

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

## Office of Consumer Credit Commissioner

### Notice of Rate Ceilings

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

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 10/02/23 - 10/08/23 is 18.00% for consumer<sup>1</sup> credit.

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 10/02/23 - 10/08/23 is 18.00% for commercial<sup>2</sup> credit.

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

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

TRD-202303554

Leslie L. Pettijohn

Commissioner

Office of Consumer Credit Commissioner

Filed: September 27, 2023



## Texas Commission on Environmental Quality

### Agreed Orders

The Texas Commission on Environmental Quality (TCEQ or commission) staff is providing an opportunity for written public comment on the listed Agreed Orders (AOs) in accordance with Texas Water Code (TWC), §7.075. TWC, §7.075, requires that before the commission may approve the AOs, the commission shall allow the public an opportunity to submit written comments on the proposed AOs. TWC, §7.075, requires that notice of the proposed orders and the opportunity to comment must be published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is **November 6, 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 **November 6, 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, pro-

vides that comments on the AOs shall be submitted to the commission in writing.

(1) COMPANY: A&B TRADING, LLC dba Country Side; DOCKET NUMBER: 2022-1392-PST-E; IDENTIFIER: RN101434579; LOCATION: Mabank, Van Zandt County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULES VIOLATED: 30 TAC §334.50(b)(1)(A) and TWC, §26.3475(c)(1), by failing to monitor the underground storage tanks for releases in a manner which will detect a release at a frequency of at least once every 30 days; PENALTY: \$3,375; ENFORCEMENT COORDINATOR: Monica Larina, (512) 239-0184; REGIONAL OFFICE: 2916 Teague Drive, Tyler, Texas 75701-3734, (903) 535-5100.

(2) COMPANY: City of Montgomery; DOCKET NUMBER: 2022-0935-MWD-E; IDENTIFIER: RN105021836; LOCATION: Montgomery, Montgomery County; TYPE OF FACILITY: wastewater treatment facility; RULES VIOLATED: 30 TAC §305.125(1) and (5), TWC, §26.121(a)(1), and Texas Pollutant Discharge Elimination System Permit Number WQ0014737001, Permit Conditions Number 2.g, by failing to prevent an unauthorized discharge of sewage into or adjacent to any water in the state; PENALTY: \$10,125; ENFORCEMENT COORDINATOR: Monica Larina, (512) 239-0184; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(3) COMPANY: City of Palmer; DOCKET NUMBER: 2022-0146-MWD-E; IDENTIFIER: RN102092962; LOCATION: Palmer, Ellis County; TYPE OF FACILITY: wastewater treatment facility; RULES VIOLATED: 30 TAC §305.65 and §305.125(2) and TWC, §26.121(a)(1), by failing to maintain authorization to discharge wastewater into or adjacent to any water in the state; PENALTY: \$6,750; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET AMOUNT: \$5,400; ENFORCEMENT COORDINATOR: Harley Hobson, (512) 239-1337; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(4) COMPANY: City of Ranger; DOCKET NUMBER: 2021-1533-MWD-E; IDENTIFIER: RN103118923; LOCATION: Ranger, Eastland County; TYPE OF FACILITY: wastewater treatment facility; RULES VIOLATED: 30 TAC §305.125(1), TWC, §26.121(a)(1), and Texas Pollutant Discharge Elimination System Permit Number WQ0011557003, Effluent Limitations and Monitoring Requirements Numbers 1 and 2, by failing to comply with permitted effluent limitations; PENALTY: \$27,125; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET AMOUNT: \$21,700; ENFORCEMENT COORDINATOR: Harley Hobson, (512) 239-1337; REGIONAL OFFICE: 1977 Industrial Boulevard, Abilene, Texas 79602-7833, (325) 698-9674.

(5) COMPANY: DALLARDSVILLE-SEGNO WATER SUPPLY CORPORATION; DOCKET NUMBER: 2022-0463-MLM-E; IDENTIFIER: RN101439560; LOCATION: Livingston, Polk County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.42(1), by failing to maintain a thorough and up-to-date plant operations manual for operator review and reference; 30 TAC §290.44(h)(4), by failing to have all backflow prevention assemblies tested upon installation and on an annual basis by a recognized back-

flow prevention assembly tester and certified that they are operating within specifications; 30 TAC §290.46(f)(2) and (3)(C)(i), by failing to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request; 30 TAC §290.46(i), by failing to adopt an adequate plumbing ordinance, regulations, or service agreement with provisions for proper enforcement to ensure that neither cross-connections nor other unacceptable plumbing practices are permitted; 30 TAC §290.46(m), by failing to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment; 30 TAC §290.46(m)(4), by failing to maintain all water treatment units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances in a watertight condition and free of excessive solids; 30 TAC §290.46(m)(6), by failing to maintain all pumps, motors, valves, and other mechanical devices in good working condition; 30 TAC §290.46(q)(6) and Texas Health and Safety Code, §341.0315(c), by failing to meet the required actions prior to rescinding a boil water notice; 30 TAC §290.119(b)(7), by failing to use an acceptable analytical method for disinfectant analysis; 30 TAC §290.121(a) and (b), by failing to maintain an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the facility will use to comply with monitoring requirements; and 30 TAC §291.93(3)(A) and TWC, §13.139(d), by failing to provide a written planning report for a utility possessing a Certificate of Convenience and Necessity that has reached or exceeded 85% of all or part of its capacity; PENALTY: \$1,800; ENFORCEMENT COORDINATOR: Samantha Salas, (512) 239-1543; REGIONAL OFFICE: 3870 Eastex Freeway, Beaumont, Texas 77703-1830, (409) 898-3838.

(6) COMPANY: Duran Apartment Management Incorporated; DOCKET NUMBER: 2023-0457-UTL-E; IDENTIFIER: RN101442234; LOCATION: San Antonio, Bexar County; TYPE OF FACILITY: retail public utility, exempt utility, or provider or conveyor of potable or raw water service that furnishes water service; RULE VIOLATED: TWC, §13.1394(b)(2), by failing to adopt and submit to the TCEQ for approval an emergency preparedness plan that demonstrates the facility's ability to provide emergency operations; PENALTY: \$500; ENFORCEMENT COORDINATOR: Claudia Bartley, (512) 239-1116; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, (210) 492-3096.

(7) COMPANY: Energy Transfer GC NGL Fractionators LLC f/k/a Lone Star NGL Fractionators LLC; DOCKET NUMBER: 2021-0232-AIR-E; IDENTIFIER: RN106018260; LOCATION: Baytown, Chambers County; TYPE OF FACILITY: natural gas processing plant; RULES VIOLATED: 30 TAC §101.201(a)(1)(B) and §122.143(4), Federal Operating Permit (FOP) Number O3586, General Terms and Conditions (GTC) and Special Terms and Conditions (STC) Number 2.F, and Texas Health and Safety Code (THSC), §382.085(b), by failing to submit an initial notification for a reportable emissions event no later than 24 hours after the discovery of an emissions event; 30 TAC §101.201(b)(1)(G) and (H) and §122.143(4), FOP Number O3586, GTC and STC Number 2.F, and THSC, §382.085(b), by failing to identify all required information on the final record for a reportable emissions event; and 30 TAC §§116.115(c), 116.615(2), and 122.143(4), Standard Permit Registration Number 93813, FOP Number O3586, GTC and STC Numbers 8, 11.B, 12 and 15.B, and THSC, §382.085(b), by failing to prevent unauthorized emissions; PENALTY: \$39,206; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET AMOUNT: \$15,682; ENFORCEMENT COORDINATOR: Mackenzie Mehlmann, (512) 239-2572; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(8) COMPANY: ERVIN TRADING INCORPORATED; DOCKET NUMBER: 2023-0810-PST-E; IDENTIFIER: RN101539922; LOCATION: Dallas, Dallas County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULES VIOLATED: 30 TAC §334.8(c)(4)(A)(vii) and (5)(B)(ii), by failing to renew a previously issued underground storage tank (UST) delivery certificate by submitting a properly completed UST registration and self-certification form at least 30 days before the expiration date; and 30 TAC §334.8(c)(5)(A)(i) and TWC, §26.3467(a), by failing to make available to a common carrier a valid, current TCEQ delivery certificate before accepting delivery of a regulated substance into the USTs; PENALTY: \$3,781; ENFORCEMENT COORDINATOR: Tiffany Chu, (817) 588-5891; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(9) COMPANY: Galveston County Municipal Utility District Number 12; DOCKET NUMBER: 2022-0560-MWD-E; IDENTIFIER: RN102096229; LOCATION: Bayou Vista, Galveston County; TYPE OF FACILITY: wastewater treatment plant; RULES VIOLATED: 30 TAC §305.125(1) and (5), TWC, §26.121(a)(1), and Texas Pollutant Discharge Elimination System Permit Number WQ0010435002, Permit Conditions Number 2.g, by failing to prevent an unauthorized discharge of sewage into or adjacent to any water in the state; PENALTY: \$3,563; ENFORCEMENT COORDINATOR: Mistie Gonzales, (254) 761-3056; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(10) COMPANY: LINDEL FARMS, LLC; DOCKET NUMBER: 2022-1590-WQ-E; IDENTIFIER: RN101517662; LOCATION: Pampa, Gray County; TYPE OF FACILITY: dairy farm; RULE VIOLATED: TWC, §26.121(a)(1), by failing to prevent an unauthorized discharge of sewage into or adjacent to any water in the state; PENALTY: \$56,250; ENFORCEMENT COORDINATOR: Harley Hobson, (512) 239-1337; REGIONAL OFFICE: 3918 Canyon Drive, Amarillo, Texas 79109-4933, (806) 353-9251.

(11) COMPANY: Mallard Point WWTP, LLC; DOCKET NUMBER: 2020-0958-MWD-E; IDENTIFIER: RN102342722; LOCATION: Greenville, Hunt County; TYPE OF FACILITY: wastewater treatment facility; RULES VIOLATED: 30 TAC §305.125(1), TWC, §26.121(a)(1), and Texas Pollutant Discharge Elimination System (TPDES) Permit Number WQ0014215001, Effluent Limitations and Monitoring Requirements Number 1, by failing to comply with permitted effluent limitations; 30 TAC §305.125(1) and (17) and TPDES Permit Number WQ0014215001, Sludge Provisions, Section IV.C, by failing to submit an annual sludge report to the TCEQ by September 30th of each year; and 30 TAC §305.125(1) and (17) and §319.7(d), and TPDES Permit Number WQ0014215001, Monitoring and Reporting Requirements Number 1, by failing to submit monitoring results at intervals specified in the permit; PENALTY: \$20,000; ENFORCEMENT COORDINATOR: Harley Hobson, (512) 239-1337; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(12) COMPANY: Occidental Permian Ltd.; DOCKET NUMBER: 2021-0896-AIR-E; IDENTIFIER: RN102414307; LOCATION: Odessa, Ector County; TYPE OF FACILITY: natural gas processing plant; RULES VIOLATED: 30 TAC §106.4(a)(1)(B) and §106.6(b), Permit by Rule Registration Number 44178, and Texas Health and Safety Code, §382.085(b), by failing to comply with all representations with regard to construction plans, operating procedures, and maximum emission rates in any certified registration; PENALTY: \$151,500; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET AMOUNT: \$60,600; ENFORCEMENT COORDINATOR: Mackenzie Mehlmann, (512) 239-2572; REGIONAL OFFICE: 9900 West IH-20, Suite 100, Midland, Texas 79706, (432) 570-1359.

(13) COMPANY: OXY USA WTP LP; DOCKET NUMBER: 2021-0962-AIR-E; IDENTIFIER: RN102199759; LOCATION: Odessa, Ector County; TYPE OF FACILITY: oil and gas handling and production facility; RULES VIOLATED: 30 TAC §106.4(a)(1)(B) and §106.6(b), Permit by Rule Registration Number 44032, and Texas Health and Safety Code, §382.085(b), by failing to comply with all representations with regard to construction plans, operating procedures, and maximum registered emission rates; PENALTY: \$234,000; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET AMOUNT: \$93,600; ENFORCEMENT COORDINATOR: Mackenzie Mehlmann, (512) 239-2572; REGIONAL OFFICE: 9900 West IH-20, Suite 100, Midland, Texas 79706, (432) 570-1359.

(14) COMPANY: PICO PROPANE OPERATING LLC; DOCKET NUMBER: 2023-1139-WQ-E; IDENTIFIER: RN102785805; LOCATION: Boerne, Kendall County; TYPE OF FACILITY: operator; RULE VIOLATED: 30 TAC §281.25(a)(4), by failing to obtain a multi-sector general permit for stormwater discharges; PENALTY: \$875; ENFORCEMENT COORDINATOR: Mark Gamble, (512) 239-2587; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, (210) 492-3096.

(15) COMPANY: Silva Industries, LLC; DOCKET NUMBER: 2021-0912-WQ-E; IDENTIFIER: RN110402583; LOCATION: Seguin, Guadalupe County; TYPE OF FACILITY: concrete batch plant; RULES VIOLATED: 30 TAC §§305.125(1) and (17) and 319.7(d), and Texas Pollutant Discharge Elimination System General Permit Number TXG112325, Part IV Standard Permit Conditions 7.f, by failing to timely submit monitoring results at intervals specified in the permit; PENALTY: \$1,425; ENFORCEMENT COORDINATOR: Shane Glantz, (325) 698-6124; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, (210) 492-3096.

(16) COMPANY: THE BUILDERS GROUP, LLC; DOCKET NUMBER: 2021-1607-WQ-E; IDENTIFIER: RN111378790; LOCATION: Nemo, Somervell County; TYPE OF FACILITY: residential construction site; RULES VIOLATED: 30 TAC §281.25(a)(4), TWC, §26.121, and 40 Code of Federal Regulations §122.26(c), by failing to obtain authorization to discharge stormwater associated with construction activities; PENALTY: \$4,000; ENFORCEMENT COORDINATOR: Madison Stringer, (512) 239-1126; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(17) COMPANY: The George R. Brown Partnership, L.P.; DOCKET NUMBER: 2023-0779-AIR-E; IDENTIFIER: RN111692851; LOCATION: Post, Garza County; TYPE OF FACILITY: sour condensate/crude oil production facility; RULES VIOLATED: 30 TAC §116.110(a) and Texas Health and Safety Code, §382.0518(a) and §382.085(b), by failing to obtain authorization prior to constructing or modifying a source of air contaminants; PENALTY: \$1,625; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET AMOUNT: \$650; ENFORCEMENT COORDINATOR: Karyn Olschesky, (817) 588-5896; REGIONAL OFFICE: 5012 50th Street, Suite 100, Lubbock, Texas 79414-3426, (806) 796-7092.

(18) COMPANY: THOMPSON, WESLEY; DOCKET NUMBER: 2023-1122-MSW-E; IDENTIFIER: RN111428728; LOCATION: Post, Garza County; TYPE OF FACILITY: operator; RULE VIOLATED: 30 TAC §30.5(a), by failing to obtain a required occupational license; PENALTY: \$175; ENFORCEMENT COORDINATOR: Celia Garza, (512) 239-2095; REGIONAL OFFICE: 5012 50th Street, Suite 100, Lubbock, Texas 79414-3426, (806) 796-7092.

(19) COMPANY: WHITE, CODY L; DOCKET NUMBER: 2023-1141-WOC-E; IDENTIFIER: RN103565511; LOCATION: Lawn, Taylor County; TYPE OF FACILITY: operator; RULE VIOLATED: 30 TAC §30.5(a), by failing to obtain a required occupational

license; PENALTY: \$175; ENFORCEMENT COORDINATOR: Daphne Green, (903) 535-5157; REGIONAL OFFICE: 1977 Industrial Boulevard, Abilene, Texas 79602-7833, (325) 698-9674.

(20) COMPANY: YETI INVESTMENT LLC dba Kiranna 101; DOCKET NUMBER: 2022-0177-PST-E; IDENTIFIER: RN101443265; LOCATION: Princeton, Collin County; TYPE OF FACILITY: retail convenience store; RULES VIOLATED: 30 TAC §334.50(b)(1)(A) and TWC, §26.3475(c)(1), by failing to monitor the underground storage tanks in a manner which will detect a release at a frequency of at least once every 30 days; PENALTY: \$3,375; ENFORCEMENT COORDINATOR: Mark Gamble, (512) 239-2587; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

TRD-202303547

Gitanjali Yadav

Deputy Director, Litigation

Texas Commission on Environmental Quality

Filed: September 26, 2023



### Enforcement Orders

An agreed order was adopted regarding VARAHI CONVENIENCE LLC dba Speedys, Docket No. 2021-0780-PST-E on September 26, 2023 assessing \$4,394 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Marilyn Norrod, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Utilities Investment Company, Inc., Docket No. 2022-0173-PWS-E on September 26, 2023 assessing \$6,650 in administrative penalties with \$1,330 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 RIVER CITY READY MIX, INC., Docket No. 2022-0212-AIR-E on September 26, 2023 assessing \$7,500 in administrative penalties with \$1,500 deferred. Information concerning any aspect of this order may be obtained by contacting Heather Lancour, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Texas Carriers, LLC, Docket No. 2022-0652-AIR-E on September 26, 2023 assessing \$5,625 in administrative penalties with 1,125 deferred. Information concerning any aspect of this order may be obtained by contacting Desmond Martin, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Metalwala Brothers 2 LLC dba New Way Mobil, Docket No. 2022-0903-PST-E on September 26, 2023 assessing \$3,600 in administrative penalties with \$720 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 Jose G. Guerra, Docket No. 2022-1563-OSS-E on September 26, 2023 assessing \$500 in administrative penalties with \$100 deferred. Information concerning any aspect of this order may be obtained by contacting Cheryl Thompson, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

TRD-202303570  
Laurie Gharis  
Chief Clerk  
Texas Commission on Environmental Quality  
Filed: September 27, 2023



#### Enforcement Orders

An agreed order was adopted regarding Kenneth W. Adams, Karen S. Adams, and Kenz Henz LLC, Docket No. 2020-0770-AIR-E on September 27, 2023 assessing \$14,250 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Cynthia Sirois, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Kuraray America, Inc., Docket No. 2021-0569-AIR-E on September 27, 2023 assessing \$22,125 in administrative penalties with \$885 deferred. Information concerning any aspect of this order may be obtained by contacting Yuliya Dunaway, 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 Eastman Chemical Texas City, Inc., Docket No. 2023-0598-AIR-E on September 27, 2023 assessing \$7,800 in administrative penalties with \$1,560 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 ExxonMobil Oil Corporation, Docket No. 2023-0194-AIR-E on September 27, 2023 assessing \$25,000 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Johnnie Wu, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding DEER PARK REFINING LIMITED PARTNERSHIP, Docket No. 2023-0340-AIR-E on September 27, 2023 assessing \$13,375 in administrative penalties with \$2,675 deferred. Information concerning any aspect of this order may be obtained by contacting Desmond Martin, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding City of West, Docket No. 2022-0280-MLM-E on September 27, 2023 assessing \$11,145 in administrative penalties with \$2,229 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.

A default order was adopted regarding Jeffery Pope, Docket No. 2021-1221-MLM-E on September 27, 2023 assessing \$9,255 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting William Hogan, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A default order was adopted regarding Teresa Flores, Docket No. 2021-0611-MSW-E on September 27, 2023 assessing \$5,000 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Katherine Keithley, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding KD GILL LLC dba Four Corner, Docket No. 2022-0574-PST-E on September 27, 2023 assessing \$41,625 in administrative penalties. 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.

A default order was adopted regarding LKK Ventures LLC dba 24 Seven 27, Docket No. 2021-1090-PST-E on September 27, 2023 assessing \$12,521 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Marilyn Norrod, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A default order was adopted regarding A DEEL'S BUSINESS INC. dba A DEELS 2, Docket No. 2021-0895-PST-E on September 27, 2023 assessing \$6,550 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Marilyn Norrod, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Old Town Water Supply Corporation, David Hicks dba Old Town Water Supply Corporation, Ben Adams dba Old Town Water Supply Corporation, and Terry Adams dba Old Town Water Supply Corporation, Docket No. 2022-0009-PWS-E on September 27, 2023 assessing \$7,748 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Miles Whener, 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 Tommy Tackett dba Rock Island RV Park, Docket No. 2022-1715-PWS-E on September 27, 2023 assessing \$10,717 in administrative penalties with \$2,143 deferred. Information concerning any aspect of this order may be obtained by contacting Ashley Lemke, 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 Ballinger, Docket No. 2023-0547-PWS-E on September 27, 2023 assessing \$3,475 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Miles Caston, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A default order was adopted regarding MAPLE WATER SUPPLY CORPORATION, Docket No. 2022-1133-UTL-E on September 27, 2023 assessing \$625 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Megan Grace, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

TRD-202303571  
Laurie Gharis  
Chief Clerk  
Texas Commission on Environmental Quality  
Filed: September 27, 2023



#### Notice of Correction to Agreed Order Number 10

In the September 1, 2023, issue of the *Texas Register* (48 TexReg 4877), the Texas Commission on Environmental Quality (commission) published notice of Agreed Orders, specifically Item Number 10, for Texas Health Presbyterian Hospital Denton dba Denton Community Hospital; Docket Number 2022-0952-PST-E. The error is as submitted by the commission.

The reference to the Company should be corrected to read: "Texas Health Presbyterian Hospital Denton."

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

TRD-202303548

Gitanjali Yadav

Deputy Director, Litigation

Texas Commission on Environmental Quality

Filed: September 26, 2023



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

In the August 25, 2023, issue of the *Texas Register* (48 TexReg 4687), the Texas Commission on Environmental Quality (commission) published notice of a Shutdown/Default Order, specifically Item Number 1, for Samad Brothers LLC dba Kingsley One Stop Foodmart; Docket Number 2021-1182-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 Marilyn Norrod at (512) 239-5916.

TRD-202303545

Gitanjali Yadav

Deputy Director, Litigation

Texas Commission on Environmental Quality

Filed: September 26, 2023



#### Notice of District Petition

Notice issued September 21, 2023

TCEQ Internal Control No. D-08092023-026; Nortex Valencia Land Bank, LP, a Texas limited partnership and Cayetano Development, LLC, a Texas limited liability company (Petitioners) filed a petition for creation of Nortex Municipal Utility District (District) with the Texas Commission on Environmental Quality (TCEQ). The petition was filed pursuant to Article XVI, §59 of the Constitution of the State of Texas; Chapters 49 and 54 of the Texas Water Code; 30 Texas Administrative Code Chapter 293; and the procedural rules of the TCEQ. The petition states that: (1) the Petitioner holds title to a majority in value of the land to be included in the proposed District; (2) there are no lienholders on the property to be included in the proposed District; (3) the proposed District will contain approximately 841.078 acres located within Kaufman County, Texas; and (4) none of the land within the proposed District is within the corporate limits or extraterritorial jurisdiction of any city. The petition further states that the proposed District will: (1) purchase, construct, acquire, maintain, own, operate, repair, improve, and extend a waterworks and sanitary sewer system for residential and commercial purposes; (2) construct, acquire, improve, extend, maintain, and operate works, improvements, facilities, plants, equipment, and appliances helpful or necessary to provide more adequate drainage for the proposed District; (3) control, abate, and amend local storm waters or other harmful excesses of water; and (4) purchase, construct, acquire, improve, maintain, and operate such additional facilities, systems, plants, road facilities, and enterprises as shall be consonant with all of the purposes for which the proposed District is created. According to the petition, the proposed District is not anticipating issuing bonds to finance or reimburse the costs of District improvements. The proposed District is anticipated

to operate District water, wastewater, drainage, detention or road facilities payable from an operations and maintenance tax.

#### INFORMATION SECTION

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

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

TRD-202303564

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: September 27, 2023



#### Notice of District Petition

Notice issued September 25, 2023

TCEQ Internal Control No. D-07142023-027; Beasley 119, LLC, a Texas limited liability company and Grunwald 109, LLC, a Texas limited liability company (Petitioners), filed a petition (petition) for the creation of Fort Bend County Municipal Utility District No. 257 (District) with the Texas Commission on Environmental Quality (TCEQ). The petition was filed pursuant to Article XVI, § 59 of the Constitution of the State of Texas; Chapters 49 and 54 of the Texas Water Code; 30 Texas Administrative Code Chapter 293; and the procedural rules of the TCEQ. The petition states that: (1) the Petitioners hold title to a majority in value of the land to be included in the proposed District; (2) there is one lienholder, b1Bank, Inc., a Louisiana state chartered bank, successor by merger to Citizens Bank, N.A., on the property to be included in the proposed District and the aforementioned entity has consented to the creation of the district; (3) the proposed District will contain approximately 228.36 acres of land located within Fort Bend

County, Texas; and (4) all of the land to be included within the proposed district is located wholly within the extraterritorial jurisdiction of the City of Rosenberg, Texas (City). In accordance with Local Government Code § 42.042 and Texas Water Code § 54.016, a petition was submitted to the City, requesting the City's consent to the creation of the District. After more than 90 days passed without receiving consent, a petition was submitted to the City to provide water and sewer services to the District. The 120-day period for reaching a mutually agreeable contract as established by the Texas Water Code § 54.016(c) expired and information provided indicates that the Petitioners and the City have not executed a mutually agreeable contract for service. Pursuant to Texas Water Code § 54.016(d), failure to execute such an agreement constitutes authorization for the Petitioners to proceed to the TCEQ for inclusion of the land into the District. The petition further states that the work to be done by the proposed District at the present time is to purchase, construct, acquire, provide, operate, maintain, repair, improve, or extend inside or outside of its boundaries any and all works, improvements, facilities, plants, equipment, and appliances necessary or helpful to supply and distribute water for municipal, domestic, industrial, or commercial purposes or provide adequate drainage for the District; to collect, transport, process, dispose of and control domestic, industrial, or commercial wastes; to gather, conduct, divert, abate, amend, and control local storm water or other local harmful excesses of water in the District; and to purchase, construct, acquire, provide, operate, maintain, repair, improve, or extend inside or outside of its boundaries such additional facilities, systems, plants, and enterprises as shall be consistent with the purposes for which the District is created, all as more particularly described in an engineer's report filed simultaneously with the filing of this Petition, to which reference is made for a more detailed description. Additional work and services which may be performed by the District include the purchase, construction, acquisition, provision, operation, maintenance, repair, improvement, extension, and development of a roadway system for the District.

According to the petition, a preliminary investigation has been made to determine the cost of the project, and it is estimated by the Petitioners that the cost of said project will be approximately \$42,600,000 (\$19,550,000 for water, wastewater, and drainage plus \$13,350,000 for roads and \$9,700,000 for recreational facilities).

#### INFORMATION SECTION

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

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

sioners for their consideration at a scheduled Commission meeting. If a contested case hearing is held, it will be a legal proceeding similar to a civil trial in state district court. Written hearing requests should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address. For additional information, individual members of the general public may contact the Districts Review Team, at (512) 239-4691. Si desea información en español, puede llamar al (512) 239-0200. General information regarding TCEQ can be found at our web site at [www.tceq.texas.gov](http://www.tceq.texas.gov).

TRD-202303566

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: September 27, 2023



#### Notice of District Petition

Notice issued September 25, 2023

TCEQ Internal Control No. D-06192023-038; Sutton Field Investments, LLC, a Texas limited liability company, (Petitioner) filed a petition for creation of Scharff Road Municipal Utility District No. 1 of Grayson County (District) with the Texas Commission on Environmental Quality (TCEQ). The petition was filed pursuant to Article XVI, §59 of the Constitution of the State of Texas; Chapters 49 and 54 of the Texas Water Code; 30 Texas Administrative Code Chapter 293; and the procedural rules of the TCEQ.

The petition states that: (1) the Petitioner holds title to a majority in value of the land to be included in the proposed District; (2) there is one lienholder, Lone Star, FLCA, on the property to be included in the proposed District and information provided indicates that the lienholder consents to the creation of the proposed District; (3) the proposed District will contain approximately 193 acres located within Grayson County, Texas; and (4) the land within the proposed District is located within the extraterritorial jurisdiction of the City of Gunter. By Resolution No. 2021-09-16-2, passed and approved on September 16, 2021, the City of Gunter, Texas, withheld its consent to the creation of the proposed District. The petition further states that the proposed District will: (1) construct a water distribution system for domestic purposes; (2) construct a wastewater system; (3) control, abate, and amend harmful excess waters and the reclamation of drainage of overflowed lands within the proposed District; (4) construct and finance macadamized, graveled, or paved roads, or improvements in aid of those roads; and (5) construct, install, maintain, purchase, and operate additional facilities, systems, plants, and enterprises as shall be consonant with all of the purposes for which the proposed District is created. Additionally, the proposed District will design, acquire, construct, finance, issue bonds for, operate, maintain, and convey to this state, a county, or a municipality for operation and maintenance, a road or any improvement in aid of the road, pursuant to Texas Water Code §54.234. According to the petition, a preliminary investigation has been made to determine the cost of the project, and it is estimated by the Petitioners that the cost of said project will be approximately \$28,775,000 (\$22,900,000 for water, wastewater, and drainage and \$5,875,000 for roads). The Property is located within the extraterritorial jurisdiction of the City of Gunter, Grayson County, Texas (the "City"). In accordance with Local Government Code §42.042 and Texas Water Code §54.016, the Petitioner submitted a petition to the City, requesting the City's consent to the creation of the District. After more than 90 days passed without receiving consent, the Petitioner submitted a petition to the City to provide water and sewer services to the proposed Dis-

tract. The 120-day period for reaching a mutually agreeable contract as established by the Texas Water Code §54.016(c) expired and the information provided indicates that the Petitioner and the City have not executed a mutually agreeable contract for service. Pursuant to Texas Water Code §54.016(d), failure to execute such an agreement constitutes authorization for the Petitioner to initiate proceedings to include the land within the proposed District.

#### INFORMATION SECTION

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

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

TRD-202303567

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: September 27, 2023



#### Notice of Opportunity to Comment on an Agreed 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 Agreed Order (AO) in accordance with Texas Water Code (TWC), §7.075. TWC, §7.075, requires that before the commission may approve the AO, the commission shall allow the public an opportunity to submit written comments on the proposed AO. TWC, §7.075, requires that notice of the opportunity to comment must be published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is **November 6, 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 the proposed AO is available for public inspection at both the commission's central office, located at 12100 Park 35 Circle, Building A, 3rd Floor, Austin, Texas 78753, (512) 239-3400 and at the applicable regional office listed as follows. Written comments about an AO should be sent to the attorney designated for the AO at the commission's central office at P.O. Box 13087, MC 175, Austin, Texas 78711-3087 and must be **received by 5:00 p.m. on November 6, 2023**. The designated attorney is available to discuss the AO and/or the comment procedure at the listed phone number; however, TWC, §7.075, provides that comments on an AO shall be submitted to the commission in **writing**.

(1) COMPANY: GPB PETROLEUM, LLC dba Charge Up 29; DOCKET NUMBER: 2021-0843-PST-E; TCEQ ID NUMBER: RN102404985; LOCATION: 1410 West Virginia Street, Beaumont, Jefferson County; TYPE OF FACILITY: underground storage tank (UST) system and a convenience store with retail sales of gasoline; RULES VIOLATED: TWC, §26.3475(c)(1) and 30 TAC §334.50(b)(1)(A), by failing to monitor the USTs in a manner which will detect a release at a frequency of at least once every 30 days; PENALTY: \$3,375; STAFF ATTORNEY: Benjamin Pence, Litigation, MC 175, (512) 239-2157; REGIONAL OFFICE: Beaumont Regional Office, 3870 Eastex Freeway, Beaumont, Texas 77703-1830, (409) 898-3838.

TRD-202303544

Gitanjali Yadav

Deputy Director, Litigation

Texas Commission on Environmental Quality

Filed: September 26, 2023



#### Notice of Public Hearing on Assessment of Administrative Penalties and Requiring Certain Actions of Lil Countryside WSC SOAH Docket No. 582-24-01474 TCEQ Docket No. 2021-1540-PWS-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. - October 26, 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 Preliminary Report and Petition mailed June 27, 2023 concerning assessing administrative penalties against and requiring certain actions of Lil Countryside WSC, for violations in Hunt County, Texas, of: Tex. Water Code § 5.702 and 30 Texas Administrative Code §§290.51(a)(6), 290.108(e), 290.109(d)(4)(B), 290.110(e)(4)(A) and (f)(3), 290.117(c)(2)(C), (h), and (i)(l), 290.122(c)(2)(A) and (f), 290.271(b), and 290.274(b) and (c).

The hearing will allow Lil Countryside WSC, 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 Lil Countryside WSC, 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 Lil Countryside WSC 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 Preliminary Report and Petition, attached hereto and incorporated herein for all purposes.** Lil Countryside WSC, 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 ch. 5, Tex. Health & Safety Code ch. 341 and 30 Texas Administrative Code chs. 70 and 290; 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 William Hogan, 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](http://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](http://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: September 25, 2023

TRD-202303569

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: September 27, 2023



Notice of Public Hearing on Assessment of Administrative Penalties and Requiring Certain Actions of POSTMUS DAIRY, L.L.C. SOAH Docket No. 582-24-01361 TCEQ Docket No. 2022-0089-AGR-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. - October 26, 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 Preliminary Report and Petition mailed July 24, 2023 concerning assessing administrative penalties against and requiring certain actions of POSTMUS DAIRY, L.L.C., for violations in Erath County, Texas, of: Tex. Water Code § 26.121(a)(1), 30 Texas Administrative Code §305.125(1) and §321.37(d), and Texas Pollutant Discharge Elimination System ("TPDES") General Permit No. TXG92099, Part III.A.5(a)(2).

The hearing will allow POSTMUS DAIRY, L.L.C., 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 POSTMUS DAIRY, L.L.C., 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 POSTMUS DAIRY, L.L.C. 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 Preliminary Report and Petition, attached hereto and incorporated herein for all purposes.** POSTMUS DAIRY, L.L.C., 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 Tex. Water Code chs. 7 and 26, 30 Texas Administrative Code chs. 70 and 305; 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 David Keagle, 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](http://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](http://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: September 25, 2023

TRD-202303568

Laurie Gharis  
Chief Clerk

Texas Commission on Environmental Quality

Filed: September 27, 2023



#### Notice of Public Meeting for TPDES Permit for Municipal Wastewater New Permit No. WQ0016224001

**APPLICATION.** JDS Nursery Tract LLC, 5005 Riverway Drive, Suite 500, Houston, Texas 77056, has applied to the Texas Commission on Environmental Quality (TCEQ) for new Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0016224001, to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 200,000 gallons per day. TCEQ received this application on September 20, 2022.

The facility will be located approximately 0.48 of a mile northeast of the intersection of Farm-to-Market Road 359 and Settegast Ranch Road, in Fort Bend County, Texas 77406. The treated effluent will be discharged to an unnamed tributary, thence to the Jones Creek portion of Upper Oyster Creek in Segment No. 1245 of the Brazos River Basin. The unclassified receiving water use is limited aquatic life use for the unnamed tributary. The designated uses for Segment No. 1245 are primary contact recreation, intermediate aquatic life use, and public water supply.

In accordance with 30 Texas Administrative Code Section 307.5 and the TCEQ's Procedures to Implement the Texas Surface Water Quality Standards (June 2010), an antidegradation review of the receiving waters was performed. A Tier 1 antidegradation review has preliminarily determined that existing water quality uses will not be impaired by this permit action. Numerical and narrative criteria to protect existing uses will be maintained. A Tier 2 review has preliminarily determined that no significant degradation of water quality is expected in the Jones Creek portion of Upper Oyster Creek, which has been identified as having intermediate aquatic life use. Existing uses will be maintained and protected. The preliminary determination can be reexamined and may be modified if new information is received. This link to an electronic map of the site or facility's general location is provided as a public courtesy and is not part of the application or notice. For the exact location, refer to the application. <https://tceq.maps.arcgis.com/apps/webappviewer/index.html?id=db5bac44afbc468bb-ddd360f8168250f&marker=-95.826666%2C29.657777&level=12>

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

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

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

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

**Monday, November 6, 2023, at 7:00 p.m.**

**Palm Royal Villa**

**3330 FM 1463**

**Katy, Texas 77494**

**INFORMATION.** Members of the public are encouraged to submit written comments anytime during the meeting or by mail before the close of the public comment period to the Office of the Chief Clerk, TCEQ, Mail Code MC-105, P.O. Box 13087, Austin, Texas 78711-3087 or electronically at [www.tceq.texas.gov/goto/comment](http://www.tceq.texas.gov/goto/comment). If you need more information about the permit application or the permitting

process, please call the TCEQ Public Education Program, Toll Free, at (800) 687-4040. *Si desea información en español, puede llamar (800) 687-4040.* General information about the TCEQ can be found at our web site at <https://www.tceq.texas.gov>.

The permit application, Executive Director's preliminary decision, and draft permit are available for viewing and copying at the Bob Lutts Fulshear/Simonton Branch Library, 8100 Farm-to-Market Road 359 South, Fulshear, Texas. Further information may also be obtained from JDS Nursery Tract LLC at the address stated above or by calling Mr. Jonathan Nguyen, Quiddity Engineering at (512) 685-5156.

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

Issuance Date: September 22, 2023

TRD-202303563

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: September 27, 2023



### Notice of Water Quality Application

The following notice was issued on September 22, 2023:

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

#### INFORMATION SECTION

Broumley Dairy, LLC, 360 County Road 240, Hico, Texas 76457 has applied to the Texas Commission on Environmental Quality (TCEQ) for a Minor Amendment of Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0003395000, for a Concentrated Animal Feeding Operation (CAFO), to authorize the applicant to modify the production area by reconfiguring drainage area #1, removing slurry basin #1, plugging well #7 and adding new well #20. The facility maps have been revised as a result of these changes. The design calculations for retention control structure (RCS) #1 required capacity were revised, which changed the required RCS capacity from 66.31 ac-ft to 64.39 acre-feet. The authorized maximum capacity of 4,100 total dairy cattle, of which 3,500 are milking cows, and the total land application area of 490 acres will remain the same. The facility is located at 360 County Road 240, Hico in Hamilton County, Texas. The facility is located in the drainage area of the North Bosque River in Segment No. 1226 of the Brazos River Basin.

TRD-202303565

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: September 27, 2023



### General Land Office

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

On January 10, 1997, the State of Texas received federal approval of the Coastal Management Program (CMP) (62 *Federal Register* pp. 1439 - 1440). Under federal law, federal agency activities and actions affecting the Texas coastal zone must be consistent with the CMP goals and policies identified in 31 TAC Chapter 26. Requests for federal consistency review were deemed administratively complete for the following project(s) during the period of September 11, 2023 to September 22, 2023. As required by federal law, the public is given an opportunity to comment on the consistency of proposed activities in the coastal zone undertaken or authorized by federal agencies. Pursuant to 31 TAC §§30.20(f), 30.30(h), and 30.40(e), the public comment period extends 30 days from the date published on the Texas General Land Office web site. The notice was published on the web site on Friday, September 29, 2023. The public comment period for this project will close at 5:00 p.m. on October 29, 2023.

Federal License and Permit Activities:

**Applicant:** Cedar Marine Terminals (subsidiary of Vertex Energy)

**Location:** The project site is located in Cedar Bayou, at 200 Atlantic Pipeline Road, in Baytown, Chambers County, Texas.

**Latitude and Longitude:** 29.673146, -94.929803

**Project Description:** The applicant proposes to modify an existing permit to perform mechanical maintenance dredging within a 440-foot-long by 134-foot-wide (1.35 acre) area of Cedar Bayou to a total depth of 13.5 feet below mean lower low water for a total of 15,142 cubic yards of material proposed to be dredged. The dredged material for this upcoming maintenance dredging cycle is proposed to be placed within Chambers County Navigation District's existing dredged material placement area (DMPA) #6. This application also requests to add the Adloy DMPA as an optional authorized DMPA for this project for future maintenance dredging. No compensatory mitigation is proposed for this project.

**Type of Application:** U.S. Army Corps of Engineers permit application #SWG-1992-02709. This application will be reviewed pursuant to Section 10 of the Rivers and Harbors Act of 1899.

**CMP Project No:** 24-1004-F1

**Applicant:** Freeport LNG Development, L.P.

**Location:** The project site is located on the Freeport Harbor Ship Channel, near the City of Freeport, in Brazoria County, Texas. The Freeport Maintenance Offshore Dredge Material Disposal Site (ODMDS) is located approximately 3 miles offshore and about 1,000 feet southwest of the centerline of the Outer Bar Channel.

**Latitude and Longitude:** 28.982761, -95.309178

**Project Description:** Freeport LNG Development (FLNG) have requested a Department of the Army maintenance dredge permit to include the use of mechanical, hydraulic and hopper dredges and to dispose of the dredged material in the Freeport Harbor Maintenance Offshore Dredge Material Disposal Site (ODMDS). The maintenance dredge permit authorizes dredging of the entire FLNG Basin (both Dock 1 and Dock 2). Dredging conducted via a hydraulic cutter head dredge and/or mechanical clamshell will utilize to a dump scow barge. The barge will be transported to the Freeport Harbor Maintenance ODMDS where the material will be dumped. Maintenance dredge cycles utilizing a hopper dredge will not require a barge for transportation of the dredged material. Each maintenance dredging cycle is expected to take 3 months to complete. Submittals to evaluate effects of dredging and disposal of dredge material will be conducted, as required by Section 103 of the MPRSA. FLNG has estimated that maintenance dredge cycles will occur annually and are estimated to remove approximately 250,000 cubic yards.

**Type of Application:** U.S. Army Corps of Engineers permit application # SWG-2013-00147. This application will be reviewed pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (MPRSA). Note: The consistency review for this project may be conducted by the Railroad Commission of Texas as part of its certification under §401 of the Clean Water Act.

**CMP Project No:** 24-1005-F1

**Applicant:** Golden Pointe, LLC

**Location:** The project site is located in Packery Channel, approximately 0.3-mile northeast of the intersection of Aquarius Street and South Padre Island Drive, in Corpus Christi, Nueces County, Texas.

**Latitude and Longitude:** 27.631449, -97.222392

**Project Description:** The applicant proposes to develop approximately 40 residential lots and the associated infrastructure (roads, sidewalks, utilities, etc.) on approximately 16.92 acres. The proposed project includes construction for future lot development, entry road and culverts, interior road with a cul-de-sac, and an elevated board walk that transverses the outer edges of the proposed development along Packery Channel. The proposed project would permanently affect approximately 1.037 acres and temporarily affect 0.61 acre of estuarine wetlands from fill activities. Fill associated with the entry road and culverts would permanently impact approximately 0.515 acre of wetlands. Temporary impacts associated with the entry road development would be approximately 0.61 acre. Fill associated with the interior roads would be approximately 0.522 acres of permanent impacts. The proposed boardwalk would be located within estuarine wetlands along the outer edge of the proposed development on Packery Channel. The proposed boardwalk will be approximately 4 feet high with 2-inch by 4-inch decking spaced 1-inch apart. The applicant proposes to mitigate for the proposed impacts by mechanically lowering uplands to create a total of 0.68 acre of shallow water, tidally influenced estuarine wetlands and to preserve 6.968 acres of existing tidally influenced estuarine wetlands and mudflats.

**Type of Application:** U.S. Army Corps of Engineers permit application #SWG-2015-00111. This application will be reviewed pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act. Note: The consistency review for this project may be conducted by the Texas Commission on Environmental Quality as part of its certification under §401 of the Clean Water Act.

**CMP Project No:** 24-1006-F1

**Applicant:** City of Aransas Pass

**Location:** The project site is located in Conn Brown Harbor, which is connected to Redfish Bay and is adjacent to Bigelow Street, east of its intersection with Huff Street in Aransas Pass, Aransas County, Texas.

**Latitude and Longitude:** 27.9060, -97.1352

**Project Description:** The applicant proposes to construct the docking capacity within the existing harbor consistent with the original authorization, creating the same 432 boat slips, but dependent upon vessel size is expected to accommodate up to approximately 544 boat vessels on approximately 103,255 square feet of floating and/or piling-supported docks extending from the western harbor bulkhead and an additional approximately 27,902 square feet of piling support docks extending from the eastern harbor bulkhead. Piles would be placed by either jetting, vibratory, or pile-driving methods. No dredge activities, bulkhead construction/repair, or terrestrial development is proposed as part of this project. Construction of dock facilities would occur throughout the duration of the permit authorization (five years). No mitigation is proposed. The stated purpose and need of the project is to enhance use

of the existing Conn Brown Harbor by satisfying the public need for additional pleasure craft facilities and services, to help improve the marina facilities, as well as to maintain and improve use by commercial shrimping and fishing operations.

**Type of Application:** U.S. Army Corps of Engineers permit application # SWG-2004-00003. This application will be reviewed pursuant to Section 10 of the Rivers and Harbors Act of 1899.

**CMP Project No:** 24-1007-F1

**Applicant:** Powell Electrical Systems, Inc.

**Location:** The project site is located in Carpenters Bayou, at 16535 Jacintoport, in Houston, Harris County, Texas.

**Latitude and Longitude:** 29.75920, -95.106320

**Project Description:** The applicant is proposing to modify their existing permit by re-aligning the proposed bulkhead and discharge approximately 10,000 cubic yards (CY) of fill material to backfill behind the bulkhead and fill in an existing 2.9-acre inlet to match existing surrounding elevations. The applicant has stated that this project does not propose a discharge of fill material into any special aquatic site, therefore, no compensatory mitigation is proposed for this project.

**Type of Application:** U.S. Army Corps of Engineers permit application #SWG-2000-03009. This application will be reviewed pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act. Note: The consistency review for this project may be conducted by the Texas Commission on Environmental Quality as part of its certification under §401 of the Clean Water Act.

**CMP Project No:** 24-1019-F1

**Applicant:** TXGC Properties, L.L.C. and TXGC Pipelines, L.L.C.

**Location:** The project site is located in Sabine Pass and multiple wetlands and water bodies including, the Gulf Intracoastal Waterway and Trinity River, in multiple locations starting at ONEOK's existing natural gas liquids (NGL) fractionation and storage facility in Mont Belvieu, Chambers County, through Liberty County, and terminating at Sabine Pass, in Jefferson County, Texas, including a portion of the Sabine Pass Channel, in Cameron Parish, Louisiana.

**Latitude and Longitude:** 29.735894, -93.878456

**Project Description:** The applicant proposes to permanently discharge fill into 194.51 acres of estuarine emergent (EEM) wetlands, 12.35 acres of estuarine scrub shrub (ESS) wetlands, and 1.03 acres of ponds to construct a new natural gas liquids (NGL) export terminal on an approximately 220-acre tract of land located adjacent to the Sabine Pass Channel in Jefferson County, Texas. Approximately 1,409,085 cubic yards (CY) of material will be mechanically and/or hydraulically dredged from 41.98 acres of the Sabine Pass Channel to a maximum depth of approximately -46 feet below mean lower low water (MLLW) to create the terminal's ship basin and allow vessel access. Dredged material would be placed into Placement Areas (PAs) 5, 8, and 9, and in Keith Lake for beneficial use (BU). Approximately 77.97 acres of the marine basin will be located in Texas and 4.08 acres will be located in Louisiana. Slope protection measures will be installed along the entire shoreline of the Marine Berth including a 9-inch-thick revetment mattress and rip rap. Approximately 4,300 linear feet of revetment mattress and 5,000 CY of rip rap will be used to stabilize the shoreline of the new marine berth.

The export terminal will also include the construction of four dock structures with appurtenant infrastructure for product loading onto very large gas carriers (VLGCs), very large ethane carriers (VLECs), and other smaller vessels. Each dock structure will consist of a 122-foot-wide by 73-foot-long loading platform, four 96-inch-diameter breast-

ing dolphins, five 84-inch-diameter steel monopile mooring dolphins, steel walkways, a 39-foot-wide by 92-foot-long dock house platform, a 20-foot-wide by 206-foot-long concrete approach-way, a 30-foot-wide by 108-foot-long concrete pipe rack, and a 55-foot-wide by 34-foot-long valve containment structure. Docks 1 and 2 will share a 24-foot-wide by 18-foot-long concrete mooring dolphin, and Docks 3 and 4 will share a concrete mooring dolphin with the same dimensions. Docks 1 and 2 will each include a 92-foot-wide by 27-foot-long water intake platform. The export terminal facility also includes a new proposed tug dock that will consist of a steel pile supported concrete dock and concrete approach-way. The new tug dock will be at the southern end of the new ship basin, centered on the basin's centerline, between Docks 1 and 3. The concrete dock will be approximately 440-foot-wide by 20-foot-long, while the concrete approach-way will be approximately 20-foot-wide by 153-foot-long and both will be supported by steel piles. Lastly, the terminal dock infrastructure includes a proposed new Material Offloading Facility with a 100-foot-wide by 132-foot-long concrete dock supported by concrete and steel battered piles, two 65-foot-wide by 20-foot-long concrete piers, a 220-foot-long steel sheet pile bulkhead, and four 48-inch-diameter steel monopile breasting dolphins. The Material Offloading Facility will be adjacent to the new Dock 4 and dredged to a maximum depth of -27 feet MLLW.

Additionally, the applicant proposes to temporarily discharge fill into 346.86 acres of wetlands, 4.17 acres of streams (20,289 feet), and 94.69 acres of open waters (43,274 linear feet) to construct approximately 68 miles of two 20-inch-diameter pipelines to transport natural gas liquids from ONEOK's existing NGL fractionation and storage facility in Mont Belvieu, Texas to the new proposed marine export terminal at Sabine Pass (as described above). Construction of the pipelines will generally require an approximately 125-foot-wide construction corridor consisting of a 50-foot-wide permanent operation easement and 75-foot-wide temporary workspace corridor. Installation of the pipeline will also result in a permanent discharge of fill into 0.31 acre of palustrine forested (PFO) wetlands and 0.22 acre of EEM wetlands for the construction of metering/valve stations. All temporarily impacted areas will be restored to pre-construction contours once the project is complete.

The applicant stated that the purpose of the project is to transport NGL products from ONEOK's existing fractionation and storage facility in Mont Belvieu, Texas to an accessible marine terminal that can accommodate very large gas carriers (VLGCs) and very large ethane carriers (VLECs) for loading and export into the commercial market. The purpose is driven by growing global demand for NGL products and expectations of importing countries, including China, India, and European countries, that the United States will meet their growing demand.

The applicant proposes to mitigate for the temporary and permanent conversion impacts to PFO and PSS wetlands by purchasing functional capacity units (FCUs) from the following compensatory mitigation banks: 1) Cow Island Bayou Mitigation Bank (12.74 Physical FCUs, 21.08 Biological FCUs, and 10.42 Chemical FCUs); 2) Spindletop Bayou Mitigation Bank (0.14 Physical FCUs, 0.26 Biological FCUs, and 0.13 Chemical FCUs); and 3) Sabine Lake Mitigation Bank (0.10 Physical FCUs, 0.17 Biological FCUs, and 0.12 Chemical FCUs).

The applicant proposes to implement a permittee responsible mitigation (PRM) plan at Keith Lake, approximately 4 miles northwest of the proposed terminal site, to offset the avoidable impacts to 194.73 acres of EEM and 12.35 acres of ESS wetlands in these areas where in-kind mitigation bank credits are not available. The PRM plan will include a functional assessment and anticipated "lift" generated from proposed marsh restoration at the Keith Lake PRM site. The final acreage of marsh restoration required to satisfy the FCU requirements is anticipated to be approximately 270 acres.

**Type of Application:** U.S. Army Corps of Engineers permit application #SWG-2022-00684. This application will be reviewed pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act. Note: The consistency review for this project may be conducted by the Texas Commission on Environmental Quality as part of its certification under §401 of the Clean Water Act.

**CMP Project No:** 24-1020-F1

**Applicant:** PI Dock Facilities LLC

**Location:** The project site is located in the Sabine-Neches Waterway, at 2500 Martin Luther King Drive, in Port Arthur, Jefferson County, Texas.

**Latitude and Longitude:** 29.8225, -93.955556

**Project Description:** The applicant proposes to perform new dredging and periodic maintenance dredging at the North and South berths (20.35 acres total) with hydraulic dredge, mechanical dredge, or blade leveling methods to deepen and maintain the mudline from EL -40-foot mean lower low water (MLLW) (plus 2-ft. over dredge) to a new depth of EL -52-foot MLLW, matching the final authorized depth of the Sabine-Neches Waterway (SNWW). The intent is to deepen and maintain the berth to a depth that corresponds with the deepening of the SNWW Channel Improvement Project. The applicant also proposes to periodically maintenance dredge as needed 17.80 acres within the federal channel limits. This area will be dredged only if the Corps dredge cycle does not line up with applicant's needs. Dredged material will be placed in either USACE Dredge Material Placement Area(s) (DPMA) 5, 5b, 8, 9, 11, 12, or 13, the JD Murphree Wildlife Management Area, Avera, or the Texas Deepwater Placement Area in Houston, Texas. The applicant also proposes to construct a 1,084-square-foot covered boatlift extending 53 feet into the Sabine-Neches Waterway. Project components include a 30-foot by 30-foot covered boat lift and an 8-foot by 23-foot walkway. The structure will be supported by piles 1-foot above the mean high water. Compensatory mitigation is not proposed.

**Type of Application:** U.S. Army Corps of Engineers permit application #SWG-2011-01123. This application will be reviewed pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act. Note: The consistency review for this project may be conducted by the Texas Commission on Environmental Quality as part of its certification under §401 of the Clean Water Act.

**CMP Project No:** 24-1021-F1

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

TRD-202303558

Mark Havens

Chief Clerk

General Land Office

Filed: September 27, 2023

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**Texas Health and Human Services Commission**

Correction of Error

The Health and Human Services Commission (HHSC) adopted amendments to 26 TAC §511.1 in the September 29, 2023, issue of the *Texas*

*Register* (48 TexReg 5676). Due to an error by the Texas Register, the section title is incorrect as published. The section title should read as follows:

§511.1. Purpose.

TRD-202303531



### Public Notice: TxHmL EVV Amendment

The Texas Health and Human Services Commission (HHSC) is submitting a request to the Centers for Medicare & Medicaid Services (CMS) to amend the waiver application for the Texas Home Living (TxHmL) program. HHSC administers the TxHmL Program under the authority of Section 1915(c) of the Social Security Act. CMS has approved the TxHmL waiver application through February 28, 2027. The proposed effective date for this amendment is February 19, 2024.

The request proposes to amend Appendix I to change existing language regarding Electronic Visit Verification (EVV) requirements. HHSC will require program providers to use EVV for certain services. This requirement is to address the expansion of EVV in home health care services as required by §1903(l) of the Social Security Act (U.S.C. Title 42, §1396b, subsection l) as amended by the 21st Century Cures Act. The services impacted by this change in the TxHmL waiver are: respite (EVV requirement specific to in-home); individualized skills and socialization (EVV requirement specific to in-home); nursing services; occupational therapy services; and physical therapy services and the consumer directed services (CDS) option for the following services: respite (EVV requirement specific to in-home) and nursing.

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

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

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

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

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

Comments about the proposed waiver amendment must be submitted to HHSC by November 6, 2023.

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

Addresses:

U.S. Mail

Texas Health and Human Services Commission

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

701 West 51st Street, Mail Code H-310

Austin, Texas 78751

Telephone

(512) 438-4321

Fax

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

Email

[TX\\_Medicaid\\_Waivers@hhs.texas.gov](mailto:TX_Medicaid_Waivers@hhs.texas.gov)

TRD-202303572

Karen Ray

Chief Counsel

Texas Health and Human Services Commission

Filed: September 27, 2023



### Updated Public Notice - Texas State Plan for Medical Assistance Amendment

The Texas Health and Human Services Commission (HHSC) provides this update to a public notice published on April 28, 2023.

HHSC announces its intent to submit an amendment to the Texas State Plan for Medical Assistance, under Title XIX of the Social Security Act. The proposed amendment is effective October 1, 2023. The April 28, 2023 notice indicated that the amendment would be effective June 1, 2023.

The purpose of the amendment is to update the reimbursement methodology for the Disproportionate Share Hospital (DSH) Program. This proposal amends the definition of the rural provider classes, establishes a new rural DSH pool, describes a methodology for redistribution of certain recouped funds, modifies the calculation of the Low-Income Utilization Rate to reflect federal law, updates the calculation of the State Payment Cap and payment allocation methodology, establishes changes to qualifications of the program, revises the advance payment methodology for federal fiscal year 2024, and makes other clarifying amendments. For the DSH program, the annual aggregate expenditures are expected to remain fiscally neutral with this amendment.

Public Hearing.

A public hearing was conducted via webinar on April 25, 2023. Information about the public hearing was published in the *Texas Register*. Additional information and the notice of public hearing can be found at <https://www.sos.state.tx.us/texreg/index.shtml>. Archived recordings of the hearings can be found at <https://www.hhs.texas.gov/about/meetings-events>.

Copy of Proposed Amendment.

Interested parties may obtain additional information and/or a free copy of the proposed amendment by contacting Nicole Hotchkiss, State Plan Policy Advisor, by mail at the Health and Human Services Commission, P.O. Box 13247, Mail Code H-600, Austin, Texas 78711; by telephone at (512) 487-3349; by facsimile at (512) 730-7472; or by e-mail at [Medicaid\\_Chip\\_SPA\\_Inquiries@hhs.state.tx.us](mailto:Medicaid_Chip_SPA_Inquiries@hhs.state.tx.us). Copies of the proposed amendment will be available for review at the local county offices of HHSC, (which were formerly the local offices of the Texas Department of Aging and Disability Services).

## Written Comments.

Written comments about the proposed amendment and/or requests to review comments may be sent by U.S. mail, overnight mail, special delivery mail, hand delivery, fax, or email:

### U.S. Mail

Texas Health and Human Services Commission

Attention: Provider Finance Department

Mail Code H-400

P.O. Box 149030

Austin, Texas 78714-9030

Overnight mail, special delivery mail, or hand delivery

Texas Health and Human Services Commission

Attention: Provider Finance Department

North Austin Complex

Mail Code H-400

4601 W. Guadalupe St.

Austin, Texas 78751

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

### Fax

Attention: Provider Finance at (512) 730-7475

### Email

[pfd\\_hospitals@hhsc.state.tx.us](mailto:pfd_hospitals@hhsc.state.tx.us)

TRD-202303553

Karen Ray

Chief Counsel

Texas Health and Human Services Commission

Filed: September 27, 2023



## Texas Higher Education Coordinating Board

Notice of Intent to Engage in Negotiated Rulemaking-Dual Credit (Public Community Colleges, State Colleges, Technical Colleges, Universities, and Independent School Districts)

The Texas Higher Education Coordinating Board (THECB) intends to engage in negotiated rulemaking to amend definitions for dual credit and dual enrollment in Texas Administrative Code, Title 19, Part 1, Chapter 4, Subchapter D, to better align with House Bill 8, 88th Texas Legislature, Regular Session (2023) and College Connect Courses in new rule 4.86.

The amendments to 19 Texas Administrative Code, Subchapter D, are authorized by Texas Education Code, §§28.009(b), 28.0095, 61.059(p), 130.001(b)(3) - (4) and 130.008, which govern the offering and funding of college-level courses to high school students. Texas Education Code Section 28.009 directs the THECB, in coordination with the Texas Education Agency, to employ the negotiated rulemaking process described in Chapter 2008 of the Texas Government Code when adopting rules relating to dual credit.

In identifying persons likely affected by the proposed rules, the Convener of Negotiated Rulemaking sent a memo via GovDelivery to all chancellors and presidents at Texas public community colleges, state colleges, technical colleges, and universities soliciting their interest

and willingness to participate in the negotiated rulemaking process or nominate a representative from their campus.

From this effort, 47 individuals responded (out of approximately 1391 affected entities) and expressed an interest to participate or nominated a representative from their system/institution to participate on the negotiated rulemaking committee for dual credit. The positions held by the volunteers and nominees indicate a probable willingness and authority of the affected interests to negotiate in good faith and a reasonable probability that a negotiated rulemaking process can result in a unanimous or, if the committee so chooses, a suitable general consensus on the proposed rule.

The following is a list of the stakeholders who are significantly affected by this rule and will be represented on the negotiated rulemaking committee for dual credit:

1. Public Community Colleges;
2. Public State Colleges;
3. Public Technical Colleges;
4. Public Universities;
5. Public Independent School Districts;
6. Texas Education Agency; and
7. Texas Higher Education Coordinating Board.

The THECB proposes to appoint the following 16 individuals to the negotiated rulemaking committee for dual credit to represent affected parties and the agency:

### Public Community Colleges

Sara Mann, Interim Chief, High School Programs Officer, Director, District Charter Partnerships and Alamo Collegiate Network, Alamo Colleges District

Robin Garrett, Provost and Vice Chancellor, Academic and Student Success, Central Texas College

Patricia Benavides-Dominguez, Vice President, Student Affairs, Del Mar College

Tonie Badillo, Dean, Dual Credit and Early College High Schools, El Paso Community College

Dava Washburn, Vice President, Instruction, Grayson College

Susan Cooper, Director, Dual Credit, North Central Texas College

Sonia Townsend, Dean, Dual Credit Partnerships and Student Development, San Jacinto College

Ryan Fitzgerald, Dean, Dual Enrollment and Early College Programs, Director, Institutional Research, South Plains College

### Public State Colleges

Wendy Elmore, Provost and Executive Vice President, Academic and Student Affairs, Lamar State College-Orange (Texas State University System)

### Public Technical Colleges

Cledia Hernandez, Vice Chancellor, Texas State Technical College System

### Public Universities

Warren von Eschenbach, Vice Chancellor, Academic Affairs, University of North Texas System

Jennifer Porter, Managing Director, OnRamps, The University of Texas at Austin (The University of Texas System)

### **Public Independent School Districts**

Angela Herron, Chief Teaching and Learning Officer, Grand Prairie Independent School District

Elizabeth Swaner, Executive Director, Advanced Learning Services, Richardson Independent School District

### **Texas Education Agency**

Alexis Bauserman, Director, College, Career, and Military Preparation

### **Texas Higher Education Coordinating Board**

Elizabeth Mayer, Assistant Commissioner, Academic and Health Affairs

If there are persons who are significantly affected by these proposed rules and are not represented by the persons named above, those persons may apply to the agency for membership on the negotiated rule-making committee or nominate another person to represent their interests. Application for membership must be made in writing and include the following information:

1. Name and contact information of the person submitting the application;
2. Description of how the person is significantly affected by the rule and how their interests are different than those represented by the persons named above;
3. Name and contact information of the person being nominated for membership; and
4. Description of the qualifications of the nominee to represent the person's interests.

The THECB requests comments on the Notice of Intent to engage in negotiated rulemaking and on the membership of the negotiated rule-making committee for dual credit. Comments and applications for membership on the committee must be submitted by October 15, 2023, to Laurie A. Frederick, Convener, Texas Higher Education Coordinating Board, P.O. Box 12788, Austin, Texas 78711, or via email at Laurie.Frederick@highered.texas.gov.

TRD-202303559

Nichole Bunker-Henderson

General Counsel

Texas Higher Education Coordinating Board

Filed: September 27, 2023



### **Notice of Intent to Engage in Negotiated Rulemaking-Texas Innovative Adult Career Education (ACE) Grant Program (Participating Non-profits)**

House Bill 8, 88th Texas Legislature, Regular Session, transfers administration of the Texas Innovative Adult Career Education (ACE) Grant Program from Austin Community College to the Texas Higher Education Coordinating Board (THECB). The legislation provides the THECB authority to adopt rules for the administration of the program.

The THECB intends to engage in negotiated rulemaking to develop Title 19, Part 1, Chapter 21, Subchapter V rules for the ACE grant program trustee funds allocation methodology for participating non-profits and to develop procedures for THECB staff to verify the accuracy of the application of that allocation methodology. This is in accordance with the provisions of House Bill 8 passed by the 88th Texas Legis-

lature, Regular Session, which moved the ACE program under Texas Education Code chapter 136 to the THECB for administration.

In identifying persons likely affected by the proposed rules, the Convener of Negotiated Rulemaking sent a memo to potentially affected parties, including participating non-profits soliciting their interest and willingness to participate in the negotiated rulemaking process or nominate a representative from their non-profit.

From this effort, eight individuals responded (out of approximately eight affected entities) and expressed an interest to participate or nominated a representative from their non-profit to participate on the negotiated rulemaking committee for the ACE grant program. The positions held by the volunteers and nominees indicate a probable willingness and authority of the affected interests to negotiate in good faith and a reasonable probability that a negotiated rulemaking process can result in a unanimous or, if the committee so chooses, a suitable general consensus on the proposed rule.

The following is a list of the stakeholders who are significantly affected by this rule and will be represented on the negotiated rulemaking committee for the ACE grant program:

1. Capital IDEA-Austin;
2. Capital IDEA-Houston;
3. Digital Workforce Academy, Inc.;
4. Pitzer Family Education Foundation;
5. Project ARRIBA;
6. Project QUEST, Inc.;
7. Valley Initiative for Development and Advancement; and
8. Texas Higher Education Coordinating Board.

The THECB proposes to appoint the following eight individuals to the negotiated rulemaking committee for the ACE grant program to represent affected parties and the agency:

### **Participating Non-profit**

Alyssia Palacios-Woods, Executive Director, Capital IDEA-Austin

Michelle Paul, Executive Director, Capital IDEA-Houston

Melvin White, President, Digital Workforce Academy, Inc.

Anthony Haynes, Executive Director, Pitzer Family Education Foundation

Roman S. Ortiz, President/CEO, Project ARRIBA

Molly Biglari, President/CEO, Project QUEST, Inc.

### **ACE Grant Past Advisory Board Member**

Woody Hunt, Senior Chairman, Board of Directors, Hunt Companies, Inc.

### **Texas Higher Education Coordinating Board**

Jennielle Strother, Assistant Commissioner Student Success

If there are persons who are significantly affected by these proposed rules and are not represented by the persons named above, those persons may apply to the agency for membership on the negotiated rule-making committee or nominate another person to represent their interests. Application for membership must be made in writing and include the following information:

1. Name and contact information of the person submitting the application;

2. Description of how the person is significantly affected by the rule and how their interests are different than those represented by the persons named above;
3. Name and contact information of the person being nominated for membership; and
4. Description of the qualifications of the nominee to represent the person's interests.

The THECB requests comments on the Notice of Intent to engage in negotiated rulemaking and on the membership of the negotiated rulemaking committee for the ACE grant program. Comments and applications for membership on the committee must be submitted by October 15, 2023, to Laurie A. Frederick, Convener, Texas Higher Education Coordinating Board, P.O. Box 12788, Austin, Texas 78711, or via email at Laurie.Frederick@highered.texas.gov.

TRD-202303560  
Nichole Bunker-Henderson  
General Counsel  
Texas Higher Education Coordinating Board  
Filed: September 27, 2023

◆        ◆        ◆

## Texas Department of Housing and Community Affairs

### Public Notice of Demolition/Reconstruction of Jaipur Lofts Apartments

Jaipur Lofts Apartments is a 71-unit affordable multifamily complex located on lots around Annex Avenue and Cabell Drive, Dallas, Texas. The site consists of a single residential structure constructed between 1918 and 1933. The new property- to be known as Jaipur Lofts - will be one building with 4 floors and consist of twenty-six 1-bedroom and thirty-seven 2-bedroom and eight 3-bedroom units for a total of 71 units. Demolition was completed in February 2023, and all units are anticipated to be reconstructed by February 2025. It is anticipated that all residents will be permanently displaced as a result of reconstruction occurring over a 16-month period. Funding is provided through Low Income Housing Tax Credit (LIHTC) equity from Hunt Capital Partners with HOME American Rescue Plan (ARP) funding provided by the Texas Department of Housing and Community Affairs, and City of

Dallas HOME funds, along with deferred developer fee and contractor loyalty contribution. All 71 units will remain lower income dwelling units for 45 years from the date of initial occupancy as recorded in the Development's HOME-ARP and LIHTC Land Use Restriction Agreements.

#### Public Comment Period

Starts at 8:00 a.m. Austin local time on September 29, 2023.

Ends at 5:00 p.m. Austin local time on October 16, 2023.

Comments received after 5:00 p.m. Austin local time on October 16, 2023, will not be accepted.

Written comments may be submitted to:

Texas Department of Housing and Community Affairs

Attn: Carmen Roldan, Jaipur Lofts Apartments

P.O. Box 13941

Austin, Texas 78711-3941

Email: [carmen.rolدان@tdhca.state.tx.us](mailto:carmen.rolدان@tdhca.state.tx.us)

Written comments may be submitted in hard copy or email formats within the designated public comment period. Those making public comment are encouraged to reference the specific rule, policy, or plan related to their comment, as well as a specific reference or cite associated with each comment.

Please be aware that all comments submitted to the TDHCA will be considered public information.

Las personas que no pueden hablar, leer, escribir o entender el idioma inglés pueden llamar al (512) 475-3800 o al número de llamada gratuita (800) 525-0657 para solicitar asistencia con la traducción de documentos, eventos u otra información del Departamento de Vivienda y Asuntos Comunitarios de Texas (Texas Department of Housing and Community Affairs).

Quédese en la línea y permanezca en silencio durante nuestras indicaciones automatizadas de voz en inglés hasta que un representante responda. El representante lo pondrá en espera y le comunicará con un intérprete para ayudarle con su llamada.



TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Street Address: 221 East 11th Street, Austin, TX 78701

Mailing Address: PO Box 13941, Austin, TX 78711-3941

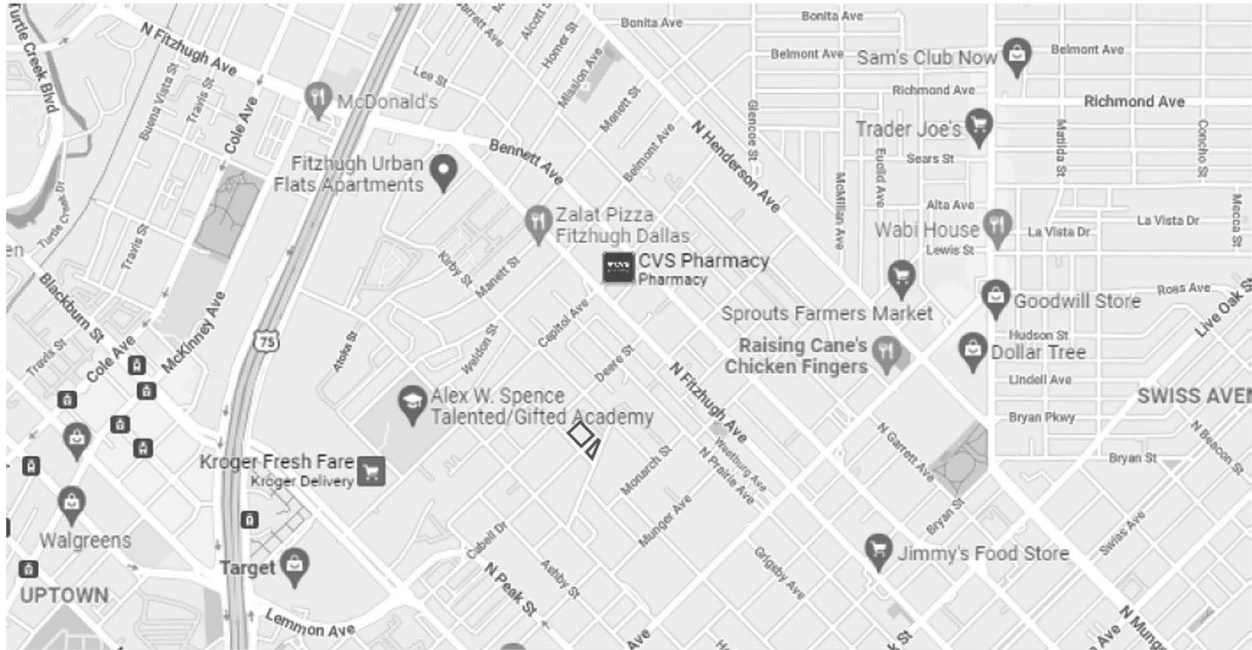
Main Number: 512-475-3800

Toll Free: 1-800-525-0657

Email: info@tdhca.state.tx.us

Web: www.tdhca.state.tx.us

Location of lower-income dwelling units that will be demolished



TRD-202303543  
Bobby Wilkinson  
Executive Director  
Texas Department of Housing and Community Affairs  
Filed: September 26, 2023

**Texas Department of Insurance**

Company Licensing

Application for Centene Venture Insurance Company Texas, a domestic life, accident and/or health company with HMO authority, DBA (doing business as) Wellcare by Allwell. The home office is in Austin, Texas.

Application for Centene Venture Insurance Company Texas, a domestic life, accident and/or health company with HMO authority, DBA (doing business as) Wellcare Complete. The home office is in Austin, Texas.

Application for Centene Venture Insurance Company Texas, a domestic life, accident and/or health company with HMO authority, DBA (doing business as) Wellcare. The home office is in Austin, Texas.

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

TRD-202303573  
Justin Beam  
Chief Clerk  
Texas Department of Insurance  
Filed: September 27, 2023

**Texas Juvenile Justice Department**

Correction of Error

The Texas Juvenile Justice Department adopted emergency rules 37 TAC §344.200 and §344.204 in the September 15, 2023, issue of the *Texas Register* (48 TexReg 5129). Due to an error by the Texas Regis-

ter, the name of Title 37 was published incorrectly. The name should have been published as:

TITLE 37. PUBLIC SAFETY AND CORRECTIONS

TRD-202303549



## Texas Lottery Commission

Scratch Ticket Game Number 2533 "THE PERFECT GIFT"

1.0 Name and Style of Scratch Ticket Game.

A. The name of Scratch Ticket Game No. 2533 is "THE PERFECT GIFT". The play style is "key number match".

1.1 Price of Scratch Ticket Game.

A. The price for Scratch Ticket Game No. 2533 shall be \$10.00 per Scratch Ticket.

1.2 Definitions in Scratch Ticket Game No. 2533.

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

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

C. Play Symbol - The printed data under the latex on the front of the Scratch Ticket that is used to determine eligibility for a prize. Each Play Symbol is printed in Symbol font in black ink in positive except for dual-image games. The possible black Play Symbols are: 01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 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, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, STAR SYMBOL, WREATH SYMBOL, TREE SYMBOL, \$10.00, \$20.00, \$25.00, \$50.00, \$100, \$200, \$500, \$1,000, \$5,000 and \$250,000.

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

Figure 1: GAME NO. 2533 - 1.2D

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

25	TWV
26	TWSX
27	TWSV
28	TWET
29	TWNI
30	TRTY
31	TRON
32	TRTO
33	TRTH
34	TRFR
35	TRFV
36	TRSX
37	TRSV
38	TRET
39	TRNI
40	FRTY
41	FRON
42	FRTO
43	FRTH
44	FRFR
45	FRFV
46	FRSX
47	FRSV
48	FRET
49	FRNI
50	FFTY
51	FFON

52	FFTO
53	FFTH
54	FFFR
55	FFFV
56	FFSX
57	FFSV
58	FFET
59	FFNI
60	SXTY
STAR SYMBOL	WIN\$
WREATH SYMBOL	WINX5
TREE SYMBOL	WINX10
\$10.00	TEN\$
\$20.00	TWY\$
\$25.00	TWV\$
\$50.00	FFTY\$
\$100	ONHN
\$200	TOHN
\$500	FVHN
\$1,000	ONTH
\$5,000	FVTH
\$250,000	250TH

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

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

G. Game-Pack-Ticket Number - A fourteen (14) digit number consisting of the four (4) digit game number (2533), a seven (7) digit Pack number, and a three (3) digit Ticket number. Ticket numbers start with 001 and end with 050 within each Pack. The format will be: 2533-0000001-001.

H. Pack - A Pack of the "THE PERFECT GIFT" Scratch Ticket Game contains 050 Tickets, packed in plastic shrink-wrapping and fanfolded in pages of one (1). The back of Ticket 001 will be shown on the front of the Pack; the back of Ticket 050 will be revealed on the back of

the Pack. All Packs will be tightly shrink-wrapped. There will be no breaks between the Tickets in a Pack.

I. Non-Winning 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 "THE PERFECT GIFT" Scratch Ticket Game No. 2533.

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 "THE PERFECT GIFT" Scratch Ticket Game is determined once the latex on the Scratch Ticket is scratched off to expose sixty-six (66) Play Symbols. If a player matches any of the YOUR NUMBERS Play Symbols to any of the HOLIDAY NUMBERS Play Symbols, the player wins the prize for that number. If the player reveals a "STAR" Play Symbol, the player wins the prize for that symbol instantly. If the player reveals a "WREATH" Play Symbol, the player wins 5 TIMES the prize for that symbol. If the player reveals a "TREE" 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 sixty-six (66) Play Symbols must appear under the Latex Overprint on the front portion of the Scratch Ticket;
2. Each of the Play Symbols must have a Play Symbol Caption underneath, unless specified, and each Play Symbol must agree with its Play Symbol Caption;
3. Each of the Play Symbols must be present in its entirety and be fully legible;
4. Each of the Play Symbols must be printed in black ink except for dual image games;
5. The Scratch Ticket shall be intact;
6. The Serial Number and Game-Pack-Ticket Number must be present in their entirety and be fully legible;
7. The Serial Number must correspond, using the Texas Lottery's codes, to the Play Symbols on the Scratch Ticket;
8. The Scratch Ticket must not have a hole punched through it, be mutilated, altered, unreadable, reconstituted or tampered with in any manner;
9. The Scratch Ticket must not be counterfeit in whole or in part;
10. The Scratch Ticket must have been issued by the Texas Lottery in an authorized manner;
11. The Scratch Ticket must not have been stolen, nor appear on any list of omitted Scratch Tickets or non-activated Scratch Tickets on file at the Texas Lottery;
12. The Play Symbols, Serial Number and Game-Pack-Ticket Number must be right side up and not reversed in any manner;

13. The Scratch Ticket must be complete and not miscut, and have exactly sixty-six (66) Play Symbols under the Latex Overprint on the front portion of the Scratch Ticket, exactly one Serial Number and exactly one Game-Pack-Ticket Number on the Scratch Ticket;

14. The Serial Number of an apparent winning Scratch Ticket shall correspond with the Texas Lottery's Serial Numbers for winning Scratch Tickets, and a Scratch Ticket with that Serial Number shall not have been paid previously;

15. The Scratch Ticket must not be blank or partially blank, misregistered, defective or printed or produced in error;

16. Each of the sixty-six (66) Play Symbols must be exactly one of those described in Section 1.2.C of these Game Procedures;

17. Each of the sixty-six (66) Play Symbols on the Scratch Ticket must be printed in the Symbol font and must correspond precisely to the artwork on file at the Texas Lottery; the Scratch Ticket Serial Numbers must be printed in the Serial font and must correspond precisely to the artwork on file at the Texas Lottery; and the Game-Pack-Ticket Number must be printed in the Game-Pack-Ticket Number font and must correspond precisely to the artwork on file at the Texas Lottery;

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

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

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

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

2.2 Programmed Game Parameters.

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

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

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

D. On winning and Non-Winning Tickets, the top cash prizes of \$1,000, \$5,000 and \$250,000 will each appear at least once, except on Tickets winning thirty (30) times and with respect to other parameters, play action or prize structure.

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

F. A non-winning Prize Symbol will never match a winning Prize Symbol.

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

H. No matching HOLIDAY NUMBERS Play Symbols will appear on a Ticket.

I. All YOUR NUMBERS Play Symbols will never equal the corresponding Prize Symbol (i.e., \$10 and 10, \$20 and 20, \$25 and 25 and \$50 and 50).

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

K. On Non-Winning Tickets, a HOLIDAY NUMBERS Play Symbol will never match a YOUR NUMBERS Play Symbol.

L. The "STAR" (WIN\$) Play Symbol will never appear on the same Ticket as the "WREATH" (WINX5) or "TREE" (WINX10) Play Symbols.

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

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

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

P. The "STAR" (WIN\$) Play Symbol will never appear as a HOLIDAY NUMBERS Play Symbol.

Q. The "WREATH" (WINX5) Play Symbol will never appear more than once on a Ticket.

R. The "WREATH" (WINX5) Play Symbol will win 5 TIMES the prize for that Play Symbol and will win as per the prize structure.

S. The "WREATH" (WINX5) Play Symbol will never appear on a Non-Winning Ticket.

T. The "WREATH" (WINX5) Play Symbol will never appear as a HOLIDAY NUMBERS Play Symbol.

U. The "TREE" (WINX10) Play Symbol will never appear more than once on a Ticket.

V. The "TREE" (WINX10) Play Symbol will win 10 TIMES the prize for that Play Symbol and will win as per the prize structure.

W. The "TREE" (WINX10) Play Symbol will never appear on a Non-Winning Ticket.

X. The "TREE" (WINX10) Play Symbol will never appear as a HOLIDAY NUMBERS Play Symbol.

Y. The "WREATH" (WINX5) and "TREE" (WINX10) Play Symbols will never appear on the same Ticket.

### 2.3 Procedure for Claiming Prizes.

A. To claim a "THE PERFECT GIFT" Scratch Ticket Game prize of \$10.00, \$20.00, \$25.00, \$50.00, \$100, \$200 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, \$200 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 "THE PERFECT GIFT" Scratch Ticket Game prize of \$1,000, \$5,000 or \$250,000, the claimant must sign the winning Scratch Ticket and may present it at one of the Texas Lottery's Claim Centers. If the claim is validated by the Texas Lottery, payment will be made to the bearer of the validated winning Scratch Ticket for that prize upon presentation of proper identification. When paying a prize of \$600 or more, the Texas Lottery shall file the appropriate income reporting form with the Internal Revenue Service (IRS) and shall withhold federal income tax at a rate set by the IRS if required. In the event that the claim is not validated by the Texas Lottery, the claim shall be denied and the claimant shall be notified promptly.

C. As an alternative method of claiming a "THE PERFECT GIFT" 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 "THE PERFECT GIFT" 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 "THE PERFECT GIFT" 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 6,000,000 Scratch Tickets in Scratch Ticket Game No. 2533. The approximate number and value of prizes in the game are as follows:

Figure 2: GAME NO. 2533 - 4.0

Prize Amount	Approximate Number of Winners*	Approximate Odds are 1 in **
\$10.00	696,000	8.62
\$20.00	408,000	14.71
\$25.00	240,000	25.00
\$50.00	120,000	50.00
\$100	85,000	70.59
\$200	14,050	427.05
\$500	2,000	3,000.00
\$1,000	675	8,888.89
\$5,000	30	200,000.00
\$250,000	7	857,142.86

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

\*\*The overall odds of winning a prize are 1 in 3.83. 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. 2533 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. 2533, 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-202303561  
Bob Biard  
General Counsel  
Texas Lottery Commission  
Filed: September 27, 2023



## **Panhandle Regional Planning Commission**

Groundwater Management Area #1 - Request for Qualifications

### **MEMORANDUM**

To: Firms/Individuals Interested in Groundwater Availability

From: Jarian Fred

Date: September 21, 2023

Re: GMA 1 - Request for Qualifications

On behalf of the GMA 1, I would like to take this opportunity to thank you for expressing interest in our recently issued Request for Qualifications. As noted in the publication, the RFQ is designed to identify a consultant or consultants who demonstrates the highest level of professional qualifications to assist in providing technical services for the development of Desired Future Conditions (DFC).

Attached to this memorandum you will find a copy of the full Request for Qualifications (RFQ) regarding the GMA 1's preparation of the DFCs. Please provide a response that clearly identifies your firm(s) qualifications in light of the posted Request for Qualifications.

If you have any questions at all, please call Jarian Fred, Local Government Services Program Coordinator, at (806) 372-3381.

Groundwater Management Area 1 Joint Planning Committee

Request for Qualifications:

Professional Services Related to Development and Adoption of Desired Future Conditions within Groundwater Management Area 1

GMA 1 (Groundwater Management Area) REQUEST FOR STATEMENT OF QUALIFICATIONS

Professional Services (modeling and advisory services) for the Development and Adoption of Desired Future Conditions within Groundwater Management Area # 1

The Joint Planning Committee (Committee) of GMA 1 acting through the Panhandle Regional Planning Commission (PRPC) invites all qualified parties to submit a statement of qualifications for supporting the GMA 1 Committee in its efforts to conduct all necessary and appropriate activities to develop and adopt desired future conditions (DFCs) within the boundaries and planning scope of GMA 1.

### **BACKGROUND**

In 2005, the Texas Legislature determined that GMAs should meet regularly to conduct joint planning necessary to establish DFCs for all relevant aquifers in the GMAs. This responsibility assigned to GMAs established the intersection between the GMA effort and the regional

water planning process established by Senate Bill 1 in 1997. Each GMA is legislatively required to adopt DFCs for all relevant major and minor aquifers in their region. The GMA 1 Committee is comprised of the groundwater conservation districts subject to Texas Water Code, Chapter 36, including: Hemphill County Underground Water Conservation District ("Hemphill District") {Hemphill County}, portions of the High Plains Underground Water Conservation District ("High Plains District") {Potter, Randall, & Armstrong counties}, the North Plains Groundwater Conservation District ("North Plains District") {Dallam, Sherman, Hansford, Hutchinson, Ochiltree, Lipscomb, Hartley, Moore counties}, and the Panhandle Groundwater Conservation District ("Panhandle District") {Potter, Carson, Roberts, Hutchinson, Gray, Wheeler, Armstrong, & Donley counties}.

GMA 1 is comprised of eighteen counties in the northern section of the Texas Panhandle including: Dallam, Sherman, Hansford, Ochiltree, Lipscomb, Hartley, Moore, Hutchinson, Roberts, Hemphill, Oldham, Potter, Carson, Gray, Wheeler, Randall, Armstrong, and Donley counties. The PRPC serves as the administrative agent for GMA 1. As such, GMA 1 procurement will be conducted through the PRPC procurement policies, 2 CFR as well as Texas Water Code Chapter 36.

### **SCOPE OF WORK**

Pursuant to Chapter 2254, Texas Government Code (Professional Services Procurement Act), the selection of one or more Respondent(s) will be based on demonstrated competence and qualifications to perform the work described in the draft scope of services provided below. Monetary or cost information should NOT be included in a response to this RFQ, and any responses including monetary or cost information will be rejected by the Committee. GMA 1 recently went through the joint planning process and the existing materials from the 2016 DFC adoption process (Explanatory Report, model runs, etc.) may be utilized by the selected consultant for the next round of joint planning.

The following draft scope of services is intended to give Respondents a description of work the Committee expects to be performed by the selected consultant(s). The primary focus of this Request for Qualification is for the GMA 1 Committee to consider the qualifications of consulting firms that can provide technical research, analysis, documentation, and groundwater availability modeling services.

### **TECHNICAL SERVICES AND GROUNDWATER AVAILABILITY MODELING SERVICES**

Document aquifer uses and conditions within GMA 1. (TWC 36.108(d) (1)).

Document water supply needs and water management strategies in the state water plan. (TWC 36.108(d) (2)).

Document hydrological conditions within GMA 1, including total estimated recoverable storage, the average annual recharge, inflows, and discharge. (TWC 36.108(d)(3)).

Document environmental impacts of proposed DFCs. (TWC 36.108(d) (4)).

Document impacts on subsidence of proposed DFCs. (TWC 36.108(d)(5)).

Document socioeconomic impacts reasonably expected to occur with the adoption and implementation of proposed DFCs. (TWC 36.108(d) (6)).

Document impacts on the interests and rights in private property by the adoption and implementation of proposed DFCs. (TWC 36.108(d) (7)).

Document the feasibility of achieving proposed DFCs. (TWC 36.108(d) (8)).

Document other information relevant to proposed DFCs. (TWC 36.108(d) (9)).

Document relevant comments and proposed revisions received by member districts during the public comment period and public hearings. (TWC 36.108(d-2)).

Development of the DFC explanatory report. (TWC 36.108(d-3)).

Obtain the appropriate files and information from the Texas Water Development Board to model groundwater availability within GMA 1.

Update pumping files for relevant groundwater availability models utilizing information through 2022 for GMA 1 using flow meter data (including alternative meter methods) provided by member districts within GMA 1.

Perform groundwater availability model runs and provide associated reports as deemed necessary by the Committee.

#### GUIDELINES AND RULES

Consultants submitting SOQ should be familiar with the rules for state and regional water planning and DFCs

#### GUIDELINES AND RULES

Consultants submitting qualifications should be familiar with the rules for state and regional water planning and desired future conditions defined in Title 31, Part 10, §356.10 (6) of the Texas Administrative Code.

Consultants should also be familiar with the rules for state and regional water planning and regional water planning grant assistance adopted by the TWDB (31 TAC Chapter 355, Subchapter C, Regional Water Planning Grant Rules; and 31 TAC Chapter 358, State Water Planning Guideline Rules). These rules contain procedures governing applications for financial assistance related to the development or revision of regional water management plans, and guidelines for the development of the state water plan. Particularly, the rules contain specific time frames and requirements for deadlines for the submittal of specific deliverables associated with the scope of work, the initially prepared plan, and the adopted regional water plan.

#### ADDITIONAL INFORMATION

The purpose of this request for SOQ is to permit the evaluation of the relative technical qualifications of respondents.

The SOQ should be no more than 15 pages in length, including cover letter and resumes of project team members. Responses should address the following:

Describe your firm's approach to executing the work associated with this project.

Describe your firm's experience and involvement in the development and adoption of Desired Future Conditions and the Regional Water Planning process.

Provide the location, size and description of your firm and services offered.

Provide a description of how your firm will make itself available in region as needed.

Identify the person proposed by the Firm to serve as the point of contact for the scope of services development and negotiations.

Provide similar projects to the scope of services discussed herein, with descriptions of the projects, members of the project teams, time schedule, and contact persons who are able to verify the information presented.

Identify the project manager and team members (including subcontractors) with their professional licenses and qualifications to perform the proposed professional services. Include an organizational chart identifying the specific individuals (by name) and their role(s) within this project.

Describe your firm's experience and expertise with groundwater availability modeling in the State of Texas.

Provide a resume for each team member associated with the project (Submitted as part of the SOQ and included in the page limit). This should include a succession plan for a scenario where key project members are no longer available to the firm.

Provide an indication of the number and purposes of subcontractors including a detail of the percentage of the project anticipated to utilize subcontractors.

Provide any additional information you would like the Committee to be aware of or which you feel might have a direct bearing on your firm's qualification to perform on the project.

Experience with modeling simulations for the development of DFCs as they relate to the Joint Planning process.

Provide an indication of the familiarity with previous modeling efforts and explanatory report for GMA

#### SELECTION

The selection of the successful firm(s) shall be accomplished by a vote of the GMA 1 Joint Planning Committee. Based on the number of responses received and the preference of the Committee, the Committee may request formal presentations from a short list of selected firms for the project.

#### SELECTION CRITERIA

Category

Maximum Points

Relevant Experiences of the Firm with GAMs

20

Relevant Experiences of the Firm with the Ogallala Aquifer & minor aquifers in the boundaries of the GMA.

20

Capacity to Perform

30

Availability of Staff

10

Experience with groundwater conservation districts & GMAs including Chapter 36 of the Texas Water Code

25

Specific Expertise in Comprehensive Water Planning

15

Ability to Avoid Cost Escalation & Overrun

20

Total

140

#### SCHEDULE

September 20, 2023, Approve, advertise, and mail notices for Request for Statement of Qualifications (SOQ)

October 19, 2023, Statement of Qualifications Due

November 15, 2023, Review of SOQs and preparation of recommendation; the Committee may recommend that short-listed firms make a presentation to the GMA 1 Committee.

\*The Committee reserves the right to hold additional review meetings regarding SOQ submittals as necessary.

January 17, 2024, Presentations and Q&A sessions by short-listed consultants if requested by the Committee.

\*Firms submitting SOQs will be directly notified at least 1 week prior to the GMA 1 meeting date in order to ensure that travel arrangements may be made.

#### ACKNOWLEDGEMENTS

The submittal either as part of the Statement of Qualifications or the cover letter shall provide the following acknowledgments:

Acknowledgment that, if selected, the key individuals of the proposed team will not be changed without the written approval of the GMA 1; and

Acknowledgment that, if selected, you will conform to TWDB rules and requirements

#### SUBMISSION

Proposals will only be accepted from firms or individuals having requested an RFQ package. RFQ Packages are available by written request for the Panhandle Regional Planning Commission, P.O. Box 9257, Amarillo Texas, 79105. Telephone (806) 372-3381, email: jfred@theprpc.org. Faxed or e-mailed requests will be accepted; however, the requesting entity must verify receipt. All inquiries and requests must be directed to the attention of: Jarian Fred, Local Government Services Program Coordinator.

The deadline for responses to this request is 4:00 p.m. on Thursday, October 19th, 2023.

The PRPC will reserve the right to reject all responses and repost if the responses are not suitably targeted to meet the GMA 1 scientific, planning, and programmatic needs.

The SOQ should be no more than 15 pages in length, including cover letters and resumes of project team members.

One (1) electronic copy in PDF format and twelve (12) hard copies, which shall include eleven (11) bound copies and one (1) unbound copy by U.S. mail or FedEx/UPS of each submittal shall be delivered to Jarian Fred, Administrative agent of the GMA 1, at the following address:

Jarian Fred

PRPC

P.O. Box 9257

Amarillo, Texas 79105

Or:

Jarian Fred

PRPC

415 W. 8th

Amarillo, Texas 79101

TRD-202303513

Jarian Fred

Local Government Services Program Coordinator

Panhandle Regional Planning Commission

Filed: September 21, 2023

## Texas Parks and Wildlife Department

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

Texas Parks and Wildlife Department State Parks Division (TPWD-SP) has applied to the Texas Parks and Wildlife Department (TPWD) for an Individual Permit pursuant to Texas Parks and Wildlife Code, Chapter 86, to remove or disturb approximately 1,350 cubic yards of sedimentary material within the Leon River along the southern boundary of Mother Neff State Park in Coryell County. The location is 0.02 miles upstream of State Highway 236 at approximately 31°18'52.11"N and 97°28'22.06"W. Flooding in 2021 resulted in a large blockage of mostly woody debris in the Leon River approximately 1,459 feet in length at this location. TPWD-SP acquired an Emergency Watershed Protection Grant from the Natural Resources Conservation Service to remove the debris, mitigate flood damage, and restore natural flows to the Leon River. The quantity of silt uncovered under the woody debris has high potential to catch more debris and result in another blockage of the Leon River. TPWD-SP proposes to remove the silt deposit to restore the Leon River channel to its natural state prior to the 2021 blockage. The natural river channel will not be disturbed or excavated during the work. No known threatened or endangered species were found during surveys conducted in the spring of 2023. Impacts to wildlife should be minimal because the river channel will not be disturbed or excavated. TPWD-SP does not anticipate future removal efforts of silt or debris. 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, November 3, 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 Sue Reilly at (512) 389-8622 or at sue.reilly@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 the TPWD Sand and Gravel Program by mail: Attn: Sue Reilly, Texas Parks and Wildlife Department, Inland Fisheries Division, 4200 Smith School Road, Austin, Texas 78744; or via e-mail: sand.gravel@tpwd.texas.gov.

TRD-202303552

James Murphy

General Counsel

Texas Parks and Wildlife Department

Filed: September 27, 2023

## Permian Basin Metropolitan Planning Organization

### Notice to Professional Consultants Request for Qualifications (RFQ)

The Permian Basin Metropolitan Planning Organization (MPO) for the Midland-Odessa metropolitan area, is seeking proposals from qualified individuals or firms for consultant services to assist with specific tasks for on call Contract for General Transportation Planning assistance.

To view the full RFQ document, visit our website at [www.permianbasinmpo.com](http://www.permianbasinmpo.com).

For more information, contact Cameron Walker at Permian Basin MPO, (432) 617-0129.

TRD-202303540

Cameron Walker

Executive Director

Permian Basin Metropolitan Planning Organization

Filed: September 25, 2023

## Texas Public Finance Authority

### Request for Qualifications Bond Counsel 2023

Pursuant to Texas Government Code, Sections 1232.059 and 1201.027, the Texas Public Finance Authority (the "Authority") solicits responses to this Request for Qualifications ("RFQ") from law firms interested in providing bond counsel services, including disclosure counsel services, to the Authority for up to a four-year period beginning December 1, 2023.

Based on consideration of the responses to this RFQ, the Authority's Board of Directors (the "Board") may either: (1) select one or more firms with which to contract for all bond matters; or (2) pre-qualify firms eligible to be selected for an engagement for a specific bond issuance. The number of contracts resulting from this RFQ, and all procedures relating to such contracts, are subject to the discretion of the Board. Further, contracts and related invoices resulting from this RFQ are subject to approval by the Office of the Attorney General. The Authority has determined that this solicitation does not provide subcontracting opportunities for bond counsel services.

A copy of the RFQ is available on the Authority's website at <http://www.tpfa.texas.gov/rfp.aspx> and the Electronic State Business Daily ("ESBD") at <http://www.txsmartbuy.com/sp>.

Responses are due no later than 3:00 p.m. (CT) on October 16, 2023, pursuant to the instructions in the RFQ.

TRD-202303539

Kevin Van Oort

General Counsel

Texas Public Finance Authority

Filed: September 25, 2023

## Public Utility Commission of Texas

### Notice of Application to Amend Designation as an Eligible Telecommunications Carrier

Notice is given to the public of an application filed with the Public Utility Commission of Texas on September 22, 2023, to amend a designation as an eligible telecommunications carrier (ETC) in the State

of Texas under 47 U.S.C. § 214(e) and 16 Texas Administrative Code §26.418.

Docket Title and Number: Application of TAG Mobile, LLC to Amend Eligible Telecommunications Carrier Designation, Docket Number 55586.

The Application: TAG Mobile requests that its ETC designation be amended to reflect a new name: Air Voice Wireless, LLC.

Persons who wish to file a motion to intervene or comments on the application should contact the commission no later than October 26, 2023, by mail at P.O. Box 13326, Austin, Texas 78711-3326, or by phone at (512) 936-7120 or toll-free at (888) 782-8477. Hearing and speech-impaired individuals with text telephone (TTY) may contact the commission through Relay Texas by dialing 7-1-1. All comments should reference Docket Number 55586.

TRD-202303546

Andrea Gonzalez

Rules Coordinator

Public Utility Commission of Texas

Filed: September 26, 2023

### Preliminary Notice and Request for Comments on Chapter 21 Rule Review

The Public Utility Commission of Texas (commission) publishes this preliminary notice of intention to review Chapter 21, Interconnection Agreements for Telecommunications Service Providers, in accordance with Texas Government Code §2001.039, Agency Review of Existing Rules. The text of the rules may be found in the Texas Administrative Code, Title 16, Economic Regulation, Part 2, or through the commission's website at [www.puc.texas.gov](http://www.puc.texas.gov).

The commission seeks comments on whether any rule in Chapter 21 should be repealed or amended. Interested persons may file comments electronically through the interchange on the commission's website or may submit comments to the filing clerk, Public Utility Commission of Texas, 1701 North Congress Avenue, P.O. Box 13326, Austin, Texas 78711-3326, by Friday, October 13 2023. When filing comments, interested persons are requested to comment on the sections in the same order they are found in the chapter and to clearly designate which section is being commented upon. All comments should refer to Project Number 55293.

If it is determined that any section of Chapter 21 needs to be repealed or amended, and that the repeal or amendment can be completed as a part of this rule review, the commission will include the proposed repeal or amendment into its formal notice of intention to review Chapter 21. Interested persons will have an opportunity to comment on these proposed rule repeals and amendments at that time.

If it is determined that any section of Chapter 21 may need to be repealed or amended, but the repeal or amendment requires further investigation or is inappropriate for consideration as a part of a rule review, the commission may consider the repeal or amendment in a future rule-making proceeding.

TRD-202303514

Adriana Gonzales

Rules Coordinator

Public Utility Commission of Texas

Filed: September 21, 2023

**Preliminary Notice and Request for Comments on Chapter 27 Rule Review**

The Public Utility Commission of Texas (commission) publishes this preliminary notice of intention to review Chapter 27, Rules for Administrative Services, in accordance with Texas Government Code §2001.039, Agency Review of Existing Rules. The text of the rules may be found in the Texas Administrative Code, Title 16, Economic Regulation, Part 2, or through the commission's website at [www.puc.texas.gov](http://www.puc.texas.gov).

The commission seeks comments on whether any rule in Chapter 27 should be repealed or amended. Interested persons may file comments electronically through the interchange on the commission's website or may submit comments to the filing clerk, Public Utility Commission of Texas, 1701 North Congress Avenue, P.O. Box 13326, Austin, Texas 78711-3326, by Friday, October 13, 2023. When filing comments, interested persons are requested to comment on the sections in the same order they are found in the chapter and to clearly designate which section is being commented upon. All comments should refer to Project Number 55307.

If it is determined that any section of Chapter 27 needs to be repealed or amended, and that the repeal or amendment can be completed as a part of this rule review, the commission will include the proposed repeal or amendment into its formal notice of intention to review Chapter 27. Interested persons will have an opportunity to comment on these proposed rule repeals and amendments at that time.

If it is determined that any section of Chapter 27 may need to be repealed or amended, but the repeal or amendment requires further investigation or is inappropriate for consideration as a part of a rule review, the commission may consider the repeal or amendment in a future rule-making proceeding.

TRD-202303515  
Adriana Gonzales  
Rules Coordinator  
Public Utility Commission of Texas  
Filed: September 21, 2023



**Public Notice of Public Hearing on Proposed ERCOT Budget for 2024 and 2025 and Request for Comments**

The staff of the Public Utility Commission of Texas (commission) will hold a public hearing regarding the proposed budget and System Administrative Fee (Fee) for 2024 and 2025 for the Electric Reliability Council of Texas (ERCOT) on Friday, October 13, 2023 at 9:30 a.m. in the Commissioners Hearing Room, located on the 7th floor of the William B. Travis Building, 1701 North Congress Avenue, Austin, Texas 78701. Project Number 38533, *PUC Review of ERCOT Budget*, has been established for this proceeding. 16 Texas Administrative Code §25.363(d) (relating to ERCOT Budget and Fees), requires ER-

COT to submit for commission review its board-approved budget, budget strategies, and staffing needs, with a justification for all expenses, capital outlays, additional debt, and staffing requirements.

The commission may approve, modify, or reject ERCOT's proposed budget and any item included in the proposed budget. Under Public Utility Regulatory Act (PURA) section 39.151, the proceeding to consider changes to ERCOT's proposed budget or to authorize and set the range for the Fee is not a contested case. Additionally, under section 39.151, the commission may require ERCOT to prepare an annual or biennial budget. Finally, the commission must review ERCOT's performance as part of the budget review process. On August 25, 2023, ERCOT made a filing in Project Number 38533 entitled "ERCOT's 2024/2025 Biennial Budget and System Administration Fee Submission." As part of its 2024 and 2025 budget, ERCOT proposes to increase the Fee from \$0.555 per MWh to \$0.710 per MWh.

Questions concerning the public hearing or this notice should be referred to Kasey Feldman-Thomason, General Counsel, (512) 936-7144. Hearing and speech-impaired individuals with text telephones (TTY) may contact the commission through Relay Texas by dialing 7-1-1.

TRD-202303538  
Andrea Gonzalez  
Rules Coordinator  
Public Utility Commission of Texas  
Filed: September 25, 2023



**Texas State Soil and Water Conservation Board**

**Correction of Error**

The Texas State Soil and Water Conservation Board adopted an amendment to 31 TAC §519.8 in the September 22, 2023, issue of the *Texas Register* (48 TexReg 5552). The amendment was effective September 28, 2023.

Due to an error by the Texas Register, incorrect information was published in the signature block at the end of the adoption. The correct information should have been published as follows:

Heather Bounds  
Government Affairs Specialist  
Texas State Soil and Water Conservation Board  
Effective date: September 28, 2023  
Proposal publication date: August 4, 2023  
For further information, please call: (254) 773-2250 x247  
TRD-202303532

