symbol will appear on every Ticket, unless restricted by other parameters, play action or prize structure.

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

C. KEY NUMBER MATCH: No prize amount in a non-winning spot will correspond with the YOUR NUMBERS Play Symbol (i.e., 04 and \$4).

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

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

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

G. KEY NUMBER MATCH: A Ticket may have up to two (2) matching non-winning Prize Symbols, unless restricted by other parameters, play action or prize structure.

H. KEY NUMBER MATCH: The "2X" (DBL) Play Symbol will only appear on winning Tickets, as dictated by the prize structure.

I. KEY NUMBER MATCH: The "5X" (WINX5) Play Symbol will only appear on winning Tickets, as dictated by the prize structure.

2.3 Procedure for Claiming Prizes.

A. To claim a "BREAK THE BANK" Scratch Ticket Game prize of \$2.00, \$4.00, \$5.00, \$8.00, \$10.00, \$15.00, \$20.00, \$50.00 or \$200, a claimant shall sign the back of the Scratch Ticket in the space designated on the Scratch Ticket and may present the winning Scratch Ticket to any Texas Lottery Retailer. The Texas Lottery Retailer shall verify the claim and, if valid, and upon presentation of proper identification, if appropriate, make payment of the amount due the claimant and physically void the Scratch Ticket; provided that the Texas Lottery Retailer may, but is not required, to pay a \$50.00 or \$200 Scratch Ticket Game. In the event the Texas Lottery Retailer cannot verify the claim, the Texas Lottery Retailer shall provide the claimant with a claim form and instruct the claimant on how to file a claim with the Texas Lottery. If the claim is validated by the Texas Lottery, a check shall be forwarded to the claimant in the amount due. In the event the claim is not validated, the claim shall be denied and the claimant shall be notified

promptly. A claimant may also claim any of the above prizes under the procedure described in Section 2.3.B and Section 2.3.C of these Game Procedures.

B. To claim a "BREAK THE BANK" Scratch Ticket Game prize of \$1,000, \$3,000 or \$30,000, the claimant must sign the winning Scratch Ticket and may present it at one of the Texas Lottery's Claim Centers. If the claim is validated by the Texas Lottery, payment will be made to the bearer of the validated winning Scratch Ticket for that prize upon presentation of proper identification. When paying a prize of \$600 or more, the Texas Lottery shall file the appropriate income reporting form with the Internal Revenue Service (IRS) and shall withhold federal income tax at a rate set by the IRS if required. In the event that the claim is not validated by the Texas Lottery, the claim shall be denied and the claimant shall be notified promptly.

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

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

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

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

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

- A. if a dispute occurs, or it appears likely that a dispute may occur, regarding the prize;
- B. if there is any question regarding the identity of the claimant;
- C. if there is any question regarding the validity of the Scratch Ticket presented for payment; or

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

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

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

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

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

3.0 Scratch Ticket Ownership.

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

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

4.0 Number and Value of Scratch Prizes. There will be approximately 24,000,000 Scratch Tickets in Scratch Ticket Game No. 2552. The approximate number and value of prizes in the game are as follows:

Figure 2: GAME NO. 2552 - 4.0

Prize Amount	Approximate Number of Winners*	Approximate Odds are 1 in **
\$2.00	2,304,000	10.42
\$4.00	1,344,000	17.86
\$5.00	288,000	83.33
\$8.00	96,000	250.00
\$10.00	480,000	50.00
\$15.00	192,000	125.00
\$20.00	192,000	125.00
\$50.00	90,000	266.67
\$200	10,000	2,400.00
\$1,000	300	80,000.00
\$3,000	130	184,615.38
\$30,000	10	2,400,000.00

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

**The overall odds of winning a prize are 1 in 4.80. The individual odds of winning for a particular prize level may vary based on sales, distribution, testing, and number of prizes claimed.

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

5.0 End of the Scratch Ticket Game. The Executive Director may, at any time, announce a closing date (end date) for the Scratch Ticket Game No. 2552 without advance notice, at which point no further Scratch Tickets in that game may be sold. The determination of the closing date and reasons for closing will be made in accordance with the Scratch Ticket closing procedures and the Scratch Ticket Game Rules. See 16 TAC §401.302(j).

6.0 Governing Law. In purchasing a Scratch Ticket, the player agrees to comply with, and abide by, these Game Procedures for Scratch Ticket Game No. 2552, the State Lottery Act (Texas Government Code, Chapter 466), applicable rules adopted by the Texas Lottery pursuant to the State Lottery Act and referenced in 16 TAC, Chapter 401, and all final decisions of the Executive Director.

TRD-202303679

Bob Biard
 General Counsel
 Texas Lottery Commission
 Filed: October 3, 2023

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North Central Texas Council of Governments

Notice of Contract Award - Implementation of Bikeway
 Facilities to DART Rail Stations

Pursuant to the provisions of Government Code, Chapter 2254, the North Central Texas Council of Governments publishes this notice of contract award. The request appeared in the March 24, 2023, issue of the *Texas Register* (48 TexReg 1668). The selected entity will perform technical and professional work for the Implementation of Bikeway Facilities to DART Rail Stations.

The entity selected for this project is Kimley-Horn and Associates, Inc., 2201 West Royal Lane, Suite 275, Irving, Texas 75063. The amount of the contract is not to exceed \$375,000.

Issued in Arlington, Texas on September 29, 2023.

TRD-202303607

R. Michael Eastland

Executive Director

North Central Texas Council of Governments

Filed: September 29, 2023

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Permian Basin Regional Planning Commission

Safety Action Plan - RFP #2024-01

The Permian Basin Regional Planning Commission (PBRPC) seeks a qualified engineering, transportation planning firm or team to conduct research, analysis and complete a Comprehensive Safety Action Plan for the Permian Basin Region of Texas.

Respondents must reference and have knowledge of U.S. Department of Transportation, Safe Streets and Roads for All Grant Program and Notice of Funding Opportunity.

Proposal may be found at www.pbrpc.org/about/public-notice.

Proposals to be Submitted to:

Permian Basin Regional Planning Commission

EDD RFP #2024-01

(By USPS Only)

P.O. Box 60660

Midland, Texas 79711

(FEDEX, UPS & In person)

2910 LaForce Blvd.

Midland, Texas 79706

Proposal Due Date and Time:

Friday, November 3, 2023, 10:00 a.m.

(Late bids will not be accepted)

PBRPC is EEO Employer & Service Provider. LEP available upon request.

TRD-202303705

Cathe Henderson

Executive Assistant & HR Manager

Permian Basin Regional Planning Commission

Filed: October 4, 2023

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Texas Department of Public Safety

Correction of Error

The Texas Department of Public Safety proposed an amendment to 37 TAC §35.52 in the September 8, 2023, issue of the *Texas Register* (48 TexReg 5003). Due to an error by the department, punctuation was omitted from the end of the text for 37 TAC §35.52 (e). There should have been a "." following the word "period".

The correct punctuation for subsection (e) is as follows:

(e) The violation of operating with an expired license applies to operation within the one year grace period to renew. The violation of operating without a license will apply to those operating after the one year grace period.

TRD-202303590

D. Phillip Adkins

General Counsel

Texas Department of Public Safety

Filed: September 28, 2023

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Correction of Error

The Texas Department of Public Safety proposed amendments to 37 TAC §36.60 in the September 8, 2023, issue of the *Texas Register* (48 TexReg 5011). Due to an error by the department, text contained within the graphic under the "Payment" heading was published incorrectly. The statutory reference to 1702 should be 1956.

The correct text under the Payment heading on Figure: 37 TAC §36.60(a) is as follows:

Payment by Metal Recycling Entity. (37 TAC §36.35, Occ. Code §1956.0381, or §1956.038(b)).

TRD-202303591

D. Phillip Adkins

General Counsel

Texas Department of Public Safety

Filed: September 28, 2023

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Public Utility Commission of Texas

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

Notice is given to the public of an application filed with the Public Utility Commission of Texas (commission) on September 27, 2023, to adjust the high-cost support received from the Small and Rural Incumbent Local Exchange Company Universal Service Plan without effect to current rates.

Docket Title and Number: Application of Mid-Plains Rural Telephone Cooperative, Inc. to Adjust High Cost Support Under 16 TAC §26.407(h), Docket Number 55606.

Mid-Plains Rural Telephone Cooperative, Inc. requests a high-cost support adjustment increase of \$414,281 in annual high-cost support. The requested adjustment complies with the cap of 140% of the annualized support the provider was authorized to receive in the 12 months of the 2021 calendar year, as required by 16 Texas Administrative Code §26.407(g)(1).

Persons wishing to comment on the action sought should contact the Public Utility Commission of Texas by mail at P.O. Box 13326, Austin, Texas 78711-3326, or by phone at (512) 936-7120 or toll free at (888) 782-8477 as a deadline to intervene may be imposed. Hearing and speech-impaired individuals with text telephone (TTY) may contact the commission through Relay Texas by dialing 7-1-1. All comments should reference Docket Number 55606.

TRD-202303605

Andrea Gonzalez

Rules Coordinator

Public Utility Commission of Texas

Filed: September 29, 2023



Notice of Request for a Name Change on Certificates of Convenience and Necessity

Notice is given to the public of an application filed with the Public Utility Commission of Texas (commission) on February 7, 2023, for a minor tariff change to update an assumed name.

Docket Style and Number: SJWTX Inc. Application for a Minor Tariff Change, an Update to its Assumed Name, Docket Number 54630.

The Application: SJWTX Inc. filed an application to update the assumed name on certificate of convenience and necessity numbers 10692 and 20877 to include Texas Water Company.

Persons wishing to intervene or comment on the action sought should contact the commission by mail at P.O. Box 13326, Austin, Texas 78711-3326, or by phone at (512) 936-7120 or toll-free at (888) 782-8477. The deadline to intervene in this proceeding is November 13, 2023. Hearing and speech-impaired individuals with text telephone (TTY) may contact the commission through Relay Texas by dialing 7-1-1. All comments should reference Docket Number 54630.

TRD-202303674

Andrea Gonzalez

Rules Coordinator

Public Utility Commission of Texas

Filed: October 3, 2023



Office of Public Utility Counsel

Notice of Annual Public Hearing

Pursuant to the Public Utility Regulatory Act, Texas Utilities Code § 13.064, the Office of Public Utility Counsel (OPUC) will conduct its annual public hearing in person, virtually, and via toll free conference call on:

October 23, 2023 from 1:00 - 3:00 p.m.

The meeting will include presentations from OPUC, the Public Utility Commission of Texas, the Energy Reliability Council of Texas (ERCOT), and representatives from AEP Texas, Calpine, and the Texas Electric Cooperatives. OPUC represents residential and small com-

mmercial consumers in the electric, water, wastewater, and telecommunications utility industries in Texas.

Members of the public are welcome to attend and learn about how state government oversees these public utilities and hear directly from utility providers. Those in attendance will be provided an opportunity to offer public comments and ask questions during the meeting.

Attend in person:

Corpus Christi Regional Transportation Authority - Staples Street Center

2nd Floor, Board of Directors Room

602 N. Staples Street

Corpus Christi, Texas 78401

or

Join via Microsoft Teams Live Event Meeting:

https://teams.microsoft.com/l/meetup-join/19%3ameeting_NWFjOD-EzNGMtYTBhNi00MGQ3LTg3YmQtOTUxMmU5NWVhNzIx%40thread.v2/0?context=%7b%22Tid%22%3a%228ab1207e-27c0-403f-92a7-fff564f962dd%22%2c%22Oid%22%3a%22e8914302-f6bd-478c-839a-16628438cb7f%22%7d

or

Join via Toll-Free Conference Call:

Toll-Free Conference Bridge (877) 226-9790, Passcode: 7098100

For additional information, please contact Matthew Cooksey, Government Relations, at P.O. Box 12397, Austin, Texas 78711-2397 or (512) 936-7500 or (877) 839-0363 or email: opuc_customer@opuc.texas.gov.

TRD-202303676

Courtney K. Hjaltman

Chief Executive and Public Counsel

Office of Public Utility Counsel

Filed: October 3, 2023

