

IN ADDITION

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

Office of 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: *State of Texas v. LyondellBasell Acetyls*; Cause No. D-1-GN-21-006888; in the 201st Judicial District Court, Travis County, Texas.

Background: Defendant, LyondellBasell Acetyls, owns and operates a chemical manufacturing facility located at 1350 Miller Cut Off Road in La Porte, Harris County, Texas (the "Plant"). The State filed a civil enforcement suit on behalf of the Texas Commission on Environmental Quality ("TCEQ"), under the Texas Clean Air Act, the Texas Water Code, and related regulations, against Defendant for an unauthorized emissions event at the Plant which released volatile organic compounds, volatile inorganic compounds, and carbon monoxide; and caused two fatalities with 30 more people injured.

Proposed Settlement: The parties propose an Agreed Final Judgment which provides for an award to the State of \$1,025,000 in civil penalties, \$75,000 in attorneys' fees, and post-judgment interest at 7.75% per annum.

For a complete description of the proposed settlement, the Agreed Final Judgment should be reviewed in its entirety. Requests for copies of the proposed judgment and settlement, and written comments on the same, should be directed to Wesley Williams, 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: Wesley.Williams@oag.texas.gov. Written comments must be received within 30 days of publication of this notice to be considered.

TRD-202301896

Austin Kinghorn
General Counsel
Office of the Attorney General
Filed: May 23, 2023



Texas Water Code and Texas Health and Safety Code Settlement Notice

The State of Texas gives notice of the following proposed resolution of a potential 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.

Settlement Agreement relating to the McBay Oil and Gas State Superfund Site Administrative Order (Tex. Comm'n on Env't Quality, In the Matter of the McBay Oil & Gas State Superfund Site; RN105172886, Docket No. 2021-0635-SPF (Aug. 11, 2021)) between Petroleum Well Services, Inc. and the Texas Commission on Environmental Quality.

Background: On August 11, 2021, the Texas Commission on Environmental Quality ("TCEQ") issued an administrative order ("Order") finding that certain parties including Petroleum Well Services, Inc. ("PWSI") were potentially responsible for the solid waste, hazardous substances, pollutants, and other contaminants at the McBay Oil and Gas State Superfund Site (the "Site"), a former oil refinery and oil reclamation plant located on a 20.32-acre tract on FM 1272, two miles west of the intersection with FM 2968 (North Olive Street), near Grapeland, Houston County, Texas. TCEQ's Order required PWSI, and other potentially responsible parties to reimburse all costs associated with TCEQ's cleanup of the Site, which remain to be collected.

Proposed Settlement: The parties propose a Settlement Agreement & Release which includes a contribution from PWSI in the amount of \$160,000.00 for the TCEQ's response costs. Of this sum, the amount of \$153,500.00 shall be designated as reimbursement for TCEQ's response costs at the Site and the amount of \$6,500.00 shall be designated as attorney's fees.

For a complete description of the proposed settlement, the Settlement Agreement & Release should be reviewed in its entirety. Requests for copies of the proposed settlement, and written comments on the same, should be directed to Tyler J. Ryska, 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: tyler.ryska@oag.texas.gov. Written comments must be received within 30 days of publication of this notice to be considered.

TRD-202301915

Austin Kinghorn
General Counsel
Office of the Attorney General
Filed: May 24, 2023



Office of Consumer Credit Commissioner

Notice of Rate Ceilings

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

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 05/29/23 - 06/04/23 is 18% for Consumer¹/Agricultural/Commercial² credit through \$250,000.

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 05/29/23 - 06/04/23 is 18% for Commercial over \$250,000.

¹ Credit for personal, family or household use.

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

TRD-202301902

Leslie L. Pettijohn

Commissioner

Office of Consumer Credit Commissioner

Filed: May 23, 2023

Texas Commission on Environmental Quality

Agreed Orders

The Texas Commission on Environmental Quality (TCEQ or commission) staff is providing an opportunity for written public comment on the listed Agreed Orders (AOs) in accordance with Texas Water Code (TWC), §7.075. TWC, §7.075, requires that before the commission may approve the AOs, the commission shall allow the public an opportunity to submit written comments on the proposed AOs. TWC, §7.075, requires that notice of the proposed orders and the opportunity to comment must be published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is **July 5, 2023**. TWC, §7.075, also requires that the commission promptly consider any written comments received and that the commission may withdraw or withhold approval of an AO if a comment discloses facts or considerations that indicate that consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the statutes and rules within the commission's jurisdiction or the commission's orders and permits issued in accordance with the commission's regulatory authority. Additional notice of changes to a proposed AO is not required to be published if those changes are made in response to written comments.

A copy of each proposed AO is available for public inspection at both the commission's central office, located at 12100 Park 35 Circle, Building C, 1st Floor, Austin, Texas 78753, (512) 239-2545 and at the applicable regional office listed as follows. Written comments about an AO should be sent to the enforcement coordinator designated for each AO at the commission's central office at P.O. Box 13087, Austin, Texas 78711-3087 and must be received by 5:00 p.m. on **July 5, 2023**. Written comments may also be sent by facsimile machine to the enforcement coordinator at (512) 239-2550. The commission's enforcement coordinators are available to discuss the AOs and/or the comment procedure at the listed phone numbers; however, TWC, §7.075, provides that comments on the AOs shall be submitted to the commission in writing.

(1) COMPANY: Byron G Custom Homes LLC; DOCKET NUMBER: 2021-1499-WQ-E; IDENTIFIER: RN111347423; LOCATION: Springtown, Parker County; TYPE OF FACILITY: operator; RULE VIOLATED: 30 TAC §281.25(a)(4), by failing to obtain a construction general permit (stormwater); PENALTY: \$875; ENFORCEMENT COORDINATOR: Ellen Ojeda, (512) 239-2581; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(2) COMPANY: Equistar Chemicals, LP; DOCKET NUMBER: 2020-0911-AIR-E; IDENTIFIER: RN100221662; LOCATION: Corpus Christi, Nueces County; TYPE OF FACILITY: chemical manufacturing plant; RULES VIOLATED: 30 TAC §§101.20(3), 111.111(a)(1)(B), 116.115(c), and 122.143(4), New Source Review Permit Numbers 4682B and PSDTX761M3, Special Conditions Number 2, Federal Operating Permit Number O1486, General Terms

and Conditions and Special Terms and Conditions Number 17, and Texas Health and Safety Code, §382.085(b), by failing to prevent unauthorized emissions, and failing to prevent visible emissions from exceeding 20% averaged over a six-minute period; PENALTY: \$58,350; ENFORCEMENT COORDINATOR: Yuliya Dunaway, (210) 403-4077; REGIONAL OFFICE: 500 North Shoreline Boulevard, Suite 500, Corpus Christi, Texas 78401-0318, (361) 881-6900.

(3) COMPANY: FRED GARRISON OIL COMPANY; DOCKET NUMBER: 2022-1604-PST-E; IDENTIFIER: RN102507621; LOCATION: Graham, Young County; TYPE OF FACILITY: common carrier; RULES VIOLATED: 30 TAC §334.5(b)(1)(A) and TWC, §26.3467(d), by failing to make available a valid, current TCEQ delivery certificate before depositing a regulated substance into a regulated underground storage tank system; PENALTY: \$4,510; ENFORCEMENT COORDINATOR: Tiffany Chu, (817) 588-5891; REGIONAL OFFICE: 1977 Industrial Boulevard, Abilene, Texas 79602-7833, (325) 698-9674.

(4) COMPANY: Image Construction Incorporated; DOCKET NUMBER: 2023-0585-WQ-E; IDENTIFIER: RN108886862; LOCATION: Alvord, Wise County; TYPE OF FACILITY: operator; RULE VIOLATED: 30 TAC §281.25(a)(4), by failing to obtain a multi-sector general permit (stormwater); PENALTY: \$875; ENFORCEMENT COORDINATOR: Shane Glantz, (806) 468-0507; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(5) COMPANY: J Michael Design and Construction LLC; DOCKET NUMBER: 2023-0582-WQ-E; IDENTIFIER: RN111625018; LOCATION: Lindale, Smith County; TYPE OF FACILITY: operator; RULE VIOLATED: 30 TAC §281.25(a)(4), by failing to obtain a construction general permit (stormwater); PENALTY: \$875; ENFORCEMENT COORDINATOR: Ellen Ojeda, (512) 239-2581; REGIONAL OFFICE: 2916 Teague Drive, Tyler, Texas 75701-3734, (903) 535-5100.

(6) COMPANY: Magellan Terminals Holdings, L.P.; DOCKET NUMBER: 2021-0728-AIR-E; IDENTIFIER: RN102180486; LOCATION: Galena Park, Harris County; TYPE OF FACILITY: petroleum bulk station and storage terminal; RULES VIOLATED: 30 TAC §116.115(c) and §122.143(4), New Source Review Permit Number 4850, Special Conditions Number 41.C, Federal Operating Permit (FOP) Number O1128, General Terms and Conditions (GTC) and Special Terms and Conditions Numbers 1.A and 18, and Texas Health and Safety Code (THSC), §382.085(b), by failing to maintain the six-minute average temperature in or immediately downstream of the combustion chamber above the established minimum one-hour average temperature; and 30 TAC §122.143(4) and §122.145(2)(A), FOP Number O1128, GTC, and THSC, §382.085(b), by failing to report all instances of deviations; PENALTY: \$36,240; ENFORCEMENT COORDINATOR: Rajesh Acharya, (512) 239-0577; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(7) COMPANY: Nico Jaap DeBoer; DOCKET NUMBER: 2021-1354-MLM-E; IDENTIFIER: RN102184405; LOCATION: Winnsboro, Wood County; TYPE OF FACILITY: concentrated animal feeding operation; RULES VIOLATED: 30 TAC §297.11 and TWC, §11.081 and §11.121, by failing to obtain authorization prior to diverting, impounding, storing, taking, or using state water; 30 TAC §321.31(a) and §321.40(e), TWC, §26.121(a)(1), and Texas Pollutant Discharge Elimination System (TPDES) General Permit Number TXG920108, Part III, Pollution Prevention Plan Requirements, A. Technical Requirements Number 12(c)(6), by failing to prevent tailwater discharges to waters in the state; 30 TAC §321.38(e)(7)(C) and TPDES General Permit Number TXG920108, Part III. Pollution Prevention Plan Requirements, A. Technical Requirements Number 6(d), by failing to provide the appropriate volume capacity of the

Retention Control Structures (RCS) at the facility; 30 TAC §321.39(e) and TPDES General Permit Number TXG920108, Part III, Pollution Prevention Plan Requirements, A. Technical Requirements Number 9(b), by failing to properly store manure within the drainage area of an RCS or stored in a manner that prevents contaminated stormwater runoff from the storage area; and 30 TAC §335.5(a) and (b), by failing to deed record disposal of industrial solid waste or municipal hazardous waste; PENALTY: \$16,888; ENFORCEMENT COORDINATOR: Ellen Ojeda, (512) 239-2581; REGIONAL OFFICE: 2916 Teague Drive, Tyler, Texas 75701-3734, (903) 535-5100.

(8) COMPANY: North San Saba Water Supply Corporation; DOCKET NUMBER: 2023-0268-PWS-E; IDENTIFIER: RN101225613; LOCATION: San Saba, San Saba County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.46(e)(4)(B) and Texas Health and Safety Code, §341.033(a), by failing to operate the facility under the direct supervision of a water works operator who holds an applicable, valid Class C or higher groundwater license issued by the executive director (ED); 30 TAC §290.46(f)(2) and (3)(B)(iii), by failing to maintain water works operation and maintenance records and make them readily available for review by the ED upon request; 30 TAC §290.46(m)(1)(A), by failing to inspect the facility's three ground storage tanks annually; 30 TAC §290.46(m)(1)(B), by failing to inspect the facility's three pressure tanks annually; and 30 TAC §290.46(s)(2)(C)(i), by failing to verify the accuracy of the manual disinfectant residual analyzer at least once every 90 days using chlorine solutions of known concentrations; PENALTY: \$5,325; ENFORCEMENT COORDINATOR: Miles Wehner, (512) 239-2813; REGIONAL OFFICE: 6801 Sanger Avenue, Suite 2500, Waco, Texas 76710-7826, (254) 751-0335.

(9) COMPANY: Richardson, Fred; DOCKET NUMBER: 2023-0616-WOC-E; IDENTIFIER: RN111694691; LOCATION: Zavalla, Angelina County; TYPE OF FACILITY: operator; RULE VIOLATED: 30 TAC §30.5(a), by failing to obtain a required occupational license; PENALTY: \$175; ENFORCEMENT COORDINATOR: Carlos Flores, (915) 834-4964; REGIONAL OFFICE: 3870 Eastex Freeway, Beaumont, Texas 77703-1830, (409) 898-3838.

(10) COMPANY: Tarleton State University; DOCKET NUMBER: 2021-1506-AGR-E; IDENTIFIER: RN105915730; LOCATION: Stephenville, Erath County; TYPE OF FACILITY: concentrated animal feeding operation; RULES VIOLATED: 30 TAC §305.125(1) and §321.46(d) and TCEQ Permit Number WQ0004920000, Part VIII.A, by failing to submit records to the Executive Director within five business days of request; and 30 TAC §§305.125(1) and (4), 321.31(a), 321.38(g)(1)(F), and 321.42(c), TWC, §26.121(a)(1), and TCEQ Permit Number WQ0004920000, Parts VII.A, 3(d)(2)(i), 5.(a) and (d), by failing to maintain adequate unused capacity in retention control structure Number 1 to account for rainfall and rainfall runoff from a designed rainfall event, resulting in a discharge of agricultural wastewater into or adjacent to any water in the state; PENALTY: \$6,313; ENFORCEMENT COORDINATOR: Harley Hobson, (512) 239-1337; REGIONAL OFFICE: 580-D West Lingleville Road, Stephenville, Texas 76401-2209, (254) 552-1900.

TRD-202301892

Gitanjali Yadav

Deputy Director, Litigation

Texas Commission on Environmental Quality

Filed: May 23, 2023



Combined Notice of Receipt of Application and Intent to Obtain Water Quality Permit and Notice of Application

and Preliminary Decision for TPDES Permit for Municipal Wastewater and Notice of a Pretreatment Program Substantial Modification Renewal Permit Number WQ0010426001

Notice Issued May 18, 2023

APPLICATION AND PRELIMINARY DECISION. City of Bryan, P.O. Box 1000, Bryan, Texas 77805, has applied to the Texas Commission on Environmental Quality (TCEQ) for a renewal of Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0010426001, which authorizes the discharge of treated domestic wastewater at an annual average flow not to exceed 8,000,000 gallons per day. The applicant has also requested a substantial modification to the approved pretreatment program. TCEQ received this application on November 21, 2022.

This combined notice is being issued to include the Notice of Pretreatment Program Substantial Modification. The NORI, issued on January 3, 2023, inadvertently omitted Pretreatment Program Substantial Modification.

The applicant has applied to the TCEQ for approval of a substantial modification to its approved pretreatment program under the TPDES program. The request for approval complies with both federal and state requirements. The substantial modification will be approved without change if no substantive comments are received within 30 days of notice publication.

Approval of the request for modification to the approved pretreatment program will allow the applicant to revise their technically based local limits, and ordinance which incorporates such revisions. The following treatment works facilities will be subject to the requirements of the pretreatment program: TPDES Permit Nos. WQ0010426001, WQ0010426002, WQ0010426004, and WQ0015930001. The facility is located at 300 Park Road, in the City of College Station, Brazos County, Texas 77802. The treated effluent is discharged to an unnamed tributary, thence to Burton Creek, thence to Carters Creek, thence to Navasota River Below Lake Limestone in Segment No. 1209 of the Brazos River Basin. The unclassified receiving water uses are minimal aquatic life use for the unnamed tributary, limited aquatic life use for Burton Creek, and intermediate aquatic life use for Carters Creek. The designated uses for Segment No. 1209 are primary contact recreation, public water supply, and high aquatic life use. 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=-96.320833,30.640833&level=18>

The TCEQ Executive Director has completed the technical review of the application, the pretreatment program substantial modification, 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 Executive Director has also made a preliminary decision that the requested substantial modification to the approved pretreatment program, if approved, meets all statutory and regulatory requirements. The permit application, Executive Director's preliminary decision, draft permit, and pretreatment program substantial modification are available for viewing and copying at Clara B. Mounce Public Library, 201 East 26th Street, Bryan, Texas.

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-notice>.

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

OPPORTUNITY FOR A CONTESTED CASE HEARING. After the deadline for submitting public comments, the Executive Director will consider all timely comments and prepare a response to all relevant and material, or significant public comments. Unless the application is directly referred for a contested case hearing, the response to comments will be mailed to everyone who submitted public comments and to those persons who are on the mailing list for this application. If comments are received, the mailing will also provide instructions for requesting a contested case hearing or reconsideration of the Executive Director's decision. There is no opportunity to request a contested case hearing on the application for substantial modification of the pretreatment program. A contested case hearing is a legal proceeding similar to a civil trial in a state district court. **TO REQUEST A CONTESTED CASE HEARING, YOU MUST INCLUDE THE FOLLOWING ITEMS IN YOUR REQUEST:** your name, address, phone number; applicant's name and proposed permit number; the location and distance of your property/activities relative to the proposed facility; a specific description of how you would be adversely affected by the facility in a way not common to the general public; a list of all disputed issues of fact that you submit during the comment period; and the statement "[I/we] request a contested case hearing." If the request for contested case hearing is filed on behalf of a group or association, the request must designate the group's representative for receiving future correspondence; identify by name and physical address an individual member of the group who would be adversely affected by the proposed facility or activity; provide the information discussed above regarding the affected member's location and distance from the facility or activity; explain how and why the member would be affected; and explain how the interests the group seeks to protect are relevant to the group's purpose.

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

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

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

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

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

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

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

Further information may also be obtained from the City of Bryan at the address stated above, or by calling Mr. Jason Barfknecht, PhD., P.E., Public Works Director, City of Bryan, at (979) 209-5929.

TRD-202301907

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: May 24, 2023



Enforcement Orders

An agreed order was adopted regarding Rohm and Haas Texas Incorporated, Docket No. 2021-0729-AIR-E on May 23, 2023 assessing \$7,425 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Danielle Porras, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding SEEK CONCEPT, LLC dba Steves Food Mart, Docket No. 2021-1404-PST-E on May 23, 2023 assessing \$3,375 in administrative penalties with \$675 deferred. Information concerning any aspect of this order may be obtained by contacting Tiffany Chu, 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 Boling Municipal Water District, Docket No. 2021-1554-MWD-E on May 23, 2023 assessing \$800 in administrative penalties with \$160 deferred. Information concerning any aspect of this order may be obtained by contacting Cheryl Thomp-

son, 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 ELG Utility LLC, Docket No. 2021-1587-AIR-E on May 23, 2023 assessing \$4,226 in administrative penalties with \$845 deferred. Information concerning any aspect of this order may be obtained by contacting Johnnie Wu, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding AAREY COLLONEY, INC. dba Cheek Grocery Store, Docket No. 2022-0417-PST-E on May 23, 2023 assessing \$5,227 in administrative penalties with \$1,045 deferred. Information concerning any aspect of this order may be obtained by contacting Ken Moller, 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 Lonnie Brown dba 9880 VILLAGE CREEK RD, Docket No. 2022-0546-PWS-E on May 23, 2023 assessing \$4,542 in administrative penalties with \$908 deferred. Information concerning any aspect of this order may be obtained by contacting Miles Wehner, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding BLACK, GIBSON AND WATERS, INC., Docket No. 2022-0583-PST-E on May 23, 2023 assessing \$4,687 in administrative penalties with \$937 deferred. Information concerning any aspect of this order may be obtained by contacting Horus Garcia, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Hale County, Docket No. 2022-0714-PST-E on May 23, 2023 assessing \$6,750 in administrative penalties with \$1,350 deferred. Information concerning any aspect of this order may be obtained by contacting Stephanie McCurley, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding CAPSTONE PROPERTY MANAGEMENT, LLC, Docket No. 2022-0785-MWD-E on May 23, 2023 assessing \$6,250 in administrative penalties with \$1,250 deferred. Information concerning any aspect of this order may be obtained by contacting Cheryl Thompson, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding City of Austin, Docket No. 2022-0803-EAQ-E on May 23, 2023 assessing \$7,500 in administrative penalties with \$1,500 deferred. Information concerning any aspect of this order may be obtained by contacting Cheryl Thompson, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Third Coast Services LLC, Docket No. 2022-1106-PWS-E on May 23, 2023 assessing \$979 in administrative penalties with \$195 deferred. Information concerning any aspect of this order may be obtained by contacting Amanda Conner, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding ANDERSON WATER CO., INC., Docket No. 2022-1198-UTL-E on May 23, 2023 assessing \$510 in administrative penalties with \$102 deferred. Information concerning any aspect of this order may be obtained by contacting Epifanio Villarreal, 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 Redwater, Docket No. 2022-1213-UTL-E on May 23, 2023 assessing \$1,020 in administrative penalties with \$204 deferred. Information concerning any aspect of this order may be obtained by contacting Claudia Bartley, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Charles R. Gilley dba Whispering Oaks Water Coop, Docket No. 2022-1317-UTL-E on May 23, 2023 assessing \$610 in administrative penalties with \$122 deferred. Information concerning any aspect of this order may be obtained by contacting Nick Lohret-Froio, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Texas Water Systems, Inc., Docket No. 2022-1325-UTL-E on May 23, 2023 assessing \$1,040 in administrative penalties with \$208 deferred. Information concerning any aspect of this order may be obtained by contacting Nick Lohret-Froio, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Texas Water Systems, Inc., Docket No. 2022-1326-UTL-E on May 23, 2023 assessing \$1,220 in administrative penalties with \$244 deferred. Information concerning any aspect of this order may be obtained by contacting Nick Lohret-Froio, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Knob Hill Water Supply Corporation, Docket No. 2022-1336-UTL-E on May 23, 2023 assessing \$665 in administrative penalties with \$133 deferred. Information concerning any aspect of this order may be obtained by contacting Samantha Duncan, 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 Texas Water Systems, Inc., Docket No. 2022-1343-UTL-E on May 23, 2023 assessing \$1,270 in administrative penalties with \$254 deferred. Information concerning any aspect of this order may be obtained by contacting Nick Lohret, 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 Virginia M. Cole dba Frost Mobile Home Park, Docket No. 2022-1385-UTL-E on May 23, 2023 assessing \$600 in administrative penalties with \$120 deferred. Information concerning any aspect of this order may be obtained by contacting Miles Wehner, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Nameless Hollow Council of Co-Owners, Docket No. 2022-1396-UTL-E on May 23, 2023 assessing \$700 in administrative penalties with \$140 deferred. Information concerning any aspect of this order may be obtained by contacting Miles Wehner, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Thomas K. Rawls dba Lakeside Water Supply 5 and Danasa Rawls dba Lakeside Water Supply 5, Docket No. 2022-1402-UTL-E on May 23, 2023 assessing \$500 in administrative penalties with \$100 deferred. Information concerning any aspect of this order may be obtained by contacting Miles Wehner, En-

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

An agreed order was adopted regarding ANDERSON WATER CO., INC., Docket No. 2022-1465-UTL-E on May 23, 2023 assessing \$520 in administrative penalties with \$104 deferred. Information concerning any aspect of this order may be obtained by contacting Carlos Flores, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Woodrow-Osceola Water Supply Corporation, Docket No. 2022-1495-UTL-E on May 23, 2023 assessing \$1,020 in administrative penalties with \$204 deferred. Information concerning any aspect of this order may be obtained by contacting Samantha Duncan, 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 Woodrow-Osceola Water Supply Corporation, Docket No. 2022-1496-UTL-E on May 23, 2023 assessing \$1,000 in administrative penalties with \$200 deferred. Information concerning any aspect of this order may be obtained by contacting Samantha Duncan, 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 San Diego Municipal Utility District 1, Docket No. 2022-1506-UTL-E on May 23, 2023 assessing \$500 in administrative penalties with \$100 deferred. Information concerning any aspect of this order may be obtained by contacting Corinna Willis, 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 Woodrow-Osceola Water Supply Corporation, Docket No. 2022-1513-UTL-E on May 23, 2023 assessing \$1,000 in administrative penalties with \$200 deferred. Information concerning any aspect of this order may be obtained by contacting Samantha Duncan, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

TRD-202301906

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: May 24, 2023



Notice of Correction to Shutdown/Default Order Number 1

In the May 19, 2023, issue of the *Texas Register* (48 TexReg 2609), the Texas Commission on Environmental Quality (commission) published notice of a Shutdown/Default Order, specifically Item Number 1, for SABIR, INC. dba Stop N Drive 7; Docket Number 2021-0796-PST-E. The error is as submitted by the commission.

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

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

TRD-202301894

Gitanjali Yadav

Deputy Director, Litigation

Texas Commission on Environmental Quality

Filed: May 23, 2023



Notice of District Petition

Notice issued May 24, 2023

TCEQ Internal Control No. D-02132023-057; Michael D. Smith, Evan L. Shaw, and Pensco Trust Company (Petitioners), filed a petition for creation of Wise County Municipal Utility District No. 5 (District) with the Texas Commission on Environmental Quality (TCEQ). The petition was filed pursuant to Article XVI, Section 59 of the Constitution of the State of Texas; Chapters 49 and 54 of the Texas Water Code; 30 Texas Administrative Code Chapter 293; and the procedural rules of the TCEQ.

The petition states that: (1) the Petitioners hold 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; (3) the lienholder was notified via mail in accordance with 30 Texas Administrative Code §293.11(a)(9); (4) the proposed District will contain approximately 640.997 acres of land, more or less, located within Wise County, Texas; and (4) all of the land to be included within the proposed District is not within the corporate limits or extraterritorial jurisdiction of any city. The petition further states that the proposed District will construct, purchase, acquire, maintain, own and operate water, wastewater, drainage, road and park and recreational facilities within the proposed District. 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 Petitioners, from the information available at this time, that the cost of said project will be approximately \$77,245,000 (\$52,855,000 for water, wastewater, and drainage facilities and \$24,390,000 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 or call the Office of the Chief Clerk at (512) 239-3300 to obtain a copy of the complete notice. When searching the web site, type in the issued date range shown at the top of this document to obtain search results.

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

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

TRD-202301905

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: May 24, 2023



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

The Texas Commission on Environmental Quality (TCEQ or commission) staff is providing an opportunity for written public comment on the listed Default Order (DO). The commission staff proposes a DO when the staff has sent the Executive Director's Preliminary Report and Petition (EDPRP) to an entity outlining the alleged violations; the proposed penalty; the proposed technical requirements necessary to bring the entity back into compliance; and the entity fails to request a hearing on the matter within 20 days of its receipt of the EDPRP or requests a hearing and fails to participate at the hearing. Similar to the procedure followed with respect to Agreed Orders entered into by the executive director of the commission, in accordance with Texas Water Code (TWC), §7.075, this notice of the proposed order and the opportunity to comment is published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is **July 5, 2023**. The commission will consider any written comments received, and the commission may withdraw or withhold approval of a DO if a comment discloses facts or considerations that indicate that consent to the proposed DO is inappropriate, improper, inadequate, or inconsistent with the requirements of the statutes and rules within the commission's jurisdiction, or the commission's orders and permits issued in accordance with the commission's regulatory authority. Additional notice of changes to a proposed DO is not required to be published if those changes are made in response to written comments.

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

(1) COMPANY: Jeffrey H. Brennan dba P & B Water; DOCKET NUMBER: 2021-0629-PWS-E; TCEQ ID NUMBER: RN102953718; LOCATION: 14271 Natalie Street, Houston, Harris County; TYPE OF FACILITY: public water system; RULES VIOLATED: TWC, §5.702 and 30 TAC §291.76, by failing to pay regulatory assessment fees for the TCEQ Public Utility Account regarding Certificate of Convenience and Necessity Number 12021 for calendar years 2018 through 2020; TWC, §5.702 and 30 TAC §290.51(a)(6), by failing to pay annual Public Health Service fees and any associated late fees for TCEQ Financial Administration Account Number 91010681 for Fiscal Year 2021; 30 TAC §§290.106(e), 290.107(e), and 290.115(e), by failing to provide the results of nitrate, volatile organic chemical contaminants, and Stage 2 Disinfection Byproducts sampling to the

executive director (ED) for the January 1, 2020, through December 31, 2020 monitoring period; 30 TAC §290.271(b) and §290.274(a) and (c) and TCEQ Agreed Order Docket Number 2018-1217-PWS-E, Ordering Provision Numbers 2.a.ii. and 2.b.ii., by failing to mail or directly deliver one copy of the Consumer Confidence Report (CCR) to each bill-paying customer by July 1st of each year, and failing to submit to the TCEQ by July 1st of each year a copy of the annual CCR and certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with compliance monitoring data for calendar year 2019; and 30 TAC §290.108(e), by failing to provide the results of radionuclides sampling to the ED for the January 1, 2013 through December 31, 2018 monitoring period; PENALTY: \$2,625; STAFF ATTORNEY: Clayton Smith, Litigation, MC 175, (512) 239-6224; REGIONAL OFFICE: Houston Regional Office, 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

TRD-202301895

Gitanjali Yadav

Deputy Director, Litigation

Texas Commission on Environmental Quality

Filed: May 23, 2023



Notice of Public Hearing on Assessment of Administrative Penalties and Requiring Certain Actions of Lonnie Wooten SOAH Docket No. 582-23-19353 TCEQ Docket No. 2021-0786-MLM-E

The Texas Commission on Environmental Quality (TCEQ or the Commission) has referred this matter to the State Office of Administrative Hearings (SOAH). An Administrative Law Judge with the State Office of Administrative Hearings will conduct a public hearing via Zoom videoconference at:

10:00 a.m. - June 22, 2023

To join the Zoom meeting via computer or smart device:

<https://soah-texas.zoomgov.com>

Meeting ID: 161 984 0712

Password: TCEQDC1

or

To join the Zoom meeting via telephone dial:

+1 (669) 254-5252

Meeting ID: 161 984 0712

Password: 5247869

The purpose of the hearing will be to consider the Executive Director's First Amended Report and Petition mailed October 31, 2022 concerning assessing administrative penalties against and requiring certain actions of Lonnie Wooten, for violations in Tom Green County, Texas, of: Tex. Health & Safety Code § 382.085(b) and 30 Texas Administrative Code §111.201 and §330.15(a) and (c).

The hearing will allow Lonnie Wooten, the Executive Director, and the Commission's Public Interest Counsel to present evidence on whether a violation has occurred, whether an administrative penalty should be assessed, and the amount of such penalty, if any. The first convened session of the hearing will be to establish jurisdiction, afford Lonnie Wooten, the Executive Director of the Commission, and the Commission's Public Interest Counsel an opportunity to negotiate and to establish a discovery and procedural schedule for an evidentiary hearing.

Unless agreed to by all parties in attendance at the preliminary hearing, an evidentiary hearing will not be held on the date of this preliminary hearing. **Upon failure of Lonnie Wooten to appear at the preliminary hearing or evidentiary hearing, the factual allegations in the notice will be deemed admitted as true, and the relief sought in the notice of hearing may be granted by default. The specific allegations included in the notice are those set forth in the Executive Director's First Amended Report and Petition, attached hereto and incorporated herein for all purposes.** Lonnie Wooten, the Executive Director of the Commission, and the Commission's Public Interest Counsel are the only designated parties to this proceeding.

Legal Authority: Tex. Water Code § 7.054 and ch. 7, Tex. Health & Safety Code chs. 361 and 382, and 30 Texas Administrative Code chs. 70, 111, and 330; Tex. Water Code § 7.058, and the Rules of Procedure of the Texas Commission on Environmental Quality and the State Office of Administrative Hearings, including 30 Texas Administrative Code §70.108 and §70.109 and ch. 80, and 1 Texas Administrative Code ch. 155.

Further information regarding this hearing may be obtained by contacting Cynthia Sirois, Staff Attorney, Texas Commission on Environmental Quality, Litigation Division, Mail Code 175, P.O. Box 13087, Austin, Texas 78711-3087, telephone (512) 239-3400. Information concerning your participation in this hearing may be obtained by contacting Sheldon Wayne, Staff Attorney, Office of Public Interest Counsel, Mail Code 103, at the same P.O. Box address given above, or by telephone at (512) 239-6363.

Any document filed prior to the hearing must be filed with TCEQ's Office of the Chief Clerk and SOAH. Documents filed with the Office of the Chief Clerk may be filed electronically at www.tceq.texas.gov/goto/efilings or sent to the following address: TCEQ Office of the Chief Clerk, Mail Code 105, P.O. Box 13087, Austin, Texas 78711-3087. Documents filed with SOAH may be filed via fax at (512) 322-2061 or sent to the following address: SOAH, 300 West 15th Street, Suite 504, Austin, Texas 78701. When contacting the Commission or SOAH regarding this matter, reference the SOAH docket number given at the top of this notice.

In accordance with 1 Texas Administrative Code §155.401(a), Notice of Hearing, "Parties that are not represented by an attorney may obtain information regarding contested case hearings on the public website of the State Office of Administrative Hearings at www.soah.texas.gov, or in printed format upon request to SOAH."

Persons who need special accommodations at the hearing should call the SOAH Docketing Department at (512) 475-3445, at least one week before the hearing.

Issued: May 22, 2023

TRD-202301904

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: May 24, 2023

◆ ◆ ◆

General Land Office

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

On January 10, 1997, the State of Texas received federal approval of the Coastal Management Program (CMP) (62 *Federal Register* pp. 1439 - 1440). Under federal law, federal agency activities and actions affect-

ing the Texas coastal zone must be consistent with the CMP goals and policies identified in 31 TAC Chapter 26. Requests for federal consistency review were deemed administratively complete for the following project(s) during the period of May 15, 2023 to May 19, 2023. As required by federal law, the public is given an opportunity to comment on the consistency of proposed activities in the coastal zone undertaken or authorized by federal agencies. Pursuant to 31 TAC §§30.25, 30.32, and 30.41, the public comment period extends 30 days from the date published on the Texas General Land Office web site. The notice was published on the web site on Friday, May 26, 2023. The public comment period for this project will close at 5:00 p.m. on Sunday, June 25, 2023.

FEDERAL AGENCY ACTIVITIES:

Applicant: Federal Aviation Administration (FAA)

Location: The project site is located in Offatts Bayou, at Scholes International Airport, 2115 Terminal Drive (Runway 14), in Galveston, Galveston County, Texas.

Latitude and Longitude: 29.273775, -94.869706

Project Description: The applicant proposes to install 106 pre-cast concrete pilings by pile driving into Offatts Bayou and adjacent wetlands to replace approximately 1,379 linear feet of the existing Medium-Intensity Approach Lighting System (MALS) pier at Scholes International Airport with a new pier consisting of a 9-foot-wide concrete deck and a 71-foot-long by 8-foot-wide T-head at the shoreline. Approximately 200 linear feet of the existing pier at the terminal end will be retained and not replaced. The overall structure will encompass 14,779-square-foot and extend 1,579 feet into Offatts Bayou, with the deck of the pier positioned approximately 14 feet above mean high water.

The purpose of this project is to improve airport operations at Scholes International Airport by meeting current design standards and operational needs.

A temporary flotation channel would also be dredged to allow barge access for the project construction. This temporary access work is being evaluated separately under Nationwide Permit (NWP) 33.

The applicant has not proposed to mitigate for the proposed impacts because there will be no impacts to special aquatic sites within the project area.

The applicant stated that they have avoided and minimized the environmental impacts by limiting the project footprint to the minimum needed to meet the need of replacing the MALS pier. The applicant also stated that they will use best management practices (BMPs) to minimize impact to the shoreline and waterway during construction activities.

The project site conditions are currently a portion of Offatts Bayou, which directly connects to Galveston Bay. There are numerous structures such as piers, boat lifts, aids to navigation, boat ramps, etc., and there are no special aquatic sites located within the vicinity of the action area.

Type of Application: U.S. Army Corps of Engineers permit application # SWG-2022-00766. This application will be reviewed pursuant to Section 10 of the Rivers and Harbors Act of 1899.

CMP Project No: 23-1266-F2

FEDERAL AGENCY ACTIONS:

Applicant: HMS 850 Holdings, LLC

Location: The project site is located in Burnet Bay, at 850 Independence Parkway North, in Baytown, Harris County, Texas.

Latitude and Longitude: 29.766245, -95.06856

Project Description: The applicant proposes to modify Department of the Army (DA) Permit SWG-1999-02541 to add a 15.71-acre extension of the previously authorized 31.8-acre dredge footprint for the barge floating area, resulting in a total barge floating area footprint of approximately 47.51 acres. The applicant is also requesting a 10-year maintenance dredging authorization to mechanically and/or hydraulically remove approximately 105,300 cubic yards of dredge material from the extended dredge footprint to a depth of -12 feet Mean Lower Low Water (MLLW), including the associated return effluent from previously authorized dredge material placement areas (DMPAs). In addition, the applicant is requesting authorization to place the dredged material, and subsequent maintenance material, into the Burnet Bay Beneficial Use site (DA Permit SWG-2008-00127). The material would be tested according to Table 1 of the Sediment Sampling and Report Requirements for Beneficial Use Sites that was approved by the Environmental Protection Agency, Texas Commission on Environmental Quality, Corps, and the Port of Houston Authority in August 2020.

The applicant stated that the purpose of the proposed project is to expand the barge floating area to accommodate additional barges.

The applicant has stated that they have avoided and minimized the environmental impacts by limiting the expanded barge floating area to the minimum size needed to meet the purpose of accommodating additional barges. The applicant has not proposed to mitigate for the proposed impacts because there will be no impacts to special aquatic sites.

Type of Application: U.S. Army Corps of Engineers permit application # SWG-1999-02541. This application will be reviewed pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act. Note: The consistency review for this project may be conducted by the Texas Commission on Environmental Quality as part of its certification under §401 of the Clean Water Act.

CMP Project No: 23-1265-F1

Applicant: Port of Houston Authority

Location: The project site is located in Bayport Ship Channel, at 12619 Port Road, in Seabrook, Harris County, Texas.

Latitude and Longitude: 29.609198, -95.013723

Project Description: The applicant proposes to modify Department of the Army (DA) Permit SWG-1998-01818 (formerly 21520) to extend the authorized length of Wharf 1 at the Bayport Container Terminal (BPT) by 676 feet at the northeast end to be 1,676 linear feet. With the proposed Wharf 1 extension, there will be discharge of approximately 23,100 cubic yards of fill below mean high water (MHW) into 3.56 acres of the channel behind the existing bulkhead and to install a bulkhead extension. Project components also include the mechanical and/or hydraulic dredging approximately 177,000 cubic yards of material from 3.6 acres of the channel to a depth of -48.5 feet mean lower low water (MLLW), with a 2-foot allowable overdredge, as well as the use of bed-leveling, as needed, to maintain dredge depth across the entire length of the terminal wharfs. There would be surveys conducted before and after bed leveling activities to monitor that the silt does not enter the federal channel. Lastly, a pile-supported fire boat dock would be constructed at the northwest end of the terminal and consist of an approximately 6-foot-wide by 74.5-foot-long gangway and a 12-foot-wide by 72-foot-long floating pontoon for mooring.

The applicant stated that the purpose of the project is to maximize terminal and wharf efficiency and optimize productivity at the Bayport Container Terminal by providing a fast turnaround for container and cargo vessels to meet current cargo and supply chain demands.

The applicant has stated that they have avoided and minimized the environmental impacts by limiting the project footprint to the minimum needed to meet the purpose of maximizing terminal and wharf efficiency and optimizing productivity at the Bayport Container Terminal. The applicant has not proposed to mitigate for the proposed impacts because there will be no impacts to special aquatic sites.

Type of Application: U.S. Army Corps of Engineers permit application # SWG- 1998-01818. This application will be reviewed pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act. Note: The consistency review for this project may be conducted by the Texas Commission on Environmental Quality as part of its certification under §401 of the Clean Water Act.

CMP Project No: 23-1270-F1

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

TRD-202301893

Mark Havens

Chief Clerk, Deputy Land Commissioner

General Land Office

Filed: May 23, 2023

Health and Human Services Commission

Correction of Error

The Texas Health and Human Services Commission (HHSC) adopted amendments to 26 TAC §745.475 and §745.477 in the March 17, 2023, issue of the *Texas Register* (48 TexReg 1565). Due to an error by the Texas Register, the incorrect effective date was published for the adoption. The correct effective date for the adoption is March 27, 2023.

TRD-202301832

Department of State Health Services

May 2023, Retail Food Safety Operations, Food Establishments Group, Administrative Penalty Guidance

(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 is not included in the print version of the Texas Register. The figure is available in the on-line version of the June 2, 2023, issue of the Texas Register.)

According to Texas Health and Safety Code, §437.018, the Texas Department of State Health Services (department) may impose an administrative penalty against a person who holds a permit or is regulated under the Retail Food Establishment rules, Title 25, Texas Administrative Code, Chapter 228, or other rules or orders adopted under Texas Health and Safety Code, Chapter 437, concerning the Regulation of Food Service Establishments, Retail Food Stores, Mobile Food Units, and Roadside Food Vendors.

Descriptions are provided for administrative penalties that may be assessed pursuant to applicable law and rules, including Texas Health and Safety Code, §437.018 and Title 25, Texas Administrative Code, Chapter 229, §229.261(c) concerning Assessment of Administrative Penalties.

The department shall assess administrative penalties based upon one or more of the following criteria: (1) history of previous violations; (2) seriousness of the violation; (3) hazard to the health and safety of the public; (4) demonstrated good faith efforts to correct; (5) economic harm to property or the environment; (6) amounts necessary to deter future violations; (7) enforcement costs relating to the violation; and (8) any other matter justice may require.

The citations and examples provided are not exhaustive and are intended only to provide compliance guidance to licensees, and in no way restricts, limits, or may be considered a condition precedent to any proposed action the department may take for violations of the applicable law and rules. There is no significance to the order of the examples.

Penalty Adjustments

§229.261(h) Adjustments to penalties. The department may adjust the penalties listed in subsections (e), (f), or (g) of this section for any one of the following factors:

(1) Previous violations. The department may consider previous violations. The penalty may be reduced or increased for past performance. Past performance involves the consideration of the following factors:

- (A) whether the previous violation was identical or similar to the current violation;
- (B) how recent was the previous violation;
- (C) the number of previous violations; and
- (D) the violator's response to previous violations in regard to correction of the problem.

(2) Demonstrated good faith. The department may consider good faith efforts of the violator to correct the violations and demonstrate compliance with the department's rules and regulations as a basis to reduce the proposed penalty. The penalty may be reduced if good faith efforts to correct a violation have been or are being made. Good faith effort is determined by the department on a case-by-case basis. All good faith efforts to comply with the department's rules and regulations must be fully documented by the violator to merit consideration from the department as to whether to reduce the proposed penalty.

(3) Hazard to the health and safety of the public. The department may consider the hazard to the health and safety of the public. The penalty may be increased when a direct hazard to the health and safety of the public is involved. The department shall take into account, but need not be limited to, the following factors:

- (A) whether any deaths, diseases, or injuries have occurred from the violation;
- (B) whether any existing conditions contribute to a situation that could expose humans to a health hazard;
- (C) the impact that the hazard has on various segments of the population such as children, surgical patients, and the elderly; and
- (D) whether the consequences would be of an immediate or long-range hazard.

Violation Severity Levels

§229.261(f) Levels of penalties for retail food establishments. The department will impose different levels of penalties per day, per violation, for the following severity level violations:

(1) Severity Level I cover violations that are most significant and may have a significant negative impact on the public health and safety. Level of Penalty - Up to \$10,000 (Penalties at this severity level may also result in an Emergency Closure under Texas Health and Safety Code, §437.0145).

(2) Severity Level II covers violations that are very significant and may have a negative impact on the public health and safety. Level of Penalty - Up to \$7500.

(3) Severity Level III covers violations that are significant and, if not corrected, could threaten the public health and safety. Level of Penalty - Up to \$5000. This matrix is effective immediately upon publication in the *Texas Register* and can be revised from time to time.

(4) Severity Level IV covers violations that are of more than minor significance, but if left uncorrected, could lead to more serious circumstances. Level of Penalty - Up to \$2500.

(5) Severity Level V covers violations that are of minor health or safety significance. Level of Penalty - Up to \$1,250.

Repeat Violations

In the matrix, administrative penalties are shown to increase for repeat violations that have been previously issued a Notice of Violation (NOV). While reviewing cases for administrative penalties, Retail Food Safety Operations will not recognize a violation recorded over three years after the last occurrence as a repeat violation. If an establishment is issued a NOV for a violation that was also included in a previous NOV issued over three years prior, the violation will normally be processed as a "first violation" and will be issued an administrative penalty accordingly. In determining the penalty, however, the department will take into account any aggravating or mitigating factors and may reduce or increase the penalty as justice may require.

This matrix is effective immediately upon publication in the *Texas Register* and can be revised from time to time.

TRD-202301908
Cynthia Hernandez
General Counsel
Department of State Health Services
Filed: May 24, 2023

Texas Higher Education Coordinating Board

Notice of Opportunity to Comment on Proposed Field of Study Curriculum for Education

The Texas Higher Education Coordinating Board (THECB or Coordinating Board) staff is providing an opportunity for written public comment on a revision of the Field of Study Curriculum (FOSC) for Education.

Texas Education Code (TEC) Chapter 61, Subchapter S, establishes policies to facilitate statewide transfer, including the FOSC. Institutions must accept partially or fully completed Field of Study Curricula for academic credit toward the degree program in which the transfer student enrolls (TEC §61.823). The Coordinating Board has promulgated rules related to transfer policy in 19 Texas Administrative Code (TAC) Chapter 1, Subchapter V, and Chapter 4, Subchapter B. Posting requirements may be found in 19 TAC §4.33(f) and §1.239(b).

The Education Discipline-Specific Subcommittee met on February 21-22, and again on March 23, 2023, to consider and make recommendations to the Texas Transfer Advisory Committee regarding the FOSC for this discipline in the three certification areas of Early Childhood-3rd Grade (EC-3); Early Childhood-6th Grade (EC-6), and 4th Grade-8th Grade (4-8). On April 17, 2023, the Texas Transfer Advisory Committee adopted the subcommittee recommendations for the designated Texas Core Curriculum courses and the Discipline Foundation Courses and recommended their submission to the Commissioner of Higher Education for final approval.

The recommended courses are as follows:

Designated Core Courses in the Field of Study: EC-3: None; EC-6: MATH 1314: College Algebra; 4-8: MATH 1314: College Algebra

Discipline Foundation Courses: EC-3 (6 semester credit hours): EDUC 1301: Introduction to the Teaching Profession; EDUC 2301: Introduction to Special Populations; EC-6 (12 semester credit hours): EDUC 1301: Introduction to the Teaching Profession; EDUC 230: Introduction to Special Populations; MATH 1350: Mathematics for Teachers I, MATH 1351: Mathematics for Teachers II; 4-8 (12 semester credit hours): EDUC 1301: Introduction to the Teaching Profession; EDUC 230: Introduction to Special Populations; MATH 1350: Mathematics for Teachers I, MATH 1351: Mathematics for Teachers II.

In addition to these courses, each general academic institution will have the opportunity to submit to the Coordinating Board six (6) semester credit hours of Directed Electives selected by the institution from the Academic Course Guide Manual. The complete FOSC will consist of the Designated Core Courses and Discipline Foundation Courses listed above, as well as Directed Electives selected by the relevant general academic institutions in compliance with the transfer rules in TAC Chapter 4, Subchapter B, including §§4.23(4), 4.32(b)(3), and 4.33.

General academic institutions will be required to transfer these courses and apply them for academic credit towards degree programs with majors in the following CIP Code:

Institutions should apply the Texas Direct degree to whichever CIP code aligns directly with the major or track associate with each of the following certification areas such as:

Early Childhood - 6th Grade: 13.1202

4th - 8th Grade: 13.1203

Early Childhood - 3rd Grade: 13.1210

Institutions may also apply the Texas Direct degree to a program with a CIP code such as 13.0101 (Education, General) if that is the CIP code used for the certification areas above.

Written comments about the proposed changes must be sent to Elizabeth Mayer, Assistant Commissioner for Academic and Health Affairs, Texas Higher Education Coordinating Board, P.O. Box 12788, Austin, Texas 78711, or via email to Elizabeth.Mayer@highered.texas.gov. Comments must be received by 5:00 p.m., July 1, 2023, to be considered.

TRD-202301913

Nichole Bunker-Henderson

General Counsel

Texas Higher Education Coordinating Board

Filed: May 24, 2023



Notice of Opportunity to Comment on Proposed Field of Study Curriculum for History

The Texas Higher Education Coordinating Board (THECB or Coordinating Board) staff is providing an opportunity for written public comment on a revision of the Field of Study Curriculum (FOSC) for History.

Texas Education Code (TEC) Chapter 61, Subchapter S, establishes policies to facilitate statewide transfer, including the FOSC. Institutions must accept partially or fully completed Field of Study Curricula for academic credit toward the degree program in which the transfer

student enrolls (TEC §61.823). The Coordinating Board has promulgated rules related to transfer policy in 19 Texas Administrative Code (TAC) Chapter 1, Subchapter V, and Chapter 4, Subchapter B. Posting requirements may be found in 19 TAC §4.33(f) and §1.239(b).

The History Discipline-Specific Subcommittee met on March 29-30, 2023, to consider and make recommendations to the Texas Transfer Advisory Committee regarding the FOSC for this discipline. On April 17, 2023, the Texas Transfer Advisory Committee adopted the subcommittee recommendations for the designated Texas Core Curriculum courses and the Discipline Foundation Courses and recommended their submission to the Commissioner of Higher Education for final approval.

The recommended courses are as follows:

Designated Core Courses in the Field of Study: HIST 1301: United States History I;

HIST 1302: United States History II.

Discipline Foundation Courses (9 semester credit hours): HIST 2321: World Civilizations I; HIST 2322: World Civilizations II; HIST 2301: Texas History.

In addition to these courses, each general academic institution will have the opportunity to submit to the Coordinating Board six (6) semester credit hours of Directed Electives selected by the institution from the Academic Course Guide Manual. The complete FOSC will consist of the Designated Core Courses and Discipline Foundation Courses listed above, as well as Directed Electives selected by the relevant general academic institutions in compliance with the transfer rules in TAC Chapter 4, Subchapter B, including §§4.23(4), 4.32(b)(3), and 4.33.

General academic institutions will be required to transfer these courses and apply them for academic credit towards Bachelor of Science (BS) degree programs with majors in the following CIP Code:

54.0101: History, General

Written comments about the proposed changes must be sent to Elizabeth Mayer, Assistant Commissioner for Academic and Health Affairs, Texas Higher Education Coordinating Board, P.O. Box 12788, Austin, Texas 78711, or via email to Elizabeth.Mayer@highered.texas.gov. Comments must be received by 5:00 p.m., July 1, 2023, to be considered.

TRD-202301914

Nichole Bunker-Henderson

General Counsel

Texas Higher Education Coordinating Board

Filed: May 24, 2023



Texas Lottery Commission

Scratch Ticket Game Number 2524 "MONEY MULTIPLIER"

1.0 Name and Style of Scratch Ticket Game.

A. The name of Scratch Ticket Game No. 2524 is "MONEY MULTIPLIER". The play style is "key number match".

1.1 Price of Scratch Ticket Game.

A. The price for Scratch Ticket Game No. 2524 shall be \$5.00 per Scratch Ticket.

1.2 Definitions in Scratch Ticket Game No. 2524.

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, 06, 07, 08, 09, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 5X SYMBOL, 10X SYMBOL,

\$5.00, \$10.00, \$20.00, \$25.00, \$50.00, \$100, \$500, \$1,000, \$5,000 and \$100,000.

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. 2524 - 1.2D

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

32	TRTO
33	TRTH
34	TRFR
35	TRFV
36	TRSX
37	TRSV
38	TRET
39	TRNI
40	FRTY
41	FRON
42	FRTO
43	FRTH
44	FRFR
45	FRFV
46	FRSX
47	FRSV
48	FRET
49	FRNI
50	FFTY
5X SYMBOL	WINX5
10X SYMBOL	WINX10
\$5.00	FIV\$
\$10.00	TEN\$
\$20.00	TWY\$
\$25.00	TWFV\$
\$50.00	FFTY\$
\$100	ONHN
\$500	FVHN
\$1,000	ONTH
\$5,000	FVTH
\$100,000	100TH

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 (2524), a seven (7) digit Pack number, and a three (3) digit Ticket number. Ticket numbers start with 001 and end with 075 within each Pack. The format will be: 2524-0000001-001.

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

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

J. Scratch Ticket Game, Scratch Ticket or Ticket - Texas Lottery "MONEY MULTIPLIER" Scratch Ticket Game No. 2524.

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 "MONEY MULTIPLIER" Scratch Ticket Game is determined once the latex on the Scratch Ticket is scratched off to expose forty-five (45) 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 "5X" Play Symbol, the player wins 5 TIMES the PRIZE for that symbol. If the player reveals a "10X" Play Symbol, the player wins 10 TIMES the PRIZE for that symbol. 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 forty-five (45) 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 forty-five (45) 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 forty-five (45) Play Symbols must be exactly one of those described in Section 1.2.C of these Game Procedures;

17. Each of the forty-five (45) Play Symbols on the Scratch Ticket must be printed in the Symbol font and must correspond precisely to the artwork on file at the Texas Lottery; the Scratch Ticket Serial Numbers must be printed in the Serial font and must correspond precisely to the artwork on file at the Texas Lottery; and the Game-Pack-Ticket Number must be printed in the Game-Pack-Ticket Number font and must correspond precisely to the artwork on file at the Texas Lottery;

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

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

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

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

2.2 Programmed Game Parameters.

A. A Ticket can win up to twenty (20) times in accordance with the approved prize structure.

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

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

D. Each Ticket will have five (5) different WINNING NUMBERS Play Symbols.

E. Non-winning YOUR NUMBERS Play Symbols will all be different.

F. Non-winning Prize Symbols will never appear more than three (3) times.

G. The "5X" (WINX5) and "10X" (WINX10) Play Symbols will never appear in the WINNING NUMBERS Play Symbol spots.

H. The "5X" (WINX5) and "10X" (WINX10) Play Symbols will only appear on winning Tickets as dictated by the prize structure.

I. Non-winning Prize Symbols will never be the same as the winning Prize Symbol(s).

J. No prize amount in a non-winning spot will correspond with the YOUR NUMBERS Play Symbol (i.e., 20 and \$20).

2.3 Procedure for Claiming Prizes.

A. To claim a "MONEY MULTIPLIER" Scratch Ticket Game prize of \$5.00, \$10.00, \$20.00, \$25.00, \$50.00, \$100 or \$500, a claimant shall sign the back of the Scratch Ticket in the space designated on the Scratch Ticket and may present the winning Scratch Ticket to any Texas Lottery Retailer. The Texas Lottery Retailer shall verify the claim and, if valid, and upon presentation of proper identification, if appropriate, make payment of the amount due the claimant and physically void the Scratch Ticket; provided that the Texas Lottery Retailer may, but is not required, to pay a \$25.00, \$50.00, \$100 or \$500 Scratch Ticket Game. In the event the Texas Lottery Retailer cannot verify the claim, the Texas Lottery Retailer shall provide the claimant with a claim form and instruct the claimant on how to file a claim with the Texas Lottery. If the claim is validated by the Texas Lottery, a check shall be forwarded to the claimant in the amount due. In the event the claim is not validated, the claim shall be denied and the claimant shall be notified promptly. A claimant may also claim any of the above prizes under the procedure described in Section 2.3.B and Section 2.3.C of these Game Procedures.

B. To claim a "MONEY MULTIPLIER" Scratch Ticket Game prize of \$1,000, \$5,000 or \$100,000, 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 "MONEY MULTIPLIER" Scratch Ticket Game prize the claimant may submit the signed winning Scratch Ticket and a thoroughly completed claim form via mail. If a prize value is \$1,000,000 or more, the claimant must also provide proof of Social Security number or Tax Payer Identification (for U.S. Citizens or Resident Aliens). Mail all to: Texas Lottery Commission, P.O. Box 16600, Austin, Texas 78761-6600. The Texas Lottery is not responsible for Scratch Tickets lost in the mail. In the event that the claim is not validated by the Texas Lottery, the claim shall be denied and the claimant shall be notified promptly.

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

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

2. in default on a loan made under Chapter 52, Education Code;

3. in default on a loan guaranteed under Chapter 57, Education Code; or

4. delinquent in child support payments in the amount determined by a court or a Title IV-D agency under Chapter 231, Family Code.

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

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

A. if a dispute occurs, or it appears likely that a dispute may occur, regarding the prize;

B. if there is any question regarding the identity of the claimant;

C. if there is any question regarding the validity of the Scratch Ticket presented for payment; or

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

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

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

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

3.0 Scratch Ticket Ownership.

A. Until such time as a signature is placed upon the back portion of a Scratch Ticket in the space designated, a Scratch Ticket shall be owned by the physical possessor of said Scratch Ticket. When a signature is placed on the back of the Scratch Ticket in the space designated, the player whose signature appears in that area shall be the owner of the Scratch Ticket and shall be entitled to any prize attributable thereto.

Notwithstanding any name or names submitted on a claim form, the Executive Director shall make payment to the player whose signature appears on the back of the Scratch Ticket in the space designated. If more than one name appears on the back of the Scratch Ticket, the Executive Director will require that one of those players whose name appears thereon be designated by such players to receive payment.

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

4.0 Number and Value of Scratch Prizes. There will be approximately 7,200,000 Scratch Tickets in Scratch Ticket Game No. 2524. The approximate number and value of prizes in the game are as follows:

Figure 2: GAME NO. 2524 - 4.0

Prize Amount	Approximate Number of Winners*	Approximate Odds are 1 in **
\$5.00	768,000	9.38
\$10.00	528,000	13.64
\$20.00	96,000	75.00
\$25.00	144,000	50.00
\$50.00	96,000	75.00
\$100	24,600	292.68
\$500	2,580	2,790.70
\$1,000	340	21,176.47
\$5,000	75	96,000.00
\$100,000	6	1,200,000.00

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

**The overall odds of winning a prize are 1 in 4.34. 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. 2524 without advance notice, at which point no further Scratch Tickets in that game may be sold. The determination of the closing date and reasons for closing will be made in accordance with the Scratch Ticket closing procedures and the Scratch Ticket Game Rules. See 16 TAC §401.302(j).

6.0 Governing Law. In purchasing a Scratch Ticket, the player agrees to comply with, and abide by, these Game Procedures for Scratch Ticket Game No. 2524, 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-202301890
 Bob Biard
 General Counsel
 Texas Lottery Commission
 Filed: May 22, 2023

◆ ◆ ◆

Texas Medical Disclosure Panel

Correction of Error

The Texas Medical Disclosure Panel (TMDP) adopted an amendment to 25 TAC §601.9 in the May 19, 2023, issue of the *Texas Register* (48 TexReg 2580).

Due to an error by TMDP, the incorrect form for 25 TAC §601.9(1) was published as part of the amendment. The revised form for §601.9(1) is being republished as follows.

Figure: 25 TAC §601.9(1)

DISCLOSURE AND CONSENT - ANESTHESIA and/or PERIOPERATIVE PAIN MANAGEMENT (ANALGESIA)

TO THE PATIENT: *You have the right, as a patient, to be informed about 1) the recommended anesthesia/analgesia to be used and 2) the risks related to anesthesia/analgesia. This disclosure is designed to provide you this information, so that you can decide whether to consent to receive anesthesia/analgesia in the perioperative period (meaning shortly before, during and shortly after a procedure). Please ask your physician/health care provider any remaining questions you might have before signing this form.*

Administration of Anesthesia/Analgesia

The plan is for the anesthesia/analgesia to be administered by (note that the provider listed may change depending on the length of the procedure or other circumstances):

Check the planned approach and have the patient/legally authorized representative initial:

(Check one)

_____ Physician Anesthesiologist Dr. _____ [Name]
_____ Dentist Anesthesiologist Dr. _____ [Name]
_____ Non-Anesthesiologist Physician or Dentist Dr. _____ [Name]

(Check all that apply if the administration of anesthesia/analgesia is being delegated/supervised by the above provider)

_____ Certified Anesthesiologist Assistant _____ [Name]
_____ Certified Registered Nurse Anesthetist _____ [Name]
_____ Physician in Training _____ [Name]

The above provider(s) can explain the different roles of the providers and their levels of involvement in administering the anesthesia/analgesia.

Types of Anesthesia/Analgesia Planned and Related Topics

I understand that anesthesia/analgesia involves additional risks and hazards. The chances of these occurring may be different for each patient based on the procedure(s) and the patient's current health. I realize the type of anesthesia/analgesia may have to be changed possibly without explanation to me.

I understand that serious, but rare, complications can occur with all anesthetic/analgesic methods. Some of these risks are breathing and heart problems, drug reactions, nerve damage, cardiac arrest (heart stops beating), brain damage, paralysis (inability to move), or death.

I also understand that other risks or complications may occur depending on the type of anesthesia/analgesia. The type of anesthesia/analgesia planned for me and the related risks for that type of anesthesia/analgesia include but are not limited to:

Check planned anesthesia/analgesia method(s) and have the patient/legally authorized representative initial.

_____ GENERAL ANESTHESIA – injury to vocal cords, teeth, lips, eyes; awareness during the procedure; memory dysfunction/memory loss; permanent organ damage; brain damage.

_____ REGIONAL BLOCK ANESTHESIA/ANALGESIA - nerve damage; persistent pain; bleeding/hematoma; infection; medical necessity to convert to general anesthesia; brain damage.

Location: _____.

_____ SPINAL ANESTHESIA/ANALGESIA - nerve damage; persistent back pain; headache; infection; bleeding/epidural hematoma; chronic pain; medical necessity to convert to general anesthesia; brain damage.

_____ EPIDURAL ANESTHESIA/ANALGESIA - nerve damage; persistent back pain; headache; infection; bleeding/epidural hematoma; chronic pain; medical necessity to convert to general anesthesia; brain damage.

_____ DEEP SEDATION – memory dysfunction/memory loss; medical necessity to convert to general anesthesia; permanent organ damage; brain damage.

_____ MODERATE SEDATION – memory dysfunction/memory loss; medical necessity to convert to general anesthesia; permanent organ damage; brain damage.

Additional comments/risks:

Check if applicable and have the patient/legally authorized representative initial.

_____ PRENATAL/EARLY CHILDHOOD ANESTHESIA - potential long-term negative effects on memory, behavior, and learning with prolonged or repeated exposure to general anesthesia/moderate sedation/deep sedation during pregnancy and in early childhood.

Granting of Consent for Anesthesia/Analgesia

In signing below, I consent to the anesthesia/analgesia described above. I acknowledge the following:

- I have been given an opportunity to ask questions I may have about:
 1. Alternative forms of anesthesia/analgesia,
 2. Steps that will occur during administration of anesthesia/analgesia, and
 3. Risks and hazards involved in the anesthesia/analgesia.
- I believe I have enough information to give this informed consent.

- I certify this form has been fully explained to me and the blank spaces have been filled in.
- I have read the form or had it read to me.
- I understand the information on this form.

If any of those statements are not true for you, please talk to your physician/health care provider before continuing.

PATIENT/OTHER LEGALLY AUTHORIZED REPRESENTATIVE (signature required)

Print Name

Signature

If Legally Authorized Representative, list relationship to Patient: _____

DATE: _____ **TIME:** _____ **A.M. /P.M.**

WITNESS:

Print Name

Signature

Address (Street or P.O. Box)

City, State, Zip

TRD-202301891
 Dr. Noah Appel
 Panel Chairman
 Texas Medical Disclosure Panel
 Filed: May 23, 2023



Texas Parks and Wildlife Department

Notice of a Public Comment Hearing on an Application for a Sand and Gravel Permit

Bill Lane (Flat Rock Creek Ranch LLC) has applied to the Texas Parks and Wildlife Department (TPWD) for a General Permit pursuant to Texas Parks and Wildlife Code, Chapter 86, to disturb up to 65 cubic yards of sedimentary material within Flat Rock Creek in Kerr County. The purpose of the disturbance is to construct a dam and low water crossing. The location is approximately 1,400 feet upstream of the confluence of Flat Rock Creek with the North Fork Guadalupe River

and 3.24 miles upstream of the FM 1340 crossing of the North Fork Guadalupe River near MO Ranch. This notice is being published and mailed pursuant to 31 TAC §69.105(d).

TPWD will hold a public comment hearing regarding the application at 11:00 a.m. on Friday, June 23, 2023, at TPWD headquarters, located at 4200 Smith School Road, Austin, Texas 78744. A remote participation option will be available upon request. Potential attendees should contact Tom Heger at (512) 389-4583 or at tom.heger@tpwd.texas.gov for information on how to participate in the hearing remotely. The hearing is not a contested case hearing under the Texas Administrative Procedure Act. Oral and written public comment will be accepted during the hearing.

Written comments may be submitted directly to TPWD and must be received no later than 30 days after the date of publication of this notice in the *Texas Register*. A written request for a contested case hearing from an applicant or a person with a justiciable interest may also be submitted and must be received by TPWD prior to the close of the

public comment period. Timely hearing requests shall be referred to the State Office of Administrative Hearings. Submit written comments, questions, requests to review the application, or requests for a contested case hearing to: Tom Heger, TPWD, by mail: 4200 Smith School Road, Austin, Texas 78744; or e-mail tom.heger@tpwd.texas.gov.

TRD-202301845
James Murphy
General Counsel
Texas Parks and Wildlife Department
Filed: May 22, 2023



South East Texas Regional Planning Commission

Mass Notification System Vendor Invitation for Bid

SETRPC INVITATION FOR BID

The South East Texas Regional Planning Commission (SETRPC) is soliciting qualified vendors to provide mass notification services to meet

the regional emergency alerting network needs for jurisdictions within the Hardin, Jasper, Jefferson, and Orange County region.

For a complete Invitation for Bid package, visit the SETRPC website, www.setrpc.org. For any questions, please contact Stephen Curran via email at scurran@setrpc.org by May 26, 2023, by 2:00 p.m. CST. Submit bids to Stephen Curran, SETRPC, 2210 Eastex Freeway, Beaumont, Texas 77703. Final bids will be due by Monday, June 12, 2023, by 12:00 p.m. CST. Bids will not be accepted after the deadline.

Proposals will be reviewed by an evaluation committee with selection based on Review Criteria included in the Invitation for Bid package.

TRD-202301826
Stephen Curran
Criminal Justice & Homeland Security Director
South East Texas Regional Planning Commission
Filed: May 18, 2023

