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 January 10, 2020. TWC, §7.075, also requires that the commission promptly consider any written comments received and that the commission may withdraw or withhold approval of an AO if a comment discloses facts or considerations that indicate that consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the statutes and rules within the commission's jurisdiction or the commission's orders and permits issued in accordance with the commission's regulatory authority. Additional notice of changes to a proposed AO is not required to be published if those changes are made in response to written comments.

A copy of each proposed AO is available for public inspection at both the commission's central office, located at 12100 Park 35 Circle, Building C, 1st Floor, Austin, Texas 78753, (512) 239-2545 and at the applicable regional office listed as follows. Written comments about an AO should be sent to the enforcement coordinator designated for each AO at the commission's central office at P.O. Box 13087, Austin, Texas 78711-3087 and must be received by 5:00 p.m. on January 10, 2020. Written comments may also be sent by facsimile machine to the enforcement coordinator at (512) 239-2550. The commission's enforcement coordinators are available to discuss the AOs and/or the comment procedure at the listed phone numbers; however, TWC, §7.075, provides that comments on the AOs shall be submitted to the commission in writing.

(1) COMPANY: Air Products LLC; DOCKET NUMBER: 2019-1139-AIR-E; IDENTIFIER: RN101941284; LOCATION: Port Arthur, Jefferson County; TYPE OF FACILITY: industrial gas production plant; RULES VIOLATED: 30 TAC §116.115(b)(2)(F) and (c) and §122.143(4), New Source Review Permit Number 1, Federal Operating Permit Number O2811, General Terms and Conditions and Special Terms and Conditions Number 10, and Texas Health and Safety Code, §382.085(b), by failing to comply with the maximum allowable emissions rate; PENALTY: $4,687; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET AMOUNT: $1,875; ENFORCEMENT COORDINATOR: Amanda Diaz, (512) 239-2601; REGIONAL OFFICE: 3870 Eastex Freeway, Beaumont, Texas 77703-1830, (409) 898-3838.

(2) COMPANY: City of Corrigan; DOCKET NUMBER: 2019-0557-MWD-E; IDENTIFIER: RN101918464; LOCATION: Corrigan, Polk 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 WQ0015057001, Effluent Limitations and Monitoring Requirements Number 1, by failing to comply with permitted effluent limitations; PENALTY: $18,375; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET AMOUNT: $18,375; ENFORCEMENT COORDINATOR: Abigail Lindsey, (512) 239-2576; REGIONAL OFFICE: 3870 Eastex Freeway, Beaumont, Texas 77703-1830, (409) 898-3838.

(3) COMPANY: City of Poteet; DOCKET NUMBER: 2019-0703-MWD-E; IDENTIFIER: RN102078417; LOCATION: Poteet, Atascosa County; TYPE OF FACILITY: wastewater treatment plant; RULES VIOLATED: 30 TAC §305.125(1), TWC, §26.121(a)(1), and Texas Pollutant Discharge Elimination System Permit Number WQ0013630001, Effluent Limitations and Monitoring Requirements Numbers 1 and 6, by failing to comply with permitted effluent limitations; PENALTY: $70,687; ENFORCEMENT COORDINATOR: Katelyn Tubbs, (512) 239-2512; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, (210) 490-3096.

(4) COMPANY: City of Refugio; DOCKET NUMBER: 2019-1078-MWD-E; IDENTIFIER: RN103913935; LOCATION: Refugio, 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 Permit Number WQ0010255001, Effluent Limitations and Monitoring Requirements Numbers 1 and 2, by failing to comply with permitted effluent limitations; PENALTY: $21,250; ENFORCEMENT COORDINATOR: Abigail Lindsey, (512) 239-2576; REGIONAL OFFICE: 6300 Ocean Drive, Suite 1200, Corpus Christi, Texas 78412-5839, (361) 825-3100.

(5) COMPANY: Concrete on Demand, LLC; DOCKET NUMBER: 2019-0932-AIR-E; IDENTIFIER: RN107647349; LOCATION: Richmond, Fort Bend County; TYPE OF FACILITY: bulk mineral handling facility; RULES VIOLATED: 30 TAC §106.4(c) and §106.144(1), Permit by Rule Registration Number 122606, and Texas Health and Safety Code (THSC), §382.085(b), by failing to transport all material in a closed conveying system and vent all exhaust air to the atmosphere through a fabric filter; and 30 TAC §106.6(b) and THSC, §382.085(b), by failing to comply with all representations with regard to construction plans, operating procedures, and maximum emission rates in any certified registration; PENALTY: $3,563; ENFORCEMENT COORDINATOR: Richard Garza, (512) 239-2697; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(6) COMPANY: John D. Hall; DOCKET NUMBER: 2019-0781-WQ-E; IDENTIFIER: RN109402016; LOCATION: Ferris, Dallas County; TYPE OF FACILITY: aggregate production operation (APO); RULE VIOLATED: 30 TAC §342.25(d), by failing to renew the APO registration annually as regulated activities continued; PENALTY: $5,000; ENFORCEMENT COORDINATOR: Abigail Lindsey, (512) 239-2576; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(7) COMPANY: NORRIS-BRANTLEY, INCORPORATED dba Skinners Lakeport; DOCKET NUMBER: 2019-1268-PST-E; IDENTIFIER: RN102024577; LOCATION: Longview, Gregg County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULES VIOLATED: 30 TAC §334.50(b)(1)(A) and TWC, §26.3475(c)(1), by failing to monitor the underground storage tanks for releases in a manner which will detect a release at a frequency of
at least once every 30 days; PENALTY: $3,375; ENFORCEMENT COORDINATOR: Katelyn Tubbs, (512) 239-2512; REGIONAL OFFICE: 2916 Teague Drive Tyler, Texas 75701-3734, (903) 535-5100.

(8) COMPANY: Rio Water Supply Corporation; DOCKET NUMBER: 2019-0970-PWS-E; IDENTIFIER: RN101456689; LOCATION: Rio Grande City, Starr County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.106(c) and (e) and §290.107(c) and (e), by failing to report the results of metals and minerals, nitrate, and volatile organic chemical contaminants sampling to the executive director (ED) for the January 1, 2018 - December 31, 2018, monitoring period; and 30 TAC §290.117(i)(6) and (j), by failing to provide a consumer notification of lead tap water monitoring results to the persons served at the sites (taps) that were tested, and failing to mail a copy of the consumer notification of tap results to the ED along with certification that the consumer notification has been distributed in a manner consistent with TCEQ requirements for the January 1, 2012 - December 31, 2014, monitoring period; PENALTY: $1,700; ENFORCEMENT COORDINATOR: Steven Hall, (512) 239-2569; REGIONAL OFFICE: 1804 West Jefferson Avenue, Harlingen, Texas 78550-5247, (956) 791-6611.

(9) COMPANY: SRASS INVESTMENTS INC dba Circle 786 Chevron; DOCKET NUMBER: 2019-1281-PST-E; IDENTIFIER: RN102266790; LOCATION: Live Oak, Bexar County; TYPE OF FACILITY: a convenience store with retail sales of gasoline; RULES VIOLATED: 30 TAC §334.50(b)(1)(A) and TWC, §26.3475(c)(1), by failing to monitor the underground storage tank for releases in a manner which will detect a release at a frequency of at least once every 30 days; PENALTY: $3,375; ENFORCEMENT COORDINATOR: Miles Wehner, (512) 239-2813; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, (210) 490-3096.

(10) COMPANY: Town of Darrouetz; DOCKET NUMBER: 2019-1187-PWS-E; IDENTIFIER: RN101437390; LOCATION: Darrouetz, Lipscomb County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.117(i)(6) and (j), by failing to provide a consumer notification of lead tap water monitoring results to persons served at the sites (taps) that were tested, and failing to mail a copy of the consumer notification of tap results to the executive director (ED) along with certification that the consumer notification has been distributed in a manner consistent with TCEQ requirements for the January 1, 2016 - December 31, 2016, monitoring period; and 30 TAC §290.122(c)(2)(A) and (b), by failing to provide public notification and submit a copy of the public notification to the ED regarding the failure to collect lead and copper tap samples for the January 1, 2015 - December 31, 2015, monitoring period; PENALTY: $100; ENFORCEMENT COORDINATOR: Monica Rodriguez, (361) 825-3425; REGIONAL OFFICE: 3918 Canyon Drive, Amarillo, Texas 79109-4933, (806) 353-9251.

TRD-201904408
Charmaine Backens
Director, Litigation Division
Texas Commission on Environmental Quality
Filed: November 21, 2019

Notice of Public Hearing on Proposed Revision to the State Implementation Plan

The Texas Commission on Environmental Quality (TCEQ or commission) will offer public hearings in Arlington on January 7, 2020, at 2:00 p.m. at the Arlington City Council Chambers located at 101 W. Abram Street; in Houston on January 8, 2020, at 2:00 p.m. at the Texas Department of Transportation District Office, Room 106, located at 7600 Washington Avenue; and in San Antonio on January 9, 2020, at 2:00 p.m. at the TCEQ Regional Office located at 14250 Judson Road.

These hearings are offered to receive testimony regarding the proposed Emissions Inventory State Implementation Plan (SIP) Revision for the 2015 Eight-Hour Ozone National Ambient Air Quality Standard (NAAQS) for the Houston-Galveston-Brazoria (HGB), Dallas-Fort Worth (DFW), and Bexar County Nonattainment Areas (Project No. 2019-111-SIP-NR). The proposed SIP revision provides a required baseline emissions inventory as well as certification that the other marginal nonattainment area required SIP elements are met for the HGB, DFW, and Bexar County nonattainment areas. The hearing for the proposed revisions is required by Texas Health and Safety Code, §382.017; Texas Government Code, Chapter 2001, Subchapter B; and 40 Code of Federal Regulations §51.102 of the United States Environmental Protection Agency concerning SIPs.

The hearings are structured for the receipt of oral or written comments by interested persons. Individuals may present oral statements when called upon in order of registration. Open discussion will not be permitted during the hearings; however, commission staff members will be available to discuss the proposal 30 minutes prior to each hearing.

Persons who have special communication or other accommodation needs who are planning to attend a hearing should contact Jamie Zech, Air Quality Division at (512) 239-3935 or (800) RELAY-TX (TDD). Requests should be made as far in advance as possible.

An electronic version of this proposed SIP revision and appendices is available at https://www.tceq.texas.gov/airquality/sip/criteria-pollutants/sip-ozone.

The comment period for this SIP revision (Project No. 2019-111-SIP-NR) closes January 10, 2020. Written comments will be accepted through the eComments system at https://www6.tceq.texas.gov/rules/ecomments/. For additional submission methods, contact Mary Ann Cook at (512) 239-6739.

TRD-201904409
Robert Martinez
Director, Environmental Law Division
Texas Commission on Environmental Quality
Filed: November 21, 2019

Notice of Water Quality Application

The following notices were issued on November 13, 2019, and November 15, 2019.

The following does not require publication in a newspaper. Written comments or requests for a public meeting may be submitted to the Office of the Chief Clerk, Mail Code 105, P.O. Box 13087, Austin, Texas 78711-3087 WITHIN 10 DAYS OF THE ISSUED DATE OF THE NOTICE.

INFORMATION SECTION

THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY has initiated a minor modification of the Texas Pollutant Discharge Elimination System Permit No. WQ0012701001 issued to the City of Missouri City to correct a typographical error and change the EPA ID No. TX0093968 to EPA ID No. TX003068. The existing permit authorizes the discharge of treated domestic wastewater at a daily average flow not to exceed 3,000,000 gallons per day. The facility is located approximately 500 feet west and 1,000 feet north of the intersection of Trammell-Fresno Road and the Fort Bend Parkway Toll Road, Fort Bend County, Texas 77459.
The following does not require publication in a newspaper. Written comments or requests for a public meeting may be submitted to the Office of the Chief Clerk, Mail Code 105, P.O. Box 13087, Austin Texas 78711-3087 WITHIN 30 DAYS OF THE DATE OF PUBLICATION OF THIS NOTICE IN TEXAS REGISTER.

INFORMATION SECTION

The Texas Commission on Environmental Quality has initiated a minor amendment of the Texas Pollutant Discharge Elimination System Permit No. WQ0011105001 issued to Bammel Utility District, c/o Young and Brooks, 10000 Memorial Drive, Suite 260, Houston, Texas 77024, to authorize a change in the two-hour peak flow requirement in the Interim phase. The existing permit authorizes the discharge of treated domestic wastewater at an annual average flow not to exceed 2,000,000 gallons per day. The facility is located at 17402 Falling Creek Drive, in Harris County, Texas 77068.

TRD-201904399
Bridget C. Bohac
Chief Clerk
Texas Commission on Environmental Quality
Filed: November 21, 2019

Texas Health and Human Services Commission

Notice of Public Hearing on Proposed Amendments to Texas Administrative Code §§355.8065, 355.8066, and 355.8212

December 18, 2019

4:00 p.m.

Meeting Site:
Health and Human Services Commission
Robert D. Moreton Building
Public Hearing Room
1100 W. 49th Street
Austin, Texas 78751

Entry is through security at the main entrance to the building facing 49th Street.

Hearing. The Texas Health and Human Services Commission (HHSC) will conduct a public hearing to receive comment on proposed amendments to §355.8065, relating to Disproportionate Share Hospital Reimbursement Methodology, §355.8066, relating to Hospital-Specific Limit Methodology, and §355.8212, relating to Waiver Payments to Hospitals for Uncompensated Charity Care.

HHSC will broadcast the public hearing. Persons watching remotely can submit written comments. The broadcast can be accessed at https://hhs.texas.gov/about-hhs/communications-events/live-archived-meetings, and will be archived for access on demand at the same website.

Proposal. HHSC proposes to amend §355.8065, relating to Disproportionate Share Hospital Reimbursement Methodology, §355.8066, relating to Hospital-Specific Limit Methodology, and §355.8212, relating to Waiver Payments to Hospitals for Uncompensated Charity Care. The proposed amendments were published in the November 29, 2019, issue of the Texas Register.

Background and Purpose. The proposed rule amendments describe new payment caps for the Disproportionate Share Hospital (DSH) and Uncompensated Care (UC) Medicaid supplemental payment programs.

HHSC proposes to implement a full offset methodology for the state payment cap. That means any payment for services provided to a Medicaid client from any source will be included as an offset to all appropriate Medicaid costs.

Written Comments. Written comments regarding the proposal may be sent by U.S. mail, overnight mail, special delivery mail, hand delivery, or e-mail by December 30, 2019. When e-mailing comments, please indicate “Comments on Proposed Rule 20R005” in the subject line.

U.S. Mail
Health and Human Services Commission
Rules Coordination Office, Mail Code 4102
P.O. Box 13247
Austin, Texas 78711-3247

Overnight mail, special delivery mail or hand delivery
Health and Human Services Commission
Rules Coordination Office
Brown-Heatly Building
4900 North Lamar Blvd.
Austin, Texas 78751

E-mail
HHSRulesCoordinationOffice@hhsc.state.tx.us

Persons with disabilities who wish to attend the hearing and require auxiliary aids or services should contact Hospital Finance and Waiver Programs at (512) 407-3285 at least 72 hours prior to the hearing so that appropriate arrangements can be made.

TRD-201904411
Karen Ray
Chief Counsel
Texas Health and Human Services Commission
Filed: November 21, 2019

Public Notice - 1915(b)4 Waiver Renewal Application Effective June 1, 2020

The Texas Health and Human Services Commission (HHSC) intends to submit to the Centers for Medicare and Medicaid Services (CMS) a request for renewal of a waiver under the authority of §1915(b)(4) of the Social Security Act. The proposed effective date for the renewal is June 1, 2020.

HHSC intends to continue offering Community First Choice (CFC) services under §1915(k) of the Social Security Act after May 31, 2020. Provider choice for CFC individuals enrolled in these 1915(c) waivers are limited to the individual's provider for their specific waiver to receive 1915(c) waiver services. The individual may choose any qualified 1915(c) provider for their specific waiver to receive 1915(c) and CFC services. To maintain existing individual-provider relationships and to reduce administrative burden, HHSC plans to continue to deliver CFC services to recipients of the Texas Home Living (TxHml), Home and Community-based Services (HCS), Deaf Blind with Multiple Disabilities (DBMD), and Community Living and Support Services (CLASS) waiver programs through the existing provider networks of those programs. Thus, HHSC is requesting to renew the waiver application under §1915(b)(4) of the Social Security Act to ensure that individuals in the §1915(c) waivers continue to receive services through those existing provider networks.

IN ADDITION December 6, 2019 44 TexReg 7559
HHSC will submit the §1915(b)(4) waiver renewal application to CMS on or before February 20, 2020.

HHSC has made changes in the waiver application at renewal by replacing references to the Department of Aging and Disability Services (DADS) with "HHSC" and deleting the references to HHSC providing administrative oversight of DADS because DADS was abolished, and its functions were transferred to HHSC as of September 1, 2017. Other than these changes there were no significant changes. HHSC updated the five-year cost projections for the renewal. HHSC will request that CMS approve the waiver renewal for the five-year period beginning June 1, 2020, and ending May 31, 2025. The waiver is projected to maintain cost effectiveness for waiver years 2020 through 2025.

To obtain copies of the proposed waiver amendment, interested parties may contact Camille Weizenbaum by mail at Texas Health and Human Services Commission, P.O. Box 13247, Mail Code H-600, Austin, Texas 78711-3247; by phone at (512) 487-3446; or by email at TX_Medicaid_Waivers@hhsc.state.tx.us.

TRD-201904397
Karen Ray
Chief Counsel
Texas Health and Human Services
Filed: November 20, 2019

Texas Commission on Jail Standards

Correction of Error
The Texas Commission on Jail Standards adopted new 37 TAC §277.11 and amendments to 37 TAC §297.7 in the November 29, 2019, issue of the Texas Register (44 TexReg 7411 and 44 TexReg 7412).

Due to an error by the Texas Register, both adoptions were published with an incorrect effective date. The correct effective date for both adoptions is November 28, 2019.

TRD-201904486

North Central Texas Council of Governments

Request for Proposals for the Collin County Transit Planning Study
The North Central Texas Council of Governments (NCTCOG) is requesting written proposals from consultant firms for the Collin County Transit Planning Study. The purpose of this project is to develop a comprehensive approach for planning and strategic implementation of transit services focusing on nonmember cities that includes internal and regional connections, increased transportation options and innovation, people movement, feasible funding options, and private sector participation in Collin County, including investigation of mobility options along the Frisco Passenger Rail Corridor.

Proposals must be received no later than 5:00 p.m., Central Standard Time, on Friday, January 24, 2020, to Kevin Feldt, Program Manager, North Central Texas Council of Governments, 616 Six Flags Drive, Arlington, Texas 76011. The Request for Proposals will be available at www.nctcog.org/rfp by the close of business on Friday, December 6, 2019.

NCTCOG encourages participation by disadvantaged business enterprises and does not discriminate on the basis of age, race, color, religion, sex, national origin, or disability.

TRD-201904415

R. Michael Eastland
Executive Director
North Central Texas Council of Governments
Filed: November 21, 2019

Request for Proposals for the Southern Dallas County Transit Planning Study
The North Central Texas Council of Governments (NCTCOG) is requesting written proposals from consultant firms for the Southern Dallas County Transit Planning Study. The purpose of this project is to develop a comprehensive approach for planning and strategic implementation of transit services focusing on internal and regional connections, increased transportation options and innovation, people movement, feasible funding options, and private sector participation in Southern Dallas County.

Proposals must be received no later than 5:00 p.m., Central Standard Time, on Friday, January 24, 2020, to Shannon Stevenson, Senior Program Manager, North Central Texas Council of Governments, 616 Six Flags Drive, Arlington, Texas 76011. The Request for Proposals will be available at www.nctcog.org/rfp by the close of business on Friday, December 6, 2019.

NCTCOG encourages participation by disadvantaged business enterprises and does not discriminate on the basis of age, race, color, religion, sex, national origin, or disability.

TRD-201904414
R. Michael Eastland
Executive Director
North Central Texas Council of Governments
Filed: November 21, 2019

Public Utility Commission of Texas
Notice of Application for Approval of an Accelerated Depreciation Rate

Notice is given to the public of the filing with the Public Utility Commission of Texas (commission) of an application for approval of an accelerated depreciation rate.

Docket Style and Number: Application of Big Bend Telephone Company for an Accelerated Depreciation Rate, Docket No. 50255.

The Application: On November 19, 2019, Big Bend Telephone Company filed an application to accelerate the depreciation rate for its existing satellite network equipment in Account 2231.41 - Radio-Satellite FAC New, effective January 1, 2019. Big Bend proposed a depreciation rate change from 9.17% to 32.07% so that full depreciation of the equipment can occur by March 1, 2021.

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. A deadline for intervention in this proceeding will be established. 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 50255.

TRD-201904395
Andrea Gonzalez
Rules Coordinator
Public Utility Commission of Texas
Filed: November 20, 2019

Workforce Solutions for the Heart of Texas

Request for Proposal (RFP #13200101): Operation and Management of the Child Care Services (CCS) Program

Workforce Solutions for the Heart of Texas (WSHOT) is soliciting proposals for the operation and management of the Child Care Services Program. WSHOT is the administrative entity for programs funded by the Texas Workforce Commission. The Workforce Solutions for the Heart of Texas serves McLennan, Falls, Bosque, Freestone, Limestone and Hill Counties.

The initial contract period will begin on April 1, 2020. Eligible service providers must have extensive knowledge and experience including a successful track record in child care services programs, state and federal laws and statutes.

The Request for Proposal (RFP) may be obtained by emailing Judy Hedge at Judy.Hedge@hotworkforce.com beginning December 9, 2019, or after. The RFP will also be available on the WSHOT website at http://www.hotworkforce.com under Contractors and Vendors beginning December 9, 2019.

A Bidders Conference will be held on Friday, December 13, 2019, at 2:00 p.m. at the McLennan County Workforce Solutions Center located at 1416 S. New Road, Waco, Texas 76711. Attendance is not mandatory, but strongly recommended.

Proposals are due no later than 3:00 p.m. (CST) Tuesday, January 28, 2020, to:
Heart of Texas Workforce Development Board, Inc.
801 Washington Avenue, Suite 700
Waco, Texas 76701
(254) 296-5300
http://www.hotworkforce.com

Workforce Solutions for the Heart of Texas is an equal opportunity employer/program and auxiliary aids and services are available upon request to include individuals with disabilities. TTY/TDD via RELAY Texas service at 711 or (TDD) (800) 735-2989 / (800) 735-2988 (voice).

TRD-201904412
Anthony Billings
Executive Director
Workforce Solutions for the Heart of Texas
Filed: November 21, 2019