

IN ADDITION

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

Office of Consumer Credit Commissioner

Notice of Rate Ceilings

The Consumer Credit Commissioner of Texas has ascertained the following rate ceilings by use of the formulas and methods described in §§303.003, 303.009 and 304.003, Texas Finance Code.

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 04/24/23 - 04/30/23 is 18% for Consumer¹/Agricultural/Commercial² credit through \$250,000.

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 04/24/23 - 04/30/23 is 18% for Commercial over \$250,000.

The judgment ceiling as prescribed by §304.003 for the period of 05/01/23 - 05/31/23 is 7.75% for Consumer/Agricultural/Commercial credit through \$250,000.

The judgment ceiling as prescribed by §304.003 for the period of 05/01/23 - 05/31/23 is 7.75% for Commercial over \$250,000.

¹ Credit for personal, family or household use.

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

TRD-202301407

Leslie L. Pettijohn

Commissioner

Office of Consumer Credit Commissioner

Filed: April 18, 2023

Credit Union Department

Application for a Merger or Consolidation

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

An application was received from Priority Postal Credit Union (Pasadena) seeking approval to merge with USI Federal Credit Union (La Porte), with the latter being the surviving credit union.

Comments or a request for a meeting by any interested party relating to an application must be submitted in writing within 30 days from the date of this publication. Any written comments must provide all information that the interested party wishes the Department to consider in evaluating the application. All information received will be weighed during consideration of the merits of an application. Comments or a request for a meeting should be addressed to the Credit Union Department, 914 East Anderson Lane, Austin, Texas 78752-1699.

TRD-202301411

Michael S. Riepen

Commissioner

Credit Union Department

Filed: April 19, 2023

Application to Amend Articles of Incorporation

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

An application for a change to its principal place of business was received from United Savers Trust Credit Union, Houston, Texas. The credit union is proposing to change its domicile to 8600 Jameel Road, Houston, Texas 77040.

Comments or a request for a meeting by any interested party relating to an application must be submitted in writing within 30 days from the date of this publication. Any written comments must provide all information that the interested party wishes the Department to consider in evaluating the application. All information received will be weighed during consideration of the merits of an application. Comments or a request for a meeting should be addressed to the Credit Union Department, 914 East Anderson Lane, Austin, Texas 78752-1699.

TRD-202301412

Michael S. Riepen

Commissioner

Credit Union Department

Filed: April 19, 2023

Notice of Final Action Taken

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

Field of Membership - Approved

First Central Credit Union (Waco) - See *Texas Register* dated on February 24, 2023.

Field of Membership - Withdrawn

Associated Credit Union of Texas #3 (League City) - See *Texas Register* dated on December 30, 2022.

Associated Credit Union of Texas #6 (League City) - See *Texas Register* dated on December 30, 2022.

TRD-202301410

Michael S. Riepen

Commissioner

Credit Union Department

Filed: April 19, 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 **May 30, 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 **May 30, 2023**. Written comments may also be sent by facsimile machine to the enforcement coordinator at (512) 239-2550. The commission's enforcement coordinators are available to discuss the AOs and/or the comment procedure at the listed phone numbers; however, TWC, §7.075, provides that comments on the AOs shall be submitted to the commission in writing.

(1) COMPANY: Arkema Incorporated; DOCKET NUMBER: 2021-0461-AIR-E; IDENTIFIER: RN104150123; LOCATION: Pasadena, Harris County; TYPE OF FACILITY: chemical manufacturing plant; RULES VIOLATED: 30 TAC §101.201(b)(1)(G) and (H) and §122.143(4), Federal Operating Permit (FOP) Number O1988, 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 identify all required information on the final record for a reportable emissions event; 30 TAC §101.201(c) and §122.143(4), FOP Number O1988, GTC and STC Number 2.F, and THSC, §382.085(b), by failing to submit a final record for a reportable emissions event no later than two weeks after the end of the emissions event; and 30 TAC §116.115(c) and §122.143(4), New Source Review Permit Number 260, Special Conditions Number 1, FOP Number O1988, GTC and STC Number 22, and THSC, §382.085(b), by failing to prevent unauthorized emissions; PENALTY: \$18,871; ENFORCEMENT COORDINATOR: Yuliya Dunaway, (210) 403-4077; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(2) COMPANY: Boling Municipal Water Supply; DOCKET NUMBER: 2022-1485-UTL-E; IDENTIFIER: RN102688462; LOCATION: Boiling-lago, Wharton 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: \$470; ENFORCEMENT COORDINATOR: Devin Mendoza, (512) 239-1832; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(3) COMPANY: Braskem America, Incorporated; DOCKET NUMBER: 2021-0475-AIR-E; IDENTIFIER: RN102888328; LOCATION: La Porte, Harris County; TYPE OF FACILITY: chemical manufacturing plant; RULES VIOLATED: 30 TAC §116.115(c) and §122.143(4), New Source Review Permit Number 5572B, Special Conditions Number 1, Federal Operating Permit Number O1424, General Terms and Conditions and Special Terms and Conditions Number 11, and Texas

Health and Safety Code, §382.085(b), by failing to prevent unauthorized emissions; PENALTY: \$23,551; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET AMOUNT: \$9,420; ENFORCEMENT COORDINATOR: Danielle Porras, (713) 767-3682; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(4) COMPANY: CITGO Refining and Chemicals Company L.P.; DOCKET NUMBER: 2021-1586-AIR-E; IDENTIFIER: RN102555166; LOCATION: Corpus Christi, Nueces County; TYPE OF FACILITY: petroleum refinery; RULES VIOLATED: 30 TAC §§101.20(3), 111.111(a)(1)(B), 116.115(c), and 122.143(4), New Source Review Permit Numbers 2699A and 9604A, PSDTX36, PSDTX96, PSDTX653M1, and PSDTX831, Special Conditions Number 1, Federal Operating Permit (FOP) Number O1423, General Terms and Conditions (GTC) and Special Terms and Conditions (STC) Number 26, and Texas Health and Safety Code (THSC), §382.085(b), by failing to prevent unauthorized emissions; and 30 TAC §101.201(b)(1)(D), (G), and (H) and §122.143(4), FOP Number O1423, 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; PENALTY: \$13,563; ENFORCEMENT COORDINATOR: Desmond Martin, (512) 239-2814; REGIONAL OFFICE: 500 North Shoreline Boulevard, Suite 500, Corpus Christi, Texas 78401-0318, (361) 881-6900.

(5) COMPANY: City of Baytown; DOCKET NUMBER: 2022-0396-MWD-E; IDENTIFIER: RN101611317; LOCATION: Baytown, Harris County; TYPE OF FACILITY: wastewater treatment; RULES VIOLATED: 30 TAC §305.125(1), 40 Code of Federal Regulations (CFR) §403.8(f)(2)(i), and Texas Pollutant Discharge Elimination System (TPDES) Permit Number WQ0010395008, Contributing Industries and Pretreatment Requirements Number 1.a, by failing to identify and locate all possible industrial users which might be subject to the Publicly Owned Treatment Works Pretreatment Program and make the compilation, index, or inventory available upon request; and 30 TAC §305.125(1), 40 CFR §403.8(f)(5), and TPDES Permit Number WQ0010395008, Contributing Industries and Pretreatment Requirements Number 1.c, by failing to implement an enforcement response plan; PENALTY: \$5,188; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET AMOUNT: \$4,151; ENFORCEMENT COORDINATOR: Monica Larina, (512) 239-0184; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(6) COMPANY: City of Opdyke West; DOCKET NUMBER: 2022-1423-UTL-E; IDENTIFIER: RN103788832; LOCATION: Opdyke West, Hockley 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: \$625; ENFORCEMENT COORDINATOR: Samantha Salas, (512) 239-1543; REGIONAL OFFICE: 5012 50th Street, Suite 100, Lubbock, Texas 79414-3426, (806) 796-7092.

(7) COMPANY: City of Streetman; DOCKET NUMBER: 2021-0357-MWD-E; IDENTIFIER: RN101919991; LOCATION: Streetman, Freestone 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 WQ0010471001, Permit Conditions Number 2.g, by failing to prevent an unauthorized discharge of wastewater into or adjacent to any water in the state; PENALTY: \$17,500; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET AMOUNT:

\$14,000; ENFORCEMENT COORDINATOR: Cheryl Thompson, (817) 588-5865; REGIONAL OFFICE: 6801 Sanger Avenue, Suite 2500, Waco, Texas 76710-7826, (254) 751-0335.

(8) COMPANY: Cotton Center Water Supply Corporation; DOCKET NUMBER: 2022-1383-UTL-E; IDENTIFIER: RN101435873; LOCATION: Cotton Center, Hale 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: \$610; ENFORCEMENT COORDINATOR: Miles Wehner, (512) 239-2813; REGIONAL OFFICE: 5012 50th Street, Suite 100, Lubbock, Texas 79414-3426, (806) 796-7092.

(9) COMPANY: E S Water Utility Consolidators INCORPORATED; DOCKET NUMBER: 2022-1649-UTL-E; IDENTIFIER: RN101253128; LOCATION: Conroe, Montgomery 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: \$510; ENFORCEMENT COORDINATOR: Ronica Rodriguez Scott, (361) 881-6990; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(10) COMPANY: E S Water Utility Consolidators INCORPORATED; DOCKET NUMBER: 2022-1651-UTL-E; IDENTIFIER: RN101430080; LOCATION: Porter, Montgomery 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: \$600; ENFORCEMENT COORDINATOR: Ronica Rodriguez Scott, (361) 881-6990; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(11) COMPANY: Enterprise Products Operating LLC; DOCKET NUMBER: 2021-1262-AIR-E; IDENTIFIER: RN102323268; LOCATION: Mont Belvieu, Chambers County; TYPE OF FACILITY: liquid petroleum gas processing plant; RULES VIOLATED: 30 TAC §§101.4, 101.20(3), 106.433, 106.452, 116.115(c), and 122.143(4), New Source Review Permit Numbers 19930, 76070, 107523, PSDTX789M1, PSDTX790, PSDTX1057, PSDTX1336, and N174, Special Conditions Number 1, Federal Operating Permit Number O1641 and O4004, General Terms and Conditions and Special Terms and Conditions Numbers 11 and 16, and Texas Health and Safety Code, §382.085(a) and (b), by failing to prevent unauthorized emissions; PENALTY: \$96,250; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET AMOUNT: \$48,125; ENFORCEMENT COORDINATOR: Amanda Diaz, (713) 422-8912; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(12) COMPANY: Eola Water Supply Corporation; DOCKET NUMBER: 2022-1511-UTL-E; IDENTIFIER: RN102673183; LOCATION: Eola, Concho 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: \$800; ENFORCEMENT COORDINATOR: Samantha Duncan, (817) 588-5805;

REGIONAL OFFICE: 622 South Oakes, Suite K, San Angelo, Texas 76903-7035, (325) 655-9479.

(13) COMPANY: Fairway Methanol LLC; DOCKET NUMBER: 2021-1251-AIR-E; IDENTIFIER: RN100227016; LOCATION: Pasadena, Harris County; TYPE OF FACILITY: chemical manufacturing plant; RULES VIOLATED: 30 TAC §§101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), New Source Review (NSR) Permit Numbers 103626, PSDTX1296, and N164, Special Conditions (SC) Number 1, Federal Operating Permit (FOP) Number O3678, General Terms and Conditions (GTC) and Special Terms and Conditions (STC) Number 19, and Texas Health and Safety Code (THSC), §382.085(b), by failing to comply with the maximum allowable emissions rate; and 30 TAC §§101.20(3), 116.115(c), and 122.143(4), NSR Permit Numbers 103626, PSDTX1296, and N164, SC Number 1, FOP Number O3678, GTC and STC Number 19, and THSC, §382.085(b), by failing to prevent unauthorized emissions; PENALTY: \$21,225; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET AMOUNT: \$10,612; ENFORCEMENT COORDINATOR: Danielle Porras, (713) 767-3682; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(14) COMPANY: INEOS Americas LLC; DOCKET NUMBER: 2021-1233-AIR-E; IDENTIFIER: RN100213958; LOCATION: Pasadena, Harris County; TYPE OF FACILITY: chemical manufacturing plant; RULES VIOLATED: 30 TAC §116.115(c) and §122.143(4), New Source Review Permit Number 4825A, Special Conditions Number 1, Federal Operating Permit Number O1621, General Terms and Conditions and Special Terms and Conditions Number 19, and Texas Health and Safety Code, §382.085(b), by failing to prevent unauthorized emissions; PENALTY: \$75,000; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET AMOUNT: \$37,500; ENFORCEMENT COORDINATOR: Danielle Porras, (713) 767-3682; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(15) COMPANY: LION ELASTOMERS ORANGE, LLC; DOCKET NUMBER: 2021-1591-AIR-E; IDENTIFIER: RN100224468; LOCATION: Orange, Orange County; TYPE OF FACILITY: chemical manufacturing plant; RULES VIOLATED: 30 TAC §116.115(c) and §122.143(4), New Source Review Permit Number 292, Special Conditions Number 1, Federal Operating Permit Number O1271, General Terms and Conditions and Special Terms and Conditions Number 11, and Texas Health and Safety Code, §382.085(b), by failing to prevent unauthorized emissions; PENALTY: \$18,625; ENFORCEMENT COORDINATOR: Mackenzie Mehlmann, (512) 239-2572; REGIONAL OFFICE: 3870 Eastex Freeway, Beaumont, Texas 77703-1830, (409) 898-3838.

(16) COMPANY: Phillips 66 Company; DOCKET NUMBER: 2021-1250-AIR-E; IDENTIFIER: RN101619179; LOCATION: Old Ocean, Brazoria County; TYPE OF FACILITY: petroleum refinery; RULES VIOLATED: 30 TAC §§101.20(3), 111.111(a)(1)(B), 116.115(c), and 122.143(4), New Source Review Permit Numbers 5920A, 30513, 7467A, and PSDTX103M4, Special Conditions Number 1, Federal Operating Permit Number O1626, General Terms and Conditions and Special Terms and Conditions Numbers 3.A.(i) and 29, and Texas Health and Safety Code, §382.085(b), by failing to prevent unauthorized emissions; PENALTY: \$54,000; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET AMOUNT: \$27,000; ENFORCEMENT COORDINATOR: Johnnie Wu, (512) 239-2524; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(17) COMPANY: Pilot Thomas Logistics LLC; DOCKET NUMBER: 2022-0688-PST-E; IDENTIFIER: RN102437175; LOCATION: Lubbock, Lubbock County; TYPE OF FACILITY: out-of-service facility;

RULES VIOLATED: 30 TAC §37.815(a) and (b), and §334.54(b)(1) and (e)(5)(B), by failing to maintain financial assurance for a temporarily out-of-service underground storage tank (UST) system, or to conduct a site check and any necessary corrective actions for a temporarily out-of-service UST system in order to meet financial assurance exemption requirements, and failing to assure that the vent lines are kept open and functioning; PENALTY: \$3,375; ENFORCEMENT COORDINATOR: Karolyn Kent, (512) 239-2536; REGIONAL OFFICE: 5012 50th Street, Suite 100, Lubbock, Texas 79414-3426, (806) 796-7092.

(18) COMPANY: SI Group, Incorporated; DOCKET NUMBER: 2020-1255-AIR-E; IDENTIFIER: RN100218999; LOCATION: Freeport, Brazoria County; TYPE OF FACILITY: chemical manufacturing plant; RULES VIOLATED: 30 TAC §§101.20(1), 115.356(2)(E), and 122.143(4), 40 Code of Federal Regulations (CFR) §60.486(c), Federal Operating Permit (FOP) Number O1431, General Terms and Conditions (GTC) and Special Terms and Conditions (STC) Number 1.A, and Texas Health and Safety Code (THSC), §382.085(b), by failing to maintain records of repairs on fugitive components; 30 TAC §§101.20(1), 115.356(3)(C), and 122.143(4), 40 CFR §60.480(d)(1), FOP Number O1431, GTC and STC Number 1.A, and THSC, §382.085(b), by failing to maintain records of the exempt components; 30 TAC §§101.20(1), 116.115(b)(2)(E)(i) and (c), and 122.143(4), 40 CFR §60.18(c)(3)(ii), New Source Review (NSR) Permit Number 2341, Special Conditions (SC) Numbers 5.D and 20, FOP Number O1431, GTC and STC Number 11, and THSC, §382.085(b), by failing to maintain records of the net heating values for the flares; 30 TAC §§101.20(2), 113.530, and 122.143(4), 40 CFR §60.486(e), and THSC, §382.085(b), by failing to maintain records of all equipment subject to the 40 CFR Part 60 Subpart VV requirements on site; 30 TAC §§101.20(2), 113.1090, and 122.143(4), 40 CFR §63.6655(e), FOP Number O1431, GTC and STC Number 1.A, and THSC, §382.085(b), by failing to maintain records of the maintenance for a stationary reciprocating internal combustion engine; 30 TAC §§106.8(c)(2)(B) and (4), 106.263(g)(3), 106.476, 106.511, and 122.143(4), FOP Number O1431, GTC and STC Numbers 12 and 13, and THSC, §382.085(b), by failing to maintain records containing sufficient information to demonstrate compliance with the applicable Permit by Rule conditions; 30 TAC §§106.20(1), 116.115(b)(2)(E)(i) and (c), and 122.143(4), 40 CFR §60.18(c)(2), NSR Permit Number 2341, SC Numbers 5.B and 20, FOP Number O1431, GTC and STC Numbers 1.A and 11, and THSC, §382.085(b), by failing to maintain records of the flame for the flares; 30 TAC §112.2(c) and §122.143(4), FOP Number O1431, GTC and STC Number 1.A, and THSC, §382.085(b), by failing to maintain records of the sulfur dioxide emissions data and fuel sampling data for the fuel oil used as raw material; 30 TAC §115.118(a)(6)(A) and §122.143(4), FOP Number O1431, GTC and STC Number 1.A, and THSC, §382.085(b), by failing to maintain records for the fixed roof storage tanks; 30 TAC §115.354(4) and §122.143(4), FOP Number O1431, GTC and STC Number 1.A, and THSC, §382.085(b), by failing to maintain records of the relief valve monitoring; 30 TAC §115.354(4) and §122.143(4), FOP Number O1431, GTC and STC Number 1.A, and THSC, §382.085(b), by failing to maintain records for new connector monitoring; 30 TAC §115.356(2)(D) and §122.143(4), FOP Number O1431, GTC and STC Number 1.A, and THSC, §382.085(b), by failing to maintain records of the calibration of the monitoring instruments; 30 TAC §116.115(b)(2)(E) and (c) and §122.143(4), NSR Permit Number 2341, SC Numbers 4.E and 21, FOP Number O1431, GTC and STC Number 11, and THSC, §382.085(b), by failing to maintain records of the emissions from all storage tanks; 30 TAC §116.115(b)(2)(E) and (c) and §122.143(4), NSR Permit Number 2341, SC Numbers 5.B, 5.D, 15.A, and 20, FOP Number O1431, GTC and STC Number 11, and THSC, §382.085(b), by failing to maintain records for the flare monitors; 30 TAC §116.115(b)(2)(E)(i) and (c) and §122.143(4),

NSR Permit Number 2341, SC Numbers 5.D and 20, FOP Number O1431, GTC and STC Number 11, and THSC, §382.085(b), by failing to maintain records of the actual exit velocity for the flares; 30 TAC §116.115(b)(2)(E) and (c) and §122.143(4), NSR Permit Number 2341, SC Numbers 10.A and 21, FOP Number O1431, GTC and STC Number 11, and THSC, §382.085(b), failing to maintain records of the audio, olfactory, and visual checks; 30 TAC §116.115(b)(2)(E) and (c) and §122.143(4), NSR Permit Number 2341, SC Numbers 14 and 21, FOP Number O1431, GTC and STC Number 11, and THSC, §382.085(b), by failing to maintain records of the gas fuel usage for each combustion device; 30 TAC §116.115(b)(2)(E)(i) and (c) and §122.143(4), NSR Permit Number 2341, SC Numbers 17 and 21, FOP Number O1431, GTC and STC Number 11, and THSC, §382.085(b), by failing to maintain records for each vacuum pump and steam jet; 30 TAC §116.115(b)(2)(E) and (c) and §122.143(4), NSR Permit Number 2341, SC Numbers 18 and 21, FOP Number O1431, GTC and STC Number 11, and THSC, §382.085(b), by failing to maintain records of the specifications for each diesel engine; 30 TAC §116.115(b)(2)(E)(i) and (c) and §122.143(4), NSR Permit Number 2341, SC Number 20, FOP Number O1431, GTC and STC Number 11, and THSC, §382.085(b), by failing to maintain records for the true vapor pressure of the material stored in the fixed roof tanks; 30 TAC §116.115(b)(2)(E)(i) and (c) and §122.143(4), NSR Permit Number 2341, SC Number 20, FOP Number O1431, GTC and STC Number 11, and THSC, §382.085(b), by failing to maintain records for the flares containing information and data sufficient to demonstrate compliance with the permit; 30 TAC §116.115(b)(2)(E)(i) and (c) and §122.143(4), NSR Permit Number 2341, SC Number 21, FOP Number O1431, GTC and STC Number 11, and THSC, §382.085(b), by failing to maintain records for the fresh water flow rates for the water scrubbers; 30 TAC §116.115(b)(2)(E)(i) and (c) and §122.143(4), NSR Permit Number 84092, SC Number 4.C.(2), FOP Number O1431, GTC and STC Number 11, and THSC, §382.085(b), by failing to maintain records for the functionality test for the lower explosive limit (LEL) detector; 30 TAC §116.115(b)(2)(E)(i) and (c) and §122.143(4), NSR Permit Number 84092, SC Number 5.B, FOP Number O1431, GTC and STC Number 11, and THSC, §382.085(b), by failing to maintain records for the monitoring of open-ended valve or line; 30 TAC §116.115(b)(2)(E)(i) and (c) and §122.143(4), NSR Permit Number 84092, SC Number 6.D, FOP Number O1431, GTC and STC Number 11, and THSC, §382.085(b), by failing to maintain records for the fixed roof storage tanks used in maintenance, startup, and shutdown (MSS) activities; 30 TAC §116.115(b)(2)(E)(i) and (c) and §122.143(4), NSR Permit Number 84092, SC Number 7.B.(3), FOP Number O1431, GTC and STC Number 11, and THSC, §382.085(b), by failing to maintain records for each vacuum truck used to support planned MSS activities at the plant; 30 TAC §116.115(b)(2)(E) and (c) and §122.143(4), NSR Permit Number 84092, SC Number 10.A.(2), FOP Number O1431, GTC and STC Number 11, and THSC, §382.085(b), by failing to maintain records of the downstream samples for the Carbon Adsorption System; 30 TAC §116.115(b)(2)(E)(i) and (c) and §122.143(4), NSR Permit Number 84092, SC Number 20, FOP Number O1431, GTC and STC Number 11, and THSC, §382.085(b), by failing to maintain records for the calibration of the LEL detector; 30 TAC §116.115(c) and §122.143(4), NSR Permit Number 2341, SC Number 4.D, FOP Number O1431, GTC and STC Number 11, and THSC, §382.085(b), by failing to limit the waste gas stream flow to Flare X-50; 30 TAC §116.115(c) and §122.143(4), NSR Permit Number 2341, SC Numbers 12.A and 21, FOP Number O1431, GTC and STC Number 11, and THSC, §382.085(b), by failing to maintain an emissions record for all loading operations; 30 TAC §§116.115(c), 116.116(a)(2), and 122.143(4), NSR Permit Number 2341, SC Number 3, FOP Number O1431, GTC and STC Number 11, and THSC, §382.085(b), by failing to limit the storage and loading operations to

the chemicals appearing on the Approved Chemicals List or chemicals that are authorized through a permit a by rule; 30 TAC §116.115(c) and §122.143(4), NSR Permit Number 84092, SC Number 8.D, FOP Number O1431, GTC and STC Number 11, and THSC, §382.085(b), by failing to maintain records for the frac tanks used in support of MSS activities; 30 TAC §117.340(a) and §122.143(4), FOP Number O1431, GTC and STC Number 1.A, and THSC, §382.085(b), by failing maintain records for the totalizing fuel flow meters; and 30 TAC §117.345(f)(10) and §122.143(4), FOP Number O1431, GTC and STC Number 1.A, and THSC, §382.085(b), by failing to maintain records of each time an engine is operated for testing and maintenance; PENALTY: \$155,159; ENFORCEMENT COORDINATOR: Danielle Porras, (713) 767-3682; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(19) COMPANY: SK Primacor Americas LLC; DOCKET NUMBER: 2021-1521-AIR-E; IDENTIFIER: RN110300126; LOCATION: Freeport, Brazoria County; TYPE OF FACILITY: chemical manufacturing plant; RULES VIOLATED: 30 TAC §116.115(c) and §122.143(4), New Source Review Permit Numbers 14 and 8567, Special Conditions Number 1, Federal Operating Permit Number O2215, General Terms and Conditions and Special Terms and Conditions Number 14, and Texas Health and Safety Code, §382.085(b), by failing to prevent unauthorized emissions; PENALTY: \$19,575; ENFORCEMENT COORDINATOR: Johnnie Wu, (512) 239-2524; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(20) COMPANY: Slidell Water Supply Corporation; DOCKET NUMBER: 2022-1648-UTL-E; IDENTIFIER: RN101452753; LOCATION: Slidell, Wise 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: \$510; ENFORCEMENT COORDINATOR: Ronica Rodriguez Scott, (361) 881-6990; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(21) COMPANY: SWIFT BEEF COMPANY; DOCKET NUMBER: 2021-1100-AIR-E; IDENTIFIER: RN102188364; LOCATION: Cactus, Moore County; TYPE OF FACILITY: meat packing facility; RULES VIOLATED: 30 TAC §101.201(a)(1)(B) 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; and 30 TAC §116.115(c), New Source Review Permit Number 3635A, Special Conditions Number 1, and THSC, §382.085(b), by failing to prevent unauthorized emissions; PENALTY: \$6,176; ENFORCEMENT COORDINATOR: Mackenzie Mehlmann, (512) 239-2572; REGIONAL OFFICE: 3918 Canyon Drive, Amarillo, Texas 79109-4933, (806) 353-9251.

(22) COMPANY: Targa Downstream LLC; DOCKET NUMBER: 2022-0626-AIR-E; IDENTIFIER: RN100214212; LOCATION: Galena Park, Harris County; TYPE OF FACILITY: petroleum hydrocarbon storage and loading terminal; RULES VIOLATED: 30 TAC §106.264(7) and §122.143(4), Federal Operating Permit (FOP) Number O614, General Terms and Conditions (GTC) and Special Terms and Conditions Number 9, and Texas Health and Safety Code (THSC), §382.085(b), by failing to provide notification for the replacement facility to the Executive Director within ten days following installation of the replacement facility; and 30 TAC §116.110(a) and §122.143(4), FOP Number O614, GTC, and THSC, §382.0518(a) and §382.085(b), by failing to obtain authorization prior to constructing or modifying a source of air contaminants; PENALTY: \$17,550; SUP-

PLEMENTAL ENVIRONMENTAL PROJECT OFFSET AMOUNT: \$7,020; ENFORCEMENT COORDINATOR: Yuliya Dunaway, (210) 403-4077; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(23) COMPANY: TEXAS WATER SYSTEMS, INCORPORATED; DOCKET NUMBER: 2022-1472-UTL-E; IDENTIFIER: RN101250405; LOCATION: Chandler, Henderson 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: \$510; ENFORCEMENT COORDINATOR: Devin Mendoza, (512) 239-1832; REGIONAL OFFICE: 2916 Teague Drive, Tyler, Texas 75701-3734, (903) 535-5100.

(24) COMPANY: WILDCATTER REDI-MIX LLC; DOCKET NUMBER: 2022-1515-AIR-E; IDENTIFIER: RN110485919; LOCATION: Gunter, Grayson County; TYPE OF FACILITY: concrete batch plant; RULES VIOLATED: 30 TAC §101.201(b) and Texas Health and Safety Code, §382.085(b), by failing to create a final record of all reportable and non-reportable emissions event no later than two weeks after the end of an emissions event, and failing to maintain the final record on-site for a minimum of five years; PENALTY: \$2,850; ENFORCEMENT COORDINATOR: Johnnie Wu, (512) 239-2524; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(25) COMPANY: William F. Gilpin dba Aero; DOCKET NUMBER: 2021-1313-MLM-E; IDENTIFIER: RN105578892; LOCATION: Cresson, Parker County; TYPE OF FACILITY: used oil and used oil filter transporter and storage facility with tank washout operation; RULES VIOLATED: 30 TAC §324.11, and 40 Code of Federal Regulations (CFR) §279.44(a) and (b), by failing to determine whether the total halogen content of used oil being transported or stored at the facility is above or below 1,000 parts per million; 30 TAC §328.24(c), and Texas Health and Safety Code (THSC), §371.024(b)(1), by failing to renew the registration as used oil handler by January 25th of every even-numbered year; 30 TAC §328.24(c)(1), and THSC, §371.024(b)(2), by failing to submit a report by January 25th of every even-numbered year which includes the number of used oil filters transported, stored, or processed in the preceding two calendar years; 30 TAC §328.25(b), and THSC, §371.105(b), by failing to maintain a copy of the bill of lading for each shipment of used oil filters for at least three years; 30 TAC §335.2(b), by failing to not cause, suffer, allow, or permit the unauthorized disposal of industrial and hazardous waste; 30 TAC §335.6(c), by failing to update the Notice of Registration for the facility; 30 TAC §335.10(a) and §335.11(a), and 40 CFR §263.20(a)(1), by failing to utilize a manifest for shipment of hazardous waste; 30 TAC §§335.62, 335.503(a), and 335.504, and 40 CFR §262.11, by failing to conduct hazardous waste determinations and waste classifications; and 30 TAC §335.69(f)(4) and 40 CFR §268.50(a)(2)(i)(D), by failing to clearly mark each container of hazardous waste with the date each period of accumulation started; PENALTY: \$31,363; ENFORCEMENT COORDINATOR: Carolyn Kent, (512) 239-2536; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

TRD-202301396

Gitanjali Yadav

Deputy Director, Litigation

Texas Commission on Environmental Quality

Filed: April 18, 2023

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Notice of Correction to Agreed Order Number 10

In the October 28, 2022, issue of the *Texas Register* (47 TexReg 7323), the Texas Commission on Environmental Quality (commission) published notice of Agreed Orders, specifically Item Number 10, for Jeffrey Cruise, Amanda Marie Cruise, and LONGHORN SEPTIC SERVICE, L.C., Docket Number 2020-1308-SLG-E. The error is as submitted by the commission.

The reference to the Docket Number should be corrected to read: "2020-1308-MLM-E."

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

TRD-202301397

Gitanjali Yadav

Deputy Director, Litigation

Texas Commission on Environmental Quality

Filed: April 18, 2023



Notice of District Petition

Notice issued April 12, 2023

TCEQ Internal Control No. D-02152023-059; Highlander NB One, LLC, a Texas limited liability company, (Petitioner) filed a petition for creation of Guadalupe County Municipal Utility District No. 5 (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, First Financial Bank, N.A., 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 299.778 acres located within Guadalupe County, Texas; and (4) the land within the proposed District is within the extraterritorial jurisdiction of the City of New Braunfels.

By Resolution No. 2022-R54, passed and adopted on October 24, 2022, the City of New Braunfels, Texas, gave its consent to the creation of the proposed District, pursuant to Texas Water Code §54.016.

The territory to be included in the proposed District is depicted in the vicinity map designated as Exhibit "A", which is attached to this document.

The petition further states that the proposed District will: (1) purchase, design, 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, maintain, own, operate, repair, improve, and extend such additional facilities, including roads, systems, plants, and enterprises as shall be consonant with all of the purposes for which the proposed District is created.

According to the petition, a preliminary investigation has been made to determine the cost of the project, and it is estimated by the Petitioners that the cost of said project will be approximately \$68,010,000

(\$59,800,000 for water, wastewater, and drainage plus \$8,210,000 for roads).

INFORMATION SECTION

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

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

TRD-202301421

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: April 19, 2023



Notice of District Petition

Notice issued April 12, 2023

TCEQ Internal Control No. D-01202023-027; Arbor Trails Land, LLC, a Texas limited liability company and Clay Robertson, (Petitioners) filed a petition for creation of Collin County Municipal Utility District No. 10 (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 are no lienholders on the property to be included in the proposed District; (3) the proposed District will contain approximately 72.0209 acres located within Collin 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) construct, maintain, and operate a waterworks system, including the purchase and sale of water for domestic and commercial purposes; (2) construct, maintain, and operate a sanitary sewer collection, treatment, and disposal system for domestic and commercial purposes; (3) construct, install, maintain, purchase, and operate drainage and roadway facilities and improvements; and (4) construct, install, maintain, purchase, and operate facilities, systems, plants, and enterprises as shall be consonant with all of the purposes for which the proposed District is created. According to the petition, a preliminary investigation has been made to determine the cost of the project, and it is estimated by the Petitioners that the cost of said project will be approximately \$14,479,599 (\$9,925,887 for water, wastewater, and drainage and \$4,553,712 for roads).

INFORMATION SECTION

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

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

TRD-202301422

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: April 19, 2023



Notice of District Petition

Notice issued April 12, 2023

TCEQ Internal Control No. D-11092022-014; Schlachter Realty, Ltd. (Petitioner) filed a petition for creation of Texas Tri-Modal Municipal Utility District No. 2 (District) of Dallas County with the Texas

Commission on Environmental Quality (TCEQ). The petition was filed pursuant to Article XVI, Section 59 of the Constitution of the State of Texas; Chapters 49 and 54 of the Texas Water Code; 30 Texas Administrative Code Chapter 293; and the procedural rules of the TCEQ. The petition states that: (1) the Petitioner is the owner of the majority 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 443.7 acres, more or less, located within Dallas County, Texas; (4) the proposed District is within the extraterritorial jurisdiction of the City of Wilmer (City). The petition further states that the proposed District will construct, purchase, acquire, maintain, own and operate water, wastewater, drainage, road and park and recreational facilities within the proposed District. It further states that the planned residential and commercial development of the area and the present and future inhabitants of the area will be benefited by the above-referenced work, which will promote the purity and sanitary condition of the State's waters and the public health and welfare of the community.

According to the petition, a preliminary investigation has been made to determine the cost of the project, and it is estimated by the Petitioner, from the information available at this time, that the cost of said project will be approximately \$55,300,000.

In accordance with Local Government Code § 42.042 and Texas Water Code § 54.016, the Petitioner submitted a petition to the City, requesting the City's consent to the creation of the District. After more than 90 days passed without receiving consent, the Petitioner submitted a petition to the City to provide water and sewer services to the District. The 120-day period for reaching a mutually agreeable contract as established by the Texas Water Code § 54.016(c) expired and information provided indicates that the Petitioner and the City have not executed a mutually agreeable contract for service. Pursuant to Texas Water Code § 54.016(d), failure to execute such an agreement constitutes authorization for the Petitioner to proceed to the TCEQ for inclusion of their Property into the District.

INFORMATION SECTION

To view the complete issued notice, view the notice on our web site at www.tceq.texas.gov/agency/cc/pub_notice.html 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.

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

TRD-202301423

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: April 19, 2023



Notice of District Petition

Notice issued April 12, 2023

TCEQ Internal Control No. D-03142023-024; Bremer Ranch, Ltd., a Texas limited partnership, (Petitioner) filed a petition for creation of Central Comal County Municipal Utility District No. 1 (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 all 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 536.564 acres located within Comal County, Texas; and (4) none of the land within the proposed District is located within the corporate limits or extraterritorial jurisdiction of any city. The petition further states that the proposed District will: (1) purchase, construct, acquire, provide, operate, maintain, repair, improve, or extend, inside or outside of its boundaries any and all works, improvements, facilities, systems, plants, equipment, and appliances necessary or helpful to supply and distribute water for municipal, domestic, industrial, and commercial purposes; (2) gather, conduct, divert, abate, amend, and control local storm water or other local harmful excesses of water or provide adequate drainage in the proposed District; and (3) purchase, construct, acquire, provide, operate, maintain, repair, improve, or extend inside or outside of its boundaries, such additional facilities, systems, plants, equipment, appliances, and enterprises as shall be consonant with all of the purposes for which the proposed District is created. Additionally, work which may be performed by the proposed District includes the purchase, construction, acquisition, provision, operation, maintenance, repair, improvement, extension, and development of a roadway system. 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 \$7,200,000 (\$3,000,000 for water and drainage, \$4,200,000 for roads).

INFORMATION SECTION

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

TRD-202301424

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: April 19, 2023



Notice of District Petition

Notice issued April 12, 2023

TCEQ Internal Control No. D-02212023-061; Miskimon Management III, LLC and Buffalo Hills Development, LLC (Petitioners) filed a petition for creation of Brahman Ranch Municipal Utility District of Ellis County and Johnson County (District) with the Texas Commission on Environmental Quality (TCEQ). The petition was filed pursuant to Article XVI, Section 59 of the Constitution of the State of Texas; Chapters 49 and 54 of the Texas Water Code; 30 Texas Administrative Code Chapter 293; and the procedural rules of the TCEQ. The petition states that: (1) the Petitioners hold title to a majority in value of the land to be included in the proposed District; (2) there is one lienholder, Galilee Partners, LP, 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 438.7 acres of land, more or less, located within Ellis and Johnson Counties, Texas; and (4) all of the land to be included within the proposed District is within the extraterritorial jurisdictions of the City of Venus (Venus) and the City of Midlothian (Midlothian). The petition further states that the proposed District will construct, purchase, acquire, maintain, own and operate water, wastewater, drainage, road and park and recreational facilities within the proposed District. It further states that the planned residential and commercial development of the area and the present and future inhabitants of the area will be benefited by the above-referenced work, which will promote the purity and sanitary condition of the State's waters and the public health and welfare of the community. According to the petition, a preliminary investigation has been made to determine the cost of the project, and it is estimated by the Petitioners, from the information available at this time, that the cost of said project will be approximately \$63,850,000 (including \$46,400,000 for water, wastewater, and drainage plus \$17,450,000 for road improvements). In accordance with Local Government Code § 42.042 and Texas Wa-

ter Code § 54.016, a petition was submitted to both the City of Venus and the City of Midlothian (Cities), requesting the Cities' consent to the creation of the District. After more than 90 days passed without receiving consent from either City, a petition was submitted to both Cities 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 Cities have not executed mutually agreeable contracts for service. Pursuant to Texas Water Code § 54.016(d), failure to execute such an agreement constitutes authorization for the Petitioners to proceed to the TCEQ for inclusion of the land into the District.

INFORMATION SECTION

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TRD-202301425

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: April 19, 2023



Notice of District Petition

Notice issued April 12, 2023

TCEQ Internal Control No. D-01192023-020; Tabor Ranch, LLC, a Texas limited liability company (Petitioner) filed a petition for creation of Tabor Ranch Municipal Utility District of Denton 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 in the proposed District; (2) there is one lienholder, First United Bank, 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 599.392 acres of land located within Denton 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 Denton (City). The petition further states that the work proposed to be done by the District at the present time is the construction, maintenance and operation of a waterworks system, including the purchase and sale of water, for domestic and commercial purposes; the construction, maintenance and operation of a sanitary sewer collection, treatment and disposal system, for domestic and commercial purposes; the construction, installation, maintenance, purchase and operation of drainage and roadway facilities and improvements; and the construction, installation, maintenance, purchase and operation of facilities, systems, plants and enterprises of such additional facilities as shall be consonant with the purposes for which the District is organized.

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 \$79,700,000 (including \$64,500,000 for water, wastewater, and drainage plus \$15,200,000 for roads). 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, the 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 Petitioner and the City have not executed a mutually agreeable contract for service. Pursuant to Texas Water Code § 54.016(d), failure to execute such an agreement constitutes authorization for the Petitioner to proceed to the TCEQ for inclusion of their Property into the District.

INFORMATION SECTION

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

TRD-202301426

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: April 19, 2023



Notice of District Petition

Notice issued April 18, 2023

TCEQ Internal Control No. D-02242023-069; Lennar Homes of Texas Land and Construction, Ltd., a Texas limited partnership, (Petitioner) filed a petition for creation of Kyndwood Municipal Utility District (District) of Comal County 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 195.969 acres located within Comal County, Texas; and (4) the land within the proposed District is within the extraterritorial jurisdiction of the City of New Braunfels. The Property is located within the extraterritorial jurisdiction of the City of New Braunfels, Comal 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 District. 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. The petition further states that the proposed District will: (1) design, construct, acquire, improve, extend, finance, and issue bonds for maintenance, operation, and conveyance of an adequate and efficient water works and wastewater system for domestic purposes; (2) design, construct, acquire, improve, extend, finance, and issue bonds for maintenance, operation, and conveyance of works, improvements, facilities, plants, equipment, and appliances helpful or necessary to provide more adequate drainage for the proposed District, and to control, abate, and amend local storm waters or other harmful excesses of waters; (3) design, construct, acquire, improve, extend, finance, and issue bonds for conveyance of roads and improvements in aid of roads; and (4) design, construct, acquire, improve, extend, finance, and issue bonds for maintenance, operation, and conveyance of such other additional facilities, systems, plants, and enterprises as shall be consonant with all of the purposes for which the proposed District is created. According to the petition, a preliminary investigation has been made to determine the

cost of the project, and it is estimated by the Petitioners that the cost of said project will be approximately \$31,715,000 (\$25,295,000 for water, wastewater, and drainage and \$6,420,000 for roads).

INFORMATION SECTION

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TRD-202301427

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: April 19, 2023



Notice of District Petition

Notice issued April 18, 2023

TCEQ Internal Control No. D-02222023-065; Kings Valley LLC (Petitioner) filed a petition for creation of Tickey Creek Municipal Utility District of Collin County (District) with the Texas Commission on Environmental Quality (TCEQ). The petition was filed pursuant to Article XVI, Section 59 of the Constitution of the State of Texas; Chapters 49 and 54 of the Texas Water Code; 30 Texas Administrative Code Chapter 293; and the procedural rules of the TCEQ. The petition states that: (1) the Petitioner is the owner of the 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 134.456 acres of land, more or less, located within Collin County, Texas; and (4) the proposed District is not within the extraterritorial jurisdictions of any city. The petition further states that the proposed District will purchase, construct, acquire,

improve, maintain, own and operate water, wastewater, drainage, road and park and recreational facilities within the proposed District. It further states that the planned residential and commercial development of the area and the present and future inhabitants of the area will be benefited by the above-referenced work, which will promote the purity and sanitary condition of the State's waters and the public health and welfare of the community. According to the petition, a preliminary investigation has been made to determine the cost of the project, and it is estimated by the Petitioner, from the information available at this time, that the cost of said project will be approximately \$23,475,000 (\$15,850,000 for utilities and \$7,625,000 for roads).

INFORMATION SECTION

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TRD-202301428

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: April 19, 2023



Notice of District Petition

Notice issued April 18, 2023

TCEQ Internal Control No. D-01122023-011; Ralph H. Fite, individually and as the Trustee of the Ralph H. Fite Exempt Trust, Claudia F. Weitingner, individually and as the Trustee of the Claudia F. Weitingner Exempt Trust, Dennis H. Fite, individually and as the Trustee of the An-nita Fite Schwartz Exempt Trust, Joan Fite Woodson, Texas Firearms, Inc., a Texas corporation, and Hines Acquisitions, LLC, a Delaware

limited liability company (Petitioners) filed a petition for creation of Brazoria County Municipal Utility District No. 92 (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 are no lien-holders on the property to be included in the proposed District; (3) the proposed District will contain approximately 953.8159 acres located within Brazoria County, Texas; and (4) a portion of the land within the proposed District is within the extraterritorial jurisdiction of the City of Iowa Colony. By Resolution No. 2022-16, passed and approved on August 15, 2022, the City of Iowa Colony, Texas, gave its consent to the creation of the proposed District, pursuant to Texas Water Code §54.016. The petition further states that the proposed District will: (1) purchase, construct, acquire, 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, and enterprises, road facilities, and parks and recreation facilities as shall be consonant with all of the purposes for which the proposed District is created. According to the petition, a preliminary investigation has been made to determine the cost of the project, and it is estimated by the Petitioners that the cost of said project will be approximately \$222,340,000 (\$134,270,000 for water, wastewater, and drainage, \$71,120,000 for roads, and \$16,950,000 for recreational).

INFORMATION SECTION

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(512) 239-4691. Si desea información en español, puede llamar al (512) 239-0200. General information regarding TCEQ can be found at our web site at www.tceq.texas.gov.

TRD-202301429

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: April 19, 2023

Notice of Opportunity to Comment on an Agreed Order of Administrative Enforcement Actions

The Texas Commission on Environmental Quality (TCEQ, agency, 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 **May 30, 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 May 30, 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: Big Diamond, LLC dba Corner Store 1077; DOCKET NUMBER: 2019-1315-PST-E; TCEQ ID NUMBER: RN106856701; LOCATION: 2370 West Oaklawn Road, Pleasanton, Atascosa County; TYPE OF FACILITY: underground storage tank (UST) system and a convenience store with retail sales of gasoline; RULES VIOLATED: 30 TAC §334.72, by failing to report to the TCEQ within 24 hours after monitoring results from a release detection method indicated that a release may have occurred; and 30 TAC §334.7(d)(1)(G) and (3), by failing to provide an amended registration for any change or additional information to the agency regarding the USTs within 30 days from the date of the occurrence of the change or addition; PENALTY: \$5,839; STAFF ATTORNEY: Cynthia Sirois, Litigation, MC 175, (512) 239-3392; REGIONAL OFFICE: San Antonio Regional Office, 14250 Judson Road, San Antonio, Texas 78233-4480, (210) 490-3096.

TRD-202301400

Gitanjali Yadav

Deputy Director, Litigation

Texas Commission on Environmental Quality

Filed: April 18, 2023

Notice of Public Meeting for TPDES Permit for Municipal Wastewater Amendment Permit No. WQ0013977001

APPLICATION. Corix Utilities (Texas) Inc., P.O. Box 140164, Austin, Texas 78714, has applied to the Texas Commission on Environmental Quality (TCEQ) for a major amendment to Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0013977001 to authorize an increase in the discharge of treated domestic wastewater from a daily average flow not to exceed 50,000 gallons per day to a daily average flow not to exceed 510,000 gallons per day. TCEQ received this application on July 29, 2022.

The facility is located approximately 1,500 feet northeast of the intersection of Hyatt Lost Pines Road and State Highway 71 West, in Bastrop County, Texas 78612. The treated effluent is discharged to an unnamed tributary, thence to the Colorado River Below Lady Bird Lake/Town Lake in Segment No. 1428 of the Colorado River Basin. The unclassified receiving water use is minimal aquatic life use for the unnamed tributary. The designated uses for Segment No. 1428 are primary contact recreation, public water supply, and exceptional aquatic life use. In accordance with 30 Texas Administrative Code §307.5 and TCEQ's *Procedures to Implement the Texas Surface Water Quality Standards* (June 2010), an antidegradation review of the receiving waters was performed. A Tier 1 antidegradation review has preliminarily determined that existing water quality uses will not be impaired by this permit action. Numerical and narrative criteria to protect existing uses will be maintained. A Tier 2 review has preliminarily determined that no significant degradation of water quality is expected in Colorado River Below Lady Bird Lake/Town Lake, which has been identified as having exceptional 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=db5bac44afbc468bbddd360f8168250f&marker=-97.4625%2C30.141388&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:

Thursday, June 1, 2023 at 6:00 p.m.

Cedar Creek High School Cafeteria

793 Union Chapel Road

Cedar Creek, Texas 78612

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. 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 Bastrop Public Library, 1100 Church Street, Bastrop, Texas. Further information may also be obtained from Corix Utilities (Texas) Inc. at the address stated above or by calling Mr. Troy Hotchkiss, P.E., Integrated Water Services, Inc., at (214) 957-1357.

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

Issuance Date: April 13, 2023

TRD-202301420

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: April 19, 2023



Proposal for Decision

The State Office of Administrative Hearings issued a Proposal for Decision and Order to the Texas Commission on Environmental Quality on April 18, 2023, in the matter of the Executive Director of the Texas Commission on Environmental Quality, Petitioner v. Blue Cereus, LLC d/b/a La Caleta Estate and Blue Cereus, LLC d/b/a San Pedro Village; SOAH Docket No. 582-22-07515; TCEQ Docket No. 2022-0010-PWS-E. The commission will consider the Administrative Law Judge's Proposal for Decision and Order regarding the enforcement action against Blue Cereus, LLC d/b/a La Caleta Estate and Blue Cereus, LLC d/b/a San Pedro Village on a date and time to be determined by the Office of the Chief Clerk in Room 201S of Building E, 12100 N. Interstate 35, Austin, Texas. This posting is Notice of Opportunity to Comment on the Proposal for Decision and Order. The comment period will end 30 days from date of this publication. Written public comments should be submitted to the Office of the Chief Clerk, MC-105,

TCEQ, P.O. Box 13087, Austin, Texas 78711-3087. If you have any questions or need assistance, please contact Meghan Taack, Office of the Chief Clerk, (512) 239-3300.

TRD-202301430

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: April 19, 2023



Texas Facilities Commission

Request for Proposals #303-4-20756 Temple or Belton

The Texas Facilities Commission (TFC), on behalf of the Texas Department of Criminal Justice (TDCJ) announces the issuance of Request for Proposals (RFP) 303-4-20756. TFC seeks a five (5) or ten (10) year lease of approximately 8,971 square feet of usable office space in Temple or Belton, Texas.

The deadline for questions is May 16, 2023, and the deadline for proposals is June 6, 2023, at 3:00 p.m. The anticipated award date is July 20, 2023. TFC reserves the right to accept or reject any or all proposals submitted. TFC is under no legal or other obligation to execute a lease on the basis of this notice or the distribution of an RFP. Neither this notice nor the RFP commits TFC to pay for any costs incurred prior to the award of a grant.

Parties interested in submitting a proposal may obtain information by contacting Heather Goll at heather.goll@tfc.texas.gov. A copy of the RFP may be downloaded from the Electronic State Business Daily at <https://www.txsmartbuy.com/esbddetails/view/303-4-20756>.

TRD-202301413

Rico Gamino

Procurement Director

Texas Facilities Commission

Filed: April 19, 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 April 1, 2023 to April 14, 2023. As required by federal law, the public is given an opportunity to comment on the consistency of proposed activities in the coastal zone undertaken or authorized by federal agencies. Pursuant to 31 TAC §§30.25, 30.32, and 30.41, the public comment period extends 30 days from the date published on the Texas General Land Office web site. The notice was published on the web site on Friday, April 21, 2023. The public comment period for this project will close at 5:00 p.m. on Sunday, May 21, 2023.

FEDERAL AGENCY ACTIONS:

Applicant: County of Nueces

Location: The project site is located in the Gulf of Mexico (GOM) at 15820 South Padre Island Drive, in Corpus Christi, Nueces County, Texas.

Latitude & Longitude (NAD 83): 27.5817, -97.2183

Project Description: The applicant proposes to construct a new public pier in the general footprint of a previously permitted one (Bob Hall Pier) damaged by Hurricane Harvey and recently removed. The previously permitted pier was demolished and removed under the conditions of its construction permit (No. 14690) in 2022. The pier would extend a total of 1,101 feet from the Mean High Water (MHW) line out into the Gulf of Mexico. The total overwater square footage of the project would be 45,260-square-foot consisting of: a 90-foot-long by 25-foot-wide deck for a bait shop, public bathrooms and access control on the south side of the pier close to the land; a 1,030.7-foot-long (from MHW) by 20-foot-wide walkway, and a 70.5-foot-long diamond-shaped terminal platform that would extend 69.5 feet on each side of the 20-foot walkway area (159 feet at its widest). The proposed pier structure would be constructed of driven concrete piles at the land-side concession and public area and steel pipe piling for the stem and diamond head with the total number consisting of 44 (24-inch-square), 62 (24-inch-square), and 22 (48-inch-square) piles. Construction cranes and material would arrive and be supported on barges. A temporary trestle may be constructed with driven steel piles and a temporary deck adjacent to the new pier for construction of the new pier and demolished prior to completion of the project. No dredging or fill is involved. There are no seagrasses or wetlands at the project location. The purpose of the project is to provide public accessibility and recreational opportunities to the general public. No mitigation is proposed.

Type of Application: U.S. Army Corps of Engineers permit application # SWG-2009-00831. This application will be reviewed pursuant to Section 10 of the Rivers and Harbors Act of 1899.

CMP Project No: 23-1201-F1

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

TRD-202301387

Mark Havens

Chief Clerk, Deputy Land Commissioner

General Land Office

Filed: April 17, 2023

Texas Health and Human Services Commission

Public Notice - Texas State Plan for Medical Assistance Amendment

The Texas Health and Human Services Commission (HHSC) announces its intent to submit amendments to the Texas State Plan for Medical Assistance, under Title XIX of the Social Security Act. The proposed amendments will be effective June 1, 2023.

The purpose of the amendments is to update the fee schedules in the current state plan by adjusting fees, rates, or charges for the following services:

Ambulatory Surgical Centers

The proposed amendment is estimated to result in an annual aggregate expenditure of \$744,953 for federal fiscal year (FFY) 2023, consisting of \$469,320 in federal funds and \$275,633 in state general revenue. For FFY 2024, the estimated annual aggregate expenditure is \$1,964,891 consisting of \$1,189,349 in federal funds and \$775,542 in state general revenue. For FFY 2025, the estimated annual aggregate expenditure is \$1,944,061 consisting of \$1,169,353 in federal funds and \$774,708 in state general revenue.

Further detail on specific reimbursement rates and percentage changes will be made available on the HHSC Provider Finance website under the proposed effective date at: <https://pfd.hhs.texas.gov/rate-packets>.

Rate Hearing.

A Rate Hearing was conducted in person and online on November 7, 2022. Information about the proposed rate changes and hearings was published in the October 7, 2022, issue of the *Texas Register* (46 TexReg 6662). Additional information and the notice of hearings 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 Shaneqwea James, 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. 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 PFDacuteCare@hhs.texas.gov

Preferred Communication.

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

TRD-202301367

Karen Ray

Chief Counsel

Texas Health and Human Services Commission

Filed: April 14, 2023

Public Notice - Texas State Plan for Medical Assistance Amendment

The Texas Health and Human Services Commission (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 September 1, 2023.

The purpose of the amendment is to update the reimbursement methodology for the outpatient hospital services to an outpatient prospective payment system (OPPS) in the current state plan by updating a number of items. The OPPS that HHSC is proposing to implement is the EAPG grouper methodology. EAPGs are a visit-based classification system intended to reflect the utilization and type of resources of outpatient encounters for patients with similar clinical characteristics. EAPGs are used in OPPS for a variety of outpatient settings, including but not limited to: hospital emergency rooms, outpatient clinics, renal dialysis facilities, and same day surgery. EAPGs are proprietary to 3M™ Health Information Systems and 3M™ initially developed Ambulatory Patient Groups (APGs) prior to 2000. In 2007, 3M™ made significant changes to its earlier variant of the grouper to reflect current clinical practice including coding and billing practices and to describe a broader, non-Medicare population which resulted in what we now call EAPGs. EAPGs group procedures and medical visits that share similar clinical characteristics, resource utilization patterns and cost so that payment is based on the relative intensity of the entire visit. The EAPG grouping system is designed to recognize clinical and resource variations in severity, which results in higher payments for higher intensity services and lower payments for less intensive services. While each claim may receive multiple EAPGs, each procedure is assigned to only one EAPG.

The annual aggregate expenditures are expected to remain fiscally neutral with this update.

Public Hearings.

A public hearing will be conducted via webinar in the summer of 2023. Information about the proposed rate changes and hearings will be published in the *Texas Register*. Additional information and the notice of hearings 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 Shaneqwea James, 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@hhsc.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

Persons with disabilities who wish to attend the hearing and require auxiliary aids or services should contact Provider Finance at (512) 730-7401 at least 72 hours before the hearing so appropriate arrangements can be made.

TRD-202301408

Karen Ray

Chief Counsel

Texas Health and Human Services Commission

Filed: April 18, 2023



Public Notice - Texas State Plan for Medical Assistance Amendment

The Texas Health and Human Services Commission (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 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 and makes other clarifying amendments. For the DSH program, the annual aggregate expenditures are expected to remain fiscally neutral with this update.

Public Hearings.

A public hearing will be conducted via webinar during the public comment period of the rule. Information about the proposed program changes and hearings will be published in the *Texas Register*. Additional information and the notice of hearings 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 Shaneqwea James, 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@hhsc.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

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P.O. Box 149030

Austin, Texas 78714-9030

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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

Persons with disabilities who wish to attend the hearing and require auxiliary aids or services should contact Provider Finance at (512) 730-7401 at least 72 hours before the hearing so appropriate arrangements can be made

TRD-202301409

Karen Ray

Chief Counsel

Texas Health and Human Services Commission

Filed: April 18, 2023



Department of State Health Services

Licensing Actions for Radioactive Materials

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

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

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

AMENDMENTS TO EXISTING LICENSES ISSUED:

Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amendment Number	Date of Action
DALLAS	UNIVERSITY OF TEXAS SOUTHWESTERN MEDICAL CENTER AT DALLAS	L05947	DALLAS	53	03/07/23
HOUSTON	MEMORIAL HERMANN HEALTH SYSTEM DBA MEMORIAL HERMANN SOUTHWEST HOSPITAL	L00439	HOUSTON	262	03/09/23
KATY	SPARTEK SYSTEMS INC	L07162	KATY	01	03/09/23
KATY	CARDIAC IMAGING INC	L06565	KATY	23	03/13/23
KERRVILLE	SID PETERSON MEMORIAL HOSPITAL DBA PETERSON HEALTH	L01722	KERRVILLE	48	03/08/23
LUBBOCK	LUBBOCK HERITAGE HOSPITAL DBA GRACE MEDICAL CENTER	L06040	LUBBOCK	14	03/14/23
MIDLAND	C&R INSPECTION INC	L07173	MIDLAND	01	03/02/23
NEW BRAUNFELS	CHRISTUS SANTA ROSA HEALTH CARE CORPORATION	L02429	NEW BRAUNFELS	54	03/08/23
ORANGE	THE DOW CHEMICAL COMPANY	L07026	ORANGE	05	03/08/23

AMENDMENTS TO EXISTING LICENSES ISSUED: (Continued)

ROUND ROCK	SCOTT & WHITE HOSPITAL – ROUND ROCK DBA BAYLOR SCOTT & WHITE MEDICAL CENTER –ROUND ROCK	L06085	ROUND ROCK	35	03/07/23
SAN ANTONIO	SOUTH TEXAS RADIOLOGY IMAGING CENTERS	L00325	SAN ANTONIO	262	03/09/23
THE WOODLANDS	METHODIST HEALTH CENTER DBA HOUSTON METHODIST THE WOODLANDS HOSPITAL	L06861	THE WOODLANDS	15	03/03/23
THROUGHOUT TX	ECS SOUTHWEST LLP	L05319	AUSTIN	19	03/06/23
THROUGHOUT TX	RODRIGUEZ ENGINEERING LABORATORIES LLC	L04700	AUSTIN	30	03/14/23
THROUGHOUT TX	TEXAS DEPARTMENT OF TRANSPORTATIO N	L00197	AUSTIN	203	03/02/23
THROUGHOUT TX	WSP USA ENVIRONMENT & INFRASTRUCTURE INC	L03622	EL PASO	44	03/10/23
THROUGHOUT TX	RINER ENGINEERING INC	L06872	HOUSTON	07	03/08/23
THROUGHOUT TX	AMERICAN PIPING INSPECTION INC	L06835	LONGVIEW	16	03/08/23
THROUGHOUT TX	WELD SPEC INC	L05426	LUMBERTON	123	03/02/23
THROUGHOUT TX	EST INC	L06986	MELISSA	06	03/13/23
THROUGHOUT TX	KLX ENERGY SERVICES LLC	L06620	ROSHARON	36	03/02/23

AMENDMENTS TO EXISTING LICENSES ISSUED: (Continued)

THROUGHOUT TX	FRENCH ENGINEERING LLC	L06329	SPRING	06	03/02/23
THROUGHOUT TX	SCHLUMBERGER TECHNOLOGY CORPORATION	L06880	SUGAR LAND	13	03/13/23

RENEWAL OF LICENSES ISSUED:

Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amendment Number	Date of Action
HOUSTON	AD HOSPITAL EAST LLC	L05566	HOUSTON	13	03/13/23
HOUSTON	UT PHYSICIANS	L05465	HOUSTON	28	03/14/23
THROUGHOUT TX	CAN USA INC	L06533	LA PORT	02	03/06/23

TERMINATIONS OF LICENSES ISSUED:

Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amendment Number	Date of Action
KATY	DETEQ SERVICES	L05778	KATY	08	03/10/23
PAMPA	PANHANDLE PERFORATORS INCORPORATED	L03065	PAMPA	14	03/03/23

TRD-202301419
Cynthia Hernandez
General Counsel
Department of State Health Services
Filed: April 19, 2023

Order Adding Ganaxolone in Schedule V, Adding Amineptine, Methiopropamine, Mesocarb and Zipeprol in Schedule I, and Removing Fenfluramine from Control

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The Drug Enforcement Administration issued a final rule placing ganaxolone, 3 α -hydroxy-3 β -methyl-5 α -pregnan-20-one, and its salts in schedule V of the Controlled Substances Act. With the issuance of this final rule, the Drug Enforcement Administration maintains ganaxolone, including its salts, in schedule V of the Controlled Substances Act. This action was taken to enable the United States to meet its obligations under the 1971 Convention on Psychotropic Substances. The final order was published in the November 9, 2022, edition of the *Federal Register*, Volume 87, Number 216, pages 67548-67550 and was effective December 9, 2022. This action is based on the following:

- (1) Ganaxolone has a low potential for abuse relative to the drugs or other substances in schedule IV;
- (2) Ganaxolone has a currently accepted medical use in treatment in the United States; and
- (3) Abuse of ganaxolone may lead to limited physical dependence or psychological dependence relative to the drugs or other substances in schedule IV.

The Drug Enforcement Administration issued a final rule placing amineptine, 7-[(10,11-dihydro-5 *H* -dibenzo[*a,d*]cyclohepten-5-yl)amino]heptanoic acid, including its salts, isomers, and salts of isomers, in schedule I of the Controlled Substances Act. This action is being taken to enable the United States to meet its obligations under the 1971 Convention on Psychotropic Substances. This rule was published in the November 17, 2022, issue of the *Federal Register*, Volume 87, Number 221, pages 68895-68897 and was effective December 19, 2022. This action was based on the following:

- (1) Amineptine has a high potential for abuse. This potential is comparable to certain schedule II substances (e.g., amphetamine or cocaine);
- (2) Amineptine has no currently accepted medical use in treatment in the United States; and
- (3) There is a lack of accepted safety for use of amineptine under medical supervision.

The Drug Enforcement Administration issued a final rule placing methiopropamine, *N*-methyl-1-(thiophen-2-yl)propan-2-amine(methiopropamine), including its salts, isomers, and salts of isomers in schedule I of the Controlled Substances Act. This action is being taken to enable the United States to meet its obligations under the 1971 Convention on Psychotropic Substances. This rule was published in the December 9, 2022, issue of the *Federal Register*, Volume 87, Number 236, pages 75470-75473 and was effective January 9, 2023. This action was based on the following:

- (1) Methiopropamine has a high potential for abuse. Methiopropamine, similar to the schedule II stimulants, amphetamine and methamphetamine, is a CNS stimulant with high potential for abuse;
- (2) Methiopropamine has no currently accepted medical use in treatment in the United States; and
- (3) There is a lack of accepted safety for use of methiopropamine under medical supervision.

The Drug Enforcement Administration issued a final rule placing mesocarb, *N*-pheynyl-*N'* -(3-(1-phenylpropan-2-yl)-1,2,3-oxadiazol-3-ium-5-yl)carbamimidate), including its salts, isomers, and salts of isomers, in schedule I of the Controlled Substances Act. This action is being taken to enable the United States to meet its obligations under the 1971 Convention on Psychotropic Substances. This rule was published in the November 22, 2022, issue of the *Federal Register*, Volume 87, Number 224, pages 71247-71250 and was effective December 22, 2022. This action was based on the following:

- (1) Mesocarb has a high potential for abuse. This potential is comparable to certain schedule II substances (e.g., methamphetamine or amphetamine);
- (2) Mesocarb has no currently accepted medical use in treatment in the United States; and
- (3) There is a lack of accepted safety for use of mesocarb under medical supervision.

The Drug Enforcement Administration issued a final rule placing zipeprol, 1-methoxy-3-[4-(2-methoxy-2-phenylethyl)piperazin-1-yl]-1-phenylpropan-2-

ol), including its isomers, esters, ethers, salts, and salts of isomers, esters, ethers whenever the existence of such isomers, esters, ethers and salts is possible within the specific chemical designation in schedule I of the Controlled Substances Act. This action is being taken to enable the United States to meet its obligations under the 1971 Convention on Psychotropic Substances. This rule was published in the November 21, 2022, issue of the *Federal Register*, Volume 87, Number 223, pages 70717-70721 and was effective December 21, 2022. This action was based on the following:

- (1) Zipeprol has a high potential for abuse. This potential is comparable to certain schedule II substances (e.g., morphine);
- (2) Zipeprol has no currently accepted medical use in treatment in the United States; and
- (3) There is a lack of accepted safety for use of zipeprol under medical supervision.

The Drug Enforcement Administration issued a final rule to remove fenfluramine, *N*-ethyl- α -methyl-3-(trifluoromethyl)phenethylamine), including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts is possible, from the schedules of the Controlled Substances Act. Prior to the effective date of this rule, fenfluramine was a schedule IV controlled substance. This action removes the regulatory controls and administrative, civil, and criminal sanctions applicable to controlled substances, including those specific to schedule IV controlled substances, on persons who handle (manufacture, distribute, reverse distribute, dispense, engage in research, import, export, conduct instructional activities or chemical analysis with, or possess) or propose to handle fenfluramine. This rule was published in the December 23, 2022, issue of the *Federal Register*, Volume 87, Number 246, pages 78857-78859 and was effective December 23, 2022. This action was based on the following:

(1) Based on FDA's scientific and medical review of the eight factors and findings related to the substance's abuse potential, legitimate medical use, and dependence liability, HHS recommended that fenfluramine and its salts be removed from all schedules of the CSA.

(2) Fenfluramine does not meet the requirements for inclusion in any schedule.

Pursuant to Section 481.034(g), as amended by the 75th legislature, of the Texas Controlled Substances Act, Health and Safety Code, Chapter 481, at least thirty-one days have expired since notice of the above referenced actions were published in the *Federal Register*. In the capacity as Commissioner of the Texas Department of State Health Services, Dr. Jennifer Shuford, does hereby order that the substance ganaxolone be added to schedule V; the substances amineptine, methiopropamine, mesocarb, zipeprol be added to schedule I; and the substance fenfluramine be removed from control.

-Schedule V depressants

Unless specifically exempted or excluded or unless listed in another schedule, any material, compound, mixture, or preparation, which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers, unless specifically excepted, if the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Brivaracetam ((2S)-2-[(4R)-2-oxo-4-propylpyrrolidin-1-yl]butanamide) (Other names; BRV; UCB-34714; Briviact);

(2) Cenobamate [(1R-1-(2-chlorophenyl)-2-(tetrazol-2-yl)ethyl] carbamate;

(3) Ezogabine including its salts, isomers and salts of isomers, whenever the existence of such salts, isomers and salts of isomers is possible;

*(4) Ganaxolone (3 α -hydroxy-3 β -methyl-5 α -pregnan-20-one);

- (5) Lacosamide [(R)-2-acetoamido-N-benzyl-3-methoxy-propionamide];
- (6) Lasmiditan [2,4,6-trifluoro-N-(6-(1-methylpiperidine-4-carbonyl)pyridine-2-yl)-benzamide]; and,
- (7) Pregabalin [(S)-3-(aminomethyl)-5-methylhexanoic acid].

-Schedule I stimulants

Unless specifically excepted or unless listed in another schedule, a material, compound, mixture, or preparation that contains any quantity of the following substances having a stimulant effect on the central nervous system, including the substance's salts, isomers, and salts of isomers if the existence of the salts, isomers, and salts of isomers is possible within the specific chemical designation:

- *(1) Amineptine 7-((10,11-dihydro-5H-dibenzo(a,d)cyclohepten-5-yl)amino)heptanoic acid;
- (2) Aminorex (Other names: aminoxaphen; 2-amino-5-phenyl-2-oxazoline; 4,5-dihydro-5-phenyl-2-oxazolamine);
- (3) *N*-Benzylpiperazine (Other names: BZP; 1-benzylpiperazine), its optical isomers, salts and salts of isomers;
- (4) Cathinone (Other names: 2-amino-1-phenyl-1-propanone; α -aminopropiophenone; 2-aminopropiophenone; norephedrone);
- (5) 4,4'-Dimethylaminorex (4,4'-DMAR; 4,5-dihydro-4-methyl-5-(4-methylphenyl)-2-oxazolamine; 4-methyl-5-(4-methylphenyl)-4,5-dihydro-1,3-oxazol-2-amine);
- (6) Fenethylamine;
- (7) Methcathinone (Other names: 2-(methylamino)-propiophenone; α -(methylamino)propiophenone; 2-(methylamino)-1-phenylpropan-1-one; α -*N*-methylaminopropiophenone; monomethylpropion; ephedrone; *N*-methylcathinone; methylcathinone; AL-464; AL-422; AL-463; UR1432);
- *(8) Mesocarb *N*-phenyl-*N'*-(3-(1-phenylpropan-2-yl)-1,2,3-oxadiazol-3-ium-5-yl)carbamimidate);
- *(9) Methiopropamine *N*-methyl-1-(thiophen-2-yl)propan-2-amine;
- (10) 4-Methylaminorex (Other names: U4Euh; McN-422);
- (11) *N*-Ethylamphetamine; and
- (12) *N,N*-Dimethylamphetamine (Other names: *N,N*- α -trimethylbenzene-ethanamine; *N,N*- α -trimethylphenethylamine).

-Schedule I opiates

The following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted, if the existence of these isomers, esters, ethers, and salts are possible within the specific chemical designation:

- (1) Acetyl- α -methylfentanyl (*N*-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-*N*-phenylacetamide);
- (2) Acetylmethadol;
- (3) Acetyl fentanyl (*N*-(1-phenethylpiperidin-4-yl)-*N*-phenylacetamide);
- (4) Acryl fentanyl (*N*-(1-phenethylpiperidin-4-yl)-*N*-phenylacrylamide) (Other name: acryloylfentanyl);
- (5) AH-7921 (3,4-dichloro-*N*-[1-(dimethylamino)cyclohexymethyl]benzamide);
- (6) Allylprodine;
- (7) Alphacetylmethadol (except levo- α -cetylmethadol, levo- α -acetylmethadol, levomethadyl acetate, or LAAM);
- (8) α -Methylfentanyl or any other derivative of fentanyl;
- (9) α -Methylthiofentanyl (*N*-[1-methyl-2-(2-thienyl)ethyl-4-piperidinyl] *N*-phenylpropanamide);
- (10) Benzethidine;
- (11) β -Hydroxyfentanyl (*N*-[1-(2-hydroxy-2-phenethyl)-4-piperidinyl]-*N*-phenylpropanamide);
- (12) β -Hydroxy-3-methylfentanyl (*N*-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-*N*-phenylpropanamide);
- (13) β -hydroxythiofentanyl (Other names: *N*-[1-[2-hydroxy-2-(thiophen-2-yl)ethyl]piperidin-4-yl]-*N*-phenylpropionamide; *N*-[1-[2-hydroxy-2-(2-thienyl)ethyl]-4-piperidinyl]-*N*-phenylpropanamide);
- (14) β -Methyl fentanyl (*N*-phenyl-*N*-(1-(2-phenylpropyl)piperidin-4-yl)propionamide);
- (15) β' -Phenyl fentanyl (*N*-(1-phenethylpiperidin-4-yl)-*N*,3-diphenylpropanamide (Other name: 3-phenylpropanoyl fentanyl);
- (16) Betaprodine;
- (17) Butyryl fentanyl (*N*-(1-phenethylpiperidin-4-yl)-*N*-phenylbutanamide);
- (18) Clonitazene;
- (19) Crotonyl fentanyl (Other name: (6-2-5) (E)-*N*-(1-Phenethylpiperidin-4-yl)-*N*-phenylbut-2-enamide);
- (20) Cyclopentyl fentanyl (*N*-(1-phenethylpiperidin-4-yl)-*N*-Phenylcyclopentanecarboxamide);
- (21) Cyclopropyl fentanyl (*N*-(1-phenethylpiperidin-4-yl)-*N*-phenylcyclopropanecarboxamide);

- (22) Diampromide;
- (23) Diethylthiambutene;
- (24) Difenoxin;
- (25) Dimenoxadol;
- (26) Dimethylthiambutene;
- (27) Dioxaphetyl butyrate;
- (28) Dipipanone;
- (29) Ethylmethylthiambutene;
- (30) Etonitazene;
- (31) Etoxeridine;
- (32) Fentanyl carbamate (ethyl (1-phenethylpiperidin-4-yl)(phenyl)carbamate);
- (33) 4-Fluoroisobutyryl fentanyl (*N*-(4-fluorophenyl)-*N*-(1-phenethylpiperidin-4-yl)isobutyramide) (Other name: *p*-fluoroisobutyryl fentanyl);
- (34) 2'-Fluoro *o*-fluorofentanyl (*N*-(1-(2-fluorophenethyl)piperidin-4-yl)-*N*-(2-fluorophenyl)propionamide (Other name: 2'-fluoro 2-fluorofentanyl);
- (35) Furanyl fentanyl (*N*-(1-phenethylpiperidin-4-yl)-*N*-phenylfuran-2-carboxamide);
- (36) Furethidine;
- (37) Hydroxypethidine;
- (38) Isobutyryl fentanyl (*N*-(1-phenethylpiperidin-4-yl)-*N*-phenylisobutyramide);
- (39) Isotonitazene (*N,N*-diethyl-2-(2-(4-isopropoxybenzyl)-5-nitro-1*H*-benzimidazol-1-yl)ethan-1-amine);
- (40) Ketobemidone;
- (41) Levophenacylmorphane;
- (42) Meprodine;
- (43) Methadol;
- (44) Methoxyacetyl fentanyl (2-methoxy-*N*-(1-phenethylpiperidin-4-yl)-*N*-phenylacetamide);
- (45) 4'-Methyl acetyl fentanyl (*N*-(1-(4-methylphenethyl)piperidin-4-yl)-*N*-phenylacetamide);
- (46) 3-Methylfentanyl (*N*-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-*N*-phenylpropanamide);
- (47) 3-Methylthiofentanyl (*N*-[3-methyl-1-(2-thienyl)ethyl-4-piperidinyl]-*N*-phenylpropanamide);
- (48) Moramide;
- (49) Morpheridine;
- (50) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);
- (51) MT-45 (1-cyclohexyl-4-(1,2-diphenylethyl)piperazine);

- (52) Noracymethadol;
- (53) Norlevorphanol;
- (54) Normethadone;
- (55) Norpipanone;
- (56) Ocfentanil (*N*-(2-fluorophenyl)-2-methoxy-*N*-(1-phenethylpiperidin-4-yl)acetamide);
- (57) *o*-Fluoroacryl fentanyl (*N*-(2-fluorophenyl)-*N*-(1-phenethylpiperidin-4-yl)acrylamide);
- (58) *o*-Fluorobutyryl fentanyl (*N*-(2-fluorophenyl)-*N*-(1-phenethylpiperidin-4-yl)butyramide (Other name: 2-fluorobutyryl fentanyl);
- (59) *o*-Fluorofentanyl (*N*-(2-fluorophenyl)-*N*-(1-phenethylpiperidin-4-yl)propionamide) (Other name: 2-fluorofentanyl);
- (60) *o*-Fluoroisobutyryl fentanyl (*N*-(2-fluorophenyl)-*N*-(1-phenethylpiperidin-4-yl)isobutyramide);
- (61) *o*-Methyl acetylfentanyl (*N*-(2-methylphenyl)-*N*-(1-phenethylpiperidin-4-yl)acetamide (Other name: 2-methyl acetylfentanyl);
- (62) *o*-Methyl methoxyacetyl fentanyl (2-methoxy-*N*-(2-methylphenyl)-*N*-(1-phenethylpiperidin-4-yl)acetamide (Other name: 2-methyl methoxyacetyl fentanyl);
- (63) *p*-Chloroisobutyryl fentanyl (*N*-(4-chlorophenyl)-*N*-(1-phenethylpiperidin-4-yl)isobutyramide);
- (64) *p*-Fluorobutyryl fentanyl (*N*-(4-fluorophenyl)-*N*-(1-phenethylpiperidin-4-yl)butyramide);
- (65) *p*-Fluorofentanyl (*N*-(4-fluorophenyl)-*N*-[1-(2-phenethyl)-4 piperidinyl]propanamide);
- (66) *p*-Fluoro furanyl fentanyl (*N*-(4-fluorophenyl)-*N*-(1-phenethylpiperidin-4-yl)furan-2-carboxamide);
- (67) *p*-Methoxybutyryl fentanyl (*N*-(4-methoxyphenyl)-*N*-(1-phenethylpiperidin-4-yl)butyramide);
- (68) *p*-Methylfentanyl (*N*-(4-methylphenyl)-*N*-(1-phenethylpiperidin-4-yl)propionamide (Other name: 4-methylfentanyl);
- (69) PEPAP (1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine);
- (70) Phenadoxone;
- (71) Phenampromide;
- (72) Phencyclidine;
- (73) Phenomorphan;
- (74) Phenoperidine;
- (75) Phenyl fentanyl (*N*-(1-phenethylpiperidin-4-yl)-*N*-phenylbenzamide (Other name: benzoyl fentanyl);
- (76) Piritramide;
- (77) Proheptazine;

- (78) Properidine;
- (79) Propiram;
- (80) Tetrahydrofuranyl fentanyl (*N*-(1-phenethylpiperidin-4-yl)-*N*-phenyltetrahydrofuran-2-carboxamide);
- (81) Thiofentanyl (*N*-phenyl-*N*-[1-(2-thienyl)ethyl-4-piperidiny]-propanamide);
- (82) Thiofuranyl fentanyl (*N*-(1-phenethylpiperidin-4-yl)-*N*-phenylthiophene-2-carboxamide (Other names: 2-thiofuranyl fentanyl; thiophene fentanyl);
- (83) Tilidine;
- (84) Trimeperidine;
- (85) U-47700 (3,4-dichloro-*N*-[2-(dimethylamino)cyclohexyl]-*N*-methylbenzamide; and,
- (86) Valeryl fentanyl (*N*-(1-phenethylpiperidin-4-yl)-*N*-phenylpentanamide).
- *(87) Zipeprol (1-methoxy-3-[4-(2-methoxy-2-phenylethyl)piperazin-1-yl]-1-phenylpropan-2-ol).

-Schedule IV stimulants

Unless listed in another schedule, a material, compound, mixture, or preparation that contains any quantity of the following substances having a stimulant effect on the central nervous system, including the substance's salts, optical, position, or geometric isomers, and salts of those isomers if the existence of the salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (1) Cathine [(+)-norpseudoephedrine];
- (2) Diethylpropion;
- (3) Fencamfamin;
- *~~(4)~~ Fenfluramine;
- (4) ~~(5)~~ Fenproporex;
- (5) ~~(6)~~ Mazindol;
- (6) ~~(7)~~ Mefenorex;
- (7) ~~(8)~~ Modafinil;
- (8) ~~(9)~~ Pemoline (including organometallic complexes and their chelates);
- (9) ~~(10)~~ Phentermine;
- (10) ~~(11)~~ Pipradrol;
- (11) ~~(12)~~ Serdexmethylphenidate;
- (12) ~~(13)~~ Sibutramine;
- (13) ~~(14)~~ Solriamfetol ((*R*)-2-amino-3-phenylpropyl carbamate) (Other names: benzenepropanol; β -amino-carbamate (ester));

and

(14) ~~(15)~~ SPA [1-dimethylamino-1,2-diphenylethane].

Changes are marked by an asterisk(*)

TRD-202301418
Cynthia Hernandez
General Counsel
Department of State Health Services
Filed: April 19, 2023

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Texas Department of Housing and Community Affairs

Aviso de Audiencia Pública sobre el Anteproyecto de la Solicitud y los Planes Estatales para el Año Fiscal Federal 2024-2025 del Community Services Block Grant y para el Año Fiscal Federal 2024 del Low Income Home Energy Assistance Program

Conforme con los requisitos del Departamento de Salud y Servicios Humanos de los Estados Unidos para la programa federal del Community Services Block Grant (CSBG, por sus siglas en ingles) y la programa federal del Low Income Home Energy Assistance Program (LIHEAP, por sus siglas en ingles) y el Capítulo 2105, Subcapítulo B del Código del Gobierno de Texas, el Departamento de Vivienda y Asuntos Comunitarios de Texas (TDHCA, por sus siglas en ingles) conducirá varias audiencias públicas. El propósito principal de estas audiencias es para solicitar comentario público sobre los anteproyectos de la Solicitud y el Plan Estatal para los Años Fiscal Federal (FFY, por sus siglas en ingles) 2024-2025 del CSBG (Anteproyecto del Plan Estatal CSBG) y del anteproyecto del al Solicitud y el Plan Estatal LIHEAP para el FFY 2024 (Anteproyecto del Plan Estatal LIHEAP).

El Anteproyecto del Plan Estatal CSBG detalla el propuesto uso y distribución de los fondos federales CSBG para los años fiscales federales (FFY) 2024-2025. Según requiere la ley federal, no más del 90% de los fondos serán distribuidos a las agencias elegibles que reciben fondos de CSBG y no más del 5% se utilizará para la administración estatal del programa, incluyendo actividades para la planificación, seguimiento del progreso o cumplimiento y para proveer entrenamiento y asistencia técnica. El restante 5% se utilizará para proyectos e iniciativas especiales y de demostración de CSBG y para proveer asistencia en casos de desastres naturales or artificiales.

El Anteproyecto del Plan Estatal LIHEAP detalla el propuesto uso y distribución de los fondos federales LIHEAP para el FFY 2024. El programa de LIHEAP provee fondos para los programas de Comprehensive Energy Assistance Program (CEAP, por sus siglas en ingles) y el Weatherization Assistance Program (WAP, por sus siglas en ingles).

Los Anteproyectos de los Planes Estatales de CSBG y de LIHEAP fueron presentados y aprobados por la junta directiva del TDHCA el 13 de abril del 2023. Como seguimiento a la provision de información pública, asesoramiento y los requisitos de las audiencias públicas para las programas CSBG y LIHEAP, la División de Asuntos Comunitarios del TDHCA publicará los anteproyectos de los planes estatales federal

en el sitio web del TDHCA Public Comment Center en <http://www.tdhca.state.tx.us/public-comment.htm>.

Los documentos se pueden obtener comunicandose al TDHCA, P.O. Box 13941, Austin, Texas 78711-3941 o por teléfono al (512) 475-3905.

Las audiencias públicas sobre los Anteproyectos de los Planes Estatales de CSBG y de LIHEAP se ha programado de la manera siguiente:

martes, 9 de mayo, 2023, 5:30 p.m. - 6:00 p.m. en el edificio de Thomas Jefferson Rusk Building, 208 E. 10th Street, Room #320, Austin, Texas 78701.

jueves, 11 de mayo 11, 2023, 1:30 p.m. - 2:00 p.m. en las oficinas de BakerRipley, 1 piso en el Centro de Educación Education, 3838 Aberdeen Way, Houston, Texas 77025.

jueves, 11 de mayo 11, 2023, 10:00 a.m. - 10:30 a.m. en el Andrew "Doc" Session Centro de la Comunidad, 201 S. Sylvania Ave., Fort Worth, Texas 76111.

jueves, 11 de mayo, 2023, 5:30 p.m. - 6:00 p.m. en la oficina de West Texas Opportunities, 1415 East 2nd Street, Odessa, Texas 79761

Durante las audiencias los Anteproyectos de los Planes Estatales CSBG y LIHEAP seran presentados para solicitar comentario público. Personas interesadas pueden proveer comentario public sobre los Anteproyectos del Plan Estatal CSBG y/o LIHEAP en forma escrita o testimonio oral. Un representante del TDHCA explicará el proceso de planificación y recibir comentario público de personas y grupos interesadas respecto a los anteproyectos de los planes estatales.

El período de comentario público para aceptar comentarios sobre los anteproyectos de los planes estatales comienza el viernes, 28 de abril del 2023 hasta el lunes, 22 de mayo del 2023 a las 5:00 de la tarde hora local/CT. Comentarios escritos sobre los anteproyectos de los planes estatales tambien pueden ser presentados por correo al Texas Department of Housing and Community Affairs, Atención: Gavin Reid, P.O. Box 13941, Austin, Texas 78711-3941 o pueden enviarse a través de correo electrónico a gavin.reid@tdhca.state.tx.us. Comentario público no será aceptado luego de las 5 de la tarde hora local el 22 de mayo del 2023.

Si tiene preguntas sobre este proceso, comuníquese con Rita Gonzales-Garza, al (512) 475-3905 o envíe un correo electrónico a: rita.garza@tdhca.state.tx.us.

Personas que necesiten equipos o servicios auxiliares para esta junta deben comunicarse con Gina Esteves, empleada responsable de la ley sobre la Ley de Estado Unidos con Discapacidades (ADA, por sus siglas en ingles), al (512) 475-3905 o al Relay Texas al 1-800-662-4954 por lo menos tres días antes de la junta para hacer los preparativos apropiados.

Personas que hablan español y requieren un intérprete o ayudas auxiliares, favor de llamar a Rita Gonzales-Garza al siguiente número (512) 475-3905 o enviarle un correo electrónico a rita.garza@tdhca.state.tx.us.

hca.state.tx.us por lo menos tres días antes de la junta para hacer los preparativos apropiados.

TRD-202301375

Bobby Wilkinson

Executive Director

Texas Department of Housing and Community Affairs

Filed: April 14, 2023



Notice of Public Comment Period and Public Hearings on the Draft 2024 Low Income Home Energy Assistance Program State Plan and the Draft 2024-2025 Community Services Block Grant State Plan

In accordance with the U.S. Department of Health and Human Services' requirement for the Low Income Home Energy Assistance Program (LIHEAP), the Community Services Block Grant (CSBG) and Texas Government Code, Chapter 2105, Subchapter B, the Texas Department of Housing and Community Affairs (TDHCA) is opening a public comment period and conducting four public hearings to solicit comments on the Draft 2024 LIHEAP State Plan and Draft 2024-2025 CSBG State Plan.

The CSBG Draft Plan describes the proposed use and distribution of CSBG funds for 2024 and 2025. As federal statute requires, not less than ninety percent of the CSBG funds will be distributed to the State's CSBG eligible entities and not more than five percent will be used for state administration, including support for planning, for monitoring, and for the provision of training and technical assistance. The remaining five percent will be utilized to fund state discretionary activities and for disaster assistance recovery.

The LIHEAP Draft Plan describes the proposed use and distribution of LIHEAP funds for 2024. LIHEAP provides funding for the Comprehensive Energy Assistance Program (CEAP) and the Weatherization Assistance Program (WAP).

The LIHEAP Draft Plan and CSBG Draft Plan were presented and approved by the TDHCA Board of Directors on April 13, 2023. As part of the public information, consultation, and public hearing requirements for LIHEAP and CSBG, the Community Affairs Division of TDHCA has posted the proposed Plans on the TDHCA website.

Please visit the TDHCA Public Comment Center at <http://www.tdhca.state.tx.us/public-comment.htm> to access the Plans.

The documents also may be obtained by contacting Rita Gonzales-Garza at rita.garza@tdhca.state.tx.us or by phone at (512) 475-3905.

Public hearings for the LIHEAP Draft Plan and CSBG Draft Plan will be held as follows:

- Tuesday, May 9, 2023, 5:30 p.m. - 6:00 p.m. at Thomas Jefferson Rusk Building, 208 E. 10th Street, Room #320, Austin, Texas 78701.

- Thursday, May 11, 2023, at 1:30 p.m. - 2:00 p.m. at BakerRipley, First Floor Education Center, 3838 Aberdeen Way, Houston, Texas 77025.

- Thursday, May 11, 2023, at 10:00 a.m. - 10:30 a.m. at the Andrew "Doc" Session Community Center, 201 S. Sylvania Avenue, Fort Worth, Texas 76111.

- Thursday, May 11, 2023, at 5:30 p.m. - 6:00 p.m. at West Texas Opportunities, 1415 East 2nd Street, Odessa, Texas 79761.

At each of the hearings, the LIHEAP Draft Plan and CSBG Draft Plan will be presented for public comment. Persons may provide comment

on the Plan either through oral testimony or written testimony. A representative from TDHCA will be present at the hearing to explain the planning process and receive comments from interested citizens and affected groups regarding the Plan.

The public comment period to accept comments regarding the LIHEAP Draft Plan and CSBG Draft Plan will be open from April 28, 2023 through May 22, 2023 at 5:00 p.m. Central time. Written comments concerning the Plans may also be submitted to the Texas Department of Housing and Community Affairs, Attn: Gavin Reid, P.O. Box 13941, Austin, Texas 78711-3941, or by email to gavin.reid@tdhca.state.tx.us. Comments are due no later than 5:00 p.m. Central time, May 22, 2023.

Any questions regarding the public comment process may be directed to Rita Gonzales-Garza, Program Specialist, in the Community Affairs Division at (512) 475-3905 or rita.garza@tdhca.state.tx.us.

Individuals who require auxiliary aids, services or sign language interpreters for the hearings should contact Rita Gonzales-Garza, at (512) 475-3905 at least three days before the hearing so that appropriate arrangements can be made.

Non-English speaking individuals who require interpreters for the public hearing should contact Rita Gonzales-Garza at (512) 475-3905 or by email at rita.garza@tdhca.state.tx.us at least three days before the hearing so that appropriate arrangements can be made.

TRD-202301374

Bobby Wilkinson

Executive Director

Texas Department of Housing and Community Affairs

Filed: April 14, 2023



Notice of Public Comment Period on the First Amendment of the HOME American Rescue Plan (HOME-ARP) Allocation Plan

The Texas Department of Housing and Community Affairs (TDHCA) was allocated \$132,969,147 from the U.S. Department of Housing and Urban Development (HUD) under Section 3205 of the American Rescue Plan Act, which is called the HOME-ARP Program. The draft First Amendment to the HOME-ARP Allocation Plan reflects changes to the method of distribution for half of the nonprofit capacity building and nonprofit operating assistance activity, and all of the non-congregate shelter activity.

This notice contains information on the draft First Amendment to the HOME-American Rescue Plan (ARP) Allocation Plan that was approved by the TDHCA Governing Board on April 13, 2023, and the dates for the 15-day public comment period on the amendment. The public comment period will be held from Monday, April 17, 2023, through 5:00 p.m. Austin local time on Tuesday, May 2, 2023. Comments received after 5:00 p.m. Austin local time on May 2, 2023, will not be accepted. The draft Amendment can be found on TDHCA's website at <https://www.tdhca.state.tx.us/home-arp/index.htm>.

Written comments may be submitted, in hard copy or electronic formats to Naomi Cantu, HOME-ARP Director, at naomi.cantu@tdhca.state.tx.us or by mail at Texas Department of Housing and Community Affairs, P.O. Box 13941, Austin, Texas 78711-3941. Questions or requests for additional information may be directed to Naomi Cantu by calling (512) 475-3975 or using the e-mail listed above.

TRD-202301369

Bobby Wilkinson
Executive Director
Texas Department of Housing and Community Affairs
Filed: April 14, 2023

Single Family Mortgage Revenue and Refunding Bonds

Notice is hereby given of a telephonic public hearing to be held by the Texas Department of Housing and Community Affairs (the "Department") at 1:00 p.m. CDT on May 16, 2023. Interested parties may join the public hearing on the date and the time indicated above by dialing 1-844-867-6169 (US Toll Free) and, when prompted, entering the access code 4209942.

The public hearing is regarding a plan of financing that includes the proposed issuance of several series of "qualified mortgage bonds" (collectively, the "Bonds") pursuant to Section 143 of the Internal Revenue Code of 1986, as amended (the "Code") in an aggregate principal amount not to exceed \$1,500,000,000. The proceeds of the Bonds will be used to (i) make single family residential mortgage loans to eligible very low, low and moderate income homebuyers for the purchase of homes located within the State of Texas or (ii) refund all or a portion of the Department's outstanding single family mortgage revenue bonds, the proceeds of which were used directly or indirectly to provide single family residential mortgage loans. For more information regarding the Department's single family mortgage bond program, visit the TDHCA website at <http://www.tdhca.state.tx.us/bond-finance/index.htm>.

All interested parties are invited to telephonically attend the public hearing to express their views with respect to the Department's mortgage loan finance program and the plan of finance for the issuance of the Bonds. Questions or requests for additional information may be directed to Scott Fletcher at the Texas Department of Housing and Community Affairs, P.O. Box 13941, Austin, Texas 78711-3941, (512) 936-9268, and/or scott.fletcher@tdhca.state.tx.us.

Persons who intend to appear at the hearing and express their views are invited to contact Scott Fletcher in writing in advance of the hearing. To ensure that an adequate number of interested persons can be accommodated on the telephone line, all parties that intend to attend the telephonic hearing are required to notify Scott Fletcher via telephone or e-mail at least 48 hours prior to the telephonic hearing. Any interested persons unable to dial into the hearing may submit their views in writing to Scott Fletcher prior to the date scheduled for the hearing.

Individuals who require a language interpreter for the public hearing should contact Danielle Leath at (512) 475-4606 at least five days prior to the hearing date so that appropriate arrangements can be made. Personas que hablan español y requieren un intérprete, favor de llamar a Danielle Leath al siguiente número (512) 475-4606 por lo menos cinco días antes de la junta para hacer los preparativos apropiados.

This notice is published and the above-described hearing is to be held in satisfaction of the requirements of Section 147(f) of the Code.

TRD-202301368
Bobby Wilkinson
Executive Director
Texas Department of Housing and Community Affairs
Filed: April 14, 2023

Texas Department of Insurance

Company Licensing

Application for admission to the state of Texas for Delaware Life and Annuity Company, a foreign life, accident and/or health company. The home office is in Wilmington, Delaware.

Application for Progressive West Insurance Company, a foreign fire and/or casualty company, to change its name to Drive Insurance Company. The home office is in Mayfield Village, Ohio.

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-202301417
Justin Beam
Chief Clerk
Texas Department of Insurance
Filed: April 19, 2023

Texas Department of Licensing and Regulation

Public Notice - Court-Ordered Education Programs Enforcement Plan

The Texas Commission of Licensing and Regulation (Commission) provides this public notice that at their regularly scheduled meeting held March 6, 2023, the Commission adopted the Texas Department of Licensing and Regulation's (Department) enforcement plan, which was established in compliance with Texas Occupations Code, §51.302(c).

The enforcement plan gives all license holders notice of the specific ranges of penalties and license sanctions that apply to specific alleged violations of the statutes and rules enforced by the Department. The enforcement plan also presents the criteria that are considered by the Department's Enforcement staff in determining the amount of a proposed administrative penalty or the magnitude of a proposed sanction. The enforcement plan is drafted to include the penalty matrix for the Court-Ordered Education programs.

The Texas Legislature enacted Senate Bill 202 (S.B. 202), 84th Legislature, Regular Session (2015), which transferred regulatory authority of 13 programs, to include Court-Ordered Education programs from the Texas Department of State Health Services to the Commission and Department.

The penalty matrix was presented to the Commission on March 6, 2023, and was adopted as recommended.

A copy of the enforcement plan is posted on the Department's website and may be downloaded at www.tdlr.texas.gov. You may also contact the Enforcement Division at (512) 539-5600 or by e-mail at enforcement@tdlr.texas.gov to obtain a copy of the plan.

Court-Ordered Education Programs Penalties and Sanctions

Texas Government Code Chapter 171

16 Texas Administration Code, Chapter 90

Class A Violations

Penalty: \$100 to \$500

Administrative Violations

Violation	Statute/Rule
Program provider failed to maintain and make available to participants information regarding course fees, schedules, methods of course delivery, and locations, as applicable, for all court-ordered programs provided by the program provider	171.0305
Program provider failed to set definite and reasonable course fees or assessed course fees on a class-by-class basis	90.50(b)(1)
Program provider failed to maintain and make available written course schedules and fees charged for the program	90.50(b)(2)
Program provider failed to establish procedures to resolve participant complaints	90.50(e)(1)
Program provider failed to provide proper notice to participants of TDLR complaint process with TDLR contact information	90.50(e)(2)
Program provider failed to submit annual report by September 15 th of each year	171.0303(e), 90.52(a)
Program provider failed to include required information in an annual report	90.52(b)
Program provider or instructor failed to give a proper referral to an individual who is required to complete a court-ordered program	90.50(d)

Notice Violations

Violation	Statute/Rule
Instructor failed to carry the physical instructor license at all times while providing instruction at a court-ordered program	171.0152(b)
Instructor failed to report, in writing, any felony or misdemeanor conviction against themselves	90.28(a)

Instructor failed to notify the department within 30 days of any change in the instructor's name, mailing address, telephone number, or e-mail address	90.28(b)
Program provider failed to notify the department in writing within 30 days of any change in the program provider's address, telephone number, e-mail address, website address, or change in the registered agent, ownership, or instructor	90.34(a)
Program provider failed to maintain a registered agent in the State of Texas	90.34(c)
Proposed new owner of a program provider failed to apply for a new program provider license with an endorsement for each type of court-ordered program to be offered by the new owner within 30 days before the date of the change in ownership	171.0202

Course Violations

Violation	Statute/Rule
Program provider failed to make provisions for persons unable to read and/or speak English	90.42(e)
Failed to teach all classes in a single course in the same language	90.42(e)
Program provider or instructor failed to conduct all in-person classes in appropriate classroom facilities and settings that comply with the Americans with Disabilities Act and other requirements	90.47(a), (c)-(e)

Certificates of Program Completion Violations

Violation	Statute/Rule
Program provider failed to report all unaccounted-for certificates of program completion to the department within fifteen working days of the discovery of the incident	90.49(g)(3)
Program provider failed to investigate the circumstances surrounding the unaccounted-for certificates of program completion	90.49(g)(3)
Program provider failed to submit a report of the findings of the investigation into the unaccounted-for certificates of program completion, including preventative measures for recurrence, to the department within thirty (30) days of the discovery	90.49(g)(3)

Class B Violations

Penalty Range: \$500 to \$2,500 and/or up to a one-year full suspension

Record Violations

Violation	Statute/Rule
Program provider failed to collect and maintain the required information on each course participant	90.51(a)-(d)
Program provider failed to retain each course roster and a copy of each issued certificate of program completion for at least three years from the date of course completion and all other records as defined in §90.10 for at least one year from the date of course completion	90.51(e)-(f)
Program provider failed to maintain documentation necessary to determine compliance with all applicable requirements for at least three years	90.50(c)(1)

Course Violations

Violation	Statute/Rule
Failed to deliver a court-ordered program in the program format or at the location approved by the department	171.0301(b)(3)
Instructor failed to utilize only the department-approved program curriculum for the specific type of program for which the instructor holds an appropriate license endorsement	90.20(c)
Program provider failed to ensure that each court-ordered program is conducted in accordance with, and described in, the applicable and department-approved instructor manual under §90.40	90.30(c)(2)
Program provider failed to ensure that each court-ordered program utilizes the most current version of the department-approved curriculum and screening instruments for the specific type of program being taught	90.30(c)(3), 90.40(a)-(b)
Program provider or instructor used supplemental media in a court-ordered program without prior written approval from the department	90.40(c)
Program provider or instructor failed to use the applicable curriculum approved under §90.40, including all required videos, slides or transparencies, participant workbooks, booklets, and other resources or written materials	90.42(b)

Program provider or instructor failed to present the applicable curriculum in the prescribed manner and sequence	90.42(b)
Instructor failed to require participants to complete all class modules within a course in the proper sequence	90.42(d)
Instructor failed to screen each participant and offer appropriate referral information to the participant, based upon the numerical score and accompanying referral recommendations on the approved screening instrument required to be administered	90.42(f)
Screening instrument administered by someone other than the instructor or someone not under the instructor's direct supervision	90.42(f)
Program provider or instructor failed to make available a current listing or roster of available chemical dependency counseling and treatment resources in the area to each participant whose numerical score and accompanying referral recommendations on the approved screening instrument indicate a potential substance abuse problem requiring further evaluation	90.42(g)
Failed to complete all required registration, initial data collection, and administration of the screening instrument before commencement of the first class module	90.42(h)
Instructor failed to administer a participant course evaluation at the end of each course	90.42(i)
Instructor failed to conduct an exit interview with each participant, as outlined in the applicable educational program manual	90.42(j)

Drug Offender Education Program Violations

Violation	Statute/Rule
Drug Offender Education Program provider failed to provide the minimum number of hours of class instruction and proper class modules with the required number of participants	90.43(a)
Drug Offender Education Program provider failed to administer and evaluate pre-course and post-course test instruments for each participant	90.43(b)

Alcohol Education Program for Minors Violations

Violation	Statute/Rule
Alcohol Education Program for Minors provider failed to provide the minimum number of hours of class instruction and proper class modules with the required amount of participants	90.44(a)
Alcohol Education Program for Minors provider failed to administer and evaluate pre-course and post-course test instruments for each participant	90.44(b)

DWI Education Program Violations

Violation	Statute/Rule
DWI Education Program provider failed to provide the minimum number of hours of class instruction and proper class modules with the required number of participants	90.45(a)
DWI Education Program provider failed to administer and evaluate pre-course and post-course test instruments for each participant	90.45(b)
DWI Education Program instructor failed to notify the appropriate community supervision and corrections department and failed to forward a copy of the certificate of completion to the Texas Department of Public Safety within ten working days after course completion	90.45(c)
DWI Education Program instructor failed to notify the appropriate community supervision and corrections department or the court and failed to forward a copy of the certificate of completion to the Texas Department of Public Safety prior to participant's deadline for completing the course	90.45(d)

DWI Intervention Program Violations

Violation	Statute/Rule
DWI Intervention Program provider failed to provide the minimum number of hours of class instruction and proper class modules with the required number of participants and to conduct two individual sessions and an individual exit interview with each participant	90.46(b)
DWI Intervention Program instructor failed to notify the appropriate community supervision and corrections department and failed to forward a copy of the certificate of completion to the Texas Department of Public Safety within ten working days after course completion	90.46(c)
DWI Intervention Program instructor failed to notify the appropriate community supervision and corrections department or the court and failed to forward a copy of the certificate of completion to the Texas Department of Public Safety prior to participant's deadline for completing the course	90.46(d)

Online Violations

Violation	Statute/Rule
Program provider failed to ensure that it has access to internet service with sufficient bandwidth to successfully provide an online course, without interruption to the participants, in such a manner that is conducive to instruction and comprehension	90.48(a)(1)
Program provider failed to provide instructors with the proper equipment that is in good working order and that allows for virtual, real-time, and interactive presentation of all course materials for an online course	90.48(a)(2)
Instructor failed to ensure that the online classroom camera was clearly focused on the instructor at all times	90.48(b)
Instructor failed to take the attendance of participants on the course roster and confirm audio and visual function of the participant's equipment from each participant before the start of each class	90.48(c)
Instructor admitted a participant into an online class when the participant did not have functioning audio and video capability on his or her equipment	90.48(c)
Program provider enrolled a participant into an online court-ordered program that did not have compatible equipment to allow the participant to take, attend, or complete the program	90.48(d)

Instructor failed to remove a participant from class who failed to remain visible on the participant's camera	90.48(e)
Instructor failed to report a participant's camera incident to the program provider at the end of the class	90.48(e)
Program provider failed to record a participant's camera incident in the course records	90.48(e)

Certificates of Program Completion Violations

Violation	Statute/Rule
Program provider failed to ensure that the instructor provided each participant who successfully completed the applicable court-ordered program a certificate of program completion prescribed by the department within five days of successful completion	90.49(a)
Program provider provided a certificate of program completion to a participant by electronic means	90.49(b)
Program provider failed to maintain an ascending numerical accounting record of all issued and unissued certificates of program completion	90.49(c)
Program provider failed to retain one copy of certificate of program completion in its records	90.49(d)
Program provider failed to follow proper procedures for issuing duplicate certificates of program completion	90.49(e)
Program provider failed to return all unused certificates of program completion to the department within 30 days after expiration or other termination of the program license	90.49(f)
Program provider transferred unassigned certificates of program completion to a licensed program other than the licensed program for which the certificates were ordered	90.49(g)(2)
Program provider failed to be responsible for the certificates of program completion by failing to maintain effective protective measures to ensure that unissued certificates are secure	90.49(g)(3)

Class C Violations

Penalty: \$1,500 to \$5,000 and/or revocation

Unlicensed Activity Violations

Violation	Statute/Rule
A person provided or offered to provide a court-ordered program without a program provider license	171.0101, 90.30(a)
A person offered or provided a court-ordered program with an expired program provider license	171.0101, 90.33(e)
A person instructed or represented that the person is an instructor of a court-ordered program without an instructor license with the appropriate endorsement for that program	171.0151, 90.20(a)
A person instructed a court-ordered program with an expired instructor license	171.0151, 90.25(e)

Endorsement Violations

Violation	Statute/Rule
Program provider provided a court-ordered program for which the program provider's license is not endorsed	171.0103(b), 90.30(a)
Instructor instructed a court-ordered program for which the instructor's license is not endorsed	171.0153(b), 90.20(a)
Program provider failed to only employ or contract with an instructor who holds a license with an endorsement for the program being provided	171.0301(c)
Program provider failed to ensure that each court-ordered program is taught by an instructor with the appropriate endorsement to instruct that specific type of program	90.30(c)(1)
Instructor instructed for a program provider that did not hold an appropriate endorsement for the specific type of court-ordered program that the instructor is teaching	90.20(b)

Audits and Investigations Violations

Violation	Statute/Rule
Program provider or instructor failed to cooperate with the department during an audit	171.0354(b), 90.50(c)(2)
Program provider or instructor failed to cooperate with the department during an investigation of a complaint	171.0355(b), 90.91

Course Violations

Violation	Statute/Rule
Utilized more than two instructors for a DWI Intervention program course or more than a single instructor for all other programs' courses	90.42(c)
Program provider or instructor conducted in-person class modules at a personal residence	90.47(b)
Instructor that instructed an in-person court-ordered program failed to be physically present in the classroom with the participants for each class	90.47(b)
Program provider or instructor failed to ensure that no portion of any court-ordered program course is videotaped or otherwise recorded or broadcast	90.47(f)

Certificates of Program Completion Violations

Violation	Statute/Rule
Program provider or instructor issued, sold, traded, or transferred a certificate of program completion or a certificate number to a person who has not successfully completed the applicable court-ordered program or who is not otherwise authorized to possess the certificate or number	171.0351(2)
Program provider failed to submit to the department required information relating to certificates of program completion issued by the program provider in a manner prescribed by the department	171.0303(f)

Ethical Violations

Violation	Statute/Rule
Program provider or instructor failed to abide by applicable laws regarding confidentiality of patient/client records	90.53
Program provider or instructor falsified, submitted, or maintained any substantially false, inaccurate, or incomplete documentation required under this chapter or related to the applicable court-ordered program, including submission of any false or misleading statements in an application or other statement or correspondence to the department	90.94(a)(2)
Program provider or instructor engaged in conduct or promoted or permitted one or more participants to engage in conduct inconsistent with behaviors and principles taught or advocated under the curriculum prescribed under §90.40	90.94(a)(3)
Program provider or instructor permitted or engaged in misrepresentation, fraud, or deceit regarding a court-ordered program provided or instructed by the license holder	171.0352(2), 90.94(a)(5)
Program provider or instructor used advertising that is false, misleading, or deceptive	171.0351(1)

Class D Violations

Penalty: \$3,000 to \$5,000 and/or revocation

Ethical Violations

Violation	Statute/Rule
Program provider or instructor violated an order of the commission or executive director	171.0352(1), 60.23(a)(6)
Program provider or instructor obtained or attempted to obtain a license by fraud or false representation	60.23(a)(1)
Program provider or instructor falsified any document submitted to the department or commission	60.23(a)(2)
Program provider or instructor failed to pay the department for a dishonored payment	60.82
Program provider or instructor engaged in conduct that harmed, endangered, or was likely to harm or endanger the health, welfare, or safety of a participant or the public as defined by commission rule	171.0352(3)

Program provider or instructor attended any instructor training, instructed or was present at any class in a court-ordered program, or performed duties related to a court-ordered program while under the influence or impaired by alcohol or controlled substances, or provided one or more course participants with, or permitted or encouraged one or more course participants to use, any alcohol or controlled substance	90.94(a)(4)
Program provider or instructor engaged in conduct toward another that is violent or that constitutes abuse, neglect, or exploitation under applicable law	90.94(a)(6)
Program provider or instructor engaged in conduct with respect to a participant that is inequitable, discriminatory, degrading, disrespectful, retaliatory, of a romantic or sexual nature, or which otherwise is or may be harmful to the health, safety, or welfare of a participant, to participants generally, or to the public	90.94(a)(7)
Program provider or instructor discriminated against participants based on sex, race, religion, age, national or ethnic origin, or disability	171.0302, 90.54

TRD-202301406
Mike Arismendez, Jr.
Executive Director
Texas Department of Licensing and Regulation
Filed: April 18, 2023



Public Notice - Laser Hair Removal Enforcement Plan

The Texas Commission of Licensing and Regulation (Commission) provides this public notice that at their regularly scheduled meeting held March 6, 2023, the Commission adopted the Texas Department of Licensing and Regulation's (Department) enforcement plan, which was established in compliance with Texas Occupations Code, §51.302(c).

The enforcement plan gives all license holders notice of the specific ranges of penalties and license sanctions that apply to specific alleged violations of the statutes and rules enforced by the Department. The enforcement plan also presents the criteria that are considered by the

Department's Enforcement staff in determining the amount of a proposed administrative penalty or the magnitude of a proposed sanction. The enforcement plan is drafted to include the penalty matrix for the Laser Hair Removal program.

The Texas Legislature enacted Senate Bill 202 (S.B. 202), 84th Legislature, Regular Session (2015), which transferred regulatory authority of 13 programs, to include Laser Hair Removal from the Texas Department of State Health Services to the Commission and Department.

The penalty matrix was presented to the Commission on March 6, 2023, and was adopted as recommended.

A copy of the enforcement plan is posted on the Department's website and may be downloaded at www.tdlr.texas.gov. You may also contact the Enforcement Division at (512) 539-5600 or by e-mail at enforcement@tdlr.texas.gov to obtain a copy of the plan.

LASER HAIR REMOVAL Penalties and Sanctions

Health and Safety Code Chapter 401

16 Texas Administrative Code, Chapter 118

Class A Violations

Penalty Range: \$500 to \$1,500

Administrative Violations

Violation	Statute/Rule
Failed to notify the Department in writing within thirty days of a change of name, address, LSO, or employment of certain personnel	118.31(a) & (b)
Failed to provide employees written instructions on how to safely use LHR devices including appropriate warnings and precautions	118.70(i)
Failed to document that employees have read and understand the instructions on how to safely use LHR devices	118.70(j)
Failed to follow proper procedures when a facility terminates all activities involving LHR devices	118.31(j)

Posting and Public Information Violations

Violation	Statute/Rule
Failed to publicly display license in the appropriate location	401.513; 118.70(p)
Failed to post for consumers and service recipients a warning sign that LHR may result in adverse effects and/or failed to post notice of the name, mailing address, and telephone numbers of the Department for purposes of directing complaints to the Department	401.516(a); 118.70(q)
Failed to post required signs in the LHR controlled area	118.70(r)

Recordkeeping Violations

Violation	Statute/Rule
Failed to provide the Department documentation of LHR facility's contractual relationship with the consulting physician	401.519(b)
Failed to conduct yearly physical inventory of all LHR devices and create and maintain records of these inventories	118.31(e)

Class B Violations

Penalty Range: \$1,000 to \$2,500 and/or up to one-year full suspension

Administrative Violations

Violation	Statute/Rule
Failed to comply with the adverse reporting requirements and notify the Department within 24 hours of submission of such report	118.31(c)

Posting and Public Information Violations

Violation	Statute/Rule
Failed to provide customers with written statement advising the relevant risks of LHR including damaging the customers' eyes	401.515(a); 118.70(n)
Failed to disclose in writing limitations of LHR certificate: not authorized to diagnose, treat, or offer to treat any client for any illness, disease, injury, defect, or deformity of the human body	401.504(b)

Recordkeeping Violations

Violation	Statute/Rule
Failed to maintain records of receipt, transfer, and disposal for each LHR device	118.31(f)
Failed to make and maintain records of each audit conducted	118.70(s)
Failed to make and maintain records of each LHR procedure	118.70(t)
Failed to keep records for required retention period	118.100(1); 118.100(2)

Advertising Violations

Violation	Statute/Rule
Claimed, advertised, or distributed promotional materials indicating laser hair removal is free from risk or provides any medical benefit	401.518(b); 118.31(h)
Produced false or misleading advertising	401.518(c); 118.31(i)

Facility and Equipment Violations

Violation	Statute/Rule
Unauthorized person purchased an LHR device-update language	118.3(l); 118.70(d)
Failed to stop LHR procedures when an LHR facility has loss the services of both designated consulting physicians	118.31(d)

Laser Safety Officer – Designation and Responsibilities

Violation	Statute/Rule
Failed to ensure laser safety training for users of LHR devices	118.32(b)(1)
Failed to ensure required audits are conducted	118.32(b)(6)
Failed to maintain required records	118.32(b)(7)

Unlicensed Activity

Violation	Statute/Rule
Failed to stop operations of LHR when facility certificate expired	118.40(d)

Class C Violations

Penalty Range: \$2,000 to \$5,000 and/or up to revocation

Unlicensed Activity

Violation	Statute/Rule
Performed or attempted to perform laser hair removal without holding the appropriate certificate	401.504(a); 118.2(c); 118.20(c)
Operated a laser hair removal facility without holding the appropriate certificate	401.510(a) & (b); 118.2(b); 118.20(b); 118.30(b); 118.30(d)
Transferred, assigned, or in any manner disposed of LHR registration to any person	118.31(l);
Transferred, assigned, or in any manner disposed of LHR certificate to any person	118.33(g)
Performed an act or practice for which the issued certificate is not licensed	401.504(b); 118.3(e)

Sanitation, Safety, & Public Health Violations

Violation	Statute/Rule
LHR operator failed to ensure the LHR facility complied with requirements of the Act	401.518(a), 118.31(g)
Failed to establish a controlled area on the LHR facility's premises to secure LHR devices from unauthorized access	118.70(k)
Failed to properly secure each LHR device to prevent unauthorized access	118.70(l)
Failed to require all individuals using an LHR device to wear proper protective eyewear	118.70(m)
Used an LHR device in an unauthorized or unregistered facility	118.70(u)
Used an LHR device for a purpose not authorized in the facility registration	118.70(u)

Ethical Violations

Violation	Statute/Rule
Failed to complete required continuing education hours	118.35(a)

Facility and Equipment Violations

Violation	Statute/Rule
LHR device failed to comply with all applicable federal and state laws and regulations	401.514(a); 118.3(c); 118.70(b)
Adulterated or misbranded an LHR device	401.514(b); 118.70(c)
Failed to ensure an LHR device categorized as a prescription device complies with federal requirements for prescription use	118.3(k)
Operated an LHR facility from a person's living quarters	118.20(f)
Improperly made, sold, leased, transferred, or lent LHR devices	118.70(a)

Standard of Care Violations – Supervision

Violation	Statute/Rule
Certified laser hair removal professional performed LHR without acting under protocol established with a consulting physician and without supervision	401.505(b)
Laser hair removal apprentice-in-training failed to work under the direct supervision of a senior laser hair removal technician or a certified laser hair removal professional	401.508(b)
LHR facility failed to have a certified laser hair removal professional or a licensed health professional present to supervise LHR procedures	401.517(a); 118.70(g)
LHR facility failed to have a written contract with a consulting physician	401.519(a)
LHR professional failed to audit and ensure direct supervision of each of the LHR procedures performed by an LHR technician while obtaining the requirements of Section 118.33(c)	118.34(c)

Laser Safety Officer – Designation and Responsibilities

Violation	Statute/Rule
Failed to ensure performance of maintenance and required safety practices of LHR devices	118.32(b)(3)
Failed to ensure the proper use of protective eyewear and other safety measures	118.32(b)(4)
Failed to ensure compliance with requirements and protocols	118.32(b)(5)
Failed to ensure personnel are trained, certified, and complied with requirements of LHR facility conditions and protocols of the registrant	118.32(b)(8)

Class D Violations

Penalty Range: \$3,500 to \$5,000 and/or revocation

Violation	Statute/Rule
Failed to comply with previous order of Commission/Executive Director	51.353(a); 118.90
Used an LHR device that threatened or endangered occupational or public health and safety	118.20(a)
LSO failed to take control to institute corrective actions in emergency situations or when there are unsafe conditions	118.32(b)(2)
Used an LHR device for unapproved purposes and/or at unsafe settings	401.514(c); 118.70(f)
Improperly disclosed a customer's record	401.520(a)

TRD-202301403
Mike Arismendez, Jr.
Executive Director
Texas Department of Licensing and Regulation
Filed: April 18, 2023



Public Notice - Mold Assessors and Remediators Enforcement Plan

(Editor's note: In accordance with Texas Government Code, §2002.014, which permits the omission of material which is "cumbersome, expensive, or otherwise inexpedient," the penalty matrix is not included in the print version of the Texas Register. The penalty matrix

is available in the on-line version of the May 28, 2023, issue of the Texas Register.)

The Texas Commission of Licensing and Regulation (Commission) provides this public notice that at their regularly scheduled meeting held March 6, 2023, the Commission adopted the Texas Department of Licensing and Regulation's (Department) enforcement plan, which was established in compliance with Texas Occupations Code, §51.302(c).

The enforcement plan gives all license holders notice of the specific ranges of penalties and license sanctions that apply to specific alleged violations of the statutes and rules enforced by the Department. The enforcement plan also presents the criteria that are considered by the Department's Enforcement staff in determining the amount of a proposed administrative penalty or the magnitude of a proposed sanction. The enforcement plan is drafted to include the penalty matrix for the Mold Assessors and Remediators program.

The Texas Legislature enacted Senate Bill 202 (S.B. 202), 84th Legislature, Regular Session (2015), which transferred regulatory authority of 13 programs, to include Mold Assessors and Remediators program from the Texas Department of State Health Services to the Commission and Department.

The penalty matrix was presented to the Commission on March 6, 2023, and was adopted as recommended.

A copy of the enforcement plan is posted on the Department's website and may be downloaded at www.tdlr.texas.gov. You may also contact the Enforcement Division at (512) 539-5600 or by e-mail at enforcement@tdlr.texas.gov to obtain a copy of the plan.

TRD-202301416

Mike Arismendez, Jr.

Executive Director

Texas Department of Licensing and Regulation

Filed: April 19, 2023

◆ ◆ ◆
Texas Lottery Commission

Scratch Ticket Game Number 2489 "\$50,000,000 Blowout!"

1.0 Name and Style of Scratch Ticket Game.

A. The name of Scratch Ticket Game No. 2489 is "\$50,000,000 BLOWOUT!". The play style is "key number match".

1.1 Price of Scratch Ticket Game.

A. The price for Scratch Ticket Game No. 2489 shall be \$10.00 per Scratch Ticket.

1.2 Definitions in Scratch Ticket Game No. 2489.

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

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

C. Play Symbol - The printed data under the latex on the front of the Scratch Ticket that is used to determine eligibility for a prize. Each Play Symbol is printed in Symbol font in black ink in positive except for dual-image games. The possible black Play Symbols are: 01, 02, 03, 04, 06, 07, 08, 09, 11, 12, 13, 14, 15, 16, 17, 18, 19, 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, 5X SYMBOL, 10X SYMBOL, 20X 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. 2489 - 1.2D

PLAY SYMBOL	CAPTION
01	ONE
02	TWO
03	THR
04	FOR
06	SIX
07	SVN
08	EGT
09	NIN
11	ELV
12	TLV
13	TRN
14	FTN
15	FFN
16	SXN
17	SVT
18	ETN
19	NTN
21	TWON
22	TWTO
23	TWTH
24	TWFR
25	TWFO
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
5X SYMBOL	WINX5
10X SYMBOL	WINX10
20X SYMBOL	WINX20
\$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 (2489), 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: 2489-0000001-001.

H. Pack - A Pack of the "\$50,000,000 BLOWOUT!" Scratch Ticket Game contains 050 Tickets, packed in plastic shrink-wrapping and fan-folded 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 "\$50,000,000 BLOWOUT!" Scratch Ticket Game No. 2489.

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 "\$50,000,000 BLOWOUT!" Scratch Ticket Game is determined once the latex on the Scratch Ticket is scratched off to expose sixty-six (66) Play Symbols. If a player matches any of the YOUR NUMBERS Play Symbols to any of the WINNING NUMBERS Play Symbols, the player wins the prize for that number. If the player reveals a "5X" Play Symbol, the player wins

5 TIMES the prize for that symbol. If the player reveals a "10X" Play Symbol, the player wins 10 TIMES the prize for that symbol. If the player reveals a "20X" Play Symbol, the player wins 20 TIMES the prize for that symbol. No portion of the Display Printing nor any extraneous matter whatsoever shall be usable or playable as a part of the Scratch Ticket.

2.1 Scratch Ticket Validation Requirements.

A. To be a valid Scratch Ticket, all of the following requirements must be met:

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

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

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

I. All YOUR NUMBERS Play Symbols, excluding the "5X" (WINX5), "10X" (WINX10) and "20X" (WINX20) Play Symbols, will never equal the corresponding Prize Symbol (i.e., \$25 and 25 and \$50 and 50).

J. On all Tickets, a Prize Symbol will not appear more than four (4) times, except as required by the prize structure to create multiple wins.

K. On non-winning Tickets, a WINNING NUMBERS Play Symbol will never match a YOUR NUMBERS Play Symbol.

L. The "5X" (WINX5) Play Symbol will never appear more than once on a Ticket.

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

N. The "5X" (WINX5) Play Symbol will never appear on a non-winning Ticket.

O. The "5X" (WINX5) Play Symbol will never appear as a WINNING NUMBERS Play Symbol.

P. The "10X" (WINX10) Play Symbol will never appear more than once on a Ticket.

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

R. The "10X" (WINX10) Play Symbol will never appear on a non-winning Ticket.

S. The "10X" (WINX10) Play Symbol will never appear as a WINNING NUMBERS Play Symbol.

T. The "20X" (WINX20) Play Symbol will never appear more than once on a Ticket.

U. The "20X" (WINX20) Play Symbol will win 20 TIMES the prize for that Play Symbol and will win as per the prize structure.

V. The "20X" (WINX20) Play Symbol will never appear on a non-winning Ticket.

W. The "20X" (WINX20) Play Symbol will never appear as a WINNING NUMBERS Play Symbol.

X. The "5X" (WINX5), "10X" (WINX10) and "20X" (WINX20) Play Symbols will never appear on the same Ticket.

2.3 Procedure for Claiming Prizes.

A. To claim a "\$50,000,000 BLOWOUT!" 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 "\$50,000,000 BLOWOUT!" 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 "\$50,000,000 BLOWOUT!" 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 "\$50,000,000 BLOWOUT!" 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 "\$50,000,000 BLOWOUT!" 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 8,040,000 Scratch Tickets in Scratch Ticket Game No. 2489. The approximate number and value of prizes in the game are as follows:

Figure 2: GAME NO. 2489 - 4.0

Prize Amount	Approximate Number of Winners*	Approximate Odds are 1 in **
\$10.00	868,320	9.26
\$20.00	546,720	14.71
\$25.00	321,600	25.00
\$50.00	160,800	50.00
\$100	120,600	66.67
\$200	22,110	363.64
\$500	2,345	3,428.57
\$1,000	1,000	8,040.00
\$5,000	30	268,000.00
\$250,000	7	1,148,571.43

*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 3.93. 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. 2489 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. 2489, 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-202301415

Bob Biard

General Counsel

Texas Lottery Commission

Filed: April 19, 2023



Texas Parks and Wildlife Department

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

Tarpey Ranch LTD has applied to the Texas Parks and Wildlife Department (TPWD) for a General Permit pursuant to Texas Parks and Wildlife Code, Chapter 86, to disturb up to 1,000 cubic yards of sedimentary material within the Nueces River in Edwards County. The purpose of the disturbance is to relocate flood-deposited gravel to maintain a permitted irrigation and water supply diversion point. The location is approximately 0.5 miles downstream of the Highway 335 crossing at Vance, Texas and 7.5 miles upstream of the Highway 55 crossing at Barksdale, Texas. 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, May 26, 2023 at TPWD headquarters, located at 4200 Smith School Road, Austin, Texas 78744. A remote participation option will be available upon request. Potential attendees should contact Tom Heger at (512) 389-4583 or at tom.heger@tpwd.texas.gov for information on how to participate in the hearing remotely. The hearing is not a contested case hearing under the Texas Administrative Procedure Act. Oral and written public comment will be accepted during the hearing.

Written comments may be submitted directly to TPWD and must be received no later than 30 days after the date of publication of this notice in the *Texas Register*. A written request for a contested case hearing from an applicant or a person with a justiciable interest may also be submitted and must be received by TPWD prior to the close of the public comment period. Timely hearing requests shall be referred to the State Office of Administrative Hearings. Submit written comments, questions, requests to review the application, or requests for a contested case hearing to: Tom Heger, TPWD, by mail: 4200 Smith School Road, Austin, Texas 78744; or e-mail tom.heger@tpwd.texas.gov.

TRD-202301386

James Murphy
General Counsel
Texas Parks and Wildlife Department
Filed: April 17, 2023

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Supreme Court of Texas

Final Approval of Amendments to Texas Rule of Appellate
Procedure 34.5(a)

Supreme Court of Texas

Misc. Docket No. 23-9021

Final Approval of Amendments to Texas Rule of Appellate Procedure 34.5(a)

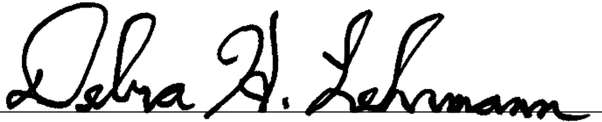
ORDERED that:

1. On December 13, 2022, in Misc. Dkt. No. 22-9109, the Court preliminarily approved amendments to Texas Rule of Appellate Procedure 34.5(a) and invited public comment.
2. Following the comment period, the Court made revisions to the rule. This Order incorporates the revisions and contains the final version of the rule, effective May 1, 2023.
3. The Clerk is directed to:
 - a. file a copy of this Order with the Secretary of State;
 - b. cause a copy of this Order to be mailed to each registered member of the State Bar of Texas by publication in the *Texas Bar Journal*;
 - c. send a copy of this Order to each elected member of the Legislature; and
 - d. submit a copy of this Order for publication in the *Texas Register*.

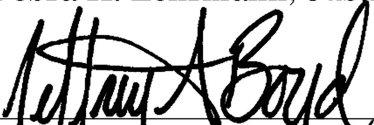
Dated: April 18, 2023.



Nathan L. Hecht, Chief Justice



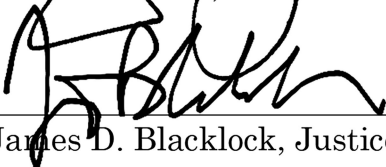
Debra H. Lehrmann, Justice



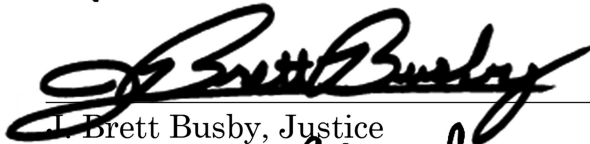
Jeffrey S. Boyd, Justice



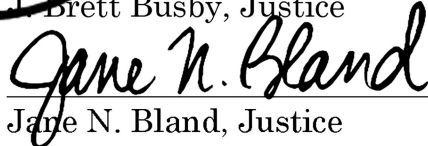
John P. Devine, Justice



James D. Blacklock, Justice



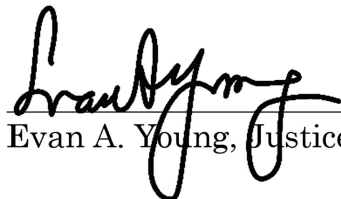
L. Brett Busby, Justice



Jane N. Bland, Justice



Rebeca A. Huddle, Justice



Evan A. Young, Justice

TEXAS RULES OF APPELLATE PROCEDURE

Rule 34. Appellate Record

34.5. Clerk's Record

- (a) *Contents.* Unless the parties designate the filings in the appellate record by agreement under Rule 34.2, the record must include copies of the following:
- (1) in civil cases, all pleadings on which the trial was held;
 - (2) in criminal cases, the indictment or information, any special plea or defense motion that was presented to the court and overruled, any written waiver, any written stipulation, and, in cases in which a plea of guilty or nolo contendere has been entered, any documents executed for the plea;
 - (3) the court's docket sheet;
 - (4) the court's charge and the jury's verdict, or the court's findings of fact and conclusions of law;
 - (5) the court's judgment or other order that is being appealed;
 - (6) any request for findings of fact and conclusions of law, any post-judgment motion, and the court's order on the motion;
 - (7) the notice of appeal;
 - (8) any formal bill of exception;
 - (9) any request for a reporter's record, including any statement of points or issues under Rule 34.6(c);
 - (10) any request for preparation of the clerk's record;
 - (11) in civil cases, a certified bill of costs, including the cost of preparing the clerk's record, showing credits for payments made;
 - (12) in criminal cases, the trial court's certification of the defendant's right of appeal under Rule 25.2;~~and~~

- (13) in civil cases, any supersedeas bond or certificate of cash deposit in lieu of a bond; and
- (14) subject to (b), any filing that a party designates to have included in the record.

TRD-202301414
Jaclyn Daumerie
Rules Attorney
Supreme Court of Texas
Filed: April 19, 2023

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