

# IN ADDITION

The *Texas Register* is required by statute to publish certain documents, including applications to purchase control of state banks, notices of rate ceilings issued by the Office of Consumer Credit Commissioner, and consultant proposal requests and awards. State agencies also may publish other notices of general interest as space permits.

## Office of 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 08/07/23 - 08/13/23 is 18% for consumer<sup>1</sup> credit.

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 08/07/23 - 08/13/23 is 18% for commercial<sup>2</sup> credit.

The monthly ceiling as prescribed by §303.005<sup>3</sup> and §303.009 for the period of 08/01/23 - 08/31/23 is 18%.

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

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

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

TRD-202302728

Leslie L. Pettijohn

Commissioner

Office of Consumer Credit Commissioner

Filed: August 2, 2023

## Commission on State Emergency Communications

### Notice of Annual Review of Rule 255.4, Definition of Local Exchange Access Line or an Equivalent Local Exchange Access Line

The Commission on State Emergency Communications (CSEC) is conducting its annual review of the definitions of the terms "local exchange access line" and "equivalent local exchange access line" as required by Health and Safety Code §771.063(c). Due to the potentially disruptive changes resulting from advancements in technology, including mobile Internet Protocol-enabled services, CSEC takes no position on whether current §255.4 sufficiently defines the foregoing terms.

Persons wishing to comment, including proposing amendments to §255.4 for consideration, may do so by submitting written comments within 30 days following publication of this notice in the *Texas Register* to Patrick Tyler, General Counsel, Commission on State Emergency Communications, 1800 Congress Avenue, Suite 11-100, Austin, Texas 78701; by facsimile to (512) 305-6937; or by email to [csecinfo@csec.texas.gov](mailto:csecinfo@csec.texas.gov). Please include "Comments on Rule 255.4" in the subject line of your letter, fax, or email.

TRD-202302674

Patrick Tyler

General Counsel

Commission on State Emergency Communications

Filed: July 27, 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 **September 12, 2023**. TWC, §7.075, also requires that the commission promptly consider any written comments received and that the commission may withdraw or withhold approval of an AO if a comment discloses facts or considerations that indicate that consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the statutes and rules within the commission's jurisdiction or the commission's orders and permits issued in accordance with the commission's regulatory authority. Additional notice of changes to a proposed AO is not required to be published if those changes are made in response to written comments.

A copy of each proposed AO is available for public inspection at both the commission's central office, located at 12100 Park 35 Circle, Building C, 1st Floor, Austin, Texas 78753, (512) 239-2545 and at the applicable regional office listed as follows. Written comments about an AO should be sent to the enforcement coordinator designated for each AO at the commission's central office at P.O. Box 13087, Austin, Texas 78711-3087 and must be received by 5:00 p.m. on **September 12, 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: Buckeye Texas Hub LLC; DOCKET NUMBER: 2019-1364-AIR-E; IDENTIFIER: RN103914974; LOCATION: Corpus Christi, Nueces County; TYPE OF FACILITY: marine terminal facility; RULES VIOLATED: 30 TAC §§101.20(3), 116.115(b)(2)(E)(i) and (c), and 122.143(4), New Source Review (NSR) Permit Numbers 106594, PSDTX1324M1, PSDTX1324M2, and GHGPSDTX185, Special Conditions (SC) Numbers 7, 11.D, 12.E.2, 14.D.(5), 19, and 25.A, Federal Operating Permit (FOP) Number O3622, General Terms and Conditions (GTC) and Special Terms and Conditions (STC) Number 13, and Texas Health and Safety Code (THSC), §382.085(b), by failing to maintain records containing the information and data sufficient to demonstrate compliance with the permit; 30 TAC §§101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), NSR Permit Numbers 106594 and PSDTX1324M1, SC Number 1, FOP Number O3622, GTC and STC Number 13, and THSC, §382.085(b), by failing to comply with the maximum allowable emissions rate; 30 TAC §§101.20(3), 116.115(c), and 122.143(4), NSR Permit Numbers 106594 and PSDTX1324M1, SC Number 15.I, FOP Number O3622,

GTC and STC Number 13, and THSC, §382.085(b), by failing to estimate the cumulative daily emissions from all components on the delay of repair list; 30 TAC §§101.20(3), 116.115(c), and 122.143(4), NSR Permit Numbers 106594 and PSDTX1324M1, SC Number 17, FOP Number O3622, GTC and STC Number 13, and THSC, §382.085(b), by failing to annually revalidate the estimated emissions from the inherently low emitting maintenance, startup, and shut-down activities; 30 TAC §§101.20(3), 116.115(c), and 122.143(4), NSR Permit Numbers 106594 and PSDTX1324M1, SC Number 17, FOP Number O3622, GTC and STC Number 13, and THSC, §382.085(b), by failing to track the routine maintenance activities and calculate the monthly emissions from the maintenance activities; 30 TAC §§101.20(3), 116.115(c), and 122.143(4), NSR Permit Numbers 106594 and PSDTX1324M1, SC Number 22.D, FOP Number O3622, GTC and STC Number 13, and THSC, §382.085(b), by failing to determine the vacuum truck emissions each month; 30 TAC §122.143(4) and §122.145(2)(A), FOP Number O3622, GTC, and THSC, §382.085(b), by failing to report all instances of deviations; and 30 TAC §122.143(4) and §122.146(2), FOP Number O3622, GTC and STC Number 16, and THSC, §382.085(b), by failing to submit a permit compliance certification within 30 days of any certification period; PENALTY: \$79,386; ENFORCEMENT COORDINATOR: Yuliya Dunaway, (210) 403-4077; REGIONAL OFFICE: 500 North Shoreline Boulevard, Suite 500, Corpus Christi, Texas 78401-0318, (361) 881-6900.

(2) COMPANY: Cinco Southwest Municipal Utility District Number 1; DOCKET NUMBER: 2021-0987-MWD-E; IDENTIFIER: RN103215042; LOCATION: Katy, Fort Bend 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 WQ0014343001, Interim II Effluent Limitations and Monitoring Requirements Numbers 1 and 6, by failing to comply with permitted effluent limitations; PENALTY: \$42,000; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET AMOUNT: \$33,600; ENFORCEMENT COORDINATOR: Harley Hobson, (512) 239-1337; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(3) COMPANY: Fossil Rim Wildlife Center, Incorporated; DOCKET NUMBER: 2022-0172-PWS-E; IDENTIFIER: RN101190197; LOCATION: Glen Rose, Somervell County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.41(c)(3)(B), by failing to provide a well casing a minimum of 18 inches above the elevation of the finished floor of the pump house or natural ground surface; 30 TAC §290.41(c)(3)(J), by failing to provide the facility's Safari Camp well with a concrete sealing block that extends a minimum of three feet from the well casing in all directions, with a minimum thickness of six inches and sloped to drain away from the wellhead at not less than 0.25 inches per foot; 30 TAC §290.41(c)(3)(K), by failing to seal the wellhead by a gasket or sealing compound and provide a well casing vent for the Safari Camp well that is covered with a 16-mesh or finer corrosion-resistant screen, facing downward, elevated and located so as to minimize the drawing of contaminants into the well; 30 TAC §290.41(c)(3)(M), by failing to provide a suitable sampling cock on the discharge pipe of the facility's well pump prior to any treatment; 30 TAC §290.41(c)(3)(N), by failing to provide a flow measuring device for each well to measure production yields and provide for the accumulation of water production data; 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 §290.42(l), by failing to maintain a thorough and up-to-date plant operations manual for operator review and reference; 30 TAC §290.43(c), by failing to ensure that all potable water storage facilities are covered and designed, fabricated, erected, tested, and

disinfected in strict accordance with current American Water Works Association standards; 30 TAC §290.43(e), by failing to ensure that all potable water storage tanks and pressure maintenance facilities are installed in a lockable building that is designed to prevent intruder access or enclosed by an intruder-resistant fence with lockable gates; 30 TAC §290.44(h)(1)(A), by failing to ensure additional protection was provided at all residences or establishments where an actual or potential contamination hazard exists in the form of an air gap or a backflow prevention assembly, as identified in 30 TAC §290.47(f); 30 TAC §290.46(f)(2) and (3)(A)(i)(II) and (ii)(II), and (B)(iv), by failing to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request; 30 TAC §290.46(m)(1)(A), by failing to inspect the facility's ground storage tanks annually; 30 TAC §290.46(m)(1)(B), by failing to inspect the facility's pressure tanks annually; 30 TAC §290.46(n)(1), by failing to maintain at the public water system accurate and up-to-date detailed as-built plans or record drawings and specifications for each treatment plant, pump station, and storage tank until the facility is decommissioned; 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; 30 TAC §290.110(c)(4)(B), by failing to monitor the disinfectant residual at representative locations in the distribution system at least once per day; and 30 TAC §290.121(a) and (b), by failing to maintain an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the facility will use to comply with the monitoring requirements; PENALTY: \$23,813; ENFORCEMENT COORDINATOR: Miles Wehner, (512) 239-2813; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(4) COMPANY: Jose G. Guerra; DOCKET NUMBER: 2022-1563-OSS-E; IDENTIFIER: RN110822830; LOCATION: Liverpool, Brazoria County; TYPE OF FACILITY: private property; RULES VIOLATED: 30 TAC §285.3(a) and (b)(1) and Texas Health and Safety Code, §366.004 and §366.051(a), by failing to obtain authorization prior to constructing, altering, repairing, extending or operating an on-site-sewage facility; PENALTY: \$500; ENFORCEMENT COORDINATOR: Cheryl Thompson, (817) 588-5865; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(5) COMPANY: Metalwala Brothers 2 LLC dba New Way Mobil; DOCKET NUMBER: 2022-0903-PST-E; IDENTIFIER: RN102357118; LOCATION: Van, Van Zandt County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULES VIOLATED: 30 TAC §334.10(b)(2), by failing to assure that all underground storage tank (UST) recordkeeping requirements are met; and 30 TAC §334.50(b)(1)(A) and (2) and TWC, §26.3475(a) and (c)(1), by failing to monitor the UST for releases in a manner which will detect a release at a frequency of at least once every 30 days, and failing to provide release detection for the pressurized piping associated with the UST system; PENALTY: \$3,600; ENFORCEMENT COORDINATOR: Horus Garcia, (512) 239-1813; REGIONAL OFFICE: 2916 Teague Drive, Tyler, Texas 75701-3734, (903) 535-5100.

(6) COMPANY: ONEOK Hydrocarbon Southwest, LLC; DOCKET NUMBER: 2021-1102-AIR-E; IDENTIFIER: RN100209949; LOCATION: Mont Belvieu, Chambers County; TYPE OF FACILITY: natural gas fractionation plant; RULES VIOLATED: 30 TAC §§116.115(b)(2)(F) and (c), 117.310(c)(1), and 122.143(4), New Source Review (NSR) Permit Number 3956B, Special Conditions (SC) Number 1, Federal Operating Permit (FOP) Number O107, General Terms and Conditions (GTC) and Special Terms and Conditions (STC) Numbers 1.A and 13, and Texas Health and Safety

Code (THSC), §382.085(b), by failing to comply with the maximum allowable emissions rates and failing to comply with the emissions limit; and 30 TAC §116.115(c) and §122.143(4), NSR Permit Number 3956B, SC Number 1, FOP Number O107, GTC and STC Number 13, and THSC, §382.085(b), by failing to prevent unauthorized emissions; PENALTY: \$47,025; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET AMOUNT: \$18,810; ENFORCEMENT COORDINATOR: Mackenzie Mehlmann, (512) 239-2572; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(7) COMPANY: RON STURGEON REAL ESTATE, L.P. dba Box Office Warehouse Suites; DOCKET NUMBER: 2022-0303-PWS-E; IDENTIFIER: RN111414199; LOCATION: Fort Worth, Tarrant County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.39(e) and (h)(1) and Texas Health and Safety Code, §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 public drinking water Well Number 2 into service; 30 TAC §290.42(b)(1) and (c)(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: \$8,185; ENFORCEMENT COORDINATOR: Ronica Rodriguez Scott, (361) 881-6990; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(8) COMPANY: THE LUBRIZOL CORPORATION; DOCKET NUMBER: 2022-0191-IWD-E; IDENTIFIER: RN100221589; LOCATION: Deer Park, Harris County; TYPE OF FACILITY: chemical plant; RULES VIOLATED: 30 TAC §305.125(1), TWC, §26.121(a)(1), and Texas Pollutant Discharge Elimination System Permit Number WQ0000639000, Effluent Limitations and Monitoring Requirements Number 1 for Outfall Numbers 002 and 004, by failing to comply with permitted effluent limitations; PENALTY: \$57,900; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET AMOUNT: \$23,160; ENFORCEMENT COORDINATOR: Harley Hobson, (512) 239-1337; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(9) COMPANY: US Ecology Texas, Incorporated; DOCKET NUMBER: 2022-0806-WDW-E; IDENTIFIER: RN101445666; LOCATION: Robstown, Nueces County; TYPE OF FACILITY: generator/refining petrochemical facility; RULES VIOLATED: 30 TAC §305.125(1) and §331.63(e), 40 Code of Federal Regulations (CFR) §146.67(c), and Underground Injection Control (UIC) Permit Number Waste Disposal Well (WDW) 278, Permit Provision (PP).VII.E. Operating Parameters, by failing to maintain an annulus pressure of at least 100 pounds per square inch greater than the injection tubing pressure to prevent leaks from the well into unauthorized zones and to detect well malfunctions; 30 TAC §305.125(1) and §331.63(h) and UIC WDW278 and WDW279, PP.V.D. Character of the Waste Streams, by failing to maintain chemical and physical characteristics of the injected fluids within specified permit limits; 30 TAC §305.125(1) and §331.64(g)(1), 40 CFR §146.68(c)(2) and (3), and UIC Permit Numbers WDW278 and WDW279, PP.VIII.H. Monitoring and Testing Requirements, by failing to conduct corrosion monitoring of well materials on a quarterly basis; and 30 TAC §305.125(1) and §331.67(a) and UIC Permit Number WDW278, PP.IX. Record Keeping Requirements, by failing to keep complete and accurate records of all monitoring required by the permit requirements; PENALTY: \$70,300;

ENFORCEMENT COORDINATOR: Karolyn Kent, (512) 239-2536; REGIONAL OFFICE: 500 North Shoreline Boulevard, Suite 500, Corpus Christi, Texas 78401-0318, (361) 881-6900.

(10) COMPANY: Valero Refining-Texas, L.P.; DOCKET NUMBER: 2020-1555-IWD-E; IDENTIFIER: RN100211663; LOCATION: Corpus Christi, Nueces County; TYPE OF FACILITY: petroleum refining facility; RULES VIOLATED: 30 TAC §305.125(1), TWC, §26.121(a)(1), and Texas Pollutant Discharge Elimination System Permit Number WQ0000465000, Effluent Limitations and Monitoring Requirements Number 1 for Outfall Numbers 1 and 4, by failing to comply with permitted effluent limitations; PENALTY: \$28,675; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET AMOUNT: \$14,337; ENFORCEMENT COORDINATOR: Mark Gamble, (512) 239-2587; REGIONAL OFFICE: 500 North Shoreline Boulevard, Suite 500, Corpus Christi, Texas 78401-0318, (361) 881-6900.

TRD-202302709

Gitanjali Yadav

Deputy Director, Litigation

Texas Commission on Environmental Quality

Filed: August 1, 2023



### Enforcement Orders

An agreed order was adopted regarding Big Diamond, LLC dba Valero Corner Store 1206, Docket No. 2019-0852-PST-E on August 2, 2023 assessing \$23,675 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Cynthia Sirois, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Shell USA, Inc. f/k/a Shell Oil Company, Docket No. 2021-0294-AIR-E on August 2, 2023 assessing \$25,000 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Johnnie Wu, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Magellan Terminals Holdings, L.P., Docket No. 2021-0728-AIR-E on August 2, 2023 assessing \$36,240 in administrative penalties with \$7,248 deferred. Information concerning any aspect of this order may be obtained by contacting Rajesh Acharya, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding SABIR, INC. dba Stop N Drive 7, Docket No. 2021-0796-PST-E on August 2, 2023 assessing \$8,504 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting William Hogan, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Rio Water Supply Corporation, Docket No. 2021-1279-MLM-E on August 2, 2023 assessing \$9,074 in administrative penalties with \$1,814 deferred. Information concerning any aspect of this order may be obtained by contacting Nick Lohret-Froio, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding K2C-Austin, LLC, Docket No. 2021-1327-WR-E on August 2, 2023 assessing \$1,125 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Monica Larina, Enforcement Coordinator

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

An agreed order was adopted regarding Nico Jaap DeBoer, Docket No. 2021-1354-MLM-E on August 2, 2023 assessing \$16,888 in administrative penalties with \$3,377 deferred. Information concerning any aspect of this order may be obtained by contacting Ellen Ojeda, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding SAVS Management Corporation, Docket No. 2021-1405-PST-E on August 2, 2023 assessing \$9,000 in administrative penalties with \$1,800 deferred. Information concerning any aspect of this order may be obtained by contacting Horus Garcia, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding CITGO Refining and Chemicals Company L.P., Docket No. 2021-1586-AIR-E on August 2, 2023 assessing \$13,563 in administrative penalties with \$2,712 deferred. Information concerning any aspect of this order may be obtained by contacting Desmond Martin, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding INV Propylene, LLC f/k/a Flint Hills Resources Houston Chemical, LLC, Docket No. 2021-1612-AIR-E on August 2, 2023 assessing \$8,700 in administrative penalties with \$1,740 deferred. Information concerning any aspect of this order may be obtained by contacting Johnnie Wu, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding CHATT Water Supply Corporation, Docket No. 2022-0347-PWS-E on August 2, 2023 assessing \$13,420 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Claudia Bartley, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Equistar Chemicals, LP, Docket No. 2022-0907-AIR-E on August 2, 2023 assessing \$23,883 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Danielle Porras, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding GPM Empire, LLC dba Shell 7544, Docket No. 2022-1026-PST-E on August 2, 2023 assessing \$13,775 in administrative penalties with \$2,755 deferred. Information concerning any aspect of this order may be obtained by contacting Stephanie McCurley, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding VOCAR Transportation Services, L.L.C., Docket No. 2022-1107-PST-E on August 2, 2023 assessing \$33,895 in administrative penalties with \$6,779 deferred. Information concerning any aspect of this order may be obtained by contacting Courtney Gooris, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding INEOS USA LLC, Docket No. 2023-0064-AIR-E on August 2, 2023 assessing \$10,050 in administrative penalties with \$2,010 deferred. Information concerning any aspect of this order may be obtained by contacting Danielle Porras, Enforcement

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

TRD-202302735

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: August 2, 2023



#### Enforcement Orders

An agreed order was adopted regarding 7-ELEVEN, INC. dba 7-Eleven Store 38610, Docket No. 2021-1022-PST-E on August 1, 2023 assessing \$5,625 in administrative penalties with \$1,125 deferred. Information concerning any aspect of this order may be obtained by contacting Courtney Gooris, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Quadvest, L.P., Docket No. 2022-0068-MWD-E on August 1, 2023 assessing \$3,000 in administrative penalties with \$600 deferred. Information concerning any aspect of this order may be obtained by contacting Shane Glantz, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Cotton Logistics, Inc., Docket No. 2022-0123-MWD-E on August 1, 2023 assessing \$3,080 in administrative penalties with \$616 deferred. Information concerning any aspect of this order may be obtained by contacting Cheryl Thompson, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding DAWSON RECYCLING, INC., Docket No. 2022-0410-MSW-E on August 1, 2023 assessing \$5,938 in administrative penalties with \$1,187 deferred. Information concerning any aspect of this order may be obtained by contacting Karolyn Kent, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Wisteria Asset LLC, Docket No. 2022-0485-WQ-E on August 1, 2023 assessing \$4,012 in administrative penalties with \$802 deferred. Information concerning any aspect of this order may be obtained by contacting Heather Lancour, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding T & J AUTO, INC., Docket No. 2022-0658-PST-E on August 1, 2023 assessing \$3,375 in administrative penalties with \$675 deferred. Information concerning any aspect of this order may be obtained by contacting Courtney Gooris, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A field citation was adopted regarding EMJ Construction LLC, Docket No. 2022-0791-WQ-E on August 1, 2023 assessing \$875 in administrative penalties. Information concerning any aspect of this citation may be obtained by contacting Katy Montgomery, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding SAMEENA ENTERPRISES, INC. dba WF DS Texas Saver, Docket No. 2022-0814-PST-E on August 1, 2023 assessing \$3,375 in administrative penalties with \$675 deferred. Information concerning any aspect of this order may be obtained by contacting Courtney Gooris, Enforcement Coordinator at

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

A field citation was adopted regarding Northwest Harris County MUD 20, Docket No. 2022-0821-WQ-E on August 1, 2023 assessing \$875 in administrative penalties. Information concerning any aspect of this citation may be obtained by contacting Katy Montgomery, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A field citation was adopted regarding Brazos Paving, Inc., Docket No. 2022-0923-WQ-E on August 1, 2023 assessing \$875 in administrative penalties. Information concerning any aspect of this citation may be obtained by contacting Katy Montgomery, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding PAK - BADERIA ENTERPRISES, INC. dba M & M Superette, Docket No. 2022-0949-PST-E on August 1, 2023 assessing \$4,076 in administrative penalties with \$815 deferred. Information concerning any aspect of this order may be obtained by contacting Courtney Gooris, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding ANDERSON WATER CO., INC., Docket No. 2022-1514-UTL-E on August 1, 2023 assessing \$510 in administrative penalties with \$102 deferred. Information concerning any aspect of this order may be obtained by contacting Mason Demasi, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Mt. Zion Water Supply Corporation, Docket No. 2023-0191-UTL-E on August 1, 2023 assessing \$500 in administrative penalties with \$100 deferred. Information concerning any aspect of this order may be obtained by contacting Nick Lohret-Froio, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A field citation was adopted regarding Eggemeyer Land Clearing, LLC, Docket No. 2023-0309-WQ-E on August 1, 2023 assessing \$875 in administrative penalties. Information concerning any aspect of this citation may be obtained by contacting Harley Hobson, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A field citation was adopted regarding Derrick S. Ubanoski, Docket No. 2023-0633-LII-E on August 1, 2023 assessing \$175 in administrative penalties. Information concerning any aspect of this citation may be obtained by contacting Carlos Flores, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A field citation was adopted regarding Joe C. Ortega, Docket No. 2023-0677-WOC-E on August 1, 2023 assessing \$175 in administrative penalties. Information concerning any aspect of this citation may be obtained by contacting Miles Wehner, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A field citation was adopted regarding Outlier Dairy, LLC, Docket No. 2023-0690-WR-E on August 1, 2023 assessing \$1,050 in administrative penalties. Information concerning any aspect of this citation may be obtained by contacting Henry Thibodeaux, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

TRD-202302738

Laurie Gharis  
Chief Clerk  
Texas Commission on Environmental Quality  
Filed: August 2, 2023



#### Notice of Correction to Agreed Order Number 3

In the June 16, 2023, issue of the *Texas Register* (48 TexReg 3334), the Texas Commission on Environmental Quality (commission) published notice of Agreed Orders, specifically Item Number 3, for Daingerfield Country Club LLC; Docket Number 2023-0514-WQ-E. The error is as submitted by the commission.

The reference to the Docket Number should be corrected to read: "2023-0514-WR-E."

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

TRD-202302710  
Gitanjali Yadav  
Deputy Director, Litigation  
Texas Commission on Environmental Quality  
Filed: August 1, 2023



#### Notice of Correction to Agreed Order Number 23

In the April 28, 2023, issue of the *Texas Register* (48 TexReg 2193), the Texas Commission on Environmental Quality (commission) published notice of Agreed Orders, specifically Item Number 23, for TEXAS WATER SYSTEMS, INCORPORATED; Docket Number 2022-1472-UTL-E. The error is as submitted by the commission.

The reference to the penalty should be corrected to read: "\$1,020."

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

TRD-202302711  
Gitanjali Yadav  
Deputy Director, Litigation  
Texas Commission on Environmental Quality  
Filed: August 1, 2023



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

In the July 21, 2023, issue of the *Texas Register* (48 TexReg 4016), the Texas Commission on Environmental Quality (commission) published notice of a Shutdown/Default Order, specifically Item Number 1, for Sheri Chapman; Docket Number 2022-0116-PST-E. The error is as submitted by the commission.

The reference to the Order Type should be corrected to read: "Default"

For questions concerning the error, please contact William Hogan at (512) 239-5918.

TRD-202302714  
Gitanjali Yadav  
Deputy Director, Litigation  
Texas Commission on Environmental Quality  
Filed: August 1, 2023



## Notice of District Petition

Notice issued July 27, 2023

TCEQ Internal Control No. D-04262023-036; Psalm 25:10 Foundation, a Texas non-profit corporation, ("Petitioner") filed a petition for creation of Prairie View Municipal Utility District No. 1 of Johnson 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 is the owner of a majority of the assessed value of the land to be included in the proposed District; (2) there are no lienholders on the property to be included in the proposed District; (3) the proposed District will contain approximately 351.914 acres of land, located within Johnson County, Texas; and (4) all of the land to be included in the proposed District is wholly within the extraterritorial jurisdiction of the City of Godley, Texas. The petition further states that the proposed District will (1) purchase, construct, acquire, improve or extend inside or outside of its boundaries any and all works, improvements, facilities, plants, equipment and appliances helpful or necessary to supply and distribute water for municipal, domestic and commercial purposes; (2) to collect, transport, process, dispose of and control domestic and commercial wastes; (3) to gather, conduct, divert, abate, amend and control local storm water or other harmful excesses of water in the District; (4) design, acquire, construct, finance, improve, operate, and maintain macadamized, graveled or paved roads and turnpikes, or improvements in aid of those roads; and (5) to purchase, construct, acquire, improve or extend inside or outside of its boundaries such additional facilities, plants, systems and enterprises as shall be consonant with the purposes for which the proposed District is created. According to the petition, a preliminary investigation has been made to determine the cost of the project, and it is estimated by the Petitioner, from the information available at this time, that the cost of said project will be approximately \$87,687,742.

### INFORMATION SECTION

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

The TCEQ may grant a contested case hearing on the petition if a written hearing request is filed within 30 days after the newspaper publication of the notice. To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) the name of the Petitioner and the TCEQ Internal Control Number; (3) the statement "I/we request a contested case hearing"; (4) a brief description of how you would be affected by the petition in a way not common to the general public; and (5) the location of your property relative to the proposed District's boundaries. You may also submit your proposed adjustments to the petition. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below. The Executive Director may approve the petition unless a written request for a contested case hearing is filed within 30 days after the newspaper publication of this notice. If a hearing request is filed, the Executive Director will not approve the petition and will forward the petition and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting. If a contested case hearing is held, it will be a legal proceeding similar to a civil trial in state district court. Written hearing requests should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O.

Box 13087, Austin, Texas 78711-3087. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address. For additional information, individual members of the general public may contact the Districts Review Team, at (512) 239-4691. Si desea información en español, puede llamar al (512) 239-0200. General information regarding TCEQ can be found at our web site at [www.tceq.texas.gov](http://www.tceq.texas.gov).

TRD-202302733

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: August 2, 2023



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

The Texas Commission on Environmental Quality (TCEQ or commission) staff is providing an opportunity for written public comment on the listed 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 **September 12, 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 September 12, 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: LKK Ventures LLC dba 24 Seven 27; DOCKET NUMBER: 2021-1090-PST-E; TCEQ ID NUMBER: RN102424660; LOCATION: 1901 Port Neches Avenue, Port Neches, Jefferson County; TYPE OF FACILITY: underground storage tank (UST) system and a convenience store with retail sales of gasoline; RULES VIOLATED: 30 TAC §37.815(a) and (b), by failing to demonstrate acceptable financial assurance for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of petroleum UST; TWC, §26.3475(c)(1) and 30 TAC §334.50(b)(1)(B), by failing to monitor a UST installed after January 1, 2009, in a manner

which will detect a release at a frequency of at least once every 30 days using interstitial monitoring; TWC, §26.3475(a) and 30 TAC §334.50(b)(2)(A)(iii), by failing to monitor UST piping installed on or after January 1, 2009, in a manner which will detect a release at a frequency of at least once every 30 days using interstitial monitoring in addition to the required annual line leak detector test; 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; TWC, §26.3475(c)(2) and 30 TAC §334.48(g)(1)(A)(ii) and (2)(A)(i), by failing to test the spill prevention equipment at least once every three years to ensure the equipment is liquid tight; TWC, §26.3475(c)(2) and 30 TAC §334.48(g)(1)(B) and (2)(A)(i), by failing to inspect the overflow prevention equipment at least once every three years; and 30 TAC §334.10(b)(2), by failing to assure that all UST recordkeeping requirements are met; PENALTY: \$12,521; STAFF ATTORNEY: Marilyn Norrod, Litigation, MC 175, (512) 239-5916; REGIONAL OFFICE: Beaumont Regional Office, 3870 Eastex Freeway, Beaumont, Texas 77703-1830, (409) 898-3838.

TRD-202302713

Gitanjali Yadav

Deputy Director, Litigation

Texas Commission on Environmental Quality

Filed: August 1, 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 **September 12, 2023**. TWC, §7.075, also requires that the commission promptly consider any written comments received and that the commission may withdraw or withhold approval of an AO if a comment discloses facts or considerations that indicate that consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the statutes and rules within the commission's jurisdiction or the commission's orders and permits issued in accordance with the commission's regulatory authority. Additional notice of changes to a proposed AO is not required to be published if those changes are made in response to written comments.

A copy of each proposed AO is available for public inspection at both the commission's central office, located at 12100 Park 35 Circle, Building A, 3rd Floor, Austin, Texas 78753, (512) 239-3400 and at the applicable regional office listed as follows. Written comments about an AO should be sent to the attorney designated for the AO at the commission's central office at P.O. Box 13087, MC 175, Austin, Texas 78711-3087 and must be **received by 5:00 p.m. on September 12, 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: Kenneth W. Adams, Karen S. Adams, and Kenz Henz LLC.; DOCKET NUMBER: 2020-0770-AIR-E; TCEQ ID NUMBER: RN106832967; LOCATION: 4602 South Tower Road, Santa Fe, Galveston County; TYPE OF FACILITY: poultry farm dumpster; RULES VIOLATED: Texas Health and Safety Code, §382.085(a) and

(b), and 30 TAC §101.4, by failing to prevent nuisance odor conditions; PENALTY: \$14,250; STAFF ATTORNEY: Cynthia Sirois, Litigation, MC 175, (512) 239-3392; REGIONAL OFFICE: Houston Regional Office, 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(2) COMPANY: SHREE VARAHI CONVENIENCE LLC dba Speedys; DOCKET NUMBER: 2021-0780-PST-E; TCEQ ID NUMBER: RN101630192; LOCATION: 12909 Seagoville Road, Balch Springs, Dallas County; TYPE OF FACILITY: underground storage tank (UST) system and a convenience store with retail sales of gasoline; RULES VIOLATED: TWC, §26.3475(c)(1) and 30 TAC §334.50(b)(1)(A), by failing to monitor the USTs in a manner which will detect a release at a frequency of at least once every 30 days; TWC, §26.3475(a) and 30 TAC §334.50(b)(2), by failing to provide release detection for the pressurized piping associated with the USTs; 30 TAC §334.10(b)(2), by failing to assure that all UST recordkeeping requirements are met; and 30 TAC §334.605(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: \$4,394; STAFF ATTORNEY: Marilyn Norrod, Litigation, MC 175, (512) 239-5916; REGIONAL OFFICE: Dallas-Fort Worth Regional Office, 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

TRD-202302712

Gitanjali Yadav

Deputy Director, Litigation

Texas Commission on Environmental Quality

Filed: August 1, 2023



### Notice of Water Quality Application

The following notice was issued on July 27, 2023:

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

#### INFORMATION SECTION

Crystal Springs Water Co., Inc has applied for a minor amendment to the Texas Pollutant Discharge Elimination System Permit No. WQ0016005001 to authorize the revision of the permitted flow in the Interim I and Interim II phases. The existing permit authorizes the discharge of treated domestic wastewater at a daily average flow not to exceed 750,000 gallons per day. The facility will be located approximately 0.25 mile north of the intersection of Crockett Martin Road and Farm-to-Market Road 2090, in Montgomery County, Texas 77306.

TRD-202302734

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: August 2, 2023



### Notice of Water Quality Application

The following notice was issued on August 02, 2023:

The following notice does not require publication in a newspaper. Written comments or requests for a public meeting may be submitted to the Office of the Chief Clerk, Mail Code 105, P.O. Box 13087, Austin,

Texas 78711-3087 WITHIN (30) DAYS FROM THE DATE THIS NOTICE IS PUBLISHED IN THE *TEXAS REGISTER*.

## INFORMATION SECTION

Campbell Soup Supply Company L.L.C., which operates Campbell Soup Paris Plant, a canning facility that produces various soups and other specialty foods, and manufactures steel containers, has applied for a minor amendment to Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0001012000 to move the monitoring requirements and effluent limitations for oil and grease from internal Outfall 101 to Outfall 001 and to remove Other Requirement No. 13 (self-imposed operator certification requirements). The draft permit authorizes the discharge of treated process wastewater, utility wastewater, and stormwater via Outfall 001 at a daily average flow rate not to exceed 10,000,000 gallons per day. The facility is located at 500 North Loop 286, which is approximately 1/4 mile west of the intersection of United States Loop Highway 286 and United States Highway 271, in the northern portion of the City of Paris, Lamar County, Texas 75460.

TRD-202302740

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: August 2, 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 July 24, 2023 to July 28, 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, August 4, 2023. The public comment period for this project will close at 5:00 p.m. on Sunday, September 3, 2023.

Federal License and Permit Activities:

**Applicant:** David Hall

**Location:** The project site is located in freshwater wetlands, between the GIWW and Gulf of Mexico, Lot 40, Canal Drive, in Matagorda County, Texas.

**Latitude and Longitude:** 28.771677, -95.613372

**Project Description:** The applicant proposes to fill 0.17 acres of freshwater emergent wetlands between the GIWW and Gulf of Mexico for the purposes of a residential home construction with required amenities.

The applicant has stated that the amount of fill required for this project is the minimum to meet their residential infrastructure needs. Mitigation has not been proposed at this time.

**Type of Application:** U.S. Army Corps of Engineers permit application # SWG-2022-00115. This application will be reviewed pursuant to Section 404 of the Clean Water Act. Note: The consistency review for this project may be conducted by the Texas Commission on Environmental Quality as part of its certification under §401 of the Clean Water Act.

**CMP Project No:** 23-1326-F1

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

TRD-202302716

Mark Havens

Chief Clerk

General Land Office

Filed: August 1, 2023

## Texas Health and Human Services Commission

Public Notice - Community First Choice (CFC) Attendant Wages

Public Notice: Texas State Plan for Medical Assistance Amendment

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

The purpose of the amendment is to update payment rates for Community First Choice (CFC) services in support of increasing the base wage for certain personal attendants under Medicaid and other programs administered by HHSC to \$10.60 per hour, in accordance with the 2024-25 General Appropriations Act, House Bill 1, 88th Texas Legislature, Regular Session, 2023 (Article II, HHSC, Rider 30(a)). The proposed amendment is effective September 1, 2023.

The proposed amendment is estimated to result in an annual aggregate fee-for-service expenditure of \$1,409,353 for federal fiscal year 2023, consisting of \$963,575 in federal funds and \$445,778 in state general revenue. For federal fiscal year 2024, the estimated annual aggregate fee-for-service expenditure is \$16,599,384, consisting of \$10,980,493 in federal funds and \$5,618,892 in state general revenue. For federal fiscal year 2025, the estimated annual aggregate fee-for-service expenditure is \$16,576,493, consisting of \$10,965,350 in federal funds and \$5,611,143 in state general revenue.

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

A rate hearing was held on July 11, 2023, at 9:00 a.m. in Austin, Texas. Information about the proposed rate change and the hearing can be found in the June 16, 2023, issue of the *Texas Register* on pages 3342-3343 at <http://www.sos.state.tx.us/texreg/index.shtml>. Archived recordings of the hearings can be found at <https://www.hhs.texas.gov/about/meetings-events>.

Copy of Proposed Amendment(s). 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](mailto:medicaid_chip_spa_inquiries@hhsc.state.tx.us). Copies of the proposal will also be made available for public review at the local offices of HHSC.

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

U.S. Mail

Texas Health and Human Services Commission

Attention: Provider Finance, Mail Code H-400

P.O. Box 149030

Austin, Texas 78714-9030

Overnight mail, special delivery mail, or hand delivery

Texas Health and Human Services Commission

Attention: Provider Finance, Mail Code H-400

North Austin Complex

4601 West Guadalupe Street

Austin, Texas 78751

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

Fax

Attention: Provider Finance at (512) 730-7475

Email

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

Preferred Communication.

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

TRD-202302717

Karen Ray

Chief Counsel

Texas Health and Human Services Commission

Filed: August 1, 2023



## Public Notice - Day Activity and Health Services (DAHS) Attendant Wages

Public Notice: Texas State Plan for Medical Assistance Amendment

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

The purpose of the amendment is to update the rate methodology and payment rates for Day Activity and Health Services (DAHS) in support of increasing the base wage for certain personal attendants under Medicaid and other programs administered by HHSC to \$10.60 per hour, in accordance with the 2024-25 General Appropriations Act, House Bill 1, 88th Texas Legislature, Regular Session, 2023 (Article II, HHSC, Rider 30(a)). The proposed amendment also revises the initial cost report database to calculate the direct care cost component to be the most recent DAHS Medicaid cost report database. The proposed amendment is effective September 1, 2023.

The proposed amendment is estimated to result in an annual aggregate fee-for-service expenditure of \$373,858 for federal fiscal year 2023, consisting of \$233,175 in federal funds and \$140,683 in state general

revenue. For federal fiscal year 2024, the estimated annual aggregate fee-for-service expenditure is \$5,102,196, consisting of \$3,068,971 in federal funds and \$2,033,225 in state general revenue. For federal fiscal year 2025, the estimated annual aggregate fee-for-service expenditure is \$5,206,168, consisting of \$3,131,510 in federal funds and \$2,074,658 in state general revenue.

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

A rate hearing was held on July 11, 2023, at 9:00 a.m. in Austin, Texas. Information about the proposed rate change and the hearing can be found in the June 16, 2023, issue of the *Texas Register* on pages 3342-3343 at <http://www.sos.state.tx.us/texreg/index.shtml>. Archived recordings of the hearings can be found at <https://www.hhs.texas.gov/about/meetings-events>.

Copy of Proposed Amendment(s). 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](mailto:medicaid_chip_spa_inquiries@hhsc.state.tx.us). Copies of the proposal will also be made available for public review at the local offices of HHSC.

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

U.S. Mail

Texas Health and Human Services Commission

Attention: Provider Finance, Mail Code H-400

P.O. Box 149030

Austin, Texas 78714-9030

Overnight mail, special delivery mail, or hand delivery

Texas Health and Human Services Commission

Attention: Provider Finance, Mail Code H-400

North Austin Complex

4601 West Guadalupe Street

Austin, Texas 78751

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

Fax

Attention: Provider Finance at (512) 730-7475

Email

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

Preferred Communication.

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

TRD-202302720

Karen Ray

Chief Counsel

Texas Health and Human Services Commission

Filed: August 1, 2023



## Public Notice - Intermediate Care Facilities (ICF) Attendant Wages

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

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

The purpose of the amendment is to update the payment rates for Intermediate Care Facilities (ICF) in support of increasing the base wage for certain personal attendants under Medicaid and other programs administered by HHSC to \$10.60 per hour, in accordance with the 2024-25 General Appropriations Act, House Bill 1, 88th Texas Legislature, Regular Session, 2023 (Article II, HHSC, Rider 30(a)). The proposed amendment is effective September 1, 2023.

The proposed amendment is estimated to result in an annual aggregate fee-for-service expenditure of \$574,918 for federal fiscal year 2023, consisting of \$358,576 in federal funds and \$216,342 in state general revenue. For federal fiscal year 2024, the estimated annual aggregate fee-for-service expenditure is \$6,984,563, consisting of \$4,201,215 in federal funds and \$2,783,348 in state general revenue. For federal fiscal year 2025, the estimated annual aggregate fee-for-service expenditure is \$6,982,000, consisting of \$4,199,673 in federal funds and \$2,782,327 in state general revenue.

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

A rate hearing was held on July 11, 2023, at 9:00 a.m. in Austin, Texas. Information about the proposed rate change and the hearing can be found in the June 16, 2023, issue of the *Texas Register* on pages 3342-3343 at <http://www.sos.state.tx.us/texreg/index.shtml>. Archived recordings of the hearings can be found at <https://www.hhs.texas.gov/about/meetings-events>.

Copy of Proposed Amendment(s). 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](mailto:medicaid_chip_spa_inquiries@hhsc.state.tx.us). Copies of the proposal will also be made available for public review at the local offices of HHSC.

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

#### U.S. Mail

Texas Health and Human Services Commission

Attention: Provider Finance, Mail Code H-400

P.O. Box 149030

Austin, Texas 78714-9030

Overnight mail, special delivery mail, or hand delivery

Texas Health and Human Services Commission

Attention: Provider Finance, Mail Code H-400

North Austin Complex

4601 West Guadalupe Street

Austin, Texas 78751

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

Fax

Attention: Provider Finance at (512) 730-7475

Email

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

Preferred Communication.

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

TRD-202302718

Karen Ray

Chief Counsel

Texas Health and Human Services Commission

Filed: August 1, 2023



## Public Notice - PCS Attendant Wages

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

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

The purpose of the amendment is to update the rate methodology and payment rates for Personal Care Services (PCS) in support of increasing the base wage for certain personal attendants under Medicaid and other programs administered by HHSC to \$10.60 per hour, in accordance with the 2024-25 General Appropriations Act, House Bill 1, 88th Texas Legislature, Regular Session, 2023 (Article II, HHSC, Rider 30(a)). The proposed amendment is effective September 1, 2023.

The proposed amendment is estimated to result in an annual aggregate fee-for-service expenditure of \$102,172 for federal fiscal year 2023, consisting of \$63,724 in federal funds and \$38,447 in state general revenue. For federal fiscal year 2024, the estimated annual aggregate fee-for-service expenditure is \$1,226,058, consisting of \$737,474 in federal funds and \$488,584 in state general revenue. For federal fiscal year 2025, the estimated annual aggregate fee-for-service expenditure is \$1,226,058, consisting of \$737,474 in federal funds and \$488,584 in state general revenue.

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

A rate hearing was held on July 11, 2023, at 9:00 a.m. in Austin, Texas. Information about the proposed rate change and the hearing can be found in the June 16, 2023, issue of the *Texas Register* on pages 3342-3343 at <http://www.sos.state.tx.us/texreg/index.shtml>. Archived recordings of the hearings can be found at <https://www.hhs.texas.gov/about/meetings-events>.

Copy of Proposed Amendment(s). 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](mailto:medicaid_chip_spa_inquiries@hhsc.state.tx.us). Copies of the proposal will also be made available for public review at the local offices of HHSC.

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

U.S. Mail

Texas Health and Human Services Commission  
Attention: Provider Finance, Mail Code H-400  
P.O. Box 149030  
Austin, Texas 78714-9030  
Overnight mail, special delivery mail, or hand delivery  
Texas Health and Human Services Commission  
Attention: Provider Finance, Mail Code H-400  
North Austin Complex  
4601 West Guadalupe Street  
Austin, Texas 78751  
Phone number for package delivery: (512) 730-7401  
Fax  
Attention: Provider Finance at (512) 730-7475  
Email  
PFD-LTSS@hhsc.texas.gov  
Preferred Communication.

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

TRD-202302719

Karen Ray  
Chief Counsel  
Texas Health and Human Services Commission  
Filed: August 1, 2023



#### Public Notice - Primary Health Care (PHC) Attendant Wages

Public Notice: Texas State Plan for Medical Assistance Amendment

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

The purpose of the amendment is to update the rate methodology and payment rates for Primary Home Care (PHC) and Community Attendant Services (CAS) in support of increasing the base wage for certain personal attendants under Medicaid and other programs administered by HHSC to \$10.60 per hour, in accordance with the 2024-25 General Appropriations Act, House Bill 1, 88th Texas Legislature, Regular Session, 2023 (Article II, HHSC, Rider 30(a)). The proposed amendment also revises the initial cost report database to calculate the direct care cost component to be the most recent PHC Medicaid cost report database. The proposed amendment is effective September 1, 2023.

The proposed amendment is estimated to result in an annual aggregate fee-for-service expenditure of \$13,376,972 for federal fiscal year 2023, consisting of \$8,343,218 in federal funds and \$5,033,755 in state general revenue. For federal fiscal year 2024, the estimated annual aggregate fee-for-service expenditure is \$151,268,538, consisting of \$90,988,026 in federal funds and \$60,280,512 in state general revenue. For federal fiscal year 2025, the estimated annual aggregate fee-for-service expenditure is \$147,671,150, consisting of \$88,824,197 in federal funds and \$58,846,953 in state general revenue.

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

A rate hearing was held on July 11, 2023, at 9:00 a.m. in Austin, Texas. Information about the proposed rate change and the hearing can be found in the June 16, 2023, issue of the *Texas Register* on pages 3342-3343 at <http://www.sos.state.tx.us/texreg/index.shtml>. Archived recordings of the hearings can be found at <https://www.hhs.texas.gov/about/meetings-events>.

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Texas Health and Human Services Commission  
Attention: Provider Finance, Mail Code H-400  
P.O. Box 149030

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Attention: Provider Finance, Mail Code H-400  
North Austin Complex

4601 West Guadalupe Street

Austin, Texas 78751

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

Fax

Attention: Provider Finance at (512) 730-7475

Email

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

Preferred Communication.

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

TRD-202302721

Karen Ray  
Chief Counsel  
Texas Health and Human Services Commission  
Filed: August 1, 2023



#### Department of State Health Services

Licensing Actions for Radioactive Materials

During the first half of June 2023, the Department of State Health Services (Department) has taken actions regarding Licenses for the possession and use of radioactive materials as listed in the tables (in alphabetical order by location). The subheading "Location" indicates the city in which the radioactive material may be possessed and/or used. The location listing "Throughout TX [Texas]" indicates that the radioactive material may be used on a temporary basis at locations throughout the state.

In issuing new licenses and amending and renewing existing licenses, the Department's Radiation Section has determined that the applicant has complied with the licensing requirements in Title 25 Texas Administrative Code (TAC), Chapter 289, for the noted action. In granting termination of licenses, the Department has determined that the licensee has complied with the applicable decommissioning requirements of 25 TAC, Chapter 289. In granting exemptions to the licensing requirements of Chapter 289, the Department has determined that the exemption is not prohibited by law and will not result in a significant risk to public health and safety and the environment.

A person affected by the actions published in this notice may request a hearing within 30 days of the publication date. A "person affected" is defined as a person who demonstrates that the person has suffered or will suffer actual injury or economic damage and, if the person is not a local government, is (a) a resident of a county, or a county adjacent to the county, in which radioactive material is or will be located, or (b) doing business or has a legal interest in land in the county or adjacent county. 25 TAC §289.205(b)(15); Health and Safety Code §401.003(15). Requests must be made in writing and should contain the words "hearing request," the name and address of the person affected by the agency action, the name and license number of the entity that is the subject of the hearing request, a brief statement of how the person is affected by the action what the requestor seeks as the outcome of the hearing, and the name and address of the attorney if the requestor is represented by an attorney. Send hearing requests by mail to: Hearing Request, Radioactive Material Licensing, MC 2835, PO Box 149347, Austin, Texas 78714-9347, or by fax to: (512) 206-3760, or by e-mail to: RAMlicensing@dshs.texas.gov.

AMENDMENTS TO EXISTING LICENSES ISSUED:

Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amendment Number	Date of Action
AUSTIN	ST DAVIDS HEALTHCARE PARTNERSHIP LP LLP	L06372	AUSTIN	13	06/07/23
BEAUMONT	ATLAS TECHNICAL CONSULTANTS LLC	L06407	LUBBOCK	29	06/08/23
CYPRESS	KPH CONSOLIDATION INC	L06988	CYPRESS	08	06/06/23
DALLAS	HEARTPLACE PA	L04607	DALLAS	77	06/12/23
DEER PARK	DEER PARK REFINING LIMITED PARTNERSHIP	L04554	DEER PARK	47	06/09/23
FREEPORT	BRASKEM AMERICA INC	L06443	FREEPORT	10	06/07/23
FREEPORT	BRASKEM AMERICA INC	L06443	FREEPORT	11	06/13/23
HOUSTON	UT PHYSICIANS	L05465	HOUSTON	29	06/06/23
HOUSTON	MEMORIAL HERMANN HEALTH SYSTEM DBA MEMORIAL HERMANN NORTHEAST HOSPITAL	L02412	HOUSTON	152	06/12/23
HOUSTON	MEMORIAL HERMANN HEALTH SYSTEM	L03772	HOUSTON	176	06/06/23
KERMIT	ATLAS SAND COMPANY LLC	L07149	AUSTIN	03	06/05/23
LIVINGSTON	MEMORIAL HOSPITAL OF POLK COUNTY DBA MEMORIAL MEDICAL CENTER DBA MEMORIAL MEDICAL CENTER LIVINGSTON	L05552	LIVINGSTON	19	06/14/23

AMENDMENTS TO EXISTING LICENSES ISSUED: (Continued)

LONGVIEW	EASTMAN CHEMICALS COMPANY	L00301	LONGVIEW	127	06/08/23
NEW BRAUNFELS	CHRISTUS SANTA ROSA HEALTH CARE CORPORATION DBA CHRISTUS SANTA ROSA HOSPITAL – NEW BRAUNFELS	L02429	NEW BRAUNFELS	55	06/09/23
ORANGE	INV NYLON CHEMICALS AMERICAS LLC	L05777	ORANGE	24	06/06/23
PASADENA	INEOS STYROLUTION AMERICA LLC	L07133	PASADENA	01	06/07/23
PLANO	HEARTPLACE PA	L05883	PLANO	35	06/06/23
ROUND ROCK	SCOTT & WHITE HOSPITAL – ROUND ROCK DBA BAYLOR SCOTT & WHITE MEDICAL CENTER – ROUND ROCK	L06891	ROUND ROCK	09	06/06/23
THROUGHOUT TX	HVJ SOUTH CENTRAL TEXAS – M&J INC	L06858	AUSTIN	08	06/07/23
THROUGHOUT TX	INTEGRITY TESTING & INSPECTION INC	L06027	DEER PARK	13	06/12/23
THROUGHOUT TX	WESTON SOLUTIONS INC	L07137	FRISCO	03	06/05/23
THROUGHOUT TX	INSIGNIA TTG PARENT LLC	L05791	HOUSTON	19	06/08/23
THROUGHOUT TX	DIGIRAD IMAGING SOLUTIONS INC	L05414	HOUSTON	50	06/09/23
THROUGHOUT TX	THE METHODIST HOSPITAL DBA HOUSTON METHODIST	L00457	HOUSTON	217	06/12/23
THROUGHOUT TX	CARDIAC IMAGING INC	L06565	KATY	24	06/12/23

AMENDMENTS TO EXISTING LICENSES ISSUED: (Continued)

THROUGHOUT TX	CUTTER TECHNICAL SERVICES LLC	L07052	KILGORE	03	06/02/23
THROUGHOUT TX	ADVANCED CORROSION TECHNOLOGIES & TRAINING LLC	L06508	LA PORT	27	06/09/23
THROUGHOUT TX	ARCTIC TESTING & INSPECTION LLC	L07065	LA PORTE	06	06/14/23
THROUGHOUT TX	ACUREN INSPECTION INC DBA PREMIUM INSPECTION AND TESTING INC DBA VERSA INTEGRITY GROUP INC DBA CAPITAL ULTRASONIC LLC	L01774	LA PORTE	317	06/01/23
THROUGHOUT TX	PRO-SURVE TECHNICAL SERVICES LLC	L06905	LEAGUE CITY	08	06/01/23
THROUGHOUT TX	AMERICAN PIPING INSPECTION INC	L06835	LONGVIEW	17	06/08/23
THROUGHOUT TX	PROTECT LLC	L07110	MIDLAND	06	06/09/23
THROUGHOUT TX	SQS NDT LP	L06896	SANGER	07	06/05/23
THROUGHOUT TX	BRAUN INTERTEC CORPORATION	L06681	TYLER	23	06/06/23

RENEWAL OF LICENSES ISSUED:

Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amendment Number	Date of Action
HARLINGEN	VHS HARLINGEN HOSPITAL COMPANY LLC DBA VALLEY BAPTIST MEDICAL CENTER HARLINGEN	L06499	HARLINGEN	21	06/09/23
MCALLEN	MCALLEN HOSPITALS LP	L01713	MCALLEN	100	06/06/23
ROCKWALL	TEXAS HEALTH PHYSICIANS GROUP TEXAS HEALTH HEART AND VASCULAR SPECIALISTS	L05412	ROCKWALL	18	06/14/23

TERMINATIONS OF LICENSES ISSUED:

Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amendment Number	Date of Action
HOUSTON	READ CASED HOLE INC	L07109	HOUSTON	01	06/09/23
PASADENA	KANEKA NORTH AMERICA LLC	L06488	PASADENA	04	06/01/23

TRD-202302748  
 Cynthia Hernandez  
 General Counsel  
 Department of State Health Services  
 Filed: August 2, 2023

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**Texas Department of Housing and Community Affairs**

Notice of Funding Availability (NOFA) Release for 2024 Community Services Block Grant Discretionary (CSBG-D) Funds - Reentry Activities Pilot Program

The Texas Department of Housing and Community Affairs (the Department) announces the availability of \$400,000 in CSBG Discretionary

funding for a Reentry Activities Pilot Program. Each year the Department sets aside 5% of its annual CSBG allocation for state discretionary use. Each year funds from CSBG Discretionary are used for specific identified efforts that the Department supports such as assisting previously incarcerated individuals reenter the community and helping them to obtain rental housing through landlord incentives, security deposits and other reentry activities related to housing. This year, \$400,000 has been programmed for the Reentry Activities Pilot Program for which the Department is issuing this NOFA. The Department will release funds competitively.

The Department's anticipated contract period for 2024 CSBG Discretionary Reentry Activities Pilot Program is January 1, 2024, through December 31, 2024.

Interested applicants must meet the requirements set forth in the application and must submit a complete application through the established



system described in the NOFA by 5:00 p.m., Austin local time, Friday, September 1, 2023.

The application forms contained in this packet and submission instructions are available on the Department's web site at <http://www.td-hca.state.tx.us/nofa.htm>. Should you have any questions, please contact Madison Lozano at (512) 936-7798 or [madison.lozano@td-hca.state.tx.us](mailto:madison.lozano@td-hca.state.tx.us).

TRD-202302688  
Bobby Wilkinson  
Executive Director  
Texas Department of Housing and Community Affairs  
Filed: July 28, 2023

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## Texas Department of Insurance

### Company Licensing

Application to do business in the state of Texas for Physicians Insurance A Mutual Company, a foreign fire and/or casualty company. The home office is in Seattle, Washington.

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-202302737  
Justin Beam  
Chief Clerk  
Texas Department of Insurance  
Filed: August 2, 2023

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## Texas Lottery Commission

### Scratch Ticket Game Number 2536 "Millions Club"

#### 1.0 Name and Style of Scratch Ticket Game.

A. The name of Scratch Ticket Game No. 2536 is "MILLIONS CLUB". The play style is "key number match".

#### 1.1 Price of Scratch Ticket Game.

A. The price for Scratch Ticket Game No. 2536 shall be \$50.00 per Scratch Ticket.

#### 1.2 Definitions in Scratch Ticket Game No. 2536.

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: PINEAPPLE SYMBOL, HORSESHOE SYMBOL, POTOFGOLD SYMBOL, COIN SYMBOL, JOKER SYMBOL, KEY SYMBOL, BELL SYMBOL, BOOT SYMBOL, CACTUS SYMBOL, CLOVER SYMBOL, LADYBUG SYMBOL, WISHBONE SYMBOL, CROWN SYMBOL, HEART SYMBOL, RING SYMBOL, ANCHOR SYMBOL, PIG SYMBOL, MONEY SYMBOL, LEMON SYMBOL, BANANA SYMBOL, MELON SYMBOL, GRAPE SYMBOL, PALM SYMBOL, SMILE SYMBOL, BOLT SYMBOL, DIAMOND SYMBOL, PEPPER SYMBOL HAT SYMBOL, PLANE SYMBOL, FISH SYMBOL, CAR SYMBOL, NOTE SYMBOL, CHEST SYMBOL, STRAWBERRY SYMBOL, BANK SYMBOL TROPHY SYMBOL, BUTTERFLY SYMBOL, DICE SYMBOL, ACE SYMBOL, RAINBOW SYMBOL, 01, 03, 04, 06, 07, 08, 09, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 2X SYMBOL, 5X SYMBOL, 10X SYMBOL, 20X SYMBOL, \$50.00, \$100, \$200, \$300, \$500, \$1,000, \$3,000, \$10,000 and \$1,000,000.

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. 2536 - 1.2D

PLAY SYMBOL	CAPTION
01	ONE
03	THR
04	FOR
06	SIX
07	SVN
08	EGT
09	NIN
11	ELV
12	TLV
13	TRN
14	FTN
15	FFN
16	SXN
17	SVT
18	ETN
19	NTN
21	TWON
22	TWTO
23	TWTH
24	TWFR
25	TWV
26	TWSX
27	TWSV
28	TWET
29	TWN
30	TRTY
31	TRON

32	TRTO
33	TRTH
34	TRFR
35	TRFV
36	TRSX
37	TRSV
38	TRET
39	TRNI
40	FRTY
41	FRON
42	FRTO
43	FRTH
44	FRFR
45	FRFV
46	FRSX
47	FRSV
48	FRET
49	FRNI
50	FFTY
51	FFON
52	FFTO
53	FFTH
54	FFFR
55	FFFV
56	FFSX
57	FFSV
58	FFET
59	FFNI
60	SXTY

PINEAPPLE SYMBOL	PNAPL
HORSESHOE SYMBOL	HRSHOE
POTOFGOLD SYMBOL	PTGOLD
COIN SYMBOL	COIN
JOKER SYMBOL	JOKER
KEY SYMBOL	KEY
BELL SYMBOL	BELL
BOOT SYMBOL	BOOT
CACTUS SYMBOL	CACTUS
CLOVER SYMBOL	CLOVER
LADYBUG SYMBOL	LBUG
WISHBONE SYMBOL	BONE
CROWN SYMBOL	CROWN
HEART SYMBOL	HEART
RING SYMBOL	RING
ANCHOR SYMBOL	ANCHR
PIG SYMBOL	PIG
MONEY SYMBOL	MONEY
LEMON SYMBOL	LEMN
BANANA SYMBOL	BNNA
MELON SYMBOL	MELN
GRAPE SYMBOL	GRPE
PALM SYMBOL	PALM
SMILE SYMBOL	SMILE
BOLT SYMBOL	BOLT
DIAMOND SYMBOL	DMND
PEPPER SYMBOL	PEPPER
HAT SYMBOL	HAT
PLANE SYMBOL	PLANE

FISH SYMBOL	FISH
CAR SYMBOL	CAR
NOTE SYMBOL	NOTE
CHEST SYMBOL	CHEST
STRAWBERRY SYMBOL	STBRY
BANK SYMBOL	BANK
TROPHY SYMBOL	TRPHY
BUTTERFLY SYMBOL	BTFLY
DICE SYMBOL	DICE
ACE SYMBOL	ACE
RAINBOW SYMBOL	RNBOW
2X SYMBOL	DBL
5X SYMBOL	WINX5
10X SYMBOL	WINX10
20X SYMBOL	WINX20
\$50.00	FFTY\$
\$100	ONHN
\$200	TOHN
\$300	THHN
\$500	FVHN
\$1,000	ONTH
\$3,000	THTH
\$10,000	10TH
\$1,000,000	TPPZ

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 (2536), a seven (7) digit Pack number, and a three (3) digit Ticket number. Ticket numbers start with 001 and end with 020 within each Pack. The format will be: 2536-0000001-001.

H. Pack - A Pack of the "MILLIONS CLUB" Scratch Ticket Game contains 020 Tickets, packed in plastic shrink-wrapping and fanfolded in pages of one (1). Ticket back 001 and 020 will both be exposed.

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 "MILLIONS CLUB" Scratch Ticket Game No. 2536.

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 "MILLIONS CLUB" Scratch Ticket Game is determined once the latex on the Scratch Ticket is scratched off to expose seventy-eight (78) Play Symbols. \$50 BONUS CLUB: If a player reveals 2 matching symbols in the \$50 BONUS CLUB, the player wins \$50. \$100 BONUS CLUB: If the player reveals 2 matching symbols in the \$100 BONUS CLUB, the player wins \$100. \$200 BONUS CLUB: If the player reveals 2 matching symbols in the \$200 BONUS CLUB, the player wins \$200. \$500 BONUS CLUB: If the player reveals 2 matching symbols in the \$500 BONUS CLUB, the player wins \$500. MILLIONS CLUB: If a player matches any of YOUR NUMBERS Play Symbols to any of the WINNING NUMBERS Play Symbols, the player wins the prize for that number. If the player reveals a "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. If the player reveals a "10X" Play Symbol, the player wins 10 TIMES the prize for that symbol. If the player reveals a "20X" Play Symbol, the player wins 20 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 seventy-eight (78) 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 seventy-eight (78) 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 seventy-eight (78) Play Symbols must be exactly one of those described in Section 1.2.C of these Game Procedures;

17. Each of the seventy-eight (78) 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. MILLIONS CLUB - KEY NUMBER MATCH: There will be no matching non-winning YOUR NUMBERS Play Symbols on a Ticket.

D. MILLIONS CLUB - KEY NUMBER MATCH: There will be no matching WINNING NUMBERS Play Symbols on a Ticket.

E. MILLIONS CLUB - KEY NUMBER MATCH: A Ticket may have up to six (6) matching non-winning Prize Symbols, unless restricted by other parameters, play action or prize structure.

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

G. MILLIONS CLUB - KEY NUMBER MATCH: No prize amount in a non-winning spot will correspond with the YOUR NUMBERS Play Symbol (i.e., \$50 and 50).

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

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

J. MILLIONS CLUB - KEY NUMBER MATCH: The "10X" (WINX10) Play Symbol will only appear on winning Tickets, as dictated by the prize structure.

K. MILLIONS CLUB - KEY NUMBER MATCH: The "20X" (WINX20) Play Symbol will only appear on winning Tickets, as dictated by the prize structure.

### 2.3 Procedure for Claiming Prizes.

A. To claim a "MILLIONS CLUB" Scratch Ticket Game prize of \$50.00, \$100, \$200, \$300 or \$500, a claimant shall sign the back of the Scratch Ticket in the space designated on the Scratch Ticket and may present the winning Scratch Ticket to any Texas Lottery Retailer. The Texas Lottery Retailer shall verify the claim and, if valid, and upon presentation of proper identification, if appropriate, make payment of the amount due the claimant and physically void the Scratch Ticket; provided that the Texas Lottery Retailer may, but is not required, to pay a \$50.00, \$100, \$200, \$300 or \$500 Scratch Ticket Game. In the event the Texas Lottery Retailer cannot verify the claim, the Texas Lottery Retailer shall provide the claimant with a claim form and instruct the claimant on how to file a claim with the Texas Lottery. If the claim is validated by the Texas Lottery, a check shall be forwarded to the claimant in the amount due. In the event the claim is not validated, the claim shall be denied and the claimant shall be notified promptly. A claimant may also claim any of the above prizes under the procedure described in Section 2.3.B and Section 2.3.C of these Game Procedures.

B. To claim a "MILLIONS CLUB" Scratch Ticket Game prize of \$1,000, \$3,000, \$10,000 or \$1,000,000, 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 "MILLIONS CLUB" 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 "MILLIONS CLUB" 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 "MILLIONS CLUB" 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 4,080,000 Scratch Tickets in Scratch Ticket Game No. 2536. The approximate number and value of prizes in the game are as follows:

Figure 2: GAME NO. 2536 - 4.0

Prize Amount	Approximate Number of Winners*	Approximate Odds are 1 in **
\$50.00	408,000	10.00
\$100	510,000	8.00
\$200	204,000	20.00
\$300	49,572	82.30
\$500	40,800	100.00
\$1,000	340	12,000.00
\$3,000	100	40,800.00
\$10,000	100	40,800.00
\$1,000,000	10	408,000.00

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

\*\*The overall odds of winning a prize are 1 in 3.36. 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. 2536 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. 2536, 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-202302715

Bob Biard  
 General Counsel  
 Texas Lottery Commission  
 Filed: August 1, 2023

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**Texas State Soil and Water Conservation Board**

Request for Proposal

PROPOSALS DUE: September 22, 2023

INTRODUCTION

This request for proposals (RFP) provides instructions and guidance for applicants seeking funding from the Texas State Soil and Water Conservation Board (TSSWCB) under the Clean Water Act (CWA) §319(h) Nonpoint Source (NPS) Grant Program. The U.S. Environmental Protection Agency (EPA) distributes funds appropriated by Congress annually to the TSSWCB under the authorization of CWA



§319(h). TSSWCB then administers/awards these federal funds as grants to cooperating entities for activities that address the goals, objectives, and priorities stated in the Texas NPS Management Program. The Texas NPS Management Program is the State's comprehensive strategy to protect and restore water quality in waterbodies impacted by NPS water pollution. This document can be accessed online at <https://www.tsswcb.texas.gov/programs/texas-nonpoint-source-management-program>.

The types of agricultural and silvicultural NPS pollution prevention and abatement activities that can be funded with §319(h) grants include the following: (1) implementation of nine-element watershed protection plans (WPPs) and the agricultural and silvicultural NPS portion of Total Maximum Daily Load (TMDL) Implementation Plans (I-Plans); (2) surface water quality monitoring, data analysis, modeling, and demonstration of innovative best management practices (BMPs); (3) technical assistance to landowners for conservation planning; (4) public outreach/education, development of nine-element WPPs including the formation and facilitation of stakeholder groups; and (5) monitoring activities to determine the effectiveness of specific pollution prevention methods. Strictly research activities are not eligible for §319(h) grant funding.

#### Proposals Requested

The TSSWCB is requesting proposals for watershed assessment, planning, implementation, demonstration, and education projects within the boundaries of impaired or threatened watersheds. The Texas Integrated Report of Surface Water Quality describes the water quality conditions for waterbodies in the state. All proposals must focus on the restoration and protection of water quality consistent with the goals, objectives, and priority watersheds and aquifers identified in Appendix C and D of the Texas NPS Management Program. Up to \$1 million of the TSSWCB's FY2024 CWA §319(h) grant will be eligible for award under this RFP. No more than 10% of these funds may be utilized for groundwater projects. A competitive proposal process will be used so that the most appropriate and effective projects are selected for available funding.

Applicants that submit project proposals should, where applicable, focus on interagency coordination, demonstrate new or innovative technologies, use comprehensive strategies that have statewide applicability, and highlight public participation. Examples of project proposals previously funded by TSSWCB are available at: <https://www.tsswcb.texas.gov/index.php/programs/texas-nonpoint-source-management-program/active-nonpoint-source-grant-projects>.

Additionally, applicants are encouraged to review EPA's Grant Guidelines for the NPS Program available at <https://www.epa.gov/nps/319-grant-program-states-and-territories>.

#### Individual Award Amounts

This RFP does not set a maximum or minimum award amount for individual projects; however, project funding generally ranges between \$100,000 and \$400,000 for a two to three-year project.

#### Reimbursement and Matching Requirements

The TSSWCB CWA §319(h) NPS Grant Program has a 60/40% match requirement, however proposals that do not meet the minimum matching requirement will still be considered. The cooperating entity will be reimbursed up to 60% from federal funds and must contribute a minimum of 40% of the total costs to conduct the project. The match must be from non-federal sources (may be cash or in-kind services) and must be described in the budget justification. Reimbursable indirect costs are limited to no more than 15% of total federal direct costs.

#### Required Reporting and QAPP

Quarterly progress and final reports are the minimum project reporting requirements. All projects that include an environmental data collection, generation or compilation component (e.g., water quality monitoring, modeling, bacterial source tracking) must have a Quality Assurance Project Plan (QAPP), to be reviewed and approved by TSSWCB and the EPA. Project budgets and timelines should account for the development and review of QAPPs, final reports, and watershed protection plans. More information on QAPPs and the TSSWCB Environmental Data Quality Management Plan is available at <https://www.tsswcb.texas.gov/programs/texas-nonpoint-source-management-program/environmental-data-quality-management>.

#### TSSWCB PRIORITIES

For this FY2024 RFP, the following project priorities have been identified. Proposals that do not focus on these priorities are still welcomed but may score lower than those that focus on the priorities.

##### Priority Project Activities

Implement WPPs and TMDL I-Plans (see priority areas listed below).

WPP development initiatives (see Appendix C in Texas NPS Management Program), which include activities such as the formation of watershed groups or water quality data collection and analysis.

Implement components of the Texas Coastal NPS Pollution Control Program in the Coastal Management Zone.

Support use of federal Farm Bill Programs and Initiatives (National Water Quality Initiative).

Demonstration projects and/or development/delivery of education programs.

##### Priority Areas for WPP Implementation Projects

##### WPPs

Geronimo and Alligator Creeks

Lake Lavon

Plum Creek (Segment 1810)

Lampasas River

Double Bayou

San Fernando and Petronila

Mid and Lower Cibolo

Lavaca River

Tres Palacios

Carancahua Bay

#### ELIGIBLE ORGANIZATIONS

Grants will be available to public and private entities such as local municipal and county governments and other political subdivisions of the State (e.g., soil and water conservation districts), educational institutions, non-profit organizations, and state and federal agencies. Private organizations (for profit), may participate in projects as partners or contractors but may not apply directly for funding.

#### SELECTION PROCESS AND AWARD

##### Review Process

TSSWCB will review each proposal that is submitted by the deadline by an eligible organization.

At any time during the review process, a TSSWCB staff member may contact the applicant for additional information.

All areas of the budget are subject to review and approval by TSSWCB.

#### Scoring

Reviewed proposals will be scored and ranked based on the evaluation and ranking criteria included in this RFP on pp. 19-20. A minimum scoring requirement (70%) is necessary for proposals to be eligible for consideration.

All applicants, unsuccessful and successful, will be notified. Those applicants whose proposals are recommended for funding will be contacted, and then TSSWCB will work with the applicant to revise and finalize the proposal prior to submittal to EPA. EPA must review and approve all proposals prior to TSSWCB awarding grant funds. All grant awards will be contingent on the selected applicant's return of a grant contract provided by TSSWCB which will incorporate all applicable state and federal contracting requirements.

#### Grant Award Decisions

During the grant review and award process, the TSSWCB may take into consideration other factors including whether the applicant has demonstrated acceptable past performance as a grantee in areas related to programmatic and financial stewardship of grant funds.

TSSWCB may choose to award a grant contract from a different TSSWCB funding source than that for which the applicant applied.

TSSWCB is not obligated to award a grant at the total amount requested and/or within the budget categories requested. TSSWCB reserves the right to make awards at amounts above or below the stated funding levels. All grant decisions including, but not limited to, eligibility, evaluation and review, and funding rest completely within the discretionary authority of the TSSWCB. The decisions made by the TSSWCB are final and are not subject to appeal.

#### Funding Priority

TSSWCB reserves the right to consider all other appropriations or funding an applicant currently receives when making funding decisions.

#### Grant Award Notification

All applicants, unsuccessful and successful, will be notified. Those applicants whose proposals are recommended for funding will be contacted, and then TSSWCB will work with the applicant to revise and finalize the proposal prior to submittal to EPA. EPA must review and approve all proposals prior to TSSWCB awarding grant funds. TSSWCB may utilize a grant contract document and/or a notice of grant document once a decision is made to award a grant. The applicant will be given a deadline to accept the grant award and to return the appropriate document to the TSSWCB within the time prescribed by the TSSWCB. An applicant's failure to return the signed document to the TSSWCB within the prescribed time period will be construed as a rejection of the grant award, and the TSSWCB may de-obligate funds.

#### Special Conditions

The TSSWCB may assign special conditions at the time of the award. Until satisfied, these special conditions may affect the applicant's ability to receive funds. If special conditions are not resolved, the TSSWCB may de-obligate funds up to the entire amount of the grant award.

#### ELIGIBLE BUDGET CATEGORIES

##### Personnel

##### Fringe Benefits

##### Travel

##### Equipment

##### Supplies

##### Contractual

##### Construction

##### Other

##### Indirect

#### INELIGIBLE COSTS

Ineligible costs include, but are not limited to:

Contracting for grant activities that would otherwise be provided by employees of the grantee's organization

Payment for lobbying

Purchasing food and beverages except as allowed under Texas State Travel Guidelines

Purchasing or leasing vehicles

Purchasing promotional items or recreational activities

Paying for travel that is unrelated to the direct delivery of services that supports the project funded under this RFP

Paying consultants or vendors who participate directly in writing a grant application

Paying any portion of the salary or any other compensation for an elected government official

Payment of bad debt, fines or penalties

Purchasing any other products or services the TSSWCB identifies as inappropriate or unallowable.

Any unallowable costs set forth in state or federal cost principles

Any unallowable costs set forth in the NPS Grant Program.

#### STATE AND FEDERAL REQUIREMENTS

All applicants should review and be familiar with the TSSWCB administrative rules governing Nonpoint Source Grant Program. These rules are published in Texas Administrative Code, Title 31, Part 17, Chapter 523, § 523.1(b)(2): [https://texreg.sos.state.tx.us/public/readtac\\$ext.TacPage?sl=R&app=9&p\\_dir=&p\\_rloc=&p\\_floc=&p\\_ploc=&pg=1&p\\_tac=&ti=31&pt=17&ch=523&rl=1](https://texreg.sos.state.tx.us/public/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_floc=&p_ploc=&pg=1&p_tac=&ti=31&pt=17&ch=523&rl=1)

In addition to the TSSWCB's administrative rules, applicants should be familiar with the Texas Grant Management Standards (TxGMS) and relevant Code of Federal Regulations (CFR) that relate to state, and if applicable, federal grant funding. TxGMS can be found at: <https://comptroller.texas.gov/purchasing/grant-management/>. Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards 2 CFR 200 can be found at: <http://www.ecfr.gov>.

#### SUBMISSION PROCESS

To obtain a complete copy of TSSWCB's RFP and proposal submission packet, please visit <https://www.tsswcb.texas.gov/programs/texas-nonpoint-source-management-program> or contact Jana Lloyd at (254) 773-2250 ext. 224. All proposals must be submitted electronically (MS® Word) using the workplan template provided in this RFP; otherwise, proposals will be considered administratively incomplete and not considered for funding. All letters of support for the proposal, including letters from Project Partners confirming their role, must be received by the proposal due date to be considered. Submit proposals to [jlloyd@tsswcb.texas.gov](mailto:jlloyd@tsswcb.texas.gov). Proposals must be received electronically by 5:00 p.m. CDT, September 22, 2023 to be considered.

## FY2024 GRANT TIMELINE

Issuance of RFP August 11, 2023

Deadline for Submission of Proposals September 22, 2023

Proposal Evaluation by TSSWCB October-November 2023

Notification of Selected Proposals/Unsuccessful applicants December 2023

Work with applicants to Finalize Selected Proposals November- December 2023

Review of Selected Proposals by EPA January 2024

Submit Grant Application to EPA May 2024

Contract Award August 2024

Anticipated Project Start Date September 1, 2024

TRD-202302708

Heather Bounds

Government Affairs Specialist

Texas State Soil and Water Conservation Board

Filed: August 1, 2023



## Texas Department of Transportation

### Public Hearing Notice - Statewide Transportation Improvement Program

The Texas Department of Transportation (department) will hold a public hearing on Thursday, August 31, 2023, at 10:00 a.m. Central Standard Time (CST) to receive public comments on the August 2023 Quarterly Revisions to the Statewide Transportation Improvement Program (STIP) for FY 2023-2026. The hearing will be conducted via electronic means. Instructions for accessing the hearing will be published on the department's website at: <https://www.txdot.gov/inside-txdot/get-involved/about/hearings-meetings.html>

The STIP reflects the federally funded transportation projects in the FY 2023-2026 Transportation Improvement Programs (TIPs) for each Metropolitan Planning Organization (MPO) in the state. The STIP includes both state and federally funded projects for the nonattainment areas of Dallas-Fort Worth, El Paso, Houston and San Antonio. The STIP also contains information on federally funded projects in rural areas that are not included in any MPO area, and other statewide programs as listed.

Title 23, United States Code, §134 and §135 require each designated MPO and the state, respectively, to develop a TIP and STIP as a condition to securing federal funds for transportation projects under Title 23 or the Federal Transit Act (49 USC §5301, et seq.). Section 134 requires an MPO to develop its TIP in cooperation with the state and affected public transit operators and to provide an opportunity for interested parties to participate in the development of the program. Section 135 requires the state to develop a STIP for all areas of the state in cooperation with the designated MPOs and, with respect to non-metropolitan areas, in consultation with affected local officials, and further requires an opportunity for participation by interested parties as well as approval by the Governor or the Governor's designee.

A copy of the proposed August 2023 Quarterly Revisions to the FY 2023-2026 STIP will be available for review, at the time the notice of hearing is published, on the department's website at: <https://www.txdot.gov/inside-txdot/division/transportation-planning/stips.html>

Persons wishing to speak at the hearing may register in advance by notifying Lori Morel, Transportation Planning and Programming Division,

at (512) 810-6663 no later than 12:00 p.m. CST on Wednesday, August 30, 2023. Speakers will be taken in the order registered and will be limited to three minutes. Speakers who do not register in advance will be taken at the end of the hearing. Any interested person may offer comments or testimony; however, questioning of witnesses will be reserved exclusively to the presiding authority as may be necessary to ensure a complete record. While any persons with pertinent comments or testimony will be granted an opportunity to present them during the course of the hearing, the presiding authority reserves the right to restrict testimony in terms of time or repetitive content. Groups, organizations, or associations should be represented by only one speaker. Speakers are requested to refrain from repeating previously presented testimony.

The public hearing will be conducted in English. Persons who have special communication or accommodation needs and who plan to participate in the hearing are encouraged to contact the Transportation Planning and Programming Division, at (512) 810-6663. Requests should be made at least three working days prior to the public hearing. Every reasonable effort will be made to accommodate the needs.

Interested parties who are unable to participate in the hearing may submit comments regarding the proposed August 2023 Quarterly Revisions to the FY 2023-2026 STIP to Humberto Gonzalez, P.E., Director of the Transportation Planning and Programming Division, P.O. Box 149217, Austin, Texas 78714-9217. In order to be considered, all written comments must be received at the Transportation Planning and Programming office by 4:00 p.m. CST on Tuesday, September 12, 2023.

TRD-202302678

Jack Ingram

Senior General Counsel

Texas Department of Transportation

Filed: July 27, 2023



### Public Hearing Notice - Statewide Transportation Improvement Program

The Texas Department of Transportation (department) will hold a public hearing on Thursday, August 31, 2023, at 10:00 a.m. Central Standard Time (CST) to receive public comments on the August 2023 Quarterly Revisions to the Statewide Transportation Improvement Program (STIP) for FY 2023-2026. The hearing will be conducted via electronic means. Instructions for accessing the hearing will be published on the department's website at: <https://www.txdot.gov/inside-txdot/get-involved/about/hearings-meetings.html>

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quires an opportunity for participation by interested parties as well as approval by the Governor or the Governor's designee.

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The public hearing will be conducted in English. Persons who have special communication or accommodation needs and who plan to participate in the hearing are encouraged to contact the Transportation Planning and Programming Division, at (512) 810-6663. Requests should be made at least three working days prior to the public hearing. Every reasonable effort will be made to accommodate the needs.

Interested parties who are unable to participate in the hearing may submit comments regarding the proposed August 2023 Quarterly Revisions to the FY 2023-2026 STIP to Humberto Gonzalez, P.E., Director of the Transportation Planning and Programming Division, P.O. Box 149217, Austin, Texas 78714-9217. In order to be considered, all written comments must be received at the Transportation Planning and Programming office by 4:00 p.m. CST on Tuesday, September 12, 2023.

TRD-202302701

Jack Ingram

Senior General Counsel

Texas Department of Transportation

Filed: July 31, 2023

