

# IN ADDITION

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

## Texas State Affordable Housing Corporation

Public Comment needed: 2024 Texas Foundations Fund

The 2024 Texas Foundations Fund Draft Guidelines are now available for public comment. A copy of the 2024 Texas Foundations Fund Draft Guidelines may be found on the Corporation's website at [www.tsahc.org](http://www.tsahc.org). Please submit public comment via email to Anna Orendain at [aorendain@tsahc.org](mailto:aorendain@tsahc.org) with the subject line '2024 Texas Foundations Fund Public Comment'. **Public comment must be submitted for consideration by March 22, 2024, at 5:00 p.m.**

TRD-202400709

David Long

President

Texas State Affordable Housing Corporation

Filed: February 20, 2024

## Office of the Attorney General

Texas Water Code and Texas Health and Safety Code  
Settlement Notice

The State of Texas gives notice of the following proposed resolution of an environmental enforcement action under the Texas Health and Safety Code and the Texas Water Code. Before the State may enter into a voluntary settlement agreement, pursuant to section 7.110 of the Texas Water Code, the State shall permit the public to comment in writing. The Attorney General will consider any written comments and may withdraw or withhold consent to the proposed agreement if the comments disclose facts or considerations indicating that consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the law.

Case Title and Court: *Rohm and Haas Co. and The Dow Chemical Co. v. TCEQ v. Rohm and Haas Co. and The Dow Chemical Co., et al.*; Cause No. D-1-GN-19-005136 in the 459th Judicial District Court of Travis County, Texas.

Background: In the late-1950s and 1960s, chemical and petrochemical wastes were disposed on a property located north of the Dickinson city limits in Galveston County. On January 16, 1987, the property was listed on the State Superfund Registry as the Hall Street State Superfund site (the "Site"). In 1993, the TCEQ started the remedial investigation to determine the nature and extent of the contamination at the Site. In 2009, the TCEQ performed a removal action and excavated all waste buried in several waste pits and contaminated soil around the Site. In October 2018, the TCEQ completed the remedial investigation. On July 22, 2019, the TCEQ issued an administrative order Docket No. 2019-0705-SPF (the "Order") naming several responsible parties and seeking reimbursement for response costs incurred by the agency for actions taken at the Site. Third-Party Defendants Jason James Diorio and Melissa Morgan Diorio (the "Diorios") are named as responsible parties in the Order. The Diorios have agreed to reimburse the TCEQ for part of the response costs expended while the litigation against the remaining third-party defendants and counter-defendants continues.

Proposed Agreed Judgment: The parties propose an Agreed Final Judgment which provides for a total monetary contribution of \$39,000 from the Diorios, awarding the TCEQ a total of \$35,000 as reimbursement for its response costs and \$4,000 in attorney's fees.

For a complete description of the proposed settlement, the complete proposed Agreed Final Judgment should be reviewed in its entirety. Requests for copies of the proposed settlement, and written comments on the same, should be directed to Logan Harrell, Assistant Attorney General, Office of the Attorney General of Texas, P.O. Box 12548, MC-066, Austin, Texas 78711-2548, (512) 463-2012, facsimile (512) 320-0911; email: [Logan.Harrell@oag.texas.gov](mailto:Logan.Harrell@oag.texas.gov). Written comments must be received within 30 days of publication of this notice to be considered.

TRD-202400711

Justin Gordon

General Counsel

Office of the Attorney General

Filed: February 20, 2024

## 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, §303.009, and §304.003 Texas Finance Code.

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 02/26/24 - 03/03/24 is 18.00% for consumer<sup>1</sup> credit.

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 02/26/24 - 03/03/24 is 18.00% for commercial<sup>2</sup> credit.

The postjudgment interest rate as prescribed by §304.003 for the period of 03/01/24 - 03/31/24 is 8.50%.

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

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

TRD-202400736

Leslie L. Pettijohn

Commissioner

Office of Consumer Credit Commissioner

Filed: February 21, 2024

## Credit Union Department

Application to Expand Field of Membership

Notice is given that the following applications have been filed with the Credit Union Department (Department) and is under consideration.

An application was received from Texas Dow Employees Credit Union, Lake Jackson, Texas, to expand its field of membership. The proposal would permit members of the Cornerstone Credit Union Foundation

(a/k/a Friends of the Foundation, to be eligible for membership in the credit union.

An application was received from Rally Credit Union, Corpus Christi, Texas, to expand its field of membership. The proposal would permit members of the Texas Consumer Council who live, work, worship, or attend school in the State of Texas.

An application was received from Energy Capital Credit Union, Houston, Texas, to expand its field of membership. The proposal would permit members of the Cornerstone Credit Union Foundation, to be eligible for membership in the credit union.

Comments or a request for a meeting by any interested party relating to an application must be submitted in writing within 30 days from the date of this publication. Credit unions that wish to comment on any application must also complete a Notice of Protest form. The form may be obtained by contacting the Department at (512) 837-9236 or downloading the form at <http://www.cud.texas.gov/page/bylaw-charter-applications>. Any written comments must provide all information that the interested party wishes the Department to consider in evaluating the application. All information received will be weighed during consideration of the merits of an application. Comments or a request for a meeting should be addressed to the Credit Union Department, 914 East Anderson Lane, Austin, Texas 78752-1699.

TRD-202400737  
Michael S. Riepen  
Commissioner  
Credit Union Department  
Filed: February 21, 2024



#### Notice of Final Action Taken

In accordance with the provisions of 7 TAC §91.103, the Credit Union Department provides notice of the final actions taken on the following applications:

Merger or Consolidation - Approved

Priority Postal Credit Union (Pasadena) and Essential Credit Union (Baton Rouge, LA) - See *Texas Register* dated on October 27, 2023.

United Savers Trust Credit Union (Houston) and First Community Credit Union (Houston) - See *Texas Register* on September 29, 2023.

Waconized Federal Credit Union (Waco) and 1st University Credit Union (Waco) - See *Texas Register* on January 26, 2024.

Field of Membership - Withdrawn

Union Square Credit Union #1 (Wichita Falls) - See *Texas Register* dated on December 25, 2020.

Union Square Credit Union #2 (Wichita Falls) - See *Texas Register* dated on December 25, 2020.

Union Square Credit Union #3 (Wichita Falls) - See *Texas Register* dated on December 25, 2020.

Union Square Credit Union #4 (Wichita Falls) - See *Texas Register* dated on December 25, 2020.

Union Square Credit Union #5 (Wichita Falls) - See *Texas Register* dated on December 25, 2020.

Union Square Credit Union #6 (Wichita Falls) - See *Texas Register* dated on December 25, 2020.

Union Square Credit Union #7 (Wichita Falls) - See *Texas Register* dated on December 25, 2020.

Union Square Credit Union #8 (Wichita Falls) - See *Texas Register* dated on December 25, 2020.

TRD-202400735  
Michael S. Riepen  
Commissioner  
Credit Union Department  
Filed: February 21, 2024



## Texas Education Agency

### Correction of Error

*(Editor's note: In accordance with Texas Government Code, §2002.014, which permits the omission of material which is "cumbersome, expensive, or otherwise inexpedient," the figure in this correction is not included in the print version of the Texas Register. The figure is available in the on-line version of the March 1, 2024, issue of the Texas Register.)*

The Texas Education Agency (TEA) proposed an amendment to 19 TAC §97.1001, concerning the accountability rating system, in the February 23, 2024 issue of the *Texas Register* (49 TexReg 951). Due to an error by TEA, the figure included in the rule was incorrect.

The proposed amendment would adopt in the rule applicable excerpts of the 2024 *Accountability Manual* as Figure: 19 TAC §97.1001(b). Chapter 3 of the 2024 *Accountability Manual* should include the table Part A: Academic Growth: Annual Growth Points (STAAR) on page 27. The corrected figure is as follows:

Figure: 19 TAC §97.1001(b)

TRD-202400670  
Cristina De La Fuente-Valadez  
Director, Rulemaking  
Texas Education Agency  
Filed: February 16, 2024



### Notice of Correction Concerning Public Notice Seeking Public Comment on Texas Education Agency's Perkins V State Plan State Determined Performance Levels

The Texas Education Agency (TEA) published Public Notice Seeking Public Comment on Texas Education Agency's Perkins V State Plan State Determined Performance Levels in the February 9, 2024, issue of the *Texas Register* (49 TexReg 737).

TEA is correcting the due date for submitting public comments. Comments must be received by April 9, 2024.

Issued in Austin, Texas, on February 21, 2024.

TRD-202400728  
Cristina De La Fuente-Valadez  
Director, Rulemaking  
Texas Education Agency  
Filed: February 21, 2024



### Public Notice Announcing the Availability of the Proposed Texas Individuals with Disabilities Education Improvement Act of 2004 (IDEA) Eligibility Document: State Policies and Procedures

Purpose and Scope of the Part B Federal Fiscal Year (FFY) 2023 State Application and its Relation to Part B of the Individuals with Disabilities Education Improvement Act of 2004 (IDEA Part B). The Texas Education Agency (TEA) is inviting public comment on its Proposed State Application under IDEA Part B. The annual grant application provides assurances that the state's policies and procedures in effect are consistent with the federal requirements to ensure that a free appropriate public education is made available to all children with a disability from 3 to 21 years of age, including children who have been suspended or expelled from school. 34 Code of Federal Regulations §300.165 requires that states conduct public hearings, ensure adequate notice of those hearings, and provide an opportunity for public comment, including comment from individuals with disabilities and parents of children with disabilities, before adopting policies and procedures.

Availability of the State Application. The Proposed State Application is available on the TEA website at <https://tea.texas.gov/academics/special-student-populations/special-education/programs-and-services/annual-state-application-under-idea-part-b-and-idea-eligibility-documentation>. Instructions for submitting public comments are available from the same site. The Proposed State Application will also be available at the 20 regional education service centers and at the TEA Library (Ground Floor, Room G-102), William B. Travis Building, 1701 North Congress Avenue, Austin, Texas 78701. Parties interested in reviewing the Proposed State Application at the William B. Travis location should contact the TEA Division of Special Education at (512) 463-9414.

Procedures for Submitting Written Comments. TEA will accept written comments pertaining to the Proposed State Application by mail to TEA, Division of Special Education, 1701 North Congress Avenue, Austin, Texas 78701-1494 or by email to [spedrulerule@tea.texas.gov](mailto:spedrulerule@tea.texas.gov).

Participation in Public Hearings. TEA will provide individuals with opportunities to testify on the Proposed State Application and the state's policies and procedures for implementing IDEA Part B on April 11, 2024, and April 12, 2024, between 9:00 a.m. and 11:30 a.m. remotely via Zoom Meeting at the following link: <https://zoom.us/j/98323781182>. The public is invited to make comments at one or both meetings. Parties interested in testifying are encouraged to also include written testimony. Public hearing information is available on the TEA website at <https://tea.texas.gov/academics/special-student-populations/special-education/programs-and-services/annual-state-application-under-idea-part-b-and-idea-eligibility-documentation>.

Timetable for Submitting the State Application. After review and consideration of all public comments, TEA will make necessary or appropriate modifications and will submit the State Application to the U.S. Department of Education on or before May 22, 2024.

For more information, contact the TEA Division of Special Education by mail at 1701 North Congress Avenue, Austin, Texas 78701; by telephone at (512) 463-9414; by fax at (512) 463-9560; or by email at [spedrulerule@tea.texas.gov](mailto:spedrulerule@tea.texas.gov).

Issued in Austin, Texas, on February 21, 2024.

TRD-202400726

Cristina De La Fuente-Valadez

Director, Rulemaking

Texas Education Agency

Filed: February 21, 2024



Public Notice Seeking Public Comment on Texas Education Agency's Perkins V State Plan

The Texas Education Agency (TEA) is inviting public comment on the Perkins V State Plan developed pursuant to the Strengthening Career and Technical Education for the 21st Century Act signed by the president on July 31, 2018. The Perkins V State Plan, as well as instructions for submitting public comments, are available on the TEA website at <https://tea.texas.gov/cte>.

Parties may also review the Perkins V State Plan at the William B. Travis Building, 1701 North Congress Avenue, Austin, Texas 78701, by contacting the TEA Division of College, Career, and Military Preparation at (512) 936-6060.

Procedures for Submitting Written Comments. TEA will accept written comments pertaining to the Perkins V State Plan by mail to the TEA Division of College, Career, and Military Preparation, 1701 North Congress Avenue, Austin, Texas 78701-1494 or by email to [ccmp@tea.texas.gov](mailto:ccmp@tea.texas.gov). Comments must be submitted by Monday, March 31, 2024.

Timetable for Finalizing the Perkins V State Plan After review and consideration of all public comments, TEA will make necessary or appropriate modifications and will post the final Perkins V State Plan on the TEA website at <https://tea.texas.gov/cte>.

For more information, contact the TEA Division of College, Career, and Military Preparation by mail at 1701 North Congress Avenue, Austin, Texas 78701; by telephone at (512) 936-6060; or by email at [ccmp@tea.texas.gov](mailto:ccmp@tea.texas.gov).

Issued in Austin, Texas, on February 21, 2024.

TRD-202400729

Cristina De La Fuente-Valadez

Director, Rulemaking

Texas Education Agency

Filed: February 21, 2024



Request for Applications Concerning the 2024-2025 Charter School Program Grant (Subchapters C and D)

Filing Authority. The availability of grant funds under Request for Applications (RFA) #701-24-111 is authorized by Public Law 114-95, Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act of 2015, Title IV, Part C, Expanding Opportunity Through Quality Charter Schools; Texas Education Code (TEC), Chapter 12; and 19 Texas Administrative Code, Chapter 100, Subchapter AA.

Eligible Applicants. Texas Education Agency (TEA) is requesting applications under RFA #701-24-111 from eligible applicants, which include open-enrollment charter schools that meet the federal definition of a charter school, have never received funds under this grant program, and are one of the following. (1) An open-enrollment charter school campus designated by the commissioner of education, for the 2023-2024, 2024-2025, or 2025-2026 school year, as a high-quality campus pursuant to 19 TAC§100.1033(b)(9) and (13). (2) Open-enrollment charter schools submitting an expansion amendment request and corresponding application for high-quality campus designation for the 2024-2025 or 2025-2026 school year by April 1, 2024, are considered eligible to apply for the grant. However, the commissioner must approve the expansion amendment request and designate the campus as a high-quality campus prior to the charter receiving grant funding, if awarded. (3) An open-enrollment charter school authorized by the commissioner of education under the Generation 28 charter application pursuant to TEC, Chapter 12, Subchapter D, that has never received funds under this grant program. (4) A campus charter school authorized by the local board of trustees pursuant to TEC, Chapter 12,

Subchapter C, on or before April 1, 2024, as a new charter school, or as a charter school that is designed to replicate a new charter school campus, based on the educational model of an existing high-quality charter school, and that submits all required documentation as stated in this RFA. A campus charter school must apply through its public school district, and the application must be signed by the district's superintendent or the appropriate designee.

**Important:** Any charter school that does not open prior to Wednesday, September 3, 2025, after having been awarded grant funds, may be required to forfeit any remaining grant funds, and may be required to reimburse any expended amounts to TEA.

**Description.** The purpose of the Texas Quality Charter Schools Program Grant is to support the growth of high-quality charter schools in Texas, especially those focused on improving academic outcomes for educationally disadvantaged students. This will be achieved through administering the 2024-2025 Charter School Program Grant (Subchapters C and D) to assist eligible applicants in opening and preparing for the operation of newly-authorized charter schools and replicated high-quality schools.

**Dates of Project.** The 2024-2025 Charter School Program Grant (Subchapters C and D) will be implemented during the 2024-2025 and 2025-2026 school years. Applicants should plan for a starting date of no earlier than June 1, 2024, and an ending date of no later than September 30, 2025.

**Project Amount.** Approximately \$11.6 million is available for funding the 2024-2025 Charter School Program Grant (Subchapters C and D). It is anticipated that approximately 12 grants will be awarded up to \$900,000. This project is funded 100% with federal funds.

**Selection Criteria.** Applications will be selected based on the ability of each applicant to carry out all requirements contained in the RFA. Reviewers will evaluate applications based on the overall quality and validity of the proposed grant programs and the extent to which the applications address the primary objectives and intent of the project. Applications must address each requirement as specified in the RFA to be considered for funding. TEA reserves the right to select from the highest-ranking applications those that address all requirements in the RFA.

TEA is not obligated to approve an application, provide funds, or endorse any application submitted in response to this RFA. This RFA does not commit TEA to pay any costs before an application is approved. The issuance of this RFA does not obligate TEA to award a grant or pay any costs incurred in preparing a response.

**Applicants' Conference.** A webinar will be held on Thursday, March 7, 2024, from 9:30 a.m. to 11:00 a.m. Register for the webinar at <https://zoom.us/meeting/register/tJwqdmrD0jH9PLfEstDq1WSd87m67xGmvS>. Questions relevant to the RFA may be emailed to Charlotte Nicklebur at [CharterSchools@tea.texas.gov](mailto:CharterSchools@tea.texas.gov) prior to 12:00 p.m. (noon) (Central Time) on Wednesday, March 6, 2024. These questions, along with other information, will be addressed during the webinar. The applicants' conference webinar will be open to all potential applicants and will provide general and clarifying information about the grant program and the RFA.

**Requesting the Application.** The complete RFA will be posted on the TEA Grant Opportunities web page at <https://tea4avalonzo.tea.state.tx.us/GrantOpportunities/forms/GrantProgramSearch.aspx> for viewing and downloading. In the "Search Options" box, select the name of the RFA from the drop-down list. Scroll down to the "Application and Support Information" section to view and download all documents that pertain to this RFA.

**Further Information.** In order to make sure that no prospective applicant obtains a competitive advantage because of acquisition of information unknown to other prospective applicants, any and all questions must be submitted in writing to [CharterSchools@tea.texas.gov](mailto:CharterSchools@tea.texas.gov), the TEA email address identified in the Program Guidelines of the RFA, no later than 12:00 p.m. (noon) (Central Time) on March 25, 2024. All questions and the written answers thereto will be posted on the TEA Grant Opportunities web page in the format of Frequently Asked Questions (FAQs) by April 01, 2024.

**Deadline for Receipt of Applications.** Applications must be submitted to [competitvegrants@tea.texas.gov](mailto:competitvegrants@tea.texas.gov). Applications must be received no later than 11:59 p.m. (Central Time), April 15, 2024, to be considered eligible for funding.

Issued in Austin, Texas, on February 21, 2024.

TRD-202400727

Cristina De La Fuente-Valadez

Director, Rulemaking

Texas Education Agency

Filed: February 21, 2024

## 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 **April 1, 2024**. 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 **April 1, 2024**. 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: 7461 W. Vickery, LLC; DOCKET NUMBER: 2022-0761-PWS-E; IDENTIFIER: RN101263531; LOCATION: Kennedale, Tarrant County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.117(d)(2)(A), (h), and (i), by failing to collect one lead and copper sample from the facility's

one entry point no later than 180 days after the end of the January 1, 2021 - December 31, 2021, monitoring period during which the lead action level was exceeded, have the samples analyzed, and report the results to the executive director (ED); 30 TAC §290.117(f)(3)(A), by failing to submit a recommendation to the ED for optimal corrosion control treatment within six months after the end of the January 1, 2021 - December 31, 2021, monitoring period during which the lead action level was exceeded; 30 TAC §290.117(g)(2)(A), by failing to submit a recommendation to the ED for source water treatment within 180 days after the end of the January 1, 2021 - December 31, 2021, monitoring period during which the lead action level was exceeded; 30 TAC §290.117(i)(6) and (j), by failing to provide a consumer notification of lead tap water monitoring results to persons served at the sites that were tested, and failing to mail a copy of the consumer notification of tap results to the ED along with certification that the consumer notification has been distributed in a manner consistent with TCEQ requirements for the January 1, 2017 - December 31, 2017 and January 1, 2021 - December 31, 2021, monitoring periods; and 30 TAC §290.122(c)(2)(A) and (f), by failing to issue public notification, accompanied with a signed Certificate of Delivery to the ED regarding the failure to collect lead and copper tap samples at the required five sample sites, have the samples analyzed, and report the results to the ED for the January 1, 2018 - December 31, 2020, monitoring period; PENALTY: \$3,250; ENFORCEMENT COORDINATOR: Ashley Lemke, (512) 239-1118; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(2) COMPANY: Addy's Coffee LLC; DOCKET NUMBER: 2022-1271-PWS-E; IDENTIFIER: RN107735029; LOCATION: Odessa, Ector County; TYPE OF FACILITY: public water system; RULES VIOLATED: 30 TAC §290.106(f)(2) and Texas Health and Safety Code, §341.031(a), by failing to comply with the acute maximum contaminant level of ten milligrams per liter for nitrate; PENALTY: \$5,000; ENFORCEMENT COORDINATOR: Nick Lohret-Froio, (512) 239-4495; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(3) COMPANY: BUCK ENERGY SERVICES L.L.C.; DOCKET NUMBER: 2023-0814-SLG-E; IDENTIFIER: RN107150534; LOCATION: Laredo, Webb County; TYPE OF FACILITY: registered sludge transporter; RULES VIOLATED: 30 TAC §312.143(a) and TWC, §26.121(a)(1), by failing to deposit wastes at a facility designated by or acceptable to the generator where the owner or operator of the business agrees to receive the wastes and the facility has written authorization by permit or registration issued by the Executive Director to receive wastes; PENALTY: \$5,625; ENFORCEMENT COORDINATOR: Cheryl Thompson, (817) 588-5865; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(4) COMPANY: Cooper Home Builders LLC; DOCKET NUMBER: 2023-1022-WQ-E; IDENTIFIER: RN111583753; LOCATION: Jarrell, Williamson County; TYPE OF FACILITY: construction sites; RULES VIOLATED: 30 TAC §281.25(a)(4) and 40 Code of Federal Regulations §122.26(c), by failing to obtain authorization to discharge stormwater associated with construction activities; PENALTY: \$7,745; ENFORCEMENT COORDINATOR: Harley Hobson, (512) 239-1337; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(5) COMPANY: Homestead Enterprises, LLC; DOCKET NUMBER: 2022-0527-PWS-E; IDENTIFIER: RN111418497; LOCATION: Midland, Midland County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.41(c)(3)(A), by failing to submit well completion data for review and approval prior to placing the facility's three public drinking water wells into service; PENALTY: \$6,065;

ENFORCEMENT COORDINATOR: Miles Wehner, (512) 239-2813; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(6) COMPANY: Key Largo Utilities LLC; DOCKET NUMBER: 2022-0715-PWS-E; IDENTIFIER: RN101244481; LOCATION: Freeport, Brazoria County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.122(c)(2)(A) and (f), by failing to provide public notification and submit a copy of the public notification, accompanied with a signed Certificate of Delivery, to the Executive Director regarding the failure to collect lead and copper tap samples for the July 1, 2018 - December 31, 2018, January 1, 2019 - December 31, 2019, and July 1, 2020 - December 31, 2020, monitoring periods, and regarding the failure to conduct water quality parameter sampling for the July 1, 2018 - December 31, 2018, January 1, 2019 - December 31, 2019, and January 1, 2020 - December 31, 2020, monitoring periods; PENALTY: \$6,075; ENFORCEMENT COORDINATOR: Ilia Perez-Ramirez, (713) 767-3743; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(7) COMPANY: Mary Stewart dba Shiloh RV Park; DOCKET NUMBER: 2022-0540-PWS-E; IDENTIFIER: RN103939666; LOCATION: Richmond, Fort Bend County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.39(j)(1)(A) and Texas Health and Safety Code (THSC), §341.0351, by failing to notify the Executive Director prior to making any significant change or addition where the change in the existing distribution system results in an increase or decrease in production, treatment, storage, or pressure maintenance capacity; 30 TAC §290.45(c)(1)(B)(i) and THSC, §341.0315(c), by failing to provide a minimum well capacity of 0.6 gallons per minute (gpm) per unit; 30 TAC §290.45(c)(1)(B)(ii) and THSC, §341.0315(c), by failing to provide a ground storage capacity of 35 gallons per unit; 30 TAC §290.45(c)(1)(B)(iii) and THSC, §341.0315(c), by failing to provide two or more service pumps which have a total capacity of 1.0 gpm per unit; and 30 TAC §290.45(c)(1)(B)(iv) and THSC, §341.0315(c), by failing to provide a pressure tank capacity of ten gallons per unit; PENALTY: \$5,250; ENFORCEMENT COORDINATOR: Samantha Salas, (512) 239-1543; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(8) COMPANY: Sai Arya Laxmi Incorporated dba Corner Mart; DOCKET NUMBER: 2023-0202-PST-E; IDENTIFIER: RN102375664; LOCATION: Mesquite, Dallas County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULES VIOLATED: 30 TAC §334.50(b)(1)(A) and TWC, §26.3475(c)(1), by failing to monitor the underground storage tanks for releases in a manner which will detect a release at a frequency of at least once every 30 days; PENALTY: \$4,500; ENFORCEMENT COORDINATOR: Eunice Adegelu, (512) 239-5082; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(9) COMPANY: SUNNY'S HWY 59 CLEVELAND, INCORPORATED dba Pitstop; DOCKET NUMBER: 2023-0409-PST-E; IDENTIFIER: RN102791530; LOCATION: Cleveland, Liberty County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULES VIOLATED: 30 TAC §334.50(b)(1)(A) and (2) and TWC, §26.3475(a) and (c)(1), by failing to monitor the underground storage tanks (USTs) in a manner which will detect a release at a frequency of at least once every 30 days, and failing to provide release detection for the pressurized piping associated with the UST system; PENALTY: \$3,493; ENFORCEMENT COORDINATOR: Tiffany Chu, (817) 588-5891; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(10) COMPANY: The Colony Municipal Utility District Number 1A; DOCKET NUMBER: 2022-0268-MWD-E; IDENTIFIER:

RN103051827; LOCATION: Bastrop, Bastrop 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 WQ0014427001, Effluent Limitations and Monitoring Requirements Numbers 1 and 6, by failing to comply with permitted effluent limitations; PENALTY: \$45,312; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET AMOUNT: \$45,312; ENFORCEMENT COORDINATOR: Harley Hobson, (512) 239-1337; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(11) COMPANY: Western Refining Terminals, LLC; DOCKET NUMBER: 2024-0175-AIR-E; IDENTIFIER: RN100213016; LOCATION: El Paso, El Paso County; TYPE OF FACILITY: integrated petroleum refinery; RULES VIOLATED: 30 TAC §122.133(2) and §122.241(b) and Texas Health and Safety Code, §382.085(b), by failing to submit a permit renewal application at least six months, but no earlier than 18 months, prior to the expiration of a federal operating permit; PENALTY: \$4,500; ENFORCEMENT COORDINATOR: Christina Ferrara, (512) 239-5081; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

TRD-202400698

Gitanjali Yadav

Deputy Director, Litigation

Texas Commission on Environmental Quality

Filed: February 20, 2024



Amended Combined Notice of Public Meeting and Notice of Application and Preliminary Decision for an Air Quality

Permit Proposed Air Quality Permit Numbers: 167047 and PSDTX1602

**APPLICATION AND PRELIMINARY DECISION.** BM Dorchester LLC, 1008 Southview Circle, Center, Texas 75935-4537, has applied to the Texas Commission on Environmental Quality (TCEQ) for issuance of Proposed Air Quality Permit 167047 and Prevention of Significant Deterioration (PSD) Air Quality Permit PSDTX1602, which would authorize construction of a Portland Cement Plant at the following driving directions: from the intersection of Highway 289 and Highway 902 east of Dorchester head east on Highway 902 for approximately 0.80 miles - the site will be located directly north of Highway 902 after the intersection of Taylor Road, Dorchester, Grayson County, Texas 75459. This application was processed in an expedited manner, as allowed by the commission's rules in 30 Texas Administrative Code, Chapter 101, Subchapter J. This application was submitted to the TCEQ on November 8, 2021. The proposed facility will emit the following air contaminants in a significant amount: carbon monoxide, nitrogen oxides, organic compounds, particulate matter including particulate matter with diameters of 10 microns or less and 2.5 microns or less, sulfur dioxide and sulfuric acid. In addition, the facility will emit the following air contaminants: hazardous air pollutants and lead.

The degree of PSD increment predicted to be consumed by the proposed facility and other increment-consuming sources in the area is as follows:

Sulfur Dioxide

Maximum Averaging Time	Maximum Increment Consumed ( $\mu\text{g}/\text{m}^3$ )	Allowable Increment ( $\mu\text{g}/\text{m}^3$ )
3-hour	12	512
24-hour	4.5	91
Annual	0.3	20

PM<sub>10</sub>

Maximum Averaging Time	Maximum Increment Consumed ( $\mu\text{g}/\text{m}^3$ )	Allowable Increment ( $\mu\text{g}/\text{m}^3$ )
24-hour	29	30
Annual	3	17

Nitrogen Dioxide

Maximum Averaging Time	Maximum Increment Consumed ( $\mu\text{g}/\text{m}^3$ )	Allowable Increment ( $\mu\text{g}/\text{m}^3$ )
Annual	0.4	25

PM<sub>2.5</sub>

Maximum Averaging Time	Maximum Increment Consumed ( $\mu\text{g}/\text{m}^3$ )	Allowable Increment ( $\mu\text{g}/\text{m}^3$ )
24-hour	8.7	9
Annual	2.7	4

The executive director has determined that the emissions of air contaminants from the proposed facility which are subject to PSD review will not violate any state or federal air quality regulations and will not have any significant adverse impact on soils, vegetation, or visibility. All air contaminants have been evaluated, and "best available control technology" will be used for the control of these contaminants.

The executive director has completed the technical review of the application and prepared a draft permit which, if approved, would establish the conditions under which the facility must operate. The permit application, executive director's preliminary decision, draft permit, and the executive director's preliminary determination summary and executive director's air quality analysis, will be available for viewing and copying at the TCEQ central office, the TCEQ Dallas/Fort Worth regional office, and at the Howe Community Library, 315 South Collins Freeway, Howe, Grayson County, Texas, beginning the first day of publication of this notice. The facility's compliance file, if any exists, is available for public review at the TCEQ Dallas/Fort Worth Regional Office, 2309 Gravel Drive, Fort Worth, Texas.

**INFORMATION AVAILABLE ONLINE.** These documents are accessible through the Commission's Web site at [www.tceq.texas.gov/goto/cid](http://www.tceq.texas.gov/goto/cid): the executive director's preliminary decision which includes the draft permit, the executive director's preliminary determination summary, the air quality analysis, and, once available, the executive director's response to comments and the final decision on this application. Access the Commissioners' Integrated Database (CID) using the above link and enter the permit number for this application. The public location mentioned above provides public access to the internet. This link to an electronic map of the site or facility's general location is provided as a public courtesy and not part of the application or notice. For exact location, refer to application. <https://gisweb.tceq.texas.gov/LocationMapper/?marker=-96.689632,33.538174&level=13>.

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

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

**Monday, March 25, 2024, at 7:00 p.m.**

**Hilton Garden Inn Denison/Sherman/At Texoma Event Center  
5015 South US 75**

## **Denison, Texas 75020**

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

**You may submit additional written public comments within 30 days of the date of newspaper publication of this notice or by the date of the public meeting, whichever is later in the manner set forth in the AGENCY CONTACTS AND INFORMATION paragraph below.**

After the deadline for public comment, the executive director will consider the comments and prepare a response to all public comment. **The response to comments, along with the executive director's decision on the application will be mailed to everyone who submitted public comments or is on a mailing list for this application.**

**OPPORTUNITY FOR A CONTESTED CASE HEARING.** A contested case hearing is a legal proceeding similar to a civil trial in a state district court. **A person who may be affected by emissions of air contaminants from the facility is entitled to request a hearing. A contested case hearing request must include the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number; (2) applicant's name and permit number; (3) the statement "I/we request a contested case hearing;" (4) a specific description of how you would be adversely affected by the application and air emissions from the facility in a way not common to the general public; (5) the location and distance of your property relative to the facility; (6) a description of how you use the property which may be impacted by the facility; and (7) a list of all disputed issues of fact that you submit during the comment period. If the request is made by a group or association, one or more members who have standing to request a hearing must be identified by name and physical address. The interests the group or association seeks to protect must also be identified. You may also submit your proposed adjustments to the application/permit which would satisfy your concerns. Requests for a contested case hearing must be submitted in writing within 30 days following this notice to the Office of the Chief Clerk, at the address provided in the information section below.**

A contested case hearing will only be granted based on disputed issues of fact or mixed questions of fact and law that are relevant and material to the Commission's decisions on the application. The Commission may only grant a request for a contested case hearing on issues the requestor submitted in their timely comments that were not subsequently withdrawn. Issues that are not submitted in public comments may not be considered during a hearing.

**EXECUTIVE DIRECTOR ACTION.** If a timely contested case hearing request is not received or if all timely contested case hearing requests are withdrawn, the executive director may issue final approval of the application. The response to comments, along with the executive director's decision on the application will be mailed to everyone who submitted public comments or is on a mailing list for this application, and will be posted electronically to the CID. If any timely hearing requests are received and not withdrawn, the executive director will not issue final approval of the permit and will forward the application and requests to the Commissioners for their consideration at a scheduled commission meeting.

**MAILING LIST.** You may ask to be placed on a mailing list to obtain additional information on this application by sending a request to the Office of the Chief Clerk at the address below.

**AGENCY CONTACTS AND INFORMATION.** Public comments and requests must be submitted either electronically at [www14.tceq.texas.gov/epic/eComment/](http://www14.tceq.texas.gov/epic/eComment/), or in writing to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC-105, P.O. Box 13087, Austin, Texas 78711-3087. Please be aware that any contact information you provide, including your name, phone number, email address and physical address will become part of the agency's public record. For more information about this permit application or the permitting process, please call the Public Education Program toll free at (800) 687-4040. Si desea información en español, puede llamar al (800) 687-4040.

Further information may also be obtained from BM Dorchester LLC at the address stated above or by calling Mr. Michael Meister, Trinity Consultants at (361) 883-1668.

Amended Notice Issuance Date: February 12, 2024

TRD-202400755

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: February 21, 2024



### Amended Notice of Public Meeting Air Permit Renewal Permit Number 55353

**APPLICATION.** Martin Marietta Materials Southwest, LLC, has applied to the Texas Commission on Environmental Quality (TCEQ) for renewal of Air Quality Permit Number 55353, which would authorize continued operation of a Rock Crushing Facility located at 3600 Schalker Drive, Houston, Harris County, Texas 77026. **AVISO DE IDIOMA ALTERNATIVO.** El aviso de idioma alternativo en español está disponible en <https://www.tceq.texas.gov/permitting/air/newsocereview/airpermits-pendingpermit-apps>. This link to an electronic map of the site or facility's general location is provided as a public courtesy and not part of the application or notice. For exact location, refer to application.

<https://gisweb.tceq.texas.gov/LocationMapper/?marker=-95.346378,29.798115&level=15>. The existing facility is authorized to emit the following air contaminants: particulate matter including particulate matter with diameters of 10 microns or less and 2.5 microns or less. This application was submitted to the TCEQ on July 17, 2023.

The executive director has determined the application is administratively complete and will conduct a technical review of the application. Information in the application indicates that this permit renewal would not result in an increase in allowable emissions and would not result in the emission of an air contaminant not previously emitted. **The TCEQ may act on this application without seeking further public comment or providing an opportunity for a contested case hearing if certain criteria are met.**

**PUBLIC COMMENT/PUBLIC MEETING.** You may submit public comments to the Office of the Chief Clerk at the address below. The TCEQ will consider all public comments in developing a final decision on the application. A public meeting will be held and will consist of two parts, an Informal Discussion Period and a Formal Comment Period. A public meeting is not a contested case hearing under the Administrative Procedure Act. During the Informal Discussion Period, the public will be encouraged to ask questions of the applicant and TCEQ staff concerning the permit application. The comments and questions submitted orally during the Informal Discussion Period will not be considered before a decision is reached on the permit application, and no formal response will be made. Responses will be provided

orally during the Informal Discussion Period. During the Formal Comment Period on the permit application, members of the public may state their formal comments orally into the official record. At the conclusion of the comment period, all formal comments will be considered before a decision is reached on the permit application. A written response to all formal comments will be prepared by the executive director and will be sent to each person who submits a formal comment or who requested to be on the mailing list for this permit application and provides a mailing address. Only relevant and material issues raised during the Formal Comment Period can be considered if a contested case hearing is granted on this permit application.

### The Public Meeting is to be held:

**Tuesday, March 19, 2024 at 6:00 p.m.**

**Ross (Betsy) Elementary School**

**2819 Bay Street**

**Houston, Texas 77026**

**INFORMATION.** Members of the public are encouraged to submit written comments anytime during the public meeting or by mail before the close of the public comment period to the Office of the Chief Clerk, TCEQ, Mail Code MC-105, P.O. Box 13087, Austin, Texas 78711-3087 or electronically at <https://www14.tceq.texas.gov/epic/eComment/>. If you need more information about the permit application or the permitting process, please call the TCEQ Public Education Program, toll free, at (800) 687-4040. General information can be found at our Web site at [www.tceq.texas.gov](http://www.tceq.texas.gov). Si desea información en español, puede llamar al (800) 687-4040.

**INFORMATION AVAILABLE ONLINE.** For details about the status of the application, visit the Commissioners' Integrated Database (CID) at [www.tceq.texas.gov/goto/cid](http://www.tceq.texas.gov/goto/cid). Once you have access to the CID using the link, enter the permit number at the top of this form..

The application will be available for viewing and copying at the TCEQ central office, TCEQ Houston regional office, and the Carnegie Neighborhood Library and Center for Learning, 1050 Quitman Street, Houston, Harris County, Texas. The facility's compliance file, if any exists, is available for public review in the Houston regional office of the TCEQ.

Further information may also be obtained from Martin Marietta Materials Southwest, LLC, 1503 LBJ Freeway, Suite 400, Dallas, Texas 75234-6007 or by calling Ms. Kelsey Worley, Environmental Engineer at (346) 323-1675.

Persons with disabilities who need special accommodations at the meeting should call the Office of the Chief Clerk at (512) 239-3300 or 1-800-RELAY-TX (TDD) at least five business days prior to the meeting.

Notice Issuance Date: February 15, 2024

TRD-202400748

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: February 21, 2024



Combined Notice of Public Meeting and Notice of Application and Preliminary Decision for TPDES Permit for Municipal Wastewater Amendment Permit No. WQ0015738001



**APPLICATION AND PRELIMINARY DECISION.** Plum Creek Caldwell, LP, 1909 Woodall Rodgers Freeway, Suite 300, Dallas, Texas 75201, has applied to the Texas Commission on Environmental Quality (TCEQ) for a major amendment to Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0015738001 to authorize an increase in the discharge of treated domestic wastewater from an daily average flow not to exceed 160,000 gallons per day (gpd) to an annual average flow not to exceed 3,080,000 gpd. TCEQ received this application on March 23, 2023.

The facility will be located approximately 600 feet south of the intersection of Dickerson Road and State Highway 80, in Caldwell County, Texas 78655. The treated effluent will be discharged to Dickerson Creek, thence to Lower San Marcos River in Segment No. 1808 of the Guadalupe River Basin. The unclassified receiving water use is limited aquatic life use for Dickerson Creek. The designated uses for Segment No. 1808 are primary contact recreation, public water supply, and high aquatic life use. In accordance with 30 Texas Administrative Code §307.5 and TCEQ's *Procedures to Implement the Texas Surface Water Quality Standards* (June 2010), an antidegradation review of the receiving waters was performed. A Tier 1 antidegradation review has preliminarily determined that existing water quality uses will not be impaired by this permit action. Numerical and narrative criteria to protect existing uses will be maintained. This review has preliminarily determined that no water bodies with exceptional, high, or intermediate aquatic life uses are present within the stream reach assessed; therefore, no Tier 2 degradation determination is required. No significant degradation of water quality is expected in water bodies with exceptional, high, or intermediate aquatic life uses downstream, and existing uses will be maintained and protected. The preliminary determination can be reexamined and may be modified if new information is received. This link to an electronic map of the site or facility's general location is provided as a public courtesy and is not part of the application or notice. For the exact location, refer to the application.

<https://gisweb.tceq.texas.gov/LocationMapper/?marker=-97.801666,29.813055&level=18>

The TCEQ Executive Director has completed the technical review of the application and prepared a draft permit. The draft permit, if approved, would establish the conditions under which the facility must operate. The Executive Director has made a preliminary decision that this permit, if issued, meets all statutory and regulatory requirements. The permit application, Executive Director's preliminary decision, and draft permit are available for viewing and copying at Dr. Eugene Clark Library, 217 South Main Street, Lockhart.

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

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

The purpose of a public meeting is to provide the opportunity to submit comments or to ask questions about the application. A public meeting will be held and will consist of two parts, an Informal Discussion Period and a Formal Comment Period. A public meeting is not a contested case hearing under the Administrative Procedure Act. During the Informal Discussion Period, the public will be encouraged to ask questions of the applicant and TCEQ staff concerning the permit application. The comments and questions submitted orally during the

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

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

**Tuesday, March 26, 2024 at 7:00 p.m.**

**Lockhart Evening Lions Club**

**220 Bufkin Lane**

**Lockhart, Texas 78644**

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

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

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

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

The Commission may only grant a request for a contested case hearing on issues the requestor submitted in their timely comments that were not subsequently withdrawn. **If a hearing is granted, the subject of a**

**hearing will be limited to disputed issues of fact or mixed questions of fact and law relating to relevant and material water quality concerns submitted during the comment period.**

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

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

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

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

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

Further information may also be obtained from Plum Creek Caldwell, LP at the address stated above or by calling Mr. Chris Vela, P.E., Kimberly-Horn and Associates, at (817) 339-2299.

Issuance Date: February 09, 2024

TRD-202400744

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: February 21, 2024



**Enforcement Orders**

An agreed order was adopted regarding Clean Harbors Deer Park, LLC, Docket No. 2018-1539-IHW-E on February 21, 2024 assessing \$108,619 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Casey Kurnath, 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 City of Lufkin, Docket No. 2020-1536-MWD-E on February 21, 2024 assessing \$6,000 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Mark Gamble, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding City of Henderson, Docket No. 2021-0992-MWD-E on February 21, 2024 assessing \$26,000 in administrative penalties with \$5,200 deferred. Information concerning any aspect of this order may be obtained by contacting Madison Stringer, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding City of Beeville, Docket No. 2021-1036-MWD-E on February 21, 2024 assessing \$12,375 in administrative penalties with \$2,475 deferred. Information concerning any aspect of this order may be obtained by contacting Alejandro Laje, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A default order was adopted regarding Texas Concrete Sand and Gravel, Inc., Docket No. 2021-1362-WQ-E on February 21, 2024 assessing \$10,075 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Taylor Pearson, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Ursula Retail, LLC dba Pump N Shop 12, Docket No. 2021-1579-PST-E on February 21, 2024 assessing \$13,152 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Casey Kurnath, 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 Shiloh Retail, LLC dba Pump N Shop 33, Docket No. 2021-1581-PST-E on February 21, 2024 assessing \$21,027 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Casey Kurnath, 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 San Dario Retail, LLC dba Pump N Shop 15, Docket No. 2021-1582-PST-E on February 21, 2024 assessing \$10,527 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Casey Kurnath, 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 Chaparral Property Services, LLC fka MB Chaparral, LLC, Docket No. 2022-0090-OSS-E on February 21, 2024 assessing \$8,800 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Taylor Pack Ellis, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A default order was adopted regarding Matthew Havard, Docket No. 2022-0267-MSW-E on February 21, 2024 assessing \$7,875 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Jennifer Peltier, 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 Stoney River Ranch, LLC dba Wise Topsoil and Gravel, Docket No. 2022-0336-MLM-E on February 21, 2024 assessing \$16,232 in administrative penalties with \$3,246 deferred. Information concerning any aspect of this order may be obtained by contacting Eresha DeSilva, 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 Upper Leon River Municipal Water District, Docket No. 2022-0647-MWD-E on February 21, 2024 assessing \$10,875 in administrative penalties with \$2,175 deferred. Information concerning any aspect of this order may be obtained by contacting Megan Crinklaw, 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 Circle 7 Dairy LLC and GRAND CANYON DAIRY LLC, Docket No. 2022-0651-AGR-E on February 21, 2024 assessing \$18,313 in administrative penalties with \$3,662 deferred. Information concerning any aspect of this order may be obtained by contacting Mistie Gonzales, 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 Polasek Development, LLC, Docket No. 2022-0718-WQ-E on February 21, 2024 assessing \$9,475 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Marilyn Norrod, 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 King Limited Liability Company and KEV King Limited Liability Company, Docket No. 2022-0967-PWS-E on February 21, 2024 assessing \$7,503 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Marilyn Norrod, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A default order was adopted regarding Zuly Rondon dba Texas Star Trucks, Docket No. 2022-1042-MSW-E on February 21, 2024 assessing \$2,625 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Jennifer Peltier, 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 N. Mays Georgetown Owner, LLC, Docket No. 2022-1494-EAQ-E on February 21, 2024 assessing \$19,500 in administrative penalties with \$3,900 deferred. 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 City of Marquez, Docket No. 2023-0519-MWD-E on February 21, 2024 assessing \$24,338 in administrative penalties with \$4,867 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.

TRD-202400754

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: February 21, 2024



#### Notice of Correction to Agreed Order Number 1

In the February 16, 2024, issue of the *Texas Register* (49 TexReg 893), the Texas Commission on Environmental Quality (commission) published notice of a Default Order, specifically Item Number 1, for Ray-

mond Lemons, Sr. and Gaynell Lemons; Docket Number 2021-1300-MSW-E. The error is as submitted by the commission.

The reference to the location should be corrected to read: "3603 North Country Road 2760, Lubbock, Lubbock County"

For questions concerning the error, please contact Taylor Pack Ellis at (512) 239-6860.

TRD-202400705

Gitanjali Yadav

Deputy Director, Litigation

Texas Commission on Environmental Quality

Filed: February 20, 2024



#### Notice of Correction to Agreed Order Number 4

In the February 9, 2024, issue of the *Texas Register* (49 TexReg 738), the Texas Commission on Environmental Quality (commission) published notice of Agreed Orders, specifically Item Number 4, for City of Kerrville; Docket Number 2021-0795-WQ-E. The error is as submitted by the commission.

The reference to the Docket Number should be corrected to read: "2021-0795-MLM-E."

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

TRD-202400699

Gitanjali Yadav

Deputy Director, Litigation

Texas Commission on Environmental Quality

Filed: February 20, 2024



#### Notice of Correction to Agreed Order Number 13

In the October 20, 2023, issue of the *Texas Register* (48 TexReg 6236), the Texas Commission on Environmental Quality (commission) published notice of Agreed Orders, specifically Item Number 13, for WIMBERLEY SPRINGS PARTNERS LTD; Docket Number 2023-0154-MLM-E. The error is as submitted by the commission.

The reference to the first set of rules violated should be corrected to reference: "30 TAC §213.23(i) and Edwards Aquifer Protection Plan (EAPP) Number 11-08030301, Special Conditions Number IV."

The reference to the second set of rules violated should be corrected to remove: "TWC, §26.121."

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

TRD-202400700

Gitanjali Yadav

Deputy Director, Litigation

Texas Commission on Environmental Quality

Filed: February 20, 2024



#### Notice of District Petition

Notice issued February 8, 2024

TCEQ Internal Control No. D-12152023-020 HFI Celina Realty, LLC, a Texas limited liability company, (Petitioner) filed a petition for creation of Rainwater Crossing Municipal Management District of Collin County (District) with the Texas Commission on Environmental Qual-

ity (TCEQ). The petition was filed pursuant to Article XVI, § 59, and Article III, §§ 52 and 52(a) of the Texas Constitution, Chapter 375, Texas Local Government Code and Chapter 49, Texas Water Code, and the procedural rules of the TCEQ. The petition states that: (1) the Petitioner holds title to a majority in value of the land to be included in the proposed District; (2) there is one lienholder, Heritage Land Bank, FLCA, on the property to be included in the proposed District and information provided indicates the aforementioned entity consents to the creation of the proposed District; (3) the proposed District will contain approximately 640.575 acres located within Collin County, Texas; and (4) the land within the proposed District is wholly within the corporate limits of City of Celina, Texas. By Resolution No. 2023-66R, duly resolved on September 12, 2023, the Celina, Texas, gave its consent to the creation of the proposed District, pursuant to Texas Water Code §54.016. The petition further states that the proposed District will: (1) purchase, construct, acquire, improve, or extend inside or outside of its boundaries any and all works, improvements, facilities, plants, equipment, and appliances necessary or helpful to supply and distribute water for municipal, domestic, industrial and commercial purposes; (2) collect, transport, process, dispose of and control domestic, industrial and commercial wastes; (3) gather, conduct, divert, abate, amend and control local storm water or other local harmful excesses of water in the proposed District; (4) design, acquire, construct, finance, improve, operate, and maintain macadamized, graveled, or paved roads, or improvements in aid of those roads; and, (5) purchase, construct, acquire, improve, or extend inside or outside of its boundaries such additional facilities, systems, plants 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 Petitioners that the cost of said project will be approximately \$132,395,000 (\$91,485,000 for water, wastewater, and drainage plus \$40,910,000 for roads).

#### INFORMATION SECTION

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

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

bers 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-202400745

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: February 21, 2024



#### Notice of District Petition

Notice issued February 8, 2024

TCEQ Internal Control No. D-11022023-008; 45 Tiemann 109, LLC, a Texas limited liability company (Petitioner), filed a petition (petition) for the creation of Fort Bend County Municipal Utility District No. 259 (District) with the Texas Commission on Environmental Quality (TCEQ). The petition was filed pursuant to Article XVI, § 59 of the Constitution of the State of Texas; Chapters 49 and 54 of the Texas Water Code; 30 Texas Administrative Code Chapter 293; and the procedural rules of the TCEQ. The petition states that: (1) the Petitioner holds title to a majority in value of the land to be included in the proposed District; (2) there is one lienholder, b1Bank, Inc., a Louisiana state chartered bank, successor by merger to Citizens Bank, N.A, on the property to be included in the proposed District and the aforementioned entity has consented to the creation of the district; (3) the proposed District will contain approximately 107.0 acres of land located within Fort Bend County, Texas; and (4) a portion of the land to be included within the proposed district is located within the extraterritorial jurisdiction of the Village of Fairchilds, Texas (Village). The petition further states that the work to be done by the proposed District at the present time is to purchase, construct, acquire, provide, operate, maintain, repair, improve, or extend inside or outside of its boundaries any and all works, improvements, facilities, plants, equipment, and appliances necessary or helpful to supply and distribute water for municipal, domestic, industrial, or commercial purposes or provide adequate drainage for the District; to collect, transport, process, dispose of and control domestic, industrial, or commercial wastes; to gather, conduct, divert, abate, amend, and control local storm water or other local harmful excesses of water in the District; and to purchase, construct, acquire, provide, operate, maintain, repair, improve, or extend inside or outside of its boundaries such additional facilities, systems, plants, and enterprises as shall be consistent with the purposes for which the District is created, all as more particularly described in an engineer's report filed simultaneously with the filing of this Petition, to which reference is made for a more detailed description. Additional work and services which may be performed by the District include the purchase, construction, acquisition, provision, operation, maintenance, repair, improvement, extension and development of a roadway system for the District. According to the petition, a preliminary investigation has been made to determine the cost of the project, and it is estimated by the Petitioner that the cost of said project will be approximately \$21,400,000. The financial analysis in the application was based on an estimated \$11,600,000 (\$5,490,000 for water, wastewater, and drainage plus \$3,980,000 for roads and 2,130,000 for recreational facilities) at the time of submittal. In accordance with Local Government Code § 42.042 and Texas Water Code § 54.016, a petition was submitted to the Village, requesting the Village's consent to the creation of the District. After more than 90 days passed without receiving consent, a petition was submitted to the Village to provide water and sewer services to the District. The 120-day period for reaching a mutually agreeable contract as established by the Texas Water Code § 54.016(c) expired and information provided in-

dicates that the Petitioners and the Village have not executed a mutually agreeable contract for service. Pursuant to Texas Water Code § 54.016(d), failure to execute such an agreement constitutes authorization for the Petitioners to proceed to the TCEQ for inclusion of the land into the District.

#### INFORMATION SECTION

To view the complete issued notice, view the notice on our web site at [www.tceq.texas.gov/agency/cc/pub\\_notice.html](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-202400746

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: February 21, 2024



#### Notice of District Petition

Notice issued February 8, 2024

TCEQ Internal Control No. D-12272023-031; Preston 56, L.P., a Texas limited partnership (Petitioner), filed a petition for the creation of Preston Road Municipal Utility District of Grayson County (District) with the Texas Commission on Environmental Quality (TCEQ). The petition was filed pursuant to Article III, § 52 and Article XVI, § 59 of the Constitution of the State of Texas; Chapters 49 and 54 of the Texas Water Code; 30 Texas Administrative Code Chapter 293; and the procedural rules of the TCEQ. The petition states that: (1) the Petitioner holds title to a majority of the assessed value of the real property 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 295.131 acres located within

Grayson County, Texas; and (4) the land within the proposed District is located within the extraterritorial jurisdiction of the City of Southmayd (City). 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 necessary or helpful to supply and distribute water for municipal, domestic, and commercial purposes; (2) collect, transport, process, dispose of and control domestic and commercial wastes; (3) gather, conduct, divert, abate, amend and control local storm water or other local harmful excesses of water in the proposed 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) purchase, construct, acquire, improve, or extend inside or outside of its boundaries such additional facilities, systems, plants, 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 that the cost of said project will be approximately \$51,980,000. It is noted that application material provided indicates that the cost of said project will be approximately \$48,980,000 (\$42,025,000 for water, wastewater, and drainage plus \$6,955,000 for roads). In accordance with Local Government Code § 42.042 and Texas Water Code § 54.016, the Petitioner submitted a petition to the City, requesting the City's consent to the creation of the District. After more than 90 days passed without receiving consent, the Petitioner submitted a petition to the City to provide water and sewer services to the District. The 120-day period for reaching a mutually agreeable contract as established by the Texas Water Code § 54.016(c) expired and information provided indicates that the Petitioner and the City have not executed a mutually agreeable contract for service. Pursuant to Texas Water Code § 54.016(d), failure to execute such an agreement constitutes authorization for the Petitioner to proceed to the TCEQ for inclusion of the land into the District.

#### INFORMATION SECTION

To view the complete issued notice, view the notice on our web site at [www.tceq.texas.gov/agency/cc/pub\\_notice.html](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-202400747

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: February 21, 2024



## Notice of District Petition

Notice issued February 14, 2024

TCEQ Internal Control No. D-10062023-008 Circle S Midlothian, LLC, a Texas limited liability company, (Petitioner) filed a petition for the creation of Circle S West Municipal Utility District of Ellis County (District) with the Texas Commission on Environmental Quality (TCEQ). The petition was filed pursuant to Article XVI, § 59 of the Constitution of the State of Texas; Chapters 49 and 54 of the Texas Water Code; 30 Texas Administrative Code Chapter 293; and the procedural rules of the TCEQ. The petition states that: (1) the Petitioner holds title to a majority in value of the land to be included in the proposed District; (2) there is one lienholder, AgTexas Farm Credit Services, on the property to be included in the proposed District and the aforementioned entity has consented to the creation of the District; (3) the proposed District will contain approximately 584.0 acres of land, more or less, located within Ellis County, Texas; and (4) all of the land to be included within the proposed District is within the extraterritorial jurisdiction of the City of Midlothian (City) and is not located within the corporate limits of any city or town. The petition further states that the proposed District will: (1) construct, maintain, and operate a waterworks system, including the purchase and sale of water, for domestic and commercial purposes; (2) construct, maintain, and operate a sanitary sewer collection, treatment, and disposal system, for domestic and commercial purposes; (3) construct, install, maintain, purchase, and operate drainage and roadway facilities and improvements; and (4) construct, install, maintain, purchase, and operate such additional facilities, systems, plants, and enterprises as shall be consonant with the purposes for which the District is created. It further states that the planned residential and commercial development of the area and the present and future inhabitants of the area will be benefited by the above-referenced work, which will promote the purity and sanitary condition of the State's waters and the public health and welfare of the community. According to the petition, a preliminary investigation has been made to determine the cost of the project, and it is estimated by the Petitioner, from the information available at this time, that the cost of said project will be approximately \$102,800,000 (\$74,400,000 for water, wastewater, and drainage facilities and \$28,400,000 for road facilities).

### 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-202400750

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: February 21, 2024



## Notice of District Petition

Notice issued February 15, 2024

TCEQ Internal Control No. D-10272023-040; Sherman G. Wyman Living Trust, (Petitioner) filed a petition for creation of Twin Creeks Municipal Utility District No. 1 of Fannin County (District) with the Texas Commission on Environmental Quality (TCEQ). The petition was filed pursuant to Article XVI, §59 of the Constitution of the State of Texas; Chapters 49 and 54 of the Texas Water Code; 30 Texas Administrative Code Chapter 293; and the procedural rules of the TCEQ. The petition states that: (1) the Petitioner holds title to a majority in value of the land to be included in the proposed District; (2) there are no lienholders on the property to be included in the proposed District; (3) the proposed District will contain approximately 933 acres located within Fannin County, Texas; and (4) the land within the proposed District is located outside the corporate limits and extraterritorial jurisdiction of any city. 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 necessary or helpful to supply and distribute water for municipal, domestic, and commercial purposes; (2) collect, transport, process, dispose of and control domestic, and commercial wastes; (3) gather, conduct, divert, abate, amend, and control local storm water or other local harmful excesses of water in the proposed 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) purchase, construct, acquire, improve, or extend inside or outside of its boundaries such additional facilities, systems, plants, and enterprises as shall be consonant with all of the purposes for which the proposed District is created. According to the petition, a preliminary investigation has been made to determine the cost of the project, and it is estimated by the Petitioners that the

cost of said project will be approximately \$114,585,000 (\$86,785,000 for water, wastewater, and drainage and \$27,800,000 for roads).

#### INFORMATION SECTION

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

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

TRD-202400751

Laurie Gharis  
Chief Clerk

Texas Commission on Environmental Quality  
Filed: February 21, 2024



#### Notice of Informational Meeting for an Air Quality Standard Permit for Permanent Rock and Concrete Crushers Proposed Air Quality Registration Number 174388

**APPLICATION.** Dry Creek Materials LLC, 5221 Interstate 30 W, Caddo Mills, Texas 75135-7641 has applied to the Texas Commission on Environmental Quality (TCEQ) for an Air Quality Standard Permit, Registration Number 174388, which would authorize construction of a permanent rock and concrete crusher. The facility is proposed to be located at 4310 W Texas Highway 276, Quinlan, Hunt County, Texas 75474. This link to an electronic map of the site or facility's general location is provided as a public courtesy and not part of the application or notice. For exact location, refer to application. <https://gisweb.tceq.texas.gov/LocationMapper/?marker=-96.224506,32.913194&level=13>. This application was submitted to the TCEQ on October 20, 2023. The executive director has determined the application was technically complete on November 30, 2023.

**CENTRAL/REGIONAL OFFICE.** The application will be available for viewing and copying at the TCEQ Central Office and the TCEQ Dallas/Fort Worth Regional Office, located at 2309 Gravel Dr, Fort Worth, Texas 76118-6951, during the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday.

**INFORMATIONAL MEETING.** The TCEQ will conduct an informational meeting to answer questions and discuss the application. Formal comments will not be taken at the informational meeting. The meeting will be held:

**Thursday, March 21, 2024 at 7:00 p.m.**

**Ford High School Auditorium**

**10064 State Highway Spur 264**

**Quinlan, Texas 75474**

**INFORMATION.** Public written comments about this application may be submitted at any time during the public comment period. The public comment period ends on March 21, 2024, at the end of the informational meeting. Public comments may be submitted either in writing to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC-105, P.O. Box 13087, Austin, Texas 78711-3087, or electronically at [www14.tceq.texas.gov/epic/eComment/](http://www14.tceq.texas.gov/epic/eComment/). Please be aware that any contact information you provide, including your name, phone number, email address and physical address will become part of the agency's public record.

For more information about this permit application or the permitting process, please call the Public Education Program toll free at (800) 687-4040. General information can be found at our web site at [www.tceq.texas.gov](http://www.tceq.texas.gov). Si desea información en español, puede llamar al (800) 687-4040.

Further information may also be obtained from Dry Creek Materials LLC, 5221 Interstate 30 W, Caddo Mills, Texas 75135-7641, or by calling Mr. Aaron Hertz, Environmental Consultant at (512) 709-4251.

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

Notice Issuance Date: February 15, 2024

TRD-202400749

Laurie Gharis  
Chief Clerk

Texas Commission on Environmental Quality  
Filed: February 21, 2024



#### Notice of Opportunity to Request a Public Meeting for a Development Permit Application for Construction Over a Closed Municipal Solid Waste Landfill

Notice mailed on February 16, 2024 Proposed Permit No. 62052

Application. Power Tech Electrical Sales, Inc. has applied to the Texas Commission on Environmental Quality (TCEQ) for a development permit for construction over a closed municipal solid waste landfill (Proposed Permit No. 62052). The proposed development concerns a tract of land consisting of 4.4 acres located at 2620 Hardrock Road, Grand Prairie in Dallas County, Texas. This application would authorize soil disturbance and the construction and operations of an enclosed structure/building over a closed municipal solid waste landfill. Power Tech Electrical Sales, Inc. is proposing to develop an office and storage facility consisting of 55,147 square feet of building

area. The proposed structure will include measures for methane ventilation and monitoring. The development permit application is available for viewing and copying at Grand Prairie Public Library at 901 Conover Drive, Grand Prairie, Texas. The permit application may be viewed online at <https://fileshare.eikoncg.com/fl/9qtI055yoL>. The following link to an electronic map of the site or facility's general location is provided as a public courtesy and is not part of the application or notice: <https://arcg.is/0G5K1D>. For exact location, refer to application. Alternative Language Notice/Aviso de Idioma Alternativo. Alternative language notice in Spanish is available at [www.tceq.texas.gov/goto/mswapps](http://www.tceq.texas.gov/goto/mswapps). El aviso de idioma alternativo en español está disponible en [www.tceq.texas.gov/goto/mswapps](http://www.tceq.texas.gov/goto/mswapps).

**Public Comment/Public Meeting.** You may submit public comments or request a public meeting on this application to the Office of Chief Clerk at the address included in the information section below. TCEQ will hold a public meeting if the executive director determines that there is a significant degree of public interest in the application or if requested by a local legislator. The purpose of the public meeting is for the public to provide input for consideration by the commission, and for the applicant and the commission staff to provide information to the public. A public meeting is not a contested case hearing. The comment period shall begin on the date this notice is published and end 30 calendar days after this notice is published. The comment period shall be extended to the close of any public meeting. The executive director is not required to file a response to comments. If a public meeting is to be held, a public notice shall be published in a newspaper that is generally circulated in the county in which the proposed development is located. All the individuals on the adjacent landowners list shall also be notified at least 15 calendar days prior to the meeting.

**Executive Director Action.** The executive director shall, after review of the application, issue his decision to either approve or deny the development permit application. Notice of decision will be mailed to the owner and to each person that requested notification of the executive director's decision.

**Information Available Online.** For details about the status of the application, visit the Commissioners' Integrated Database (CID) at [www.tceq.texas.gov/goto/cid](http://www.tceq.texas.gov/goto/cid). Once you have access to the CID using the above link, enter the permit number for this application, which is provided at the top of this notice. Agency Contacts and Information. All public comments, requests, and petitions must be submitted either electronically at <http://www14.tceq.texas.gov/epic/eComment/> or in writing to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC-105, P.O. Box 13087, Austin, Texas 78711-3087. Please be aware that any contact information you provide, including your name, phone number, email address and physical address will become part of the agency's public record. For more information about this permit application or the permitting process, please call the TCEQ's Public Education Program, Toll Free, at (800) 687-4040 or visit their website at [www.tceq.texas.gov/goto/pep](http://www.tceq.texas.gov/goto/pep). Si desea información en español, puede llamar al (800) 687-4040. Further information may also be obtained from Power Tech Electrical Sales, Inc. at the mailing address 8920 North Royal Lane, Irving, Texas 75063 or by calling Mark Johnston at (972) 421- 0871.

TRD-202400752  
Laurie Gharis  
Chief Clerk  
Texas Commission on Environmental Quality  
Filed: February 21, 2024

◆ ◆ ◆  
Notice of Water Quality Application

The following notice was issued on February 20, 2024:

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

The Texas Commission on Environmental Quality has initiated a minor amendment of Texas Pollutant Discharge Elimination System Permit No. WQ0004414000 (EPA I.D. No. TX0124842), held by the City of Austin, 721 Barton Springs Road, Austin, Texas 78704, which operates the Nacogdoches Generating Facility, a wood-fired steam electric power generation plant, to correct the codes listed in items 3.c.1 and 3.c.2 of the 48-hour acute biomonitoring requirements and item 3.c.1 in the 24-hour acute biomonitoring requirements. The draft permit authorizes the discharge of cooling tower blowdown and previously monitored effluent (low-volume waste and contact stormwater on an intermittent and flow-variable basis via internal Outfall 101) at a daily average flow not to exceed 1,750,000 gallons per day via Outfall 001. The facility is located at 499 County Road 988, near the City of Cushing, Nacogdoches County, Texas 75760.

TRD-202400753  
Laurie Gharis  
Chief Clerk  
Texas Commission on Environmental Quality  
Filed: February 21, 2024

## ◆ ◆ ◆ Department of State Health Services

Public Hearing to Receive Comments on Proposed  
EMS-Trauma Rules

March 8, 2024

1:00 p.m.

Public Hearing Site:

Texas Department of State Health Services

Robert Bernstein Building

First Floor, Room K-100

1100 West 49th Street

Austin, Texas 78756

This public hearing will be webcast. Members of the public may attend the public hearing in person at the address above or access a live stream of the public hearing at <https://texasdhsmetings.org/HHSWebcast>. Select the tab for the Bernstein K-100 Live on the date and time for this public hearing. Please email [Webcasting@hpsc.state.tx.us](mailto:Webcasting@hpsc.state.tx.us) if you have any problems with the webcasting function.

**Public Hearing.** The Department of State Health Services (DSHS) will conduct a hybrid public hearing, at the date, time, and location stated above. The public hearing will be conducted from 1:00 p.m. to 4:00 p.m. If the time allotted does not accommodate all the persons who registered by 2:00 p.m., DSHS will extend the public hearing to accommodate those registrants. However, that extension will only be until 5:00 p.m. on March 8, 2024. The public hearing will be conducted to receive public comment concerning the EMS-Trauma rules proposed by DSHS, Title 25, Texas Administrative Code Chapter 157, as related to Senate Bill (S.B.) 330, 79th Legislature, Regular Session, 2005, House Bill (H.B.) 15, 83rd Legislature, Regular Ses-



sion, 2013, H.B. 3433, 84th Legislature, Regular Session, 2015, S.B. 984, 87th Legislature, Regular Session, 2021, S.B. 969, 87th Legislature, Regular Session, 2021, and S.B. 1397, 87th Legislature, Regular Session, 2021. DSHS proposes amendments to Title 25, Texas Administrative Code, §157.2 concerning Definitions and §157.128 concerning Denial, Suspension, and Revocation of Trauma Facility Designation. DSHS also proposes the repeal of §157.123 concerning Regional Emergency Medical Services/Trauma Systems; §157.125 concerning Requirements for Trauma Facility Designation; §157.130 concerning Emergency Medical Services and Trauma Care System Account and Emergency Medical Services, Trauma Facilities, and Trauma Care System Fund; and §157.131 concerning Designated Trauma Facility and Emergency Medical Services Account. DSHS further proposes new §157.123 concerning Regional Advisory Councils; §157.125 concerning Requirements for Trauma Facility Designation; and §157.130 concerning Funds for Emergency Medical Services, Trauma Facilities, and Trauma Care Systems, and the Designated Trauma Facility and Emergency Services Account. The proposed rules were published in the January 19, 2024, issue of the *Texas Register* (49 TexReg 199).

Attendees who would like to provide public comment should see the **Public Comment** section below.

Welcome and call to order

Public hearing on EMS-Trauma System proposed rules as related to Senate Bill (S.B.) 330, 79th Legislature, Regular Session, 2005, House Bill (H.B.) 15, 83rd Legislature, Regular Session, 2013, H.B. 3433, 84th Legislature, Regular Session, 2015, S.B. 984, 87th Legislature, Regular Session, 2021, S.B. 969, 87th Legislature, Regular Session, 2021, and S.B. 1397, 87th Legislature, Regular Session, 2021

Adjourn

**Public Comment:** DSHS welcomes public comments pertaining to topics related to any agenda items noted above. Members of the public who would like to provide public comment may choose from the following options:

**Oral comments provided virtually:** Members of the public must pre-register to provide oral comments virtually during the public hearing by completing a Public Comment Registration form at [https://texashsmeeetings.org/EMSTrauma\\_PCReg\\_Mar2024](https://texashsmeeetings.org/EMSTrauma_PCReg_Mar2024) no later than 5:00 p.m. Wednesday, March 6, 2024. Please mark the correct box on the Public Comment Registration form and provide your name, either the organization you are representing or that you are speaking as a private citizen, and your direct phone number. If you have completed the Public Comment Registration form, you will receive an email the day before the public hearing with instructions for providing virtual public comment. Individuals may present oral statements when called upon in order of registration. There will be no open discussion during the public comment period. Comment time for each individual will be determined by the total number of people registered to speak in the time allotted. If time permits, comments will be limited to three minutes per speaker but may be further limited by DSHS if more registrants need to be accommodated. Each speaker providing oral public comments virtually must ensure their face is visible and their voice audible to the other participants while they are speaking. Each speaker must state their name and on whose behalf they are speaking (if any-one). If you pre-register to speak and wish to provide a handout before the public hearing, please submit an electronic copy in accessible PDF format that will be reviewed by DSHS staff. Handouts are limited to two pages (paper size: 8.5" by 11", one side only). Handouts must be emailed to [DSHS.EMS-TRAUMA@dshs.texas.gov](mailto:DSHS.EMS-TRAUMA@dshs.texas.gov) immediately after pre-registering, but no later than 5:00 p.m. Wednesday, March 6, 2024, and include the name of the person who will be commenting. Do not include health or other confidential information in your comments or

handouts. Staff will not read handouts aloud during the public hearing, but handouts will be reviewed by staff.

**Written comments:** Members of the public may provide written public comments by completing a Public Comment Registration form at [https://texashsmeeetings.org/EMSTrauma\\_PCReg\\_Mar2024](https://texashsmeeetings.org/EMSTrauma_PCReg_Mar2024). A member of the public who wishes to provide written public comments must email the comments to no later than 5:00 p.m. Wednesday, March 6, 2024. Please include your name and the organization you are representing or that you are speaking as a private citizen. Written comments must be emailed to DSHS immediately after pre-registering (and include the name of the person who will be commenting, if applicable). Written comments are limited to two pages (paper size: 8.5" by 11", one side only). Do not include health or other confidential information in your comments. Staff will not read written comments aloud during the public hearing, but comments will be provided to the appropriate state staff.

**Oral comments provided in-person at the public hearing location:** Members of the public may provide oral public comment during the public hearing in person at the public hearing location either by pre-registering using the form above or without pre-registering by completing a form at the entrance to the hearing room before 2 p.m. the day of the public hearing. Individuals may present oral statements when called upon in order of registration. There will be no open discussion during the public comment period. Comment time for each individual will be determined by the total number of people registered to speak in the time allotted. If time permits, comments will be limited to three minutes per speaker but may be further limited by DSHS if more registrants need to be accommodated. Do not include health or other confidential information in your comments.

**Note: These procedures may be revised at the discretion of DSHS.**

**Contact:** Questions regarding agenda items, content, or public hearing arrangements should be directed to Jorie Klein, Director, EMS-Trauma System Section, at (512) 535-8538 or [jorie.klein@dshs.texas.gov](mailto:jorie.klein@dshs.texas.gov).

*Persons who want to attend the public hearing and require assistive technology contact Klein or services should at (512) 535-8538 or [jorie.klein@dshs.texas.gov](mailto:jorie.klein@dshs.texas.gov) at least 72 hours before the public hearing so appropriate arrangements can be made.*

This public hearing is open to the public. No reservations are required, and there is no cost to attend this public hearing.

TRD-202400734

Cynthia Hernandez

General Counsel

Department of State Health Services

Filed: February 21, 2024

## Texas Department of Insurance

### Notice of Update to Proposed Figure: 28 TAC §3.3510(d)

The Texas Department of Insurance (TDI) proposed amendments to 28 TAC Chapter 3, Subchapter V, §§3.502, 3.503, and 3.510 in the February 9, 2024, issue of the *Texas Register* (49 TexReg 626). The amendments included changes to two figures, Figure: 28 TAC §3.3510(d) and Figure: 28 TAC §3.3510(e). The former figure was submitted with markup showing changes, while the latter figure was submitted without markup. For consistency and clarity, TDI is republishing Figure: 28 TAC §3.3510(d) without markup and with all proposed changes incorporated.

Because the published version contained some bracketed text that was intended to be struck, but other bracketed text that was intended to indi-

cate optional text and was to remain, TDI determined that this version of Figure: 28 TAC §3.3510(d) would be easier for consumers, stakeholders, and the public to understand.

## **Form COB TX**

### **Coordination of This Contract's Benefits with Other Benefits**

The Coordination of Benefits (COB) provision applies when a person has health care coverage under more than one plan. Plan is defined below.

The order of benefit determination rules govern the order in which each plan will pay a claim for benefits. The plan that pays first is called the primary plan. The primary plan must pay benefits in accord with its policy terms without regard to the possibility that another plan may cover some expenses. The plan that pays after the primary plan is the secondary plan. The secondary plan may reduce the benefits it pays so that payments from all plans equal 100 percent of the total allowable expense.

### **Definitions**

- (a) A "plan" is any of the following that provides benefits or services for medical, dental, or vision care or treatment. If separate contracts are used to provide coordinated coverage for members of a group, the separate contracts are considered parts of the same plan and there is no COB among those separate contracts.
- (1) Plan includes: group, blanket, or franchise accident and health insurance policies; individual and group health maintenance organization evidences of coverage; individual accident and health insurance policies; individual and group preferred provider benefit plans and exclusive provider benefit plans; group insurance contracts, individual insurance contracts and subscriber contracts that pay or reimburse for the cost of dental care; a vision benefit plan that provides coverage for vision or eye care expenses; medical care components of individual and group long-term care contracts; limited benefit coverage that is not issued to supplement individual or group in-force policies; uninsured (i.e., self-funded or self-insured) arrangements of group or group-type coverage; the medical benefits coverage in automobile insurance contracts; and Medicare or other governmental benefits, as permitted by law.
  - (2) Plan does not include: disability income protection coverage; workers' compensation insurance coverage; hospital confinement indemnity coverage or other fixed indemnity coverage; specified disease coverage; supplemental benefit coverage; accident only coverage; specified accident coverage; school accident-type coverages that cover students for accidents only, including athletic injuries,

either on a "24-hour" or a "to and from school" basis; benefits provided in long-term care insurance contracts for non-medical services, for example, personal care, adult day care, homemaker services, assistance with activities of daily living, respite care, and custodial care or for contracts that pay a fixed daily benefit without regard to expenses incurred or the receipt of services; Medicare supplement policies; a state plan under Medicaid; a governmental plan that, by law, provides benefits that are in excess of those of any private insurance plan or other nongovernmental plan; or an individual accident and health insurance policy that is designed to fully integrate with other policies through a variable deductible.

Each contract for coverage under (a)(1) or (a)(2) is a separate plan. If a plan has two parts and COB rules apply only to one of the two, each of the parts is treated as a separate plan.

- (b) "This plan" means, in a COB provision, the part of the contract providing the health care benefits to which the COB provision applies and which may be reduced because of the benefits of other plans. Any other part of the contract providing health care benefits is separate from this plan. A contract may apply one COB provision to certain benefits, such as dental benefits, coordinating only with like benefits, and may apply other separate COB provisions to coordinate other benefits.

The order of benefit determination rules determine whether this plan is a primary plan or secondary plan when the person has health care coverage under more than one plan. When this plan is primary, it determines payment for its benefits first before those of any other plan without considering any other plan's benefits. When this plan is secondary, it determines its benefits after those of another plan and may reduce the benefits it pays so that all plan benefits equal 100 percent of the total allowable expense.

- (c) "Allowable expense" is a health care expense, including deductibles, coinsurance, and copayments, that is covered at least in part by any plan covering the person. When a plan provides benefits in the form of services, the reasonable cash value of each service will be considered an allowable expense and a benefit paid. An expense that is not covered by any plan covering the person is not an allowable expense. In addition, any expense that a health care provider or physician by law or in accord with a contractual agreement is prohibited from charging a covered person is not an allowable expense.

The following are examples of expenses that are not allowable expenses:

- (1) The difference between the cost of a semi-private hospital room and a private hospital room is not an allowable expense, unless one of the plans provides coverage for private hospital room expenses.

- (2) If a person is covered by two or more plans that do not have negotiated fees and compute their benefit payments based on the usual and customary fees, allowed amounts, or relative value schedule reimbursement methodology, or other similar reimbursement methodology, any amount in excess of the highest reimbursement amount for a specific benefit is not an allowable expense.
  - (3) If a person is covered by two or more plans that provide benefits or services on the basis of negotiated fees, an amount in excess of the highest of the negotiated fees is not an allowable expense.
  - (4) If a person is covered by one plan that does not have negotiated fees and that calculates its benefits or services based on usual and customary fees, allowed amounts, relative value schedule reimbursement methodology, or other similar reimbursement methodology, and another plan that provides its benefits or services based on negotiated fees, the primary plan's payment arrangement must be the allowable expense for all plans. However, if the health care provider or physician has contracted with the secondary plan to provide the benefit or service for a specific negotiated fee or payment amount that is different than the primary plan's payment arrangement and if the health care provider's or physician's contract permits, the negotiated fee or payment must be the allowable expense used by the secondary plan to determine its benefits.
  - (5) The amount of any benefit reduction by the primary plan because a covered person has failed to comply with the plan provisions is not an allowable expense. Examples of these types of plan provisions include second surgical opinions, prior authorization of admissions, and preferred health care provider and physician arrangements.
- (d) "Allowed amount" is the amount of a billed charge that a carrier determines to be covered for services provided by a nonpreferred health care provider or physician. The allowed amount includes both the carrier's payment and any applicable deductible, copayment, or coinsurance amounts for which the insured is responsible.
  - (e) "Closed panel plan" is a plan that provides health care benefits to covered persons primarily in the form of services through a panel of health care providers and physicians that have contracted with or are employed by the plan, and that excludes coverage for services provided by other health care providers and physicians, except in cases of emergency or referral by a panel member.
  - (f) "Custodial parent" is the parent with the right to designate the primary residence of a child by a court order under the Texas Family Code or other applicable law, or in the absence of a court order, is the parent with whom the child resides more than one-half of the calendar year, excluding any temporary visitation.

## **Order of Benefit Determination Rules**

When a person is covered by two or more plans, the rules for determining the order of benefit payments are as follows:

- (a) The primary plan pays or provides its benefits according to its terms of coverage and without regard to the benefits under any other plan.
- (b) Except as provided in (c), a plan that does not contain a COB provision that is consistent with this policy is always primary unless the provisions of both plans state that the complying plan is primary.
- (c) Coverage that is obtained by virtue of membership in a group that is designed to supplement a part of a basic package of benefits and provides that this supplementary coverage must be excess to any other parts of the plan provided by the contract holder. Examples of these types of situations are major medical coverages that are superimposed over base plan hospital and surgical benefits, and insurance type coverages that are written in connection with a closed panel plan to provide out-of-network benefits.
- (d) A plan may consider the benefits paid or provided by another plan in calculating payment of its benefits only when it is secondary to that other plan.
- (e) If the primary plan is a closed panel plan and the secondary plan is not, the secondary plan must pay or provide benefits as if it were the primary plan when a covered person uses a noncontracted health care provider or physician, except for emergency services or authorized referrals that are paid or provided by the primary plan.
- (f) When multiple contracts providing coordinated coverage are treated as a single plan for the purposes of COB, this section applies only to the plan as a whole, and coordination among the component contracts is governed by the terms of the contracts. If more than one carrier pays or provides benefits under the plan, the carrier designated as primary within the plan must be responsible for the plan's compliance with this subchapter.
- (g) If a person is covered by more than one secondary plan, the order of benefit determination rules of this subchapter decide the order in which secondary plans' benefits are determined in relation to each other. Each secondary plan must take into consideration the benefits of the primary plan or plans and the benefits of any other plan that, under the rules of this contract, has its benefits determined before those of that secondary plan.

- (h) Each plan determines its order of benefits using the first of the following rules that apply.
- (1) Nondependent or Dependent. The plan that covers the person other than as a dependent, for example as an employee, member, policyholder, subscriber, or retiree, is the primary plan, and the plan that covers the person as a dependent is the secondary plan. However, if the person is a Medicare beneficiary and, as a result of federal law, Medicare is secondary to the plan covering the person as a dependent and primary to the plan covering the person as other than a dependent, then the order of benefits between the two plans is reversed so that the plan covering the person as an employee, member, policyholder, subscriber, or retiree is the secondary plan and the other plan is the primary plan. An example includes a retired employee.
  - (2) Dependent Child Covered Under More Than One Plan. Unless there is a court order stating otherwise, plans covering a dependent child must determine the order of benefits using the following rules that apply.
    - (A) For a dependent child whose parents are married or are living together, whether or not they have ever been married:
      - (i) The plan of the parent whose birthday falls earlier in the calendar year is the primary plan; or
      - (ii) If both parents have the same birthday, the plan that has covered the parent the longest is the primary plan.
    - (B) For a dependent child whose parents are divorced, separated, or not living together, whether or not they have ever been married:
      - (i) if a court order states that one of the parents is responsible for the dependent child's health care expenses or health care coverage and the plan of that parent has actual knowledge of those terms, that plan is primary. This rule applies to plan years commencing after the plan is given notice of the court decree.
      - (ii) if a court order states that both parents are responsible for the dependent child's health care expenses or health care coverage, the provisions of (h)(2)(A) must determine the order of benefits.
      - (iii) if a court order states that the parents have joint custody without specifying that one parent has responsibility for the health care expenses or health care coverage of the dependent child, the provisions of (h)(2)(A) must determine the order of benefits.

- (iv) if there is no court order allocating responsibility for the dependent child's health care expenses or health care coverage, the order of benefits for the child is as follows:
  - (I) the plan covering the custodial parent;
  - (II) the plan covering the spouse of the custodial parent;
  - (III) the plan covering the noncustodial parent; then
  - (IV) the plan covering the spouse of the noncustodial parent.
- (C) For a dependent child covered under more than one plan of individuals who are not the parents of the child, the provisions of (h)(2)(A) or (h)(2)(B) must determine the order of benefits as if those individuals were the parents of the child.
- (D) For a dependent child who has coverage under either or both parents' plans and has their own coverage as a dependent under a spouse's plan, (h)(5) applies.
- (E) In the event the dependent child's coverage under the spouse's plan began on the same date as the dependent child's coverage under either or both parents' plans, the order of benefits must be determined by applying the birthday rule in (h)(2)(A) to the dependent child's parent(s) and the dependent's spouse.
- (3) Active, Retired, or Laid-off Employee. The plan that covers a person as an active employee, that is, an employee who is neither laid off nor retired, is the primary plan. The plan that covers that same person as a retired or laid-off employee is the secondary plan. The same would hold true if a person is a dependent of an active employee and that same person is a dependent of a retired or laid-off employee. If the plan that covers the same person as a retired or laid-off employee or as a dependent of a retired or laid-off employee does not have this rule, and as a result, the plans do not agree on the order of benefits, this rule does not apply. This rule does not apply if (h)(1) can determine the order of benefits.
- (4) COBRA or State Continuation Coverage. If a person whose coverage is provided under COBRA or under a right of continuation provided by state or other federal law is covered under another plan, the plan covering the person as an employee, member, subscriber, or retiree or covering the person as a dependent of an employee, member, subscriber, or retiree is the primary plan, and the COBRA, state, or other federal continuation coverage is the secondary plan. If the other plan does not have this rule, and as a result, the plans do not agree on the order of benefits, this rule does not apply. This rule does not apply if (h)(1) can determine the order of benefits.



- (5) Longer or Shorter Length of Coverage. The plan that has covered the person as an employee, member, policyholder, subscriber, or retiree longer is the primary plan, and the plan that has covered the person the shorter period is the secondary plan.
- (6) If the preceding rules do not determine the order of benefits, the allowable expenses must be shared equally between the plans meeting the definition of plan. In addition, this plan will not pay more than it would have paid had it been the primary plan.

### **Effect on the Benefits of This Plan**

- (a) When this plan is secondary, it may reduce its benefits so that the total benefits paid or provided by all plans are not more than the total allowable expenses. In determining the amount to be paid for any claim, the secondary plan will calculate the benefits it would have paid in the absence of other health care coverage and apply that calculated amount to any allowable expense under its plan that is unpaid by the primary plan. The secondary plan may then reduce its payment by the amount so that, when combined with the amount paid by the primary plan, the total benefits paid or provided by all plans for the claim equal 100 percent of the total allowable expense for that claim. In addition, the secondary plan must credit to its plan deductible any amounts it would have credited to its deductible in the absence of other health care coverage.
- (b) If a covered person is enrolled in two or more closed panel plans and if, for any reason, including the provision of service by a nonpanel provider, benefits are not payable by one closed panel plan, COB must not apply between that plan and other closed panel plans.

### **Compliance with Federal and State Laws Concerning Confidential Information**

Certain facts about health care coverage and services are needed to apply these COB rules and to determine benefits payable under this plan and other plans. [Organization responsible for COB administration] will comply with federal and state law concerning confidential information for the purpose of applying these rules and determining benefits payable under this plan and other plans covering the person claiming benefits. Each person claiming benefits under this plan must give [Organization responsible for COB administration] any facts it needs to apply those rules and determine benefits.

### **Facility of Payment**

A payment made under another plan may include an amount that should have been paid under this plan. If it does, [Organization responsible for COB administration] may pay that amount to the organization that made that payment. That amount will then be treated as though it were a benefit paid under this plan. [Organization responsible for COB administration] will not have to pay that amount again. The term "payment made" includes providing benefits in the form of services, in which case "payment made" means the reasonable cash value of the benefits provided in the form of services.

## Right of Recovery

If the amount of the payments made by [Organization responsible for COB administration] is more than it should have paid under this COB provision, it may recover the excess from one or more of the persons it has paid or for whom it has paid or any other person or organization that may be responsible for the benefits or services provided for the covered person. The "amount of the payments made" includes the reasonable cash value of any benefits provided in the form of services.

TRD-202400638  
Jessica Barta  
General Counsel  
Texas Department of Insurance  
Filed: February 15, 2024

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## Texas Lottery Commission

Scratch Ticket Game Number 2555 "LADY LUCK 777"

1.0 Name and Style of Scratch Ticket Game.

A. The name of Scratch Ticket Game No. 2555 is "LADY LUCK 777". The play style is "key number match".

1.1 Price of Scratch Ticket Game.

A. Tickets for Scratch Ticket Game No. 2555 shall be \$10.00 per Scratch Ticket.

1.2 Definitions in Scratch Ticket Game No. 2555.

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

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

C. Play Symbol - The printed data under the latex on the front of the Scratch Ticket that is used to determine eligibility for a prize. Each Play Symbol is printed in Symbol font in black ink in positive except for dual-image games. The possible black Play Symbols are: 01, 02, 03, 04, 05, 06, 08, 09, 10, 11, 12, 13, 14, 15, 16, 18, 19, 20, 21, 22, 23, 24, 25, 26, 28, 29, 30, 31, 32, 33, 34, 35, 36, 38, 39, 40, 41, 42, 43, 44, 45, 46, 48, 49, 50, 51, 52, 53, 54, 55, 7 SYMBOL, 77 SYMBOL, 777 SYMBOL, \$10.00, \$20.00, \$30.00, \$50.00, \$100, \$300, \$10,000 and \$250,000.

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. 2555 - 1.2D

PLAY SYMBOL	CAPTION
01	ONE
02	TWO
03	THR
04	FOR
05	FIV
06	SIX
08	EGT
09	NIN
10	TEN
11	ELV
12	TLV
13	TRN
14	FTN
15	FFN
16	SXN
18	ETN
19	NTN
20	TWY
21	TWON
22	TWTO
23	TWTH
24	TWFR
25	TWTV
26	TWSX
28	TWET
29	TWNI
30	TRTY

31	TRON
32	TRTO
33	TRTH
34	TRFR
35	TRFV
36	TRSX
38	TRET
39	TRNI
40	FRTY
41	FRON
42	FRTO
43	FRTH
44	FRFR
45	FRFV
46	FRSX
48	FRET
49	FRNI
50	FFTY
51	FFON
52	FFTO
53	FFTH
54	FFFR
55	FFFV
7 SYMBOL	WIN\$
77 SYMBOL	DBL
777 SYMBOL	WINALL
\$10.00	TEN\$
\$20.00	TWY\$
\$30.00	TRTY\$

\$50.00	FFTY\$
\$100	ONHN
\$300	THHN
\$10,000	10TH
\$250,000	250TH

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 (2555), a seven (7) digit Pack number, and a three (3) digit Ticket number. Ticket numbers start with 001 and end with 050 within each Pack. The format will be: 2555-0000001-001.

H. Pack - A Pack of "LADY LUCK 777" Scratch Ticket Game contains 050 Scratch Tickets, packed in plastic shrink-wrapping and fanfolded in pages of one (1). The back of Ticket 001 will be shown on the front of the Pack; the back of Ticket 050 will be revealed on the back of the Pack. All Packs will be tightly shrink-wrapped. There will be no breaks between the Tickets in a Pack.

I. Non-Winning 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 - A Texas Lottery "LADY LUCK 777" Scratch Ticket Game No. 2555.

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 "LADY LUCK 777" Scratch Ticket Game is determined once the latex on the Scratch Ticket is scratched off to expose sixty-six (66) Play Symbols. If a player matches any of the 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 "7" Play Symbol, the player wins the prize for that symbol instantly. If the player reveals a "77" Play Symbol, the player wins DOUBLE the prize for that symbol. If the player reveals a "777" Play Symbol, the player WINS ALL 30 PRIZES INSTANTLY! 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 sixty-six (66) 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 sixty-six (66) 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 sixty-six (66) Play Symbols must be exactly one of those described in Section 1.2.C of these Game Procedures;
17. Each of the sixty-six (66) 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. Consecutive Non-Winning Tickets within a Pack will not have matching patterns, in the same order, of Play Symbols or Prize Symbols.

B. A Ticket can win as indicated by the prize structure.

C. A Ticket can win up to thirty (30) times.

D. On winning and Non-Winning Tickets, the top cash prizes of \$10,000 and \$250,000 will each appear at least once, except on Tickets winning thirty (30) times or with the "777" (WINALL) Play Symbol and with respect to other parameters, play action or prize structure.

E. Non-winning Prize Symbols will not match a winning Prize Symbol on a Ticket.

F. No matching non-winning YOUR NUMBERS Play Symbols will appear on a Ticket.

G. No matching WINNING NUMBERS Play Symbols will appear on a Ticket.

H. Tickets winning more than one (1) time will use as many WINNING NUMBERS Play Symbols as possible to create matches, unless restricted by other parameters, play action or prize structure.

I. On Non-Winning Tickets, a WINNING NUMBERS Play Symbol will never match a YOUR NUMBERS Play Symbol.

J. All YOUR NUMBERS Play Symbols will never equal the corresponding Prize Symbols (i.e., 10 and \$10, 20 and \$20, 30 and \$30 and 50 and \$50).

K. On all Tickets, a Prize Symbol will not appear more than five (5) times, except as required by the prize structure to create multiple wins.

L. The "7" (WIN\$) Play Symbol will never appear as a WINNING NUMBERS Play Symbol.

M. The "7" (WIN\$) Play Symbol will win the prize for that Play Symbol.

N. The "7" (WIN\$) Play Symbol will never appear more than once on a Ticket.

O. The "7" (WIN\$) Play Symbol will never appear on a Non-Winning Ticket.

P. The "77" (DBL) Play Symbol will never appear as a WINNING NUMBERS Play Symbol.

Q. The "77" (DBL) Play Symbol will win DOUBLE the prize for that Play Symbol and will win as per the prize structure.

R. The "77" (DBL) Play Symbol will never appear more than once on a Ticket.

S. The "77" (DBL) Play Symbol will never appear on a Non-Winning Ticket.

T. The "777" (WINALL) Play Symbol will never appear as a WINNING NUMBERS Play Symbol.

U. The "777" (WINALL) Play Symbol will instantly win all thirty (30) prize amounts and will win only as per the prize structure.

V. The "777" (WINALL) Play Symbol will never appear more than once on a Ticket.

W. The "777" (WINALL) Play Symbol will never appear on a Non-Winning Ticket.

X. On Tickets winning with the "777" (WINALL) Play Symbol, the YOUR NUMBERS Play Symbols will not match any of the WINNING NUMBERS Play Symbols.

Y. The "7" (WIN\$), "77" (DBL) and "777" (WINALL) Play Symbols will never appear on the same Ticket.

## 2.3 Procedure for Claiming Prizes.

A. To claim a "LADY LUCK 777" Scratch Ticket Game prize of \$10.00, \$20.00, \$30.00, \$50.00, \$100 or \$300, a claimant shall sign the back of the Scratch Ticket in the space designated on the Scratch Ticket and may present the winning Scratch Ticket to any Texas Lottery Retailer. The Texas Lottery Retailer shall verify the claim and, if valid, and upon presentation of proper identification, if appropriate, make payment of the amount due the claimant and physically void the Scratch Ticket; provided that the Texas Lottery Retailer may, but is not required, to pay a \$30.00, \$50.00, \$100 or \$300 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 "LADY LUCK 777" Scratch Ticket Game prize of \$600, \$1,500, \$3,000, \$10,000 or \$250,000, 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 "LADY LUCK 777" 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.

F. If a person is indebted or owes delinquent taxes to the State, and is selected as a winner in a promotional second-chance drawing, the debt to the State must be paid within 14 days of notification or the prize will be awarded to an Alternate.

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 "LADY LUCK 777" 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 "LADY LUCK 777" 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 Game 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.

2.9 Promotional Second-Chance Drawings. Any Non-Winning "LADY LUCK 777" Scratch Ticket may be entered into one (1) of four (4) promotional drawings for a chance to win a promotional second-chance drawing prize. See instructions on the back of the Scratch Ticket for information on eligibility and entry requirements.

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 Ticket Prizes. There will be approximately 8,040,000 Scratch Tickets in the Scratch Ticket Game No. 2555. The approximate number and value of prizes in the game are as follows:

Figure 2: GAME NO. 2555 - 4.0

Prize Amount	Approximate Number of Winners*	Approximate Odds are 1 in **
\$10.00	1,045,200	7.69
\$20.00	482,400	16.67
\$30.00	321,600	25.00
\$50.00	321,600	25.00
\$100	13,735	585.37
\$300	18,827	427.05
\$600	938	8,571.43
\$1,500	100	80,400.00
\$3,000	150	53,600.00
\$10,000	10	804,000.00
\$250,000	5	1,608,000.00

\*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 3.65. 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. 2555 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 Game 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. 2555, 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-202400721  
 Bob Biard  
 General Counsel  
 Texas Lottery Commission  
 Filed: February 20, 2024

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## Motor Vehicle Crime Prevention Authority

Fiscal Year 2024 Request for Applications - SB 224 Catalytic Converter Grants

**February 14, 2024**

### Notice of Request for Applications

The Motor Vehicle Crime Prevention Authority (MVCPA) has authorized the issuance of the Fiscal Year 2024 (FY 2024) **Request for Applications (RFA)**. Senate Bill 224 (SB) 224 provides that "The money deposited to the credit of the general revenue fund for coordinated regulatory and law enforcement activities intended to detect and prevent catalytic converter theft in this state... may be appropriated to the Authority for the activities required by this section." To implement SB 224, the MVCPA is providing grants to local law enforcement taskforces and agencies to combat Catalytic Converter Theft. Eligible applicants may request funds for program operation by submission of an application consistent with the information, including the requirements and conditions stated in this RFA. This RFA is posted in the *Texas Register* for at least thirty (30) days prior to the due date for Applications.



All applications submitted will be for FY 2024. If awarded an FY 2024 SB 224 Catalytic Converter Grant, the MVCPA may provide a FY 2025 grant subject to availability of funding and grantees' positive program performance. The MVCPA will use the same FY 2024 application and prorated budget values as originally submitted for the additional period. Any ongoing program (scope) changes or budget changes will be submitted by grantees through the grant adjustment process after the creation of the second-year grants.

#### **Due Date**

Grant Applications from eligible applicants must be completely submitted on-line at <https://MVCPA.tamu.edu> on or before **5:00 p.m., March 15, 2024. First time applicants must establish an account and perform account setup steps prior to an application being able to be submitted.**

The *required* Resolution and any *optional* supporting documents must be scanned and submitted as attachments to the application at <https://MVCPA.tamu.edu> on or before **5:00 p.m., March 15, 2024.**

#### **Applicable Authority and Rules**

Motor Vehicle Crime Prevention Authority grant programs are governed by the following statutes, rules, standards and guidelines:

- Texas Transportation Code Chapter 1006
- Texas Administrative Code (TAC): Title 43; Part 3; Chapter 57
- Texas Grant Management Standards (TxGMS) as promulgated by the Texas Comptroller of Public Accounts
- The current Motor Vehicle Crime Prevention Authority Grant Administrative Manual and any subsequent adopted grantee instruction manuals
- This Request for Applications issued on **February 14, 2024.**

#### **Eligible Applicants.**

Only Texas law enforcement agencies through their city or county are eligible to apply for the FY 2024 SB 224 Catalytic Converter Grant funding.

#### **Application Category**

New Grant - These are potentially annual grants subject to available legislative funding. ***The 20 % Cash Match will be waived for this grant application only (FY 2024).*** Applicants meeting the eligibility requirements may submit a new grant subject to the priority established by the MVCPA in the FY 2024 RFA. New applicants shall email MVCPA at [GrantsMVCPA@txdmv.gov](mailto:GrantsMVCPA@txdmv.gov) from an official governmental agency email account to request an account and that access be established.

#### **Grant Type**

Reimbursement - This is a total program budget reimbursement grant. Applicants that are awarded grants will expend local (agency) funds and then will be reimbursed quarterly, subject to compliance with standard and special conditions as contained in the Statement of Grant Award (SGA), at the agreed rate for all allowable, reasonable, and necessary program costs incurred.

#### **Grant Term**

The FY 2024 grant cycle is a one (1) year funding cycle to begin on September 1, 2023 and end August 31, 2024. Subject to availability of funding and grantees' positive program performance the MVCPA may provide a FY 2025 grant using the same on-line application systems and prorated budget values as originally submitted. No obligations or expenses may be incurred or made outside of the grant period(s).

#### **Method of Application**

Grant Applications from eligible applicants shall be completely submitted on-line at <https://MVCPA.tamu.edu> on or before 5:00 p.m., March 15, 2024. All forms will be completed on-line. The Resolution and all supporting documents must be submitted as attachments.

#### **Resolution Required**

A Resolution (Order or Ordinance) by the applicant governing body is required to make application for these funds. The resolution shall provide that the governing body applies for the funds for the purpose provided in statute (SB 224 and this RFA) and agrees to return the grant funds in the event of loss or misuse and designate the officials that the governing body chooses as its agents to make uniform assurances and administer the grant if awarded.

Only the governing body that submits an application needs to adopt and submit a Resolution. Participating jurisdictions in multi-agency taskforces shall agree and commit to the grant through Interlocal Cooperation Contract or agreements as provided under Texas Local Government Code Chapter 362, Texas Government Code Chapter 791, and TxGMS.

In the event a governing body has delegated the application authority to a city manager, chief of police, sheriff or other official, then applicants must submit on-line a copy of the delegation order (documentation) along with the Resolution signed by the official. A sample Resolution is attached as Appendix A.

#### **Program Category**

To be eligible for consideration for funding, a law enforcement taskforce grant application must be designed to support one or more of the following MVCPA program categories (43 TAC §57.14):

**Law Enforcement, Detection, and Apprehension-** provide financial support to law enforcement agencies for catalytic converter theft and crime enforcement teams (referred to as taskforces). Taskforces will develop organized methods to combat catalytic converter theft through the enforcement of law. This may include recovery of vehicles, clearance of cases, arrest of law violators, and disruption of organized motor vehicle crime. This category includes development of uniform programs to prevent stolen catalytic converters from entering Mexico or being removed from Texas through outbound seaports.

**Prosecution/Adjudication/Conviction-** provide financial support for taskforces to work with prosecutors and the judiciary to implement programs designed to reduce the incidence of catalytic converter theft.

**Prevention, Anti-Theft Devices and Automobile Registration-** provide financial support for taskforces to work with organizations and communities to reduce the incidence of catalytic converter theft. The application shall demonstrate how the financial support will assist motor vehicle owners to reduce catalytic converter theft.

**Reduction of the Sale of Stolen Vehicles or Parts-** provide financial support for taskforces to work with businesses, organizations, and communities to reduce the sale of catalytic converters. Applicants will develop organized methods to combat the sale of stolen catalytic converters using any of the following: vehicle identification number (VIN) inspections; inspections of motor vehicle part and component distribution enterprises; parts labeling and etching methods; and means to detect the fraudulent sale of stolen catalytic converters.

**Educational Programs and Marketing-** provide financial support for taskforces to work with individuals, businesses, organizations, and communities to assist motor vehicle owners in detecting and preventing catalytic converter theft. Develop and provide specialized training or education program(s) to the public on detecting and pre-

venting catalytic converter theft, law enforcement on interdiction and prosecution, and government officials on detecting and preventing catalytic converter theft in this state.

### Priority Funding

The MVCPA enabling statute provides that "the authority shall allocate grant funds primarily based on the number of catalytic converters stolen in, or the catalytic converter theft rate across the state, and the number of catalytic converter crimes committed in the state rather than based on geographic distribution" (TTC Section 1006.151(c); SB 224). In addition, the following grant features will be given priority consideration in evaluating new grant applications:

**- Continuing Funded Programs in Compliance with MVCPA Grant Conditions** - Applications that provide for the continuation of existing programs that currently meet the program and fiscal reporting conditions of the MVCPA grant program. Applicants must provide the ongoing need and their progress and impactful performance toward detecting and preventing catalytic converter theft.

The applicant must describe the experience and qualifications of investigators used in the program and how utilization of grant inventory and resources for continued operation of these specialized investigative grant programs are useful for state and local governments.

**- Programs to Combat Organized Catalytic Converter Crime** - Applications for detecting and preventing catalytic converter theft enforcement teams that introduce, increase, or expand efforts to detect and prevent theft of catalytic converters by organized crime.

**- Border and Port Security** - Applications that provide specific initiatives to identify and prevent stolen catalytic converters from crossing the border with Mexico using automatic license plate readers, training of local state and federal personnel in the identification of stolen vehicles, and bridge and port inspections.

**- Use of Technology** - Applications that incorporate automatic license plate reader programs, surveillance equipment, and other uses of technology to increase the number of stolen catalytic converters recovered and the number of persons arrested for catalytic converter crimes.

**- Theft of Parts from a Motor Vehicle** - Applications that incorporate a reasonable, objective plan to combat and prevent the theft of catalytic converters.

**- Dedicated Prosecutors** - Applications that incorporate a dedicated prosecutor to increase the priority of catalytic converter theft prosecutions and decrease the number of repeat offenders through successful and timely prosecution efforts.

### Supporting Documents

Documents that provide evidence of local support or commitment from other officials or agencies for the application may be submitted following the same instructions as the Resolution. Interagency agreements shall be submitted prior to payments being authorized if an award is made. MVCPA recommends that interagency agreements be completed after award determinations are made to ensure correct amounts are reflected in those agreements. All interagency agreements must meet the conditions and elements required in the TxGMS.

### Supplanting Prohibited

Grant funds provided by the Authority under this RFA shall not be used to supplant federal, state or local funds that otherwise would be available for the same purposes (43 Texas Administrative Code §57.9). Supplanting means the replacement of other funds with MVCPA grant funds. This shall include using existing resources already available to a program activity as cash match.

**NICB** - Applicants may enter into formal agreements with the National Insurance Crime Bureau (NICB) to work on grant funded activities. The amount of salary and other direct costs related to the work on grant activity provided by the NICB may be reported. Time certifications are required to be made by the employee for these positions as required by TXGMS.

### In-Kind Match

Only include in-kind if necessary for the local jurisdiction. In-kind match may be used to: 1) reflect the total level of jurisdictions' effort/costs to combat catalytic converter theft; 2) reflect how the grant program fits into jurisdictions' operation; 3) effectively operate a single program with multiple funding streams; and/or 4) contributions from the applicant or third parties that are for grant funded activity. Costs in detail line items shall not be split between in-kind match and grant funding. For example, the entire salary of an officer shall be placed in one expense type rather than split between grant and in-kind.

### Reporting and Webinar Attendance Requirements

Applicants that are awarded grants will be required to provide:

**- Quarterly Progress Reports** - The MVCPA requires the submission of quarterly progress reports to demonstrate progress toward meeting goals and activities provided in the grant application. These include: 1) Monthly progress toward meeting statutorily required performance measures; 2) Monthly progress recorded on the *Goals, Strategies and Activities report*; and 3) Quarterly Summary and Success section. Grantees designated as Border/Port Security grants are required to complete additional sections required by the Texas Legislature.

**- Quarterly Financial Reports** - Reports of actual expenses incurred are required to request funds. All expenditures must be in accordance with local policies and procedures and grant requirements. Grantees shall review all expenditures, ensure all applicable regulations are followed, and maintain documentation that is accurate and complete. All expenses must be supported by appropriate documentation.

**- Webinar Attendance:** One grant financial representative from the applicant agency is required to attend a monthly session via teleconference or webinar that includes information on MVCPA grant administration.

One law enforcement officer is required to attend the information sharing and networking sessions on a monthly session via teleconference or webinar that includes law enforcement issues and other MVCPA issues critical to the successful operation of MVCPA taskforces.

### Funding Requirements and Conditions

a) State Funds Availability - All awards by the MVCPA are subject to availability of state funds.

b) Right of Refusal - The Authority reserves the right to reject any or all of the applications submitted.

c) Awards - Publishing the RFA does not legally obligate the Authority to fund any programs.

d) Partial Funding - The Authority may choose to offer funds for all or any portion of a program submitted in an application.

e) Substitution - The Authority may offer alternative funding sources, special conditions, or alternative program elements in response to submitted Applications.

f) Application Required - Registration for on-line access is required. The MVCPA is not responsible for applicants that cannot complete the registration and application process on time.

g) No Alternative Application Submission - Paper applications and requests for funding are not accepted in lieu of the on-line grant application process.

h) Review Criteria - Authority staff and any designated MVCPA Board member(s) will review each grant using subjective and objective tools and comparative analysis. The weight given to each section or combination of sections is at the sole discretion of the Authority.

i) Questions and Clarification - During the review period, the applicant may be contacted by Authority staff to ask questions or to seek clarification regarding information provided in the application. Failure to promptly respond will not disqualify an applicant, but information that is submitted after the review period may not be considered.

j) Final Selection - The Authority may select and award programs that best meet the statutory and legislative purposes of SB 224 and that reflect its current priorities. No appeal may be made from the Authority's decisions.

k) Changes in Application - If an applicant proposes changes to be made in the program type or participation of jurisdictions after an award is determined, then the Authority will review the changes and may make modifications (including the amount) or cancel the award as deemed appropriate by the Authority.

l) Delayed Start - An applicant that is awarded a grant and does not begin operations within 30 days of the issuance of the Statement of Grant Award is considered terminated.

m) Application instructions - the MVCPA will provide additional details and instructions in the on-line application system that are incorporated by reference as part of this RFA and which must be followed during the application and award process.

n) Program Income - is defined in the TxGMS. Current grantees carrying forward program income to future years will follow the new rules established by the Texas Comptroller and MVCPA Grant Administrative Manual.

o) TCOLE Certifications Required - All law enforcement agencies regulated by Chapter 1701, Occupations Code must certify that they are in compliance with the Texas Commission on Law Enforcement standards or provide a certification from the Texas Commission on Law

Enforcement that states that the requesting agency is in the process of achieving compliance with said rules.

#### **Selection Process:**

Eligible applications will be reviewed. Grant award decisions by MVCPA are final and not subject to judicial review.

Applications that do not meet the stated requirements of this RFA and that are not eligible for review will be notified within ten (10) working days after the due date.

#### **Application Workshop**

Potential applicants are requested to attend the on-line "Motor Vehicle Crime Prevention Authority SB224 Catalytic Converter Grant Application Workshop" which has been scheduled for: Monday, February 26, 2024 (2:00 p.m. to 4:00 p.m.). Join by using the following links:

#### **THIS MEETING WILL BE HELD REMOTELY VIA MICROSOFT TEAMS MEETING**

#### **Join on your computer, mobile app or room device**

[https://teams.microsoft.com/l/meetup-join/19%3ameeting\\_NmFmY-WMxZDAtZjM4NS00NzNkLTg0YzAtMjBiNDU3MmExZ-GRh%40thread.v2/0?context=%7b%22Tid%22%3a%2272719f70-3533-46b3-9456-ec1235143768%22%2c%22Oid%22%3a%220514ac85-ebb6-4d6b-83c8-d095df91e59b%22%7d](https://teams.microsoft.com/l/meetup-join/19%3ameeting_NmFmY-WMxZDAtZjM4NS00NzNkLTg0YzAtMjBiNDU3MmExZ-GRh%40thread.v2/0?context=%7b%22Tid%22%3a%2272719f70-3533-46b3-9456-ec1235143768%22%2c%22Oid%22%3a%220514ac85-ebb6-4d6b-83c8-d095df91e59b%22%7d)

Meeting ID: 276 681 916 419 Passcode: yEZLm6

**Download Teams:** <https://www.microsoft.com/en-us/microsoft-teams/download-app>

**Join on the web:** <https://www.microsoft.com/microsoft-teams/join-a-meeting>

#### **Or call in (audio only)**

(737) 787-8456 United States, Austin

Phone Conference ID: 870 654 560#

Find a local number: <https://dialin.teams.microsoft.com/6eb74879-14eb-4ef3-8e5e-55e9ca4ff272?id=870654560>

Learn more: <https://aka.ms/JoinTeamsMeeting>

Figure 1

### **MVCPA Application Checklist**

Each Applicant must:

- 1) Complete the on-line Application on or before 5:00 PM, March 15, 2024;
- 2) Complete the Resolution with the city or county and attach with other supporting documents on or before 5:00 PM, March 15, 2024.

**Appendix A**  
**Updated Sample Motor Vehicle Crime Prevention Authority Resolution**

Applicants must use the language below to meet the minimum legal elements to execute an agreement with the MVCPA through the grant application process. Cities and counties not wanting to use the sample below must address all the legal elements contained herein.

2024 Blank City / County Resolution or Order or Ordinance  
**Motor Vehicle Crime Prevention Authority**

**2024 Blank City / County Resolution**

**SB 224 Catalytic Converter Grant Program**

WHEREAS, under the provisions of the Texas Transportation Code Chapter 1006 and Texas Administrative Code Title 43; Part 3; Chapter 57, entities are eligible to receive grants from the Motor Vehicle Crime Prevention Authority to provide financial support to law enforcement taskforces and agencies for economic motor vehicle theft, including catalytic converter theft; and

WHEREAS, this grant program will assist this jurisdiction to combat catalytic converter theft; and

WHEREAS, [ GOVERNMENTAL ENTITY] has agreed that in the event of loss or misuse of the grant funds, [ GOVERNMENTAL ENTITY] agrees and assures that the grant funds will be returned in full to the Motor Vehicle Crime Prevention Authority.

NOW THEREFORE, BE IT RESOLVED and ordered that [TITLE], is designated as the Authorized Official to apply for, accept, decline, modify, or cancel the grant application for the Motor Vehicle Crime Prevention Authority Grant Program and all other necessary documents to accept said grant; and

BE IT FURTHER RESOLVED that [Name] is designated as the Program Director and [Name] is designated as the Financial Officer for this grant.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
NAME  
TITLE: County Judge /Mayor/ City Manager

TRD-202400629  
David Richards  
General Counsel  
Motor Vehicle Crime Prevention Authority  
Filed: February 14, 2024

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**North Central Texas Council of Governments**  
Notice of Contract Award - North Central Texas Regional  
Transit 2.0: Planning for Year 2050 Study

Pursuant to the provisions of Government Code, Chapter 2254, the North Central Texas Council of Governments publishes this notice of contract award. The request appeared in the October 27, 2023, issue of the *Texas Register* (48 TexReg 6431). The selected entity will perform technical and professional work for the North Central Texas Regional Transit 2.0: Planning for Year 2050 Study.

The entity selected for this project is McKinsey & Company Inc. Washington DC, 1200 19th Street NW, Suite 1000, Washington, DC 20036-2427 for a contract not to exceed \$980,000 and InfraStrategies LLC, 2211 Michelson Drive, Suite 900, Irvine, CA 92612 for a contract not to exceed \$1,212,200.

Issued in Arlington, Texas on February 21, 2024.

TRD-202400701

R. Michael Eastland

Executive Director

North Central Texas Council of Governments

Filed: February 20, 2024



### Request for Proposals for 2024 Cooperative Vehicle Procurement + RAISE FY21 EV Bus Procurement

The North Central Texas Council of Governments (NCTCOG) serves as the designated recipient of Federal Transit Administration (FTA) Program funds for the Dallas-Fort Worth-Arlington and the Denton-Lewisville Urbanized Areas. NCTCOG has been awarded funds from the Fiscal Year 2021 Federal Grant Program Rebuilding America's Infrastructure with Sustainability and Equity (RAISE) Grant Program for the purchase of vehicles to enhance bus service in the Southern Inland Port. NCTCOG is requesting written proposals from qualified vendors(s) to design, manufacture, and deliver 8 light-duty electric and 19 light-duty transit Americans With Disabilities Act (ADA), vehicles to support transportation services for the following Federal Transit Administration (FTA) grant programs: Urbanized Area Formula, Bus and Bus Facilities, RAISE FY21.

Proposals must be received no later than 5:00 p.m., Central Time, on **Friday, March 29, 2024**, to Lorena Carrillo, Senior Transportation Planner, North Central Texas Council of Governments, 616 Six Flags Drive, Arlington, Texas 76011 and electronic submissions to [TransRFPs@nctcog.org](mailto:TransRFPs@nctcog.org). The Request for Proposals will be available at [www.nctcog.org/rfp](http://www.nctcog.org/rfp) by the close of business on **Friday, March 1, 2024**.

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

TRD-202400724

R. Michael Eastland

Executive Director

North Central Texas Council of Governments

Filed: February 21, 2024



### Request for Proposals for In-Plant Bus Inspection Service

The North Central Texas Council of Governments (NCTCOG) serves as the designated recipient of Federal Transit Administration (FTA) Program funds for the Dallas-Fort Worth-Arlington and the Denton-Lewisville Urbanized Areas. NCTCOG has been awarded funds from the Fiscal Year 2021 Federal Grant Program Rebuilding America's Infrastructure with Sustainability and Equity (RAISE) Grant Program for the purchase of vehicles to enhance bus service in the Southern Inland

Port. NCTCOG is requesting written proposals from qualified vendors(s) to provide in-plant inspection service for 8 light-duty electric buses and 19 light-duty transit buses as part of the following Federal Transit Administration (FTA) grant programs: Urbanized Area Formula, Bus and Bus Facilities, RAISE FY21.

Proposals must be received no later than 5:00 p.m., Central Time, on **Friday, March 29, 2024**, to Lorena Carrillo, Senior Transportation Planner, North Central Texas Council of Governments, 616 Six Flags Drive, Arlington, Texas 76011 and electronic submissions to [TransRFPs@nctcog.org](mailto:TransRFPs@nctcog.org). The Request for Proposals will be available at [www.nctcog.org/rfp](http://www.nctcog.org/rfp) by the close of business on **Friday, March 1, 2024**.

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

TRD-202400725

R. Michael Eastland

Executive Director

North Central Texas Council of Governments

Filed: February 21, 2024



## Public Utility Commission of Texas

### Notice of Petition for a Designation Under 16 TAC §25.475(b)(5)

Notice is given to the public of a petition filed with the Public Utility Commission of Texas (Commission) on December 8, 2023, requesting a Commission designation under 16 Texas Administrative Code (TAC) §25.475(b)(5) to address the Electric Reliability Council of Texas (ERCOT) Contingency Reserve Service (ECRS).

Docket Style and Number: Joint Petition of Texas Energy Association for Marketers and Alliance for Retail Markets for Designation Under 16 TAC §25.475(b)(5), Docket Number 55959.

The Petition: The Texas Energy Association for Marketers and Alliance for Retail Markets (collectively, REP Coalition) filed a petition requesting that the Commission designate ECRS as an ancillary service incurring a cost beyond a retail electric provider's (REP) control.

Under 16 TAC §25.475(b)(8), the term "price" as it relates to a product for retail electric service includes ancillary services. Under 16 TAC §25.475(b)(5), the price of a fixed rate product "may not vary from the disclosed amount to reflect changes in ancillary service charges unless the commission expressly designates a specific type of ancillary service product as incurring charges beyond the REP's control for a customer's existing contract." The combined effect of these provisions is to require an express Commission designation regarding a new ancillary service before a REP can apply a one-time price increase to an existing contract for a residential or small commercial fixed rate product that was executed before the implementation of the new ancillary service.

The Commission's resolution of the REP Coalition's request will affect REPs that are providing service to residential and/or small commercial customers in the competitive service areas of ERCOT. If the Commission designates ECRS as an ancillary service incurring a cost beyond a REP's control, it could provide REPs with the option to make a one-time adjustment to existing fixed price contracts for residential and small commercial customers that were executed prior to the implementation of the new ancillary service. If the Commission approves the REP Coalition's request, residential and small commercial customers on existing fixed rate contracts that were in effect prior to June 10, 2023, could have a price adjustment that would result in a rate increase.

Persons who wish to file a motion to intervene or comments on the petition should contact the Commission no later than April 1, 2024, by mail at P.O. Box 13326, Austin, Texas 78711-3326, or by phone at (512) 936-7120 or toll-free at (888) 782-8477. Hearing and speech-impaired individuals with text telephone (TTY) may contact the commission through Relay Texas by dialing 7-1-1. All comments should reference Docket Number 55959.

TRD-202400694  
Adriana Gonzales  
Rules Coordinator

Public Utility Commission of Texas  
Filed: February 16, 2024

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**Supreme Court of Texas**

Final Approval of Amendments to Texas Rule of Judicial  
Administration 7

# Supreme Court of Texas

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Misc. Docket No. 24-9006

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## Final Approval of Amendments to Texas Rule of Judicial Administration 7

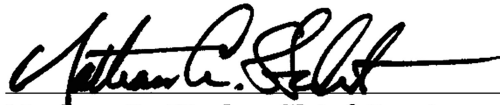
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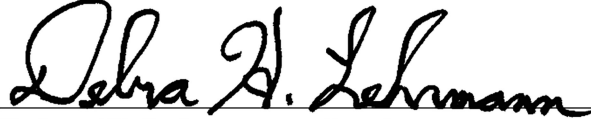
ORDERED that:

1. On August 25, 2023, in Misc. Dkt. No. 23-9068, the Court preliminarily approved amendments to Texas Rule of Judicial Administration 7 and invited public comment.
2. The comment period has expired. Only minor changes to the rule have been made to include references to the business court. This Order gives final approval to the amended rule. The amendments are shown in redline against the current rule.
3. Each court must adopt a confidentiality policy, as required by Rule of Judicial Administration 7.1, by May 1, 2024. Each court must also provide that policy to current court staff members and train them on it by May 1, 2024. Courts within the same county are encouraged to collaborate to adopt a uniform confidentiality policy.
4. The Court's confidentiality policy is attached to this Order and may serve as a model. Section 2(e) has been revised as shown since it was first published in Misc. Dkt. No. 23-9068.
5. The Clerk is directed to:
  - a. file a copy of this Order with the Secretary of State;
  - b. cause a copy of this Order to be mailed to each registered member of the State Bar of Texas by publication in the *Texas Bar Journal*;
  - c. send a copy of this Order to each elected member of the Legislature; and
  - d. submit a copy of this Order for publication in the *Texas Register*.

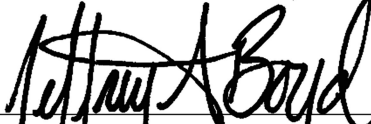
Dated: February 20, 2024.



Nathan L. Hecht, Chief Justice



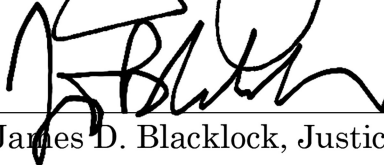
Debra H. Lehrmann, Justice



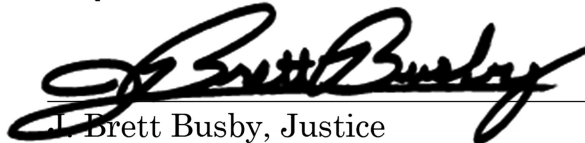
Jeffrey S. Boyd, Justice



John P. Devine, Justice



James D. Blacklock, Justice



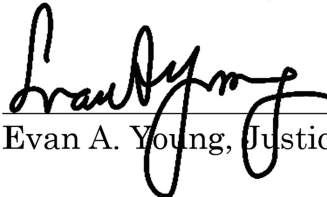
Brett Busby, Justice



Jane N. Bland, Justice



Rebeca A. Huddle, Justice



Evan A. Young, Justice



# TEXAS RULES OF JUDICIAL ADMINISTRATION

## Rule 7. Administrative Responsibilities. (Clean Version)

### Rule 7.1. All Courts.

(a) *Court Confidentiality Policy Required.* A court, including an appellate, district, statutory county, business, statutory probate, constitutional county, justice, and municipal court, must adopt a policy governing court confidentiality.

(b) *Policy Contents.* The policy must:

- (1) define who the policy applies to;
- (2) define confidential information;
- (3) impose a duty of confidentiality on all court staff that continues after employment at the court ends;
- (4) address when, if ever, the disclosure of confidential information is authorized;
- (5) provide the language of relevant laws, including section 21.013 of the Texas Government Code and section 39.06 of the Texas Penal Code;
- (6) address negligent or accidental disclosure of confidential information;
- (7) warn of potential penalties for the unauthorized disclosure of confidential information, including:
  - (A) referral to relevant law enforcement agencies for investigation and prosecution;
  - (B) termination of employment;
  - (C) for attorneys, referral to the State Bar of Texas for discipline;
  - (D) for law students, referral to the Texas Board of Law Examiners for consideration in determining eligibility to practice law in Texas; and

(8) require all court staff to acknowledge receipt of the policy in writing.

(c) *Distribution and Training Required.* The court must:

(1) for all new court staff members, provide the policy and train on it before the new staff member begins any substantive work for the court;

(2) provide the policy to all existing court staff at least biannually.

### **Rule 7.2. District, Statutory County, and Business Courts.**

A district, statutory county, or business court judge must:

(a) diligently discharge the administrative responsibilities of the office;

(b) rule on a case within three months after the case is taken under advisement;

(c) if an election contest or a suit for the removal of a local official is filed in the judge's court, request the presiding judge to assign another judge who is not a resident of the county to dispose of the suit;

(d) on motion by either party in a disciplinary action against an attorney, request the presiding judge to assign another judge who is not a resident of the administrative region where the action is pending to dispose of the case;

(e) request the presiding judge to assign another judge of the administrative region to hear a motion relating to the recusal or disqualification of the judge from a case pending in his court; and

(f) to the extent consistent with due process, consider using methods to expedite the disposition of cases on the docket of the court, including:

(1) adherence to firm trial dates with strict continuance policies;

(2) the use of teleconferencing, videoconferencing, or other available means in lieu of personal appearance for motion hearings, pretrial conferences, scheduling, and other appropriate court proceedings;

(3) pretrial conferences to encourage settlements and to narrow trial issues;

(4) taxation of costs and imposition of other sanctions authorized by the Rules of Civil Procedure against attorneys or parties filing frivolous motions or pleadings or abusing discovery procedures; and

(5) local rules, consistently applied, to regulate docketing procedures and timely pleadings, discovery, and motions.

## **Rule 7. Administrative Responsibilities. (Redline)**

### **Rule 7.1. All Courts.**

(a) Court Confidentiality Policy Required. A court, including an appellate court, district court, statutory county court, business, statutory probate court, constitutional county court, justice court, and municipal court, must adopt a policy governing court confidentiality.

(b) Policy Contents. The policy must:

(1) define who the policy applies to;

(2) define confidential information;

(3) impose a duty of confidentiality on all court staff that continues after employment at the court ends;

(4) address when, if ever, the disclosure of confidential information is authorized;

(5) provide the language of relevant laws, including section 21.013 of the Texas Government Code and section 39.06 of the Texas Penal Code;

(6) address negligent or accidental disclosure of confidential information;

(7) warn of potential penalties for the unauthorized disclosure of confidential information, including:

(A) referral to relevant law enforcement agencies for investigation and prosecution;

(B) termination of employment;

(C) for attorneys, referral to the State Bar of Texas for discipline;

(D) for law students, referral to the Texas Board of Law Examiners for consideration in determining eligibility to practice law in Texas; and

(8) require all court staff to acknowledge receipt of the policy in writing.

(c) *Distribution and Training Required.* The court must:

(1) for all new court staff members, provide the policy and train on it before the new staff member begins any substantive work for the court;

(2) provide the policy to all existing court staff at least biannually.

**Rule 7.2. District, ~~and~~ Statutory County, and Business Courts.**

A district ~~court~~, or statutory county ~~court~~, or business court judge must:

(a) diligently discharge the administrative responsibilities of the office;

(b) rule on a case within three months after the case is taken under advisement;

(c) if an election contest or a suit for the removal of a local official is filed in the judge's court, request the presiding judge to assign another judge who is not a resident of the county to dispose of the suit;

(d) on motion by either party in a disciplinary action against an attorney, request the presiding judge to assign another judge who is not a resident of the administrative region where the action is pending to dispose of the case;

(e) request the presiding judge to assign another judge of the administrative region to hear a motion relating to the recusal or disqualification of the judge from a case pending in his court; and

(f) to the extent consistent with due process, consider using methods to expedite the disposition of cases on the docket of the court, including:

(1) adherence to firm trial dates with strict continuance policies;

(2) the use of teleconferencing, videoconferencing, or other available means in lieu of personal appearance for motion hearings, pretrial conferences, scheduling, and other appropriate court proceedings;

(3) pretrial conferences to encourage settlements and to narrow trial issues;

(4) taxation of costs and imposition of other sanctions authorized by the Rules of Civil Procedure against attorneys or parties filing frivolous motions or pleadings or abusing discovery procedures; and

(5) local rules, consistently applied, to regulate docketing procedures and timely pleadings, discovery, and motions.

## Supreme Court of Texas Confidentiality Policy and Agreement

Employees of this Court occupy positions of public trust. In the course of your duties, you will encounter confidential information about the prospective disposition of cases and the inner workings of the Court.

Preserving the confidentiality of the Court's documents and private deliberations is **crucial to the Court's work**. More specifically, confidentiality furthers the ability of judges and judicial staff to communicate openly and honestly and to reach the most legally correct outcomes for litigants. Confidentiality also builds public respect for the judiciary and impresses on others the gravity of the judicial process. Any breach of confidentiality would betray not only the Court and the individuals who work here, but also the public's interest in thorough, considered justice.

Confidentiality has long been an expectation within Texas courts. Canon 3B(10) of the Texas Code of Judicial Conduct demands that judges and court staff refrain from "public comment about a pending or impending proceeding which may come before the judge's court." Canon 3B(11) of the Texas Code of Judicial Conduct provides that "[t]he discussions, votes, positions taken, and writings of appellate judges and court personnel about causes are confidences of the court and shall be revealed only through a court's judgment, a written opinion or in accordance with Supreme Court guidelines for a court approved history project."

Texas Government Code Section 21.013 creates a Class A misdemeanor criminal offense for the unauthorized disclosure of non-public judicial work product, stating "[a] person . . . with access to non-public judicial work product commits an offense if the person knowingly discloses, wholly or partly, the contents of any non-public judicial work product . . . ." Additionally, Texas Penal Code Section 39.06 criminalizes the misuse of official information by a public servant who "discloses or uses information for a nongovernmental purpose that: (1) he has access to by means of his office or employment; and (2) has not been made public", with penalties ranging from a Class C misdemeanor to a felony of the third degree.

This confidentiality policy incorporates the Canons as well as the statutory penalties of both Texas Government Code Section 21.013 and Texas Penal Code Section 39.06. This policy applies to all Court staff, including interns.

**1. Protection of information.** Confidential information must not be shared with persons not employed within the Court, except as provided in Section 3 below. Employees must refrain from commenting about cases that are or may come before the Court to family, friends, or acquaintances.

**2. Confidential information defined.** Confidential information includes:

- a) drafts of opinions not yet released, internal memoranda, emails between judges or staff, and any other document not intended for public use;
- b) conversations between judges or court staff about litigants or cases before, previously before, or expected to come before the Court;
- c) the private views of judges or court staff concerning the disposition of cases, litigants, anticipated cases, or each other;
- d) the authorship of per curiam opinions or orders, the timing of opinion or order release, and any other procedural mechanism not ordinarily public;
- e) documents ~~submitted by litigants under seal~~properly filed under seal by litigants or counsel; and
- f) other information, however communicated, that is not authorized to be made public.

**3. Disclosures of confidential information.**

- a) **Intentional disclosure** of confidential information outside of the boundaries of (1) above may be met with maximum disciplinary action. See (5) below.
- b) **Negligent or accidental disclosure** is an extremely serious matter that may, but will not necessarily, be met with penalties as described in (5) below. Employees who accidentally disclose confidential information have a duty to promptly report the disclosure to their supervisor, appointing authority, or human resources department so that mitigation can be attempted.

Employees are expected to exercise their discretion and judgment to minimize the risk of inadvertent disclosure. For example, employees should refrain from

communicating about sensitive matters in crowded or public spaces where others may overhear, even within the public areas of the Court. Employees should use court-issued, password-protected equipment to transmit confidential documents. Employees should be mindful of who can see their screen when working at home, on aircraft, public transit, or in public spaces. Employees should carefully keep track of and password protect electronic devices containing confidential information and immediately report any loss or theft of those devices.

- c) **Authorized disclosure** occurs when the Chief Justice or a Justice who supervises the employee authorizes the employee to share work product with a specific person or organization. For example, employees may be authorized to share draft rules or administrative orders with other judicial branch entities for review and comment before they are released to the public, and the Clerk of Court may be authorized to disclose information relating to case status as part of their job duties, provided the Court's internal, confidential deliberations are not disclosed.
- d) **Disclosure as necessary to report misconduct or illegal acts** is permitted. Employees may disclose confidential information when such disclosure is necessary to adequately report to an appropriate authority the misconduct or illegal acts of any person, including sexual or other forms of harassment.

**4. Continuing confidentiality obligation.** An employee's duty to preserve confidentiality survives the employee's departure from the Court. An employee who leaves the Court has the same ongoing duty to protect confidential information that they had during their employment.

Further, the duty to protect information related to the disposition of cases, such as the substance of the Court's deliberations, persists even after an opinion or order is publicly released. Employees asked about a decision of the Court should offer no comment beyond a referral to the released opinion or order.

Finally, employees who depart from Court employment may not retain confidential materials. Employees should return or securely dispose of materials, such as in designated Court shredding bins, prior to an anticipated departure, or as soon as possible after an unanticipated departure.



**5. Penalties for unauthorized disclosure:** In the event of an unauthorized disclosure of confidential information, the Court will investigate the circumstances and take appropriate disciplinary action, as necessary. Potential disciplinary actions may include but are not limited to:

- a) referral of the matter to the relevant law enforcement agency for investigation and prosecution. *See* Texas Government Code Section 21.013 and Texas Penal Code Section 39.06;
- b) termination of employment;
- c) for attorneys, referral to the State Bar of Texas or of other states for discipline and possible loss of the privilege to practice before Texas or other courts; and
- d) for law students, referral to the Texas Board of Law Examiners for consideration in determining eligibility to practice law.

**6. Acknowledgement.** Please acknowledge your understanding and agreement to this policy by signing below.

\_\_\_\_\_  
Employee's or Intern's Signature

\_\_\_\_\_  
Date

TRD-202400720  
Jaclyn Daumerie  
Rules Attorney  
Supreme Court of Texas  
Filed: February 20, 2024

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**Texas Department of Transportation**

**Statewide Transportation Improvement Program February  
2024 Revision**

The Texas Department of Transportation (department) will hold a public hearing on Thursday, March 21, 2024, at 10:00 a.m. Central Standard Time (CST) to receive public comments on the February 2024 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 February 2024 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 Karen Burkhard, Transportation Planning and Programming Division, at (512) 484-9813 no later than 12:00 p.m. CST on Wednesday, March 20, 2024. 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) 484-9813. 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 February 2024 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 Monday, April 1, 2024.

TRD-202400722  
Becky Blewett  
Deputy General Counsel  
Texas Department of Transportation  
Filed: February 20, 2024