

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 and §303.009 Texas Finance Code.

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 02/05/24 - 02/11/24 is 18.00% for consumer¹ credit.

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 02/05/24 - 02/11/24 is 18.00% for commercial² credit.

¹ Credit for personal, family, or household use.

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

TRD-202400364

Leslie L. Pettijohn

Commissioner

Office of Consumer Credit Commissioner

Filed: January 31, 2024

Credit Union Department

Application to Expand Field of Membership

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 Texas Dow Employees Credit Union, Lake Jackson, Texas, to expand its field of membership. The proposal would permit Employees of Army & Air Force Exchange Service who work in or are paid or supervised from its headquarters in Dallas, Texas, to be eligible for membership in the credit union.

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

TRD-202400267

Michael S. Riepen

Commissioner

Credit Union Department

Filed: January 25, 2024

Texas Education Agency

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

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

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

Procedures for Submitting Written Comments. TEA will accept written comments pertaining to the Texas Perkins V State Plan by mail to the TEA Division of College, Career, and Military Preparation, 1701 North Congress Avenue, Austin, Texas 78701-1494 or by email to ccmp@tea.texas.gov. Comments must be submitted by Monday, March 4, 2024.

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

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

Issued in Austin, Texas, on January 31, 2024.

TRD-202400354

Cristina De La Fuente-Valadez

Director, Rulemaking

Texas Education Agency

Filed: January 31, 2024

State Board for Educator Certification

Correction of Error

The Texas Education Agency (TEA), on behalf of the State Board for Educator Certification, filed the proposed repeal of and new 19 TAC Chapter 228, Requirements for Educator Preparation Programs, published in the December 29, 2023, issue of the *Texas Register* (48 TexReg 8100).

Due to error as submitted by TEA, the acronym "TEA" should be defined in §228.13(a). The text should read as follows:

(a) An educator preparation program (EPP) under this chapter shall be reviewed at least once every five years; however, a review may be conducted at any time at the discretion of Texas Education Agency

(TEA) staff. Beginning with the 2026-2027 academic year, continuing approval reviews will evaluate implementation of the requirements of this chapter, including implementation during the 2025-2026 academic year.

Due to error as submitted by TEA, the word "including" should be replaced with the word "or" at the end of §228.101(a)(7). The text should read as follows:

(7) three years of creditable experience, as defined by Chapter 153, Subchapter CC, of this title (relating to Commissioner's Rules on Creditable Years of Service), in the class in which supervision is provided, or:

TRD-202400349

Cristina De La Fuente-Valadez

Director, Rulemaking

State Board for Educator Certification

Filed: January 31, 2024

Texas Commission on Environmental Quality

Agreed Orders

The Texas Commission on Environmental Quality (TCEQ or commission) staff is providing an opportunity for written public comment on the listed Agreed Orders (AOs) in accordance with Texas Water Code (TWC), §7.075. TWC, §7.075, requires that before the commission may approve the AOs, the commission shall allow the public an opportunity to submit written comments on the proposed AOs. TWC, §7.075, requires that notice of the proposed orders and the opportunity to comment must be published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is **March 12, 2024**. TWC, §7.075, also requires that the commission promptly consider any written comments received and that the commission may withdraw or withhold approval of an AO if a comment discloses facts or considerations that indicate that consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the statutes and rules within the commission's jurisdiction or the commission's orders and permits issued in accordance with the commission's regulatory authority. Additional notice of changes to a proposed AO is not required to be published if those changes are made in response to written comments.

A copy of each proposed AO is available for public inspection at both the commission's central office, located at 12100 Park 35 Circle, Building C, 1st Floor, Austin, Texas 78753, (512) 239-2545 and at the applicable regional office listed as follows. Written comments about an AO should be sent to the enforcement coordinator designated for each AO at the commission's central office at P.O. Box 13087, Austin, Texas 78711-3087 and must be received by 5:00 p.m. on **March 12, 2024**. Written comments may also be sent by facsimile machine to the enforcement coordinator at (512) 239-2550. The commission's enforcement coordinators are available to discuss the AOs and/or the comment procedure at the listed phone numbers; however, TWC, §7.075, provides that comments on the AOs shall be submitted to the commission in writing.

(1) COMPANY: ANJALI and MAYA CORPORATION dba Park In Beverages; DOCKET NUMBER: 2022-0117-PST-E; IDENTIFIER: RN104215330; LOCATION: Denison, Grayson County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULES VIOLATED: 30 TAC §334.50(b)(1)(A) and TWC, §26.3475(c)(1), by failing to monitor the underground storage tanks in a manner which will detect a release at a frequency of at least once every 30 days; PENALTY: \$3,000; ENFORCEMENT COORDINATOR: Harley

Hobson, (512) 239-1337; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(2) COMPANY: City of Alvarado; DOCKET NUMBER: 2022-0660-MWD-E; IDENTIFIER: RN101917334; LOCATION: Alvarado, Johnson 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 WQ0010567002, Effluent Limitations and Monitoring Requirements Number 1, by failing to comply with permitted effluent limitations; PENALTY: \$108,750; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET AMOUNT: \$87,000; ENFORCEMENT COORDINATOR: Harley Hobson, (512) 239-1337; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(3) COMPANY: City of Aspermont; DOCKET NUMBER: 2022-0122-PWS-E; IDENTIFIER: RN101403764; LOCATION: Aspermont, Stonewall County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.41(c)(3)(K), by failing to seal the wellhead by a gasket or sealing compound and provide a well casing vent that is covered with 16-mesh or finer corrosion-resistant screen, facing downward, elevated and located so as to minimize the drawing of contaminants into the well; 30 TAC §290.41(c)(3)(L), by failing to provide a well blow-off line that terminates in a downward direction and at a point which will not be submerged by flood waters; 30 TAC §290.41(c)(3)(O), by failing to protect all well units with an intruder-resistant fence with a lockable gate or enclose the well in a locked and ventilated well house to exclude possible contamination or damage to the facilities by trespassers; 30 TAC §290.41(c)(3)(Q), by failing to ensure that all openings to the atmosphere are covered with a 16-mesh or finer corrosion-resistant screening material or an acceptable equivalent; 30 TAC §290.42(e)(4)(C), by failing to provide adequate ventilation which includes high level and floor level screened vents for all enclosures in which chlorine gas is being stored or fed; 30 TAC §290.42(f)(1), by failing to design the Aspermont liquid ammonium sulfate (LAS) day tank facility and the containment for the LAS day tank at the Rule Pump Station to ensure a reliable supply of chemicals to the feeders, minimize the possibility and impact of accidental spills, and facilitate good housekeeping; 30 TAC §290.43(c)(3), by failing to maintain the facility's storage tanks in strict accordance with current American Water Works Association standards with an overflow pipe that terminates downward with a gravity-hinged and weighted cover tightly fitted with no gap over 1/16 inch; 30 TAC §290.43(e), by failing to ensure that all potable water storage tanks and pressure maintenance facilities are installed in a lockable building that is designed to prevent intruder access or enclosed by an intruder-resistant fence with lockable gates; 30 TAC §290.44(h)(4), by failing to have all backflow prevention assemblies (BPAs) tested upon installation and on an annual basis by a recognized BPA tester and certified that they are operating within specifications; 30 TAC §290.46(f)(3)(A)(i)(II), by failing to maintain water works operations and maintenance records and make them readily available for review by the Executive Director upon request; 30 TAC §290.46(j), by failing to complete a Customer Service Inspection certificate prior to providing continuous service to new construction or any existing service when the water purveyor has reason to believe cross-connections or other potential contamination hazards exist, or after any material improvements, corrections, or additions to the private water distribution facilities; 30 TAC §290.46(l), by failing to flush all dead-end mains at monthly intervals; 30 TAC §290.46(m), by failing to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment; 30 TAC §290.46(m)(4), by failing to maintain all water treatment units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances in a watertight

condition and free of excessive solids; 30 TAC §290.46(n)(1), by failing to maintain at the public water system accurate and up-to-date detailed as-built plans or record drawings and specifications for each treatment plant, pump station, and storage tank until the facility is decommissioned; 30 TAC §290.46(s)(1), by failing to calibrate the facility's four well meters at least once every three years; 30 TAC §290.46(s)(2)(C)(i), by failing to verify the accuracy of the manual disinfectant residual analyzer at least once every 90 days using chlorine solutions of known concentrations; 30 TAC §290.46(s)(2)(D), by failing to verify the accuracy of the analyzer used to determine the effectiveness of chloramination at least once every 90 days; 30 TAC §290.46(z), by failing to create a nitrification action plan for all systems distributing chloraminated water; 30 TAC §290.110(c)(4)(C), by failing to monitor the disinfectant residual at representative locations throughout the distribution system at least once per day; and 30 TAC §290.110(c)(5), by failing to conduct chloramine effectiveness sampling to ensure that monochloramine is the prevailing chloramine species and that nitrification is controlled; PENALTY: \$12,980; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET AMOUNT: \$10,384; ENFORCEMENT COORDINATOR: Epifanio Villarreal, (361) 881-6991; REGIONAL OFFICE: 500 North Shoreline Boulevard, Suite 500, Corpus Christi, Texas 78401, (361) 881-6900.

(4) COMPANY: City of Kerrville; DOCKET NUMBER: 2021-0795-WQ-E; IDENTIFIER: RN100844802; LOCATION: Kerrville, Kerr County; TYPE OF FACILITY: wastewater treatment facility; RULES VIOLATED: 30 TAC §210.4(a), by failing to notify and obtain written approval from the Executive Director before providing reclaim water to another for use; and TWC, §26.121(a)(1), by failing to prevent an unauthorized discharge of sewage into or adjacent to any water in the state; PENALTY: \$20,175; ENFORCEMENT COORDINATOR: Taylor Williamson, (512) 239-2097; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(5) COMPANY: City of Oglesby; DOCKET NUMBER: 2021-1623-MWD-E; IDENTIFIER: RN101918704; LOCATION: Oglesby, Coryell County; TYPE OF FACILITY: wastewater treatment plant; RULES VIOLATED: 30 TAC §305.125(1), TWC, §26.121(a)(1), and Texas Pollutant Discharge Elimination System (TPDES) Permit Number WQ0010914001, Effluent Limitations and Monitoring Requirements Number 1, by failing to comply with permitted effluent limitations; and 30 TAC §305.125(1) and (17), and TPDES Permit Number WQ0010914001, Sludge Provisions Reporting Requirements, by failing to timely submit monitoring results at the intervals specified in the permit; PENALTY: \$40,600; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET AMOUNT: \$40,600; ENFORCEMENT COORDINATOR: Cheryl Thompson, (817) 588-5865; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(6) COMPANY: City of Pleasanton; DOCKET NUMBER: 2022-0762-MWD-E; IDENTIFIER: RN102185311; LOCATION: Pleasanton, Atascosa 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 WQ0010598001, Effluent Limitations and Monitoring Requirements Number 1, by failing to comply with permitted effluent limitations; PENALTY: \$45,000; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET AMOUNT: \$45,000; ENFORCEMENT COORDINATOR: Monica Larina, (361) 881-6965; REGIONAL OFFICE: 500 North Shoreline Boulevard, Suite 500, Corpus Christi, Texas 78401, (361) 881-6900.

(7) COMPANY: G. S. C. J., INCORPORATED dba Johnson Shell; DOCKET NUMBER: 2022-0260-PST-E; IDENTIFIER: RN101730976; LOCATION: Beaumont, Jefferson County; TYPE OF

FACILITY: convenience store with retail sales of gasoline; RULES VIOLATED: 30 TAC §334.45(d)(1)(E)(v) and §334.48(g)(1)(A)(ii), (B), and (h)(1)(A)(i), and TWC, §26.3475(c)(2), by failing to maintain under-dispenser containment sumps in a manner that assures that its sides, bottoms, and any penetration points are liquid tight and test them at least once every three years for tightness, additionally, failing to test the spill prevention equipment at least once every three years to ensure the equipment is liquid tight, also, failing to inspect the overfill prevention equipment at least once every three years, and, in addition, failing to conduct a walkthrough inspection for the spill prevention equipment at least once every 30 days; 30 TAC §334.50(b)(1) and (2) (A)(i)(III), and TWC, §26.3475(a) and (c)(1), by failing to monitor the underground storage tanks in a manner which will detect a release at a frequency of at least once every 30 days, and failing to test the line leak detectors at least once per year for performance and operational reliability; 30 TAC §334.72, by failing to report a suspected release of a regulated substance within 24 hours of discovery; 30 TAC §334.74, by failing to investigate and confirm all suspected releases of regulated substances requiring reporting under 30 TAC §334.72 within 30 days; and 30 TAC §334.605(d), by failing to re-train a certified Class A and Class B operator by January 1, 2020, with a course submitted to and approved by the TCEQ after April 1, 2018; PENALTY: \$24,346; ENFORCEMENT COORDINATOR: Karolyn Kent, (512) 239-2536; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(8) COMPANY: Harris County Municipal Utility District Number 157; DOCKET NUMBER: 2022-0473-MWD-E; IDENTIFIER: RN101609428; LOCATION: Houston, Harris 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 WQ0011906001, Effluent Limitations and Monitoring Requirements Number 1, by failing to comply with permitted effluent limitations; PENALTY: \$24,375; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET AMOUNT: \$24,375; ENFORCEMENT COORDINATOR: Monica Larina, (361) 881-6965; REGIONAL OFFICE: 500 North Shoreline Boulevard, Suite 500, Corpus Christi, Texas 78401, (361) 881-6900.

(9) COMPANY: Harris County Municipal Utility District Number 387; DOCKET NUMBER: 2021-1571-MWD-E; IDENTIFIER: RN103907028; LOCATION: Spring, Harris 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 WQ0014347001, Interim II Effluent Limitations and Monitoring Requirements Number 1, by failing to comply with permitted effluent limitations; PENALTY: \$9,000; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET AMOUNT: \$7,200; ENFORCEMENT COORDINATOR: Monica Larina, (361) 881-6965; REGIONAL OFFICE: 500 North Shoreline Boulevard, Suite 500, Corpus Christi, Texas 78401, (361) 881-6900.

(10) COMPANY: Jacob Transportation Incorporated; DOCKET NUMBER: 2022-0413-MSW-E; IDENTIFIER: RN110868171; LOCATION: Groves, Jefferson County; TYPE OF FACILITY: truck hauling business; RULES VIOLATED: 30 TAC §324.4(1) and 40 Code of Federal Regulations §279.22(d)(3), by failing to dispose of used oil in a manner that does not endanger public health or the welfare of the environment; 30 TAC §327.5(a), by failing to immediately abate and contain a discharge or spill; and 30 TAC §330.15(c), by failing to not cause, suffer, allow, or permit the unauthorized disposal of municipal solid waste; PENALTY: \$7,425; ENFORCEMENT COORDINATOR: Stephanie McCurley, (512) 239-2607; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(11) COMPANY: ORE CITY VALERO LLC dba Dry Creek 2; DOCKET NUMBER: 2023-0944-PST-E; IDENTIFIER: RN101841682; LOCATION: Ore City, Upshur County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULES VIOLATED: 30 TAC §334.10(b)(2), by failing to assure that all underground storage tank (UST) recordkeeping requirements are met; and 30 TAC §334.50(b)(1)(A) and (B) and TWC, §26.3475(c)(1), by failing to monitor the USTs for releases in a manner which will detect a release at a frequency of at least once every 30 days, and failing to monitor the UST for releases in a manner which will detect a release at a frequency of at least once every 30 days by using interstitial monitoring for tanks installed on or after January 1, 2009; PENALTY: \$3,575; ENFORCEMENT COORDINATOR: Eunice Adegelu, (512) 239-5082; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(12) COMPANY: Texas Department of Transportation; DOCKET NUMBER: 2022-1708-PST-E; IDENTIFIER: RN101869105; LOCATION: La Pryor, Zavala County; TYPE OF FACILITY: fleet refueling facility; RULES VIOLATED: 30 TAC §334.50(b)(1)(A) and TWC, §26.3475(c)(1), by failing to monitor the underground storage tanks in a manner which will detect a release at a frequency of at least once every 30 days; PENALTY: \$3,375; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET AMOUNT: \$2,700; ENFORCEMENT COORDINATOR: Tiffany Chu, (817) 588-5891; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

TRD-202400328

Gitanjali Yadav

Deputy Director, Litigation

Texas Commission on Environmental Quality

Filed: January 30, 2024



Enforcement Orders

An agreed order was adopted regarding CEMEX Construction Materials South, LLC, Docket No. 2021-0740-EAQ-E on January 30, 2024 assessing \$7,500 in administrative penalties with \$1,500 deferred. Information concerning any aspect of this order may be obtained by contacting Mark Gamble, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Ronan Bailey Smith dba Starlite Mobile Home Park, Docket No. 2022-0358-PWS-E on January 30, 2024 assessing \$4,280 in administrative penalties with \$856 deferred. Information concerning any aspect of this order may be obtained by contacting Miles Wehner, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding The George R. Brown Partnership, L.P., Docket No. 2022-1627-AIR-E on January 30, 2024 assessing \$1,675 in administrative penalties with \$335 deferred. Information concerning any aspect of this order may be obtained by contacting Mackenzie Mehlmann, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Shubh Mahadev, Inc. dba Amigo Mart, Docket No. 2023-0612-PST-E on January 30, 2024 assessing \$7,231 in administrative penalties with \$1,446 deferred. Information concerning any aspect of this order may be obtained by contacting Tiffany Chu, Enforcement Coordinator at (512) 239-2545, Texas

Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding The Praxis Companies, LLC, Docket No. 2023-0796-AIR-E on January 30, 2024 assessing \$3,250 in administrative penalties with \$650 deferred. Information concerning any aspect of this order may be obtained by contacting Karyn Olschesky, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding QUAIL VALLEY COUNTRY LLC, Docket No. 2023-0911-PST-E on January 30, 2024 assessing \$4,621 in administrative penalties with \$924 deferred. Information concerning any aspect of this order may be obtained by contacting Eunice Adegelu, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding W. L. Tillis, Jr. dba Tillis Tire & Detail, Docket No. 2023-0981-PST-E on January 30, 2024 assessing \$3,160 in administrative penalties with \$632 deferred. Information concerning any aspect of this order may be obtained by contacting Eunice Adegelu, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A field citation was adopted regarding Cleburne Storage, LLC, Docket No. 2023-1095-WQ-E on January 30, 2024 assessing \$875 in administrative penalties. Information concerning any aspect of this citation may be obtained by contacting Shane Glantz, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A field citation was adopted regarding Brandon King, Docket No. 2023-1582-WR-E on January 30, 2024 assessing \$350 in administrative penalties. Information concerning any aspect of this citation may be obtained by contacting Shane Glantz, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

TRD-202400374

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: January 31, 2024



Notice of a Public Meeting and a Proposed Renewal with Amendment of General Permit TXG920000 Authorizing the Discharge of Wastes from Concentrated Animal Feeding Operations

The Texas Commission on Environmental Quality (TCEQ or commission) is proposing to renew and amend Texas Pollutant Discharge Elimination System/State General Permit TXG920000. This general permit authorizes the discharge of manure, sludge, and wastewater into or adjacent to water in the state by Concentrated Animal Feeding Operations (CAFOs) only during chronic or catastrophic rainfall events, or catastrophic conditions that cause an overflow. This general permit is authorized by Texas Water Code, §26.040 and under provisions of federal Clean Water Act §402.

DRAFT GENERAL PERMIT. The executive director has prepared a draft general permit renewal, with amendments, of an existing general permit that authorizes the discharge of manure, sludge, and wastewater into or adjacent to water in the state by CAFOs properly designed, con-

structured, operated, and maintained under the provisions of this general permit. Manure, sludge, and wastewater generated by a CAFO shall be retained and used in an appropriate and beneficial manner as provided in this general permit. No significant degradation of high-quality waters is expected and existing uses will be maintained and protected. The executive director requires regulated entities to submit a Notice of Intent, for a large CAFO, and a Nutrient Management Plan to obtain authorization under the general permit.

The executive director has reviewed this action for consistency with the goals and policies of the Texas Coastal Management Program (CMP) according to General Land Office regulations and has determined that the action is consistent with applicable CMP goals and policies.

On the date that this notice is published, a copy of the draft general permit and fact sheet will be available for a minimum of 30 days for viewing and copying at the TCEQ Office of the Chief Clerk located at the TCEQ Austin office, at 12100 Park 35 Circle, Building F. These documents will also be available at the TCEQ's 16 regional offices and on the TCEQ website at <https://www.tceq.texas.gov/permitting/wastewater/general/index.html>

PUBLIC COMMENT/PUBLIC MEETING. You may submit public comments about this general permit in writing or orally at the public meeting held by the TCEQ. The purpose of a public meeting is to provide an opportunity to submit comments and to ask questions about the general permit. A public meeting is not a contested case hearing. The public comment period will end at the conclusion of the public meeting. **The public meeting will be held at 1:00 p.m., February 20, 2024, TCEQ, 12100 Park 35 Circle, Building F, Room 2210, Austin, Texas 78753.**

Written public comments must be received by the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087 or electronically by selecting comment about pending permit applications at <http://www14.tceq.texas.gov/epic/eComment/> by the end of the public comment period on February 20, 2024.

APPROVAL PROCESS. After the comment period, the executive director will consider all the public comments and prepare a written response. The response will be filed with the TCEQ Office of the Chief Clerk at least 10 days before the scheduled commission meeting when the commission will consider approval of the general permit. The commission will consider all public comments in making its decision and will either adopt the executive director's response or prepare its own response. The commission will issue its written response on the general permit at the same time the commission issues or denies the general permit. A copy of any issued general permit and response to comments will be made available to the public for inspection at the agency's Austin office. A notice of the commissioners' action on the draft general permit and information on how to access the response to comments will be mailed to each person who submitted a comment. Also, a notice of the commission's action on the draft general permit and the text of its response to comments will be published in the *Texas Register*.

MAILING LISTS. In addition to submitting public comments, you may ask to be placed on a mailing list to receive future public notices mailed by the TCEQ Office of the Chief Clerk. You may request to be added to: 1) the mailing list for this specific general permit; 2) the permanent mailing list for a specific county; or 3) both. Clearly specify the mailing lists to which you wish to be added and send your request to the TCEQ Office of the Chief Clerk at the address previously mentioned. Unless you otherwise specify, you will be included only on the mailing list for this specific general permit.

INFORMATION. If you need more information about this general permit or the permitting process, please call the TCEQ Public Educa-

tion Program, toll free, at (800) 687-4040. General information about the TCEQ can be found at our website at: <https://www.tceq.texas.gov/>.

Further information may also be obtained by calling Ms. Joy Alabi, Water Quality Division, at (512) 239-1318.

Si desea información en español, puede llamar (800) 687-4040.

TRD-202400346

Charmaine Backens

Deputy Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: January 31, 2024



Notice of a Public Meeting on an Application for a Water Use Permit Application No. 13775

Enbridge Ingleside Oil Terminal, LLC seeks a water use permit to divert 500 acre-feet of water per year from a reach on Corpus Christi Bay, San Antonio-Nueces Coastal Basin, for industrial purposes in San Patricio County. More information on the application and how to participate in the permitting process is given below.

APPLICATION. Enbridge Ingleside Oil Terminal, LLC, 1450 Lexington Road, Ingleside, Texas 78362, Applicant, has applied to the Texas Commission on Environmental Quality (TCEQ) for a Water Use Permit pursuant to Texas Water Code (TWC) § 11.121 and TCEQ Rules Title 30 Texas Administrative Code (TAC) §295.1, et seq. Published and mailed notice to the water right holders of record in the San Antonio-Nueces Coastal Basin is required pursuant to Title 30 TAC §295.152 and §295.153.

Applicant seeks a water use permit to divert and use not to exceed 500 acre-feet of water per year from a diversion reach on Corpus Christi Bay, San Antonio-Nueces Coastal Basin, at a maximum combined diversion rate of 222.8 cfs (100,000 gpm), for industrial purposes in San Patricio County.

The proposed upstream diversion point is located at Latitude 27.821405° N, Longitude 97.209573° W and the proposed downstream diversion point is located at Latitude 27.820763° N, Longitude 97.203362° W within ZIP code 78362.

The application and fees were received on July 27, 2021. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on August 11, 2021. Additional information was received on October 12, and December 2, 2022.

The Executive Director has completed the technical review of the application and prepared a draft permit. The draft permit, if granted, would include special conditions, including, but not limited to, installation of screens at diversion structures. The application, technical memorandum, and Executive Director's draft permit are available for viewing on the TCEQ webpage at https://www.tceq.texas.gov/permitting/water_rights/wr-permitting/view-wr-pend-apps. Alternatively, you may request a copy of the documents by contacting the TCEQ Office of the Chief Clerk by phone at (512) 239-3300 or by mail at TCEQ OCC, Notice Team (MC-105), P.O. Box 13087, Austin, Texas 78711.

PUBLIC COMMENT / PUBLIC MEETING. You may submit public comments to the Office of the Chief Clerk at the address below. 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 is encouraged to ask questions of the applicant and TCEQ staff concerning the permit application and the Executive Director's recommendations, but the comments and questions submitted orally

during the Informal Discussion Period will not be considered by the Commissioners and no formal response will be made. Responses will be provided orally during the Informal Discussion Period. During the Formal Comment Period, members of the public may state their formal comments orally into the official record. The Executive Director will subsequently summarize the formal comments and prepare a written response which will be considered by the Commissioners before they reach a decision on the application. The Executive Director's written response will be available to the public online or upon request. The public comment period on this application concludes at the close of the public meeting.

The Public Meeting is to be held:

Thursday, February 29, 2024 at 7:00 p.m.

Northshore Country Club

801 East Broadway Avenue

Portland, Texas 78374

Additional information will be available on the agency calendar of events at the following link: <https://www.tceq.texas.gov/agency/decisions/hearings/calendar.html>.

INFORMATION. Citizens are encouraged to submit written comments anytime during the public meeting. Citizens may mail their comments to the Office of the Chief Clerk, TCEQ, Mail Code MC-105, P.O. Box 13087, Austin, Texas 78711-3087 or submit them electronically at <http://www14.tceq.texas.gov/epic/eComment/> by entering WR-PERM 13775 in the search field before the public comment period closes.

For additional information, individual members of the general public may contact **the Public Education Program** at (800) 687-4040. General information regarding the TCEQ can be found at our website at www.tceq.texas.gov. Si desea información en español, puede llamar al (800) 687-4040 o por el internet al <http://www.tceq.texas.gov>.

Persons with disabilities who need special accommodations at the public 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.

Issued: January 25, 2024

TRD-202400369

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: January 31, 2024



Notice of Application and Preliminary Decision for TPDES Permit for Municipal Wastewater Renewal and Notice of a Pretreatment Program Substantial Modification Permit No. WQ0010501020

Notices Issued January 30, 2024

APPLICATION AND PRELIMINARY DECISION. City of Beaumont, P.O. Box 3827, Beaumont, Texas 77704, has applied to the Texas Commission on Environmental Quality (TCEQ) for a renewal of Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0010501020, which authorizes the discharge of treated domestic wastewater at an annual average flow not to exceed 46,000,000 gallons per day. A substantial modification to the approved pretreatment program has also been included. TCEQ received this application on August 1, 2023.

The facility is located at 4900 Lafin Drive, in the City of Beaumont, Jefferson County, Texas 77705. The treated effluent is discharged to a natural wetland, thence to Hillebrandt Bayou in Segment No. 0704 of the Neches-Trinity Coastal Basin. The unclassified receiving water use is minimal aquatic life use for the natural wetland. The designated uses for Segment No. 0704 are primary contact recreation and intermediate aquatic life use. This link to an electronic map of the site or facility's general location is provided as a public courtesy and is not part of the application or notice. For the exact location, refer to the application.

<https://gisweb.tceq.texas.gov/LocationMapper/?marker=-94.133373,30.035105&level=18>

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

Approval of the request for modification to the approved pretreatment program will allow the applicant to revise their technically based local limits (TBLs), and ordinance which incorporates such revisions. The following treatment works facilities will be subject to the requirements of the pretreatment program: TPDES Permit No WQ0010501020.

The TCEQ Executive Director has completed the technical review of the application, the pretreatment program substantial modification, and prepared a draft permit. The draft permit, if approved, would establish the conditions under which the facility must operate. The Executive Director has made a preliminary decision that this permit, if issued, meets all statutory and regulatory requirements. The Executive Director has also made a preliminary decision that the requested substantial modification to the approved pretreatment program, if approved, meets all statutory and regulatory requirements. The permit application, Executive Director's preliminary decision, and draft permit, and pretreatment program substantial modification are available for viewing and copying at the Beaumont City Hall, 801 Main Street, Beaumont, Texas.

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

OPPORTUNITY FOR A CONTESTED CASE HEARING. After the deadline for submitting public comments, the Executive Director will consider all timely comments and prepare a response to all relevant and material, or significant public comments. Unless the application is directly referred for a contested case hearing, the response to comments will be mailed to everyone who submitted public comments and to those persons who are on the mailing list for this application. If comments are received, the mailing will also provide instructions for requesting a contested case hearing or reconsideration of the Executive Director's decision. There is no opportunity to request a contested case hearing on the application for substantial modification of the pretreatment program. A contested case hearing is a legal proceeding similar to a civil trial in a state district court.

TO REQUEST A CONTESTED CASE HEARING, YOU MUST INCLUDE THE FOLLOWING ITEMS IN YOUR REQUEST: your name, address, phone number; applicant's name and proposed permit number; the location and distance of your property/activities relative

to the proposed facility; a specific description of how you would be adversely affected by the facility in a way not common to the general public; a list of all disputed issues of fact that you submit during the comment period; and the statement "[I/we] request a contested case hearing." If the request for contested case hearing is filed on behalf of a group or association, the request must designate the group's representative for receiving future correspondence; identify by name and physical address an individual member of the group who would be adversely affected by the proposed facility or activity; provide the information discussed above regarding the affected member's location and distance from the facility or activity; explain how and why the member would be affected; and explain how the interests the group seeks to protect are relevant to the group's purpose.

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

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

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

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

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

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

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

website at www.tceq.texas.gov/goto/pep. Si desea información en español, puede llamar al (800) 687-4040.

Further information may also be obtained from City of Beaumont at the address stated above or by calling Mr. Kenneth R. Williams at (409) 880-3708.

TRD-202400373

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: January 31, 2024



Notice of Availability of the Draft 2024 Texas Integrated Report of Surface Water Quality for the Federal Clean Water Act, §305(b) and §303(d)

The Texas Commission on Environmental Quality (TCEQ) announces the availability of the draft 2024 Texas Integrated Report of Surface Water Quality (IR), for review and comment by the public starting February 9, 2024, through March 12, 2024 (comment period). The IR is developed and submitted to the United States Environmental Protection Agency (EPA) for approval as a requirement of the federal Clean Water Act, sections 305(b) and 303(d). The IR is an overview of the status of surface water bodies in Texas. Factors considered in evaluating the status of surface water bodies include concerns for public health, viability for use by aquatic species and other wildlife, and specific pollutants and their potential sources. The IR includes summaries of Texas water bodies that do not support beneficial uses or water quality criteria and those water bodies that demonstrate cause for concern. The IR supports TCEQ water quality standards revisions, total maximum daily loads, watershed protection plans, water quality management activities including monitoring, and best management practices to control pollution sources.

Draft 2024 IR Information

The draft 2024 IR will be available on TCEQ's website at the following address:

https://www.tceq.texas.gov/waterquality/assessment/public_comment.

Information regarding the public comment period may also be found at the above web address. Review and comment on individual waterbodies and the summaries, as described in the draft 2024 IR found at the web address above, are encouraged until the end of the comment period on March 12, 2024.

After the public comment period for the draft 2024 IR ends on March 12, 2024, TCEQ will evaluate all comments received. Changes made in response to any comments submitted will be reflected in the draft 2024 IR that will be submitted to the United States Environmental Protection Agency (EPA) for approval.

Public Comments

TCEQ will respond to comments received during the comment period in a "Response to Comments" document (RTC). The RTC and the draft 2024 IR will be posted on the website when TCEQ sends the draft 2024 IR to EPA. Comments must be submitted in writing via e-mail, post, or special delivery by 5:00 p.m. on March 12, 2024, and will not be accepted by phone.

E-mail comments to 303d@tceq.texas.gov. Individuals unable to access the documents on TCEQ's website may contact Andrew Sullivan by mail at Texas Commission on Environmental Quality, Water Quality Planning Division, MC 234, P.O. Box 13087, Austin, Texas 78711-3087 or by telephone at (512) 239-4587.



Notice of District Petition

Notice issued January 24, 2024

TCEQ Internal Control No. D-11222023-098; 45 2021 FII Marion, LLC, a Texas limited liability company, (Petitioner) filed a petition for creation of Marion Oaks Municipal Utility District of Guadalupe County (District) with the Texas Commission on Environmental Quality (TCEQ). The petition was filed pursuant to Article XVI, §59 of the Constitution of the State of Texas; Chapters 49 and 54 of the Texas Water Code; 30 Texas Administrative Code Chapter 293; and the procedural rules of the TCEQ.

The petition states that: (1) the Petitioner holds title to a majority in value of the land to be included in the proposed District; (2) there are five lienholders, James B. Smith, Jr., Ellen S. Fortunato, Terrell S. Minton, James Bursleson Smith III, and Kealoha Malie Minton, on the property to be included in the proposed District and the lienholders consent to the creation of the proposed District; (3) the proposed District will contain approximately 575.3 acres located within Guadalupe County, Texas; and (4) the land within the proposed District is entirely within the extraterritorial jurisdiction of the City of Marion. By Resolution No. 2023-05, passed and approved on April 10, 2023, the City of Marion, 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, repair, extend and improve land, easements, works, improvements, facilities, plants, equipment and appliances necessary to provide water supply for municipal and domestic purposes; purchase, construct, acquire, repair, extend and improve land, easements, works, improvements, facilities, plants, equipment and appliances necessary to collect, transport, process, dispose of and control all domestic, industrial, or communal wastes whether in fluid, solid, or composite state; (3) purchase, construct, acquire, repair, extend and improve land, easements, works, improvements, facilities, plants, equipment and appliances necessary to gather, conduct, divert and control local storm water or other local harmful excesses of water in the proposed District and the payment of organization expenses, operational expenses during construction and interest during construction; purchase, construct, acquire, repair, extend and improve land, easements, works, improvements, facilities, plants, equipment and appliances necessary to design, acquire, construct, finance, improve, operate, and maintain macadamized, graveled, or paved roads, or improvements in aid of those roads; purchase, construct, acquire, repair, extend and improve land, easements, works, improvements, facilities, plants, equipment and appliances necessary to provide such other facilities, systems, plants and enterprises as shall be consonant with the purposes for which the proposed District is created and permitted under state law. 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 \$168,307,821 (\$81,480,528 for water, wastewater, and drainage plus \$86,827,293 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-202400366
Laurie Gharis
Chief Clerk
Texas Commission on Environmental Quality
Filed: January 31, 2024



Notice of District Petition

Notice issued January 25, 2024

TCEQ Internal Control No. D-07282023-064; The Colony Municipal Utility District No. 1A (the "District") of Bastrop County filed an application with the Texas Commission on Environmental Quality (TCEQ) for District to levy impact fees of \$8,134 per equivalent single-family connection for capital improvements. The District files this application under the District of Chapter 395 of the Local Government Code, 30 Texas Administrative Code Chapter 293, and the procedural rules of the TCEQ. The purpose of impact fees is to generate revenue to recover the costs of capital improvements or facility expansions made necessary by and attributable to serving new development in the District's service areas. At the direction of the District, a registered engineer has prepared a capital improvements plan (CIP) for the system that identifies the capital improvements or facility expansions and their costs for which the impact fees will be assessed. The impact fee application and supporting information are available for inspection and copying during regular business hours in the Districts Section of the Water Supply Division, Third Floor of Building F (in the TCEQ Park 35 Office Complex located between Yager and Braker lanes on North IH-35), 12100 Park 35 Circle, Austin, Texas 78753. A copy of the impact fee application and supporting information, as well as the CIP, is available for inspection and copying at the District's office during regular business hours.

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 website, 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-202400368
Laurie Gharis
Chief Clerk
Texas Commission on Environmental Quality
Filed: January 31, 2024



Notice of District Petition

Notice issued January 26, 2024

TCEQ Internal Control No. D-12202023-023; Schulle Farm Partners, L.P., (Petitioner) filed a petition for creation of Caldwell County Municipal Utility District No. 8 (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, Independent Bank, on the property to be included in the proposed District and the lienholder consents to the creation of the proposed District; (3) the proposed District will contain approximately 226.626 acres located within Caldwell 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 purchase, construct, acquire, repair, extend and improve land, easements, works, improvements, facilities, plants, equipment, and ap-

pliances necessary to: (1) provide water supply for municipal uses, domestic uses, and commercial purposes; (2) collect, transport, process, dispose of, and control, all domestic, industrial, or communal wastes whether in fluid, solid, or composite state; (3) gather, conduct, divert, and control local storm water or other local harmful excesses of water in the proposed District and the payment of organization expenses and operational expenses during construction and interest during construction; (4) design, acquire, construct, finance, improve, operate, and maintain macadamized, graveled, or paved roads, or improvements in aid of those roads; and (5) provide such other 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 \$27,720,678 (\$16,364,982 for water, wastewater, and drainage and \$11,355,696 for roads).

INFORMATION SECTION

To view the complete issued notice, view the notice on our website 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 website, 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 website at www.tceq.texas.gov.

TRD-202400370
Laurie Gharis
Chief Clerk
Texas Commission on Environmental Quality
Filed: January 31, 2024



Notice of District Petition

Notice issued January 31, 2024

TCEQ Internal Control No. D-12192023-022; 45 Mustang Ridge Landco, LLC, a Texas limited liability company (Petitioner), filed a petition for creation of Travis County Municipal Utility District No. 32 (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, Guaranty Bank & Trust, N.A., on the property to be included in the proposed District and information provided indicates the aforementioned entity consents to the creation of the proposed District; (3) the proposed District will contain approximately 98.50 acres located within Travis County, Texas; and (4) the land within the proposed District is wholly within the corporate limits of City of Mustang Ridge, Texas. By Resolution No. 23-233, passed and approved on November 20, 2023, the City of Mustang Ridge, 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 purchase, construct, acquire, repair, extend and improve land, easements, works, improvements, facilities, plants, equipment, and appliances necessary to: (1) provide a water supply for municipal uses, domestic uses and commercial purposes; (2) collect, transport, process, dispose of and control all domestic, industrial, or communal wastes whether in fluid, solid, or composite state; (3) gather, conduct, divert and control local storm water or other local harmful excesses of water in the proposed District and payment of organization expenses, operational expenses during construction and interest during construction; (4) design, acquire, construct, finance, improve, operate, and maintain macadamized, gravelled, or paved roads, or improvements in aid of those roads; (5) purchase, construct, acquire, provide, operate, maintain, repair, improve, extend, and develop park and recreation facilities for the inhabitants of the proposed District; and, (6) to provide such other facilities, systems, plants and enterprises as shall be consonant with the purposes for which the purposes for which the proposed District is created and permitted under state law. 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 \$16,650,000 (\$11,640,000 for water, wastewater, and drainage plus \$5,010,000 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-202400371

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: January 31, 2024



Notice of Issuance of Amendment to Air Quality Standard Permit for Concrete Batch Plants

The Texas Commission on Environmental Quality (TCEQ or commission) issues an amendment to the Non-Rule Air Quality Standard Permit for Concrete Batch Plants (CBPs) in accordance with 30 Texas Administrative Code (TAC) §116.605, Standard Permit Amendment and Revocation. The amendment includes revisions to certain provisions of the standard permit to reflect the results of an updated Air Quality Analysis (AQA) that was recently conducted by the commission. The AQA is a report containing information that demonstrates that emissions at a CBP authorized by this standard permit would not cause or contribute to a violation of the National Ambient Air Quality Standards (NAAQS), exceed a state property line standard, or adversely affect human health and the environment. The amended standard permit is effective on January 24, 2024.

Copies of the standard permit and summary can be obtained from the commission's website at:

<https://www.tceq.texas.gov/permitting/air/nav/standard.html>. For further information, please contact Michael Wilhoit, Air Permits Division, at (512) 239-1222.

Explanation and Background of Air Quality Standard Permit

The New Source Review Program under Chapter 116 requires any person who plans to construct any new facility or to engage in the modifications of any existing facility which may emit air contaminants into the air of the state to obtain a permit pursuant to §116.110, Applicability, or satisfy the conditions of a standard permit, a flexible permit, or a permit by rule, before any actual work is begun on the facility. A standard permit authorizes the construction or modification of new or existing facilities which are similar in terms of operations, processes, and emissions.

The standard permit provides a preconstruction authorization that may be used for any CBP complying with the standard permit requirements and does not relieve the owner or operator from any other applicable provisions of the Texas Health and Safety Code (THSC), Texas Water Code, rules of the TCEQ, or any additional state or federal regulations. The purpose of this amendment is to update the terms and conditions of the standard permit to reflect the results of an updated AQA that was recently conducted by the commission. The amendment to the standard permit includes revised operational requirements, additional

setback limitations, production limitations, and updated best management practices.

The results of the updated AQA using the maximum production limits established by the standard permit demonstrate that the amended standard permit is protective based on current effects screening level guidelines and current NAAQS.

Overview of Air Quality Standard Permit

The commission issues the amendment to the air quality standard permit for CBPs under the authority of the Texas Clean Air Act (TCAA), THSC, §382.05195, Standard Permit, and 30 TAC Chapter 116, Subchapter F, Standard Permits.

The standard permit analysis is required by statute to include Best Available Control Technology (BACT) for each source. BACT is an emission limitation or control technique that results in the maximum degree of pollution reduction while maintaining technical and economic feasibility. The BACT requirements included in the CBP standard permit are based on existing Tier I BACT requirements as well as review of numerous existing facilities found at typical CBPs. The BACT requirements are considered commonly used for these sources and operation types.

Public Notice and Comment Period

In accordance with §116.605, Standard Permit Amendment and Revocation, the TCEQ published notice of the proposed amendment to the standard permit in the *Texas Register* and newspapers of the largest general circulation in the following metropolitan areas: Austin, Dallas, Houston, and San Antonio. The dates of the English-language publications were April 13, 2023, in the *San Antonio Express-News*, and April 14, 2023, in the *Austin-American Statesman*, *Dallas Morning News*, *Houston Chronicle*, and the *Texas Register*. The dates of the Spanish-language newspaper publications (*El Mundo Austin*, *La Prensa de Houston*, *Al Dia Dallas*, and *El Mundo San Antonio*) were April 14, 16, 19, and 20, 2023, respectively. The public comment period ran from the date of publication until 11:59 p.m. on June 14, 2023. Written and oral comments were received.

Public Meeting

The commission held a public meeting on this amendment in Austin on May 18, 2023, and oral comments were received for approximately one hour. An informational meeting was held in Houston on May 22, 2023, but oral comments were not accepted at that meeting. Prior to proposal of the amended standard permit, the commission held stakeholder meetings on November 9, 14, and 15, 2022, in Austin, Houston, and Arlington respectively. Interpreters fluent in Spanish were available at the stakeholder meetings, the public meeting in Austin, and the informational meeting in Houston.

Analysis of Comments

The commission received comments from numerous commenters. The list of these commenters and summaries of the comments and the commission's response may be found at:

<https://www.tceq.texas.gov/permitting/air/newsourcereview/mechanical/cbp.html>

Statutory Authority

This standard permit is issued under THSC, §382.011, General Powers and Duties, which authorizes the commission to control the quality of the state's air; THSC, §382.023, Orders, which authorizes the commission to issue orders necessary to carry out the policy and purposes of the TCAA; THSC, §382.051, Permitting Authority of the Commission; Rules, which authorizes the commission to issue permits, including standard permits for similar facilities for numerous similar sources;

THSC, §382.0513, Permit Conditions, which authorizes the commission to establish and enforce permit conditions consistent with Subchapter C of the TCAA; and THSC, §382.05195, Standard Permit, which authorizes the commission to issue standard permits according to the procedures set out in that section.

TRD-202400310

Charmaine Backens

Deputy Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: January 26, 2024



Notice of Request for Nominations - Water Utility Operator Licensing Advisory Committee (WUOLAC)

The Texas Commission on Environmental Quality (TCEQ) is requesting nominations for a total of seven individuals to serve on the TCEQ Water Utility Operator Licensing Advisory Committee (committee).

The committee membership represents various geographic areas of the state, ethnicities, businesses, governments, associations, and industries. If you have served on this advisory committee, nominated someone, or self-nominated in the past, you may do so again. When members' terms expire, the committee representation changes and individuals with varying backgrounds and geographic locations are needed to fill the vacancies.

The authority for the committee is found in 30 Texas Administrative Code (TAC) Chapter 5, Advisory Committees and Groups. The 13-member committee's sole duty is to advise the commission regarding water and wastewater operator licensing and training issues and facilitate communication between the commission and the water and wastewater utility industries. The main objectives are to: 1) review training and educational materials to promote quality education and training; 2) review Job Task Analysis and exam validations; 3) advise and assist regarding licensing requirements; 4) assist with the review of rules, regulations, guidance documents, and policy statements; 5) represent a diversity of viewpoints; and 6) promote interaction with outside organizations.

All appointments will be made by the TCEQ commissioners. The term of the appointments will begin September 1, 2024, and serve through August 31, 2028. The committee meets, as needed, usually four times a year. Meetings are held at the TCEQ offices located at 12100 Park 35 Circle in Austin, Texas, or virtually. Meetings last approximately two to four hours. No financial compensation is available. Additional information regarding the Committee is available at the following website: https://www.tceq.texas.gov/licensing/groups/wuoc_comm.html.

To nominate an individual or to self-nominate, download and complete the Water Utility Operator Licensing Advisory Committee application from our website (previously listed), or contact us directly to request an application be mailed to you. You may submit a resume in addition to the application, but not in lieu of the application.

DEADLINE: Completed applications must be received at TCEQ by 5:00 p.m. on March 12, 2024. Applications will be accepted by email licenses@tceq.texas.gov with the Subject line "WUOLAC Nomination", or via United States mail to: Training Specialist, Occupational Licensing Section, MC 178, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

TRD-202400345

Charmaine Backens
Deputy Director, Environmental Law Division
Texas Commission on Environmental Quality
Filed: January 31, 2024



Notice of Request for Public Comment and Notice of a Public Meeting on Two Draft Total Maximum Daily Loads for Indicator Bacteria in Big Creek

AVISO DE SOLICITUD DE COMENTARIO PÚBLICO Y AVISO DE REUNIÓN PÚBLICA EN DOS PROYECTOS DE CARGAS DIARIAS MÁXIMAS TOTALES PARA BACTERIAS INDICADORAS EN LA CUENCA DE BIG CREEK

The Texas Commission on Environmental Quality (TCEQ) has made available for public comment two draft Total Maximum Daily Loads (TMDLs) for indicator bacteria in Big Creek, of the Brazos River Basin within Fort Bend County.

The purpose of the meeting is to provide the public an opportunity to comment on the draft TMDLs in two assessment units (AUs): AU 1202J_02 and AU 1202J_01.

A TMDL is a detailed water quality assessment that provides the scientific foundation to allocate pollutant loads in a certain body of water in order to restore and maintain designated uses. The commission requests comments on each of the major components of the TMDL: problem definition, endpoint identification, source analysis, linkage analysis, margin of safety, pollutant load allocation, seasonal variation, public participation, and implementation and reasonable assurance.

After the public comment period, TCEQ may revise the draft TMDLs if appropriate. The final TMDLs will then be considered by the Commission for adoption. Upon adoption, the final TMDLs and a response to all comments received will be made available on TCEQ's website. The TMDLs will then be submitted to the United States Environmental Protection Agency (EPA) Region 6 office for final action. Upon approval by EPA, the TMDLs will be certified as an update to the State of Texas Water Quality Management Plan.

Public Meeting and Testimony. The public meeting for the draft TMDLs will be held at the George Memorial Library, Room 2A - Fort Bend County Libraries, 1001 Golfview Dr., Richmond, Texas 77469, on February 26, 2024, at 6:00 p.m.

Please periodically check <https://www.tceq.texas.gov/waterquality/tmdl/nav/122-bigcreekbacteria> before the meeting date for meeting related updates.

During this meeting, individuals will have the opportunity to present oral statements. An agency staff member will give a brief presentation at the start of the meeting and will be available to answer questions before and after all oral statements have been received.

Written Comments. Please choose one of the methods provided to submit your written comments. Written comments on the draft TMDLs may be submitted to Daniela Mejia, Water Quality Planning Division, Texas Commission on Environmental Quality, MC 203, P.O. Box 13087, Austin, Texas 78711-3087 or faxed to fax4808@tceq.texas.gov. Electronic comments may be submitted to <https://tceq.commentinput.com/>. File size restrictions may apply to comments submitted via the TCEQ Public Comments system. All written comments must be received at TCEQ by 11:59 p.m. on March 12, 2024, and should reference Two Total Maximum Daily Loads for Indicator Bacteria in Big Creek.

For further information regarding the draft TMDLs, please contact Daniela Mejia at Daniela.Mejia@tceq.texas.gov. The draft TMDLs can be obtained via TCEQ's website at <https://www.tceq.texas.gov/waterquality/tmdl/nav/122-bigcreekbacteria>.

Persons with disabilities who have special communication or other accommodation needs who are planning to participate in the meeting should contact Daniela Mejia at Daniela.Mejia@tceq.texas.gov. Requests should be made as far in advance as possible.

Para la versión en español de este documento, visite <https://www.tceq.texas.gov/waterquality/tmdl/nav/122-bigcreekbacteria>.

TRD-202400311
Charmaine Backens
Deputy Director, Environmental Law Division
Texas Commission on Environmental Quality
Filed: January 26, 2024



Notice of Request for Public Comment and Notice of a Public Meeting on Two Draft Total Maximum Daily Loads for Indicator Bacteria in the Oyster Creek Watershed

Aviso de Solicitud de Comentario Público y Aviso de Reunión Pública en Dos Proyectos de Cargas Diarias Máximas Totales para Bacterias Indicadoras en la Cuenca de Oyster Creek

The Texas Commission on Environmental Quality (TCEQ) has made available for public comment two draft Total Maximum Daily Loads (TMDLs) for indicator bacteria in the Oyster Creek watershed, of the San Jacinto-Brazos Coastal Basin within Brazoria and Fort Bend counties.

The purpose of the meeting is to provide the public an opportunity to comment on the draft TMDLs in two assessment units: Oyster Creek Tidal 1109_01 and Oyster Creek Above Tidal 1110_01.

A TMDL is a detailed water quality assessment that provides the scientific foundation to allocate pollutant loads in a certain body of water in order to restore and maintain designated uses. The commission requests comments on each of the major components of the TMDL: problem definition, endpoint identification, source analysis, linkage analysis, margin of safety, pollutant load allocation, seasonal variation, public participation, and implementation and reasonable assurance.

After the public comment period, TCEQ may revise the draft TMDLs if appropriate. The final TMDLs will then be considered by the Commission for adoption. Upon adoption, the final TMDLs and a response to all comments received will be made available on TCEQ's website. The TMDLs will then be submitted to the United States Environmental Protection Agency (EPA) Region 6 office for final action. Upon approval by EPA, the TMDLs will be certified as an update to the State of Texas Water Quality Management Plan.

Public Meeting and Testimony. The public meeting for the draft TMDLs will be held at the Lake Jackson Public Library, 250 Circle Way St., Lake Jackson, Texas 77566, on February 27, 2024, at 6:00 p.m.

Please periodically check <https://www.tceq.texas.gov/waterquality/tmdl/nav/114-oystercreek-bacteria> before the meeting date for meeting related updates.

During this meeting, individuals will have the opportunity to present oral statements. An agency staff member will give a brief presentation at the start of the meeting and will be available to answer questions before and after all oral statements have been received.

Written Comments. Please choose one of the methods provided to submit your written comments. Written comments on the draft TMDLs may be submitted to Jazmyn Milford, Water Quality Planning Division, Texas Commission on Environmental Quality, MC 203, P.O. Box 13087, Austin, Texas 78711-3087 or faxed to fax4808@tceq.texas.gov. Electronic comments may be submitted to <https://tceq.commentinput.com/>. File size restrictions may apply to comments submitted via the TCEQ Public Comments system. All written comments must be received at TCEQ by 11:59 p.m. on March 12, 2024 and should reference Two Total Maximum Daily Loads for Indicator Bacteria in the Oyster Creek Watershed.

For further information regarding the draft TMDLs, please contact Jazmyn Milford at Jazmyn.Milford@tceq.texas.gov. The draft TMDLs can be obtained via TCEQ's website at <https://www.tceq.texas.gov/waterquality/tmdl/nav/114-oystercreek-bacteria>.

Persons with disabilities who have special communication or other accommodation needs who are planning to participate in the meeting should contact Jazmyn Milford at Jazmyn.Milford@tceq.texas.gov. Requests should be made as far in advance as possible. Para la versión en español de este documento, visite <https://www.tceq.texas.gov/waterquality/tmdl/nav/114-oystercreek-bacteria>.

TRD-202400312

Charmaine Backens

Deputy Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: January 26, 2024



TCEQ Seeks Stakeholder Input on Upcoming Proposed Rulemaking Related to the 30 Texas Administrative Code (TAC) Chapter 30, Occupational Licensing Program

The Texas Commission on Environmental Quality (TCEQ) will conduct a virtual stakeholder meeting on **March 7, 2024**, to solicit informal comments on the non-statutory changes included in the proposed rulemaking to amend 30 TAC Chapter 30, Occupational Licenses and Registrations.

The proposed rulemaking (Rule Project Number 2024-004-030-WS) will implement changes made to the statute during the 88th Legislative Session. TCEQ also proposes to incorporate changes that would: 1) memorialize resiliency training requirements for licensed water operators; 2) require fingerprinting for all applicants of an occupational license for conducting criminal history reviews; 3) reduce the required number of continuing education (CE) credits to renew a Leaking Petroleum Storage Tank Project Manager license; and 4) make other updates as necessary to provide consistency with other licensing requirements and rules. It is these proposed changes for which the agency is soliciting comments.

Stakeholder Meetings

Stakeholder meetings offer an opportunity for the public to provide informal comments before formal rulemaking begins.

The stakeholder meeting will occur on:

Thursday March 7, 2024, from 2:00 p.m. - 3:30 p.m.

https://teams.microsoft.com/l/meetup-join/19%3ameeting_MGQxN-TQ3YzEtMDY0YS00OGY3LW11MjgtZjc2MWI3YzgxNjU0%40th-read.v2/0?context=%7B%22Tid%22%3A%22871a83a4-a1ce-4b7a-8156-3bcd93a08fba%22%2C%22Oid%22%3A%22e74a40ea-69d4-469d-a8ef-06f2c9ac2a80%22%2C%22IsBroadcastMeeting%22%3Atrue%22%22role%22%3A%22a%22%7D&btype=a&role=a

If you have special communication or other accommodation needs, contact Office of Legal Services at (512) 239-1802 or call (800) RELAY-TX (TDD). Please make these requests as soon as possible.

Written Stakeholder Comments

Written stakeholder comments may be submitted using one of the following methods:

By mail: Program Supervisor, MC 205

Texas Register/Rule Development Team - Office of Legal Services

Texas Commission on Environmental Quality

P.O. Box 13087

Austin, Texas 78711-3087

By fax: fax4808@tceq.texas.gov

Online through the TCEQ Public Comment system (<https://tceq.commentinput.com/>). File size restrictions may apply to comments submitted.

All comments should reference proposed rule project number 2024-004-030-WS. We will review all comments we receive but will not formally respond. All written stakeholder comments must be submitted by the close of business on March 12, 2024.

For additional information on this proposed rulemaking, please contact Rebecca Moore via email at rebecca.moore@TCEQ.texas.gov or at (512) 239-2463 and refer to rule project number 2024-024-030-WS.

TRD-202400378

Charmaine Backens

Deputy Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: January 31, 2024



Update to the Water Quality Management Plan (WQMP)

The Texas Commission on Environmental Quality (TCEQ or commission) requests comments from the public on the draft January 2024 Update to the WQMP for the State of Texas.

Download the draft January 2024 WQMP Update at https://www.tceq.texas.gov/permitting/wqmp/WQmanagement_updates.html or view a printed copy at the TCEQ Library, Building A, 12100 Park 35 Circle, Austin, Texas.

The WQMP is developed and promulgated in accordance with the requirements of the federal Clean Water Act, Section 208. The draft update includes projected effluent limits of specific domestic dischargers, which may be useful for planning in future permit actions. The draft update may also contain service area populations for listed wastewater treatment facilities, designated management agency information, and total maximum daily load (TMDL) revisions.

Once the commission certifies a WQMP update, it is submitted to the United States Environmental Protection Agency (EPA) for approval. For some Texas Pollutant Discharge Elimination System (TPDES) permits, the EPA's approval of a corresponding WQMP update is a necessary precondition to TPDES permit issuance by the commission.

Deadline

All comments must be received at the TCEQ no later than **5:00 p.m. on March 12, 2024**.

How to Submit Comments

Comments must be submitted in writing to:

Gregg Easley
Texas Commission on Environmental Quality
Water Quality Division, MC 150
P.O. Box 13087
Austin, Texas 78711-3087

Comments may also be faxed to (512) 239-4420 or emailed to Gregg Easley at Gregg.Easley@tceq.texas.gov but must be followed up with written comments by mail within five working days of the fax or email date or by the comment deadline, whichever is sooner.

For further information, or questions, please contact Mr. Easley at (512) 239-4539 or by email at Gregg.Easley@tceq.texas.gov.

TRD-202400330
Charmaine Backens
Deputy Director, Environmental Law Division
Texas Commission on Environmental Quality
Filed: January 30, 2024

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Texas Ethics Commission

List of Late Filers

Below is a list from the Texas Ethics Commission naming the filers who failed to pay the penalty fine for failure to file the report, or filing a late report, in reference to the specified filing deadline. If you have any questions, you may contact Dave Guilianelli at (512) 463-5800.

Deadline: Semiannual report due July 17, 2023

John L. Pool, 1513 Live Oak Ln., Andrews, Texas 79714
Kevin A. Morris, P.O. Box 865147, Plano, Texas 75086
Christopher L. Tolbert, P.O. Box 130895, Dallas, Texas 75313
Tracie L. Wright-Reneau, 659 S Castell Avenue, New Braunfels, Texas 78130

Stephani A. Walsh, 411 S. Presa, San Antonio, Texas 78205
Rebecca Moyer DeFelice, P.O. Box 6853, San Antonio, Texas 78209
Tracy K. Fisher, P.O. Box 282, Coppell, Texas 75019
Abel R. Longoria, 6 Cadena Dr., Galveston, Texas 77554

Deadline: Semiannual report due July 15, 2022

Ted Cruz, 815A Brazos, PMB 389, Austin, Texas 78701
Joe Brennan, 113 Azinger, Laredo, Texas 78045
Sean Sharp, 6004 Baylor St., Fort Worth, Texas 76119
Matthew R. Worthington, P.O. Box 18233, Austin, Texas 78260
Isreal O. Salinas, 103 Mark Avenue, Lake City, Texas 78368
Daniel G. Surman, 2301 21st St. N, Texas City, Texas 77590

Deadline: Semiannual report due January 17, 2023

Steve Riddell, 1308 Shady Creek Drive, Euless, Texas 76040
Lacey M. Hull, P.O. Box 19231, Houston, Texas 77724
Sarah K. Fox, 5830 Granite Parkway, Ste 100-350, Plano, Texas 75024
Ori T. White, P.O. Box 160, Fort Stockton, Texas 78735
Juan M. Medina, 5 Turin Ct., San Antonio, Texas 78257
Elizabeth Beach, P.O. Box 100932, Fort Worth, Texas 76185

Miguel Gonzalez, P.O. Box 9097, Houston, Texas 77261
Angela A. Villescaz, 104 Golden Cove, Kyle, Texas 78640
Kelly McDonald, P.O. Box 965, Magnolia, Texas 77353
Karyn C. Brownlee, P.O. Box 1812, Coppell, Texas 75019
Phyllip Wayne Stephenson, 1609 N. Richmond Rd., Wharton, Texas 77488
Allison Drew, P.O. Box 16552, Sugar Land, Texas 77496
James Hernandez, P.O. Box 71413, Corpus Christi, Texas 78467
Benjamin Flores Yrigollen, 8304 Autumncrest Court, Dallas, Texas 75249
Lisa Uresti-Dasher, P.O. Box 241684, San Antonio, Texas 78224
Roberto Velasco, 12001 Inwood Rd. 1307, Dallas, Texas 75244
Ana-Maria Ramos, P.O. Box 852227, Richardson, Texas 75085
Deadline: 30 day pre-election report due October 11, 2022

Rabea Sultan Collier, 9659 N. Sam Houston Parkway East, Suite 150 #129, Humble, Texas 77396
Titus J. Benton, 24410 Tucker House, Katy, Texas 77493
Kevin H. Fulton, 7676 Hillmont Street, Suite 191, Houston, Texas 77040
Joe F. Livingston, 1607 Southmoor Dr., Arlington, Texas 76010
Deadline: 8 day pre-election report due October 31, 2022.

Frank Aguilar, 7220 Ashburn St., Houston, Texas 77061
Rwan S. Hardesty, P.O. Box 1005, Midlothian, Texas 76065
Ashley E. Wysocki, 5323 Spring Valley Rd., Unit 150, Dallas, Texas 75254
Michael D. West, 3818 Fox Meadow Ln., Pasadena, Texas 77504
Brian E. Warren, P.O. Box 6807, Houston, Texas 77265
Samuel M. Strasser, 3404 Glastonbury Trl., Pflugerville, Texas 78660
Victor A Echavarria, 3780 Copperfield Dr. #822, Bryan, Texas 77802
Kazi Chowdhury, 7665 Scarlet View Trail, Fort Worth, Texas 76131
Raul F. Camacho, 651 N. U.S. 183 Suite 335, #4040, Leander, Texas 78641

Deadline: Runoff report due May 16, 2022

Caroline Harris, P.O. Box 700, Round Rock, Texas 78680
TRD-202400268
Aidan Shaughnessy
Program Supervisor
Texas Ethics Commission
Filed: January 25, 2024

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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 January 22, 2024 to January 26, 2024. As required by federal law, the public is given an opportunity to comment on the consistency of proposed activities in the coastal zone undertaken or authorized by federal agencies. Pursuant to 31 TAC §§30.20(f), 30.30(h), and 30.40(e), the public comment period extends 30 days from the date published on the Texas General Land Office web site. The notice was published on the web site on Friday, February 2, 2024. The public comment period for this project will close at 5:00 p.m. on Sunday March 3, 2024.

Federal License and Permit Activities:

Applicant: Jefferson Terminal South, LLC

Location: The project site is located in Neches River, approximately 0.88-mile northeast of the intersection of North Twin City Highway and DuPont Road, in Nederland, Jefferson County, Texas.

Latitude and Longitude: 30.019710, -94.024990

Project Description: The applicant proposes to construct a new ship/barge dock for the purpose of replacing an existing ship/barge dock that is nearing the end of its use. The new ship/barge dock will consist of a 144-foot by 65-foot platform, 20-foot-wide by 80-foot-long approachway, steel beam pile supported pipe racks, 6 breasting dolphins, 4 mooring dolphins, 3 barge monopiles, a new shoreside access walkway, a boat slip and spill boom containment reel. The applicant is proposing to mechanically or hydraulically dredge approximately 350,000 cubic yards to match the upcoming channel depth of -52 feet mean lower low water and to extend dredging into the Federal Channel. The applicant is proposing to place the dredge material into dredge material placement areas 5, 8, 9, 11, 12, 13, 14, 16, 17, 18, 22, 23, 24, 25 or 26. The applicant also seeks authorization to place dredge material in the Lower Neches Wildlife Management Area Nelda Stark Beneficial Use Site. The applicant is not proposing any mitigation.

Type of Application: U.S. Army Corps of Engineers permit application # SWG-1998-01785. This application will be reviewed pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act. Note: The consistency review for this project may be conducted by the Texas Commission on Environmental Quality as part of its certification under §401 of the Clean Water Act.

CMP Project No: 24-1132-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-202400350

Mark Havens

Chief Clerk

General Land Office

Filed: January 31, 2024



Texas Health and Human Services Commission

Public Notice - CLASS Waiver Renewal

The Texas Health and Human Services Commission (HHSC) is submitting a request to the Centers for Medicare & Medicaid Services

(CMS) to renew the Community Living Assistance and Support Services (CLASS) waiver program. HHSC administers the CLASS Program under the authority of §1915(c) of the Social Security Act. CMS has approved the CLASS waiver application through August 31, 2024. The proposed effective date for the renewal is September 1, 2024.

The CLASS Program provides community-based services and supports to individuals with a related condition who live in their own homes or in the home of another person, such as a family member. Services and supports are intended to enhance quality of life, functional independence, health and welfare, and to supplement, rather than replace, existing informal or formal supports and resources. Services in the CLASS Program are case management, prevocational services, residential habilitation, respite (in-home and out of home), supported employment, prescribed drugs, financial management services, support consultation, adaptive aids, auditory integration training/auditory enhancement training, behavioral support, cognitive rehabilitation therapy, continued family services, dental treatment, dietary, employment assistance, minor home modifications, nursing, occupational therapy services, physical therapy services, specialized therapies, speech and language pathology, support family services and transition assistance services.

The renewal request proposes to make the following changes:

Main Attachment #2: Home and Community-Based Settings Waiver Transition Plan

HHSC removed the attachment #2 transition plan language from the main appendix. CMS is proposing to remove the attachment #2 Home and Community-Based Settings Waiver Transition Plan option from their updated CMS Home and Community-Based Services (HCBS) waiver application template in 2024.

Appendix A: Waiver Administration and Operation

HHSC added an Administrative Authority Performance Measure as requested by CMS as follows: A.a.1 Number and percent of individuals on the CLASS interest list who are offered waiver services on a first-come, first served basis by HHSC. N: Number of individuals on the CLASS interest list who are offered waiver services on a first-come, first-served basis. D: Number of individuals who are offered enrollment from the interest list.

Appendix B: Participant Access and Eligibility

HHSC clarified in the "Cost Limit" section that all individuals have access to services up to the cost limit if they have an identified need that is supported and justified.

HHSC increased the unduplicated number of participants served, and the point-in-time totals, for all five waiver years and maintained the same number of reserve capacity slots across all five waiver years.

HHSC clarified in the "Selection of Entrants to the Waiver" that when an individual is placed on the interest list the individual's name, mailing address, and date of birth is required.

HHSC clarified that anyone may request for an individual's name to be added to the interest list by calling or submitting a written request to HHSC.

HHSC clarified that the level of care (LOC) documentation may be submitted electronically by fax or mail and that qualified intellectual and developmental disability professionals (QIDP) review the LOC. HHSC also clarified the annual resubmission and provider process.

HHSC updated the "Maintenance of Evaluation/Reevaluation Records" section to include HHSC as an agency for records maintenance.

HHSC updated the "Access to Services by Limited English Proficiency Persons" section to align with current policy.

Appendix C: Participant Services

HHSC updated provider qualifications throughout Appendix C to align with current policy.

HHSC changed provider training for abuse, neglect, and exploitation (ANE) from "within 60 days of employment" to "before assuming job duties" to align with current policy.

HHSC updated provider qualifications reporting requirement training for ANE to require reporting immediately, but no later than 24 hours.

HHSC revised information in the service provider qualifications about who can be a service provider.

HHSC updated the "Frequency of Verification" section for Supported Employment to remove, "Individual/employer and financial management services agency (FMSA) prior to hiring" and "HHSC Contract staff verifies provider qualifications during on-site reviews, completed every three years at a minimum" to align with current policy.

HHSC updated the Prevocational Services definition to reflect "goals identified in the individual's individual program plan (IPP)." instead of the "individual's habilitation plan" to align with current policy and rules. Within the definition, replaced the term "employment" with "competitive employment" to align with policies.

HHSC changed the term "face to face" to "in person" to reflect the accurate terminology for habilitation services, and respite services definitions.

HHSC revised one of the locations in which respite care can be provided from "Individuals home or place of residence" to "Individual's residence or the residence of a relative or friend". Added "The residence of another person receiving a Medicaid waiver service;" as an additional location Respite care can be provided.

HHSC updated the verification of provider qualifications for respite (out-of-home) Adult Foster Care Four Person Residence provider service. New language reflects the current policy stating "HHSC Regulatory Services licenses four bed adult foster care homes as a Type A or B, but only renews the limited number of Type C Assisted Living facilities who were originally licensed as Type C."

HHSC removed "Vendor Drug" from the reference to the provider agreement for prescription medications to align with current policy.

HHSC clarified that financial management services are services provided by an FMSA to an employer, not an individual. Clarified language in the "Financial Management Services in the Frequency of Verification" section to make information requested in this section more accurate. Clarified Texas Administrative Code (TAC) references to include Chapter 41 and included chapter titles.

HHSC clarified in the "Frequency of Verification" section that contract staff conducts monitoring reviews at least every three years and each contract is monitored at least every three years thereafter to align with current policy.

HHSC clarified language that FMSAs must attend periodic trainings conducted by HHSC.

HHSC updated reference to Internal Revenue Service Form 2678 to include form name of Employer/Payer Appointment of Agent.

HHSC clarified that the supports for participant direction is provided by a support advisor and provides a level of assistance beyond that provided by the FMSA. HHSC clarified that support consultation helps

the employer to meet the required employer responsibilities of the consumer directed services (CDS) option.

HHSC clarified in the "Provider Qualifications" section for both agency and CDS options that the support advisor cannot be the individual or the individual's spouse, the legally authorized representative (LAR) or the legally authorized representative's spouse, or the designated representative or the designated representative's spouse to align with current policy.

HHSC clarified in the "Provider Qualifications" section that the FMSA must have support consultation services available to be provided by a support advisor upon request by the individual or individual's LAR.

HHSC clarified that the support advisor, not the provider, must have a support advisor certificate issued by HHSC to indicate successful completion of required training conducted or approved by HHSC.

HHSC deleted "HHSC verifies provider qualifications prior to awarding a provider agreement and on an ongoing basis" in the "Entity Responsible for Verification" section.

To align with current policy, HHSC removed the statement in the "Provider Qualifications" section that the continued family and support family services provider must be an independent foster family verified by the Texas Department of Family and Protective Services and contracted with a direct services agency (DSA). Changed the term "Support Family Agencies" to "Child Placing Agencies."

HHSC clarified for self-directed services that the individual, the individual's spouse, the LAR, the LARs spouse, the designated representative, or the designated representative's spouse cannot be hired to provide services to align with existing policy.

Appendix D: Participant-Centered Planning and Service Delivery

HHSC clarified that the persons on the service planning team include "actively involved person" and staff providing direct services, if approved by the individual and LAR.

HHSC clarified that an oral and written explanation of CLASS waiver program services and "State Plan services" must be provided instead of "State Plan Community First Choice services (CFC)."

HHSC removed CFC Personal Assistance Services/Habilitation service" references throughout the waiver as CFC is not a waiver service. HHSC also added that the individual program plan documents that the frequency and amount of the service does not replace existing natural supports, non-waiver resources, or non-CFC resources for which the individual may be eligible; and documents the setting for each service, which must be selected by the individual or LAR from setting options.

HHSC removed from the "Risk Assessment and Mitigation" section the sentence "All person-centered service plans are reviewed by HHSC QIDP to further ensure the plan meets the individual's needs."

HHSC clarified, to align with existing policy, that when an assigned DSA employee or contractor is not available to deliver an individual's service, the DSA must have a written process to ensure backup staff are or can readily become familiar with the individual they may be required to provide a CLASS Program services to.

HHSC added FMSAs to the list of entities HHSC monitors to ensure compliance with requirements regarding an individual's transfer to a new CMA, DSA or FMSA.

HHSC clarified language relating to the online portal system that allows secure submission and return of electronic documentation being implemented.

Appendix E: Participant Direction of Services

HHSC added support consultation to the list of services an individual may direct through the CDS option.

HHSC updated the number of participants who self-direct their waiver services.

Appendix F: Participant Rights

HHSC did not make any substantive changes to Appendix F. Changes made were to align with other appendices edits such as changing the term "face-to-face" to "in-person", changing the term "provider investigations" to "Long-Term Care Regulation (LTCR)" or "HHSC CII", changing the term "Texas Department of Family and Protective Services" to "HHSC Complaint and Incident Intake (CII)", and updating TAC references.

Appendix G: Participant Safeguards

HHSC added restraint and seclusion to the list of critical incident categories and removed references to the HHSC CLASS/DBMD Notification of Critical Incidents form.

HHSC removed the sentence, "Oversight activities occur on an ongoing basis. Information regarding validated instances of ANE are monitored, tracked, and trended for purposes of training HHSC staff and to prevent recurrence" as duplicative.

HHSC clarified that HHSC Long-Term Care Regulation (LTCR) instead of HHSC Provider investigations, investigates allegations of ANE.

HHSC removed the references to the Department of Family and Protective Services for complaints and replaced it with HHC Complaint and Incident Intake (CII) unit.

HHSC clarified, to align with existing policy, that if CLASS providers become aware of a critical incident, including death, they must report that incident to HHSC using the critical incident management system (CIMS).

HHSC added the Accreditation Commission for Health Care to list of accreditation entities for home and community support services agencies.

HHSC changed the term "Department of Family and Protective Services Residential Child Care Licensing staff" to "Health and Human Services Child Care Regulation."

HHSC removed the term "Sanction Action Review Committee" and replaced it with "Adverse Action Review Committee."

Appendix H: Quality Improvement Strategy

HHSC removed the outdated sentence, "HHSC has articulated the vision and infrastructure for the quality improvement strategy for the waivers in the Quality Oversight Plan, which was approved by both agencies' commissioners in 2010."

HHSC changed the term "Quality Oversight Plan" to "Quality Improvement Strategy".

HHSC clarified the role of the Quality Review Team and Quality Reporting Unit in "System Design Changes and Quality Improvement Strategy" sections. Removed references and information relating to the Quality Assurance and Improvement Data Mart and Texas Quality Matters.

HHSC replaced general information relating to advisory committees with information on the Intellectual and Developmental Disability System Redesign Advisory Committee.

Appendix I: Financial Accountability

HHSC removed the on-site reference for HHSC's fiscal monitoring of CLASS DSA and CMAs. Clarified to align with existing policy that contract monitoring staff select a six-month period within the monitoring period to review service delivery.

HHSC changed the term "HHSC Community Services Contracts staff" to "HHSC Contracts staff".

HHSC removed references to HHSC Contract Oversight and Support area and updated these references with information on the System of Contract Operation and Reporting Application.

HHSC clarified the services that use cost reports to determine rates.

Appendix J: Cost Neutrality Demonstration

HHSC updated the unduplicated number of participants for all five waiver years. Updated the service projections (Factor D), and the waiver recipients other Medicaid cost projections (Factor D') and projections for annual average per capita Medicaid costs for all non-waiver institutional services (Factor G) and other Medicaid costs for the institutional population (Factor G') for all five waiver years.

Performance Measures

HHSC revised performance measure C.a.3, as well as the numerator, to remove the term "continually."

HHSC revised performance measure C.b.1, as well as the numerator, to remove the term "prior to delivering services." Revised the denominator to remove the term "reviewed." Revised the sampling approach.

HHSC removed performance measure C.b.2 that read, "Number and percent of monitored FMSA legal entities that continually met program contract requirements, evidenced by an overall monitoring score of at least 90%."

HHSC removed performance measure C.b.3 that read, "Number and percent of monitored FMSA legal entities that continually met fiscal contract requirements, evidenced by an overall monitoring score of at least 90%."

HHSC revised performance measure C.b.4, as well as the numerator, to use the term "service provider" instead of "Medicaid provider." HHSC further revised the performance measure and numerator to include the phrase "each new employee hired," and revised the denominator to include the phrase "who had a new employee hired during the monitoring period." Renumbered from C.b.4 to C.b.2. The revised measure reads, "C.b.2 Number and percent of individuals/employers using the CDS option that had a service provider agreement for each new employee hired. N: Number of employers using the CDS option that had a service provider agreement for each new employee hired. D: Total number of individuals/employers reviewed who had a new employee hired during the monitoring period."

HHSC revised performance measure C.b.5 and C.b.6, as well as their numerators and denominators, to remove the term "and TAS." Renumbered C.b.5 to C.b.3 and C.b.6 to C.b.4.

HHSC revised performance measure C.c.2's denominator to remove the term "monitored." Updated sample approach.

HHSC removed performance measure C.c.3 that read, "Number and percent of provider staff meeting state training requirements by receiving a score of at least 80% on the HHSC CLASS Computer Based Training."

HHSC renumbered performance measure C.c.4 to C.c.3.

HHSC revised performance measures D.c.2, D.d.1, D.e.2, G.a.5, G.a.7, G.c.2, G.d.1, G.d.2, I.a.3, and I.a.5 sampling approach.

HHSC revised performance measure G.a.8 data source to replace the term "CLASS Consolidated Microsoft Database" with "Quality Assurance and Improvement Data Mart."

HHSC revised performance measure G.a.9 data source to replace the term "Salesforce Abuse, Neglect, and Exploitation Database" with "Critical Incident Management System."

HHSC revised performance measure G.a.11 data source to replace the term "LTSS Policy SoftChalk Database" with "HHSC Provider Learning Portal." Revised the frequency of data aggregation and analysis.

HHSC revised performance measure G.b.1 data source to replace the term "Notification of Critical Incidents Database" with "Critical Incident Management System."

HHSC revised performance measure G.b.2 and G.b.3 data source to replace the term "CLASS Consolidated Microsoft Database" with "Quality Assurance and Improvement Data Mart."

HHSC revised performance measure G.c.1, as well as the numerator, to replace the term "referred for further investigation" with "that were in compliance with requirements related to unauthorized restraint." Revised data source to replace the term "Notification of Critical Incidents Database" with "Critical Incident Management System." The revised measure reads as, "Number and percent of provider-reported incidents of restraint that were in compliance with requirements related to unauthorized restraint. N: Number of provider-reported incidents of restraint that were in compliance with requirements related to unauthorized restraint. D: Number of provider-reported incidents of restraint."

HHSC revised performance measure I.a.1, as well as the numerator, to add the term "coded and." The revised measure reads as, "Total dollar amount and percent of total dollar amount of paid claims, including those from FMSAs, that were coded and paid for according to the reimbursement methodology specified in the approved waiver. N: Total dollar amount of paid claims that were coded and paid for according to the reimbursement methodology specified in the approved waiver. D: Total dollar amount of paid claims."

HHSC removed performance measure I.a.2 that read, "Number and percent of monitored financial management services agencies (FMSAs) for which claims were paid in accordance with the employee's established rate of pay and the service hours actually worked." Replaced I.a.2 with new performance measure that reads, "Number and percent of FMSAs that received a contract monitoring review that were free from recoupment of the FMS fee. N: Number of FMSAs that received a contract monitoring review that were free from recoupment of the FMS fee. D: Number of FMSAs that received a contract monitoring review."

HHSC revised performance measure I.b.1 data source to replace the term "Rate Analysis" with "Provider Finance."

Miscellaneous

HHSC updated references to the TAC changing references from Title 40 to Title 26 throughout the waiver application. Rules of the former Department of Aging and Disability Services (DADS), which were in Title 40, have been transferred to Title 26.

HHSC changed the term "Policy Development Support" to "Federal Coordination, Rules and Committees".

HHSC removed references to the DADS because that agency was abolished in 2017 and its functions transferred to HHSC.

HHSC changed the term "provider" to "service provider" and the term "program provider" to "provider agency."

HHSC changed the term "face-to-face" to "in-person".

HHSC changed the term "provider investigations" to "Long-Term Care Regulation (LTCR)" or "HHSC CII".

HHSC changed the terms "Texas Department of Family and Protective Services" to "HHSC Complaint and Incident Intake (CII)" or "HHSC LTCR".

HHSC changed the term "Texas Department of Family and Protective Services" to "HHSC Child Care Regulation".

HHSC changed the term "Rate Analysis Department" to "Provider Finance Department".

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

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

Comments about the proposed waiver renewal must be submitted to HHSC by March 11, 2024.

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

Addresses:

U.S. Mail

Texas Health and Human Services Commission

Attention: Jayasree Sankaran, Waiver Coordinator, Federal Coordination, Rules and Committees

701 West 51st Street, Mail Code H-310

Austin, Texas 78751

Telephone

(512) 438-4331

Fax

Attention: Jayasree Sankaran, Waiver Coordinator at (512) 323-1905

Email

TX_Medicaid_Waivers@hhs.texas.gov

TRD-202400340

Karen Ray

Chief Counsel

Texas Health and Human Services Commission

Filed: January 30, 2024



Public Notice - Extension of the Healthy Texas Women (HTW) Section 1115 Medicaid Demonstration

The Texas Health and Human Services Commission (HHSC) announces its intent to submit to the Centers for Medicare & Medicaid Services (CMS) a request to extend the Healthy Texas Women (HTW) demonstration under section 1115 of the Social Security Act.

The current demonstration is approved through December 31, 2024. The proposed effective date for the extension is January 1, 2025. The extension request is for five years, which will allow the demonstration to operate through December 31, 2029. There is a fiscal impact to the extension of the HTW demonstration.

The requested extension will allow Texas continued flexibility to pursue the established goals of the HTW demonstration, which are to:

Increase access to women's health and family planning services to avert unintended pregnancies, positively affect the outcome of future pregnancies, and positively impact the health and well-being of women and their families.

Increase access to preventive health care, including screening and treatment for sexually transmitted infections, hypertension, diabetes and high cholesterol; to positively impact maternal health; and reduce maternal mortality.

Increase access to women's breast and cervical cancer services to promote early cancer detection and referral to treatment in existing state programs.

Implement state policy to favor childbirth and family planning services that do not include elective abortions or the promotion of elective abortions within the continuum of care or services and to avoid the direct or indirect use of state funds to promote or support elective abortions.

Reduce the overall cost of publicly funded health care (including federally funded health care) by providing low-income Texans access to safe, effective care across a woman's lifecycle.

Proposed Changes

House Bill (H.B.) 133, 87th Legislature, Regular Session, 2021, requires HHSC to contract with Medicaid managed care organizations (MCOs) to provide HTW services. To comply with H.B. 133, the extension request proposes to change the delivery of HTW services from the current fee-for-service (FFS) model to a managed care model, except that enrollees who are members of a federally recognized tribe will be able to voluntarily enroll in managed care or remain in FFS. Under a managed care model, MCOs will contract, credential, and reimburse HTW providers for HTW services. The proposed effective date for the transition to a managed care model is Quarter 1 of State Fiscal Year 2026. This is the only requested programmatic change to the demonstration.

Transitioning the delivery of HTW services to a managed care model will:

Further the goals of the demonstration by reducing the overall cost of publicly funded health care, including federally funded health care, and providing Texas women access to safe, effective services.

Increase access to and utilization of preventive health care, breast and cervical cancer services, and critical health services.

Improve the health of women in the HTW program by incorporating core features of Medicaid managed care programs into HTW, such as the establishment of a primary care provider, person-centered service coordination, and value added services.

Increase access to women's health and family planning services by enhancing continuity of care for women transitioning among Texas' managed care programs - STAR, the Children's Health Insurance Program (CHIP), and HTW throughout a woman's lifecycle. This includes young women transitioning from adolescent to well woman care, pregnant women transitioning from well woman to obstetric care, and postpartum women transitioning back to well woman care.

Additionally, the extension request reflects an increase in the state's comparable income limit to convert existing state income threshold standards from 200% of the Federal Poverty Level (FPL) to 204.2% of the FPL, the equivalent to Modified Adjusted Gross Income (MAGI) standard.

Waiver and Expenditure Authorities

All requirements of the Medicaid program expressed in law, regulation, and policy statement, not expressly waived in this list, shall apply to the Demonstration project beginning January 1, 2025 through December 31, 2029. In addition, these waivers may only be implemented consistent with the approved Special Terms and Conditions (STCs).

Under the authority of section 1115(a)(1) of the Social Security Act (the Act), the following waivers of State plan requirements contained in section 1902 of the Act are granted in order to enable Texas to carry out the Healthy Texas Women section 1115 Demonstration.

Medicaid Requirements Not Applicable to the Medicaid Expenditure Authorities:

All Medicaid requirements apply, except the following:

Methods of Administration: Transportation Section 1902(a)(4)

To the extent necessary to enable the state to not assure transportation to and from providers for the demonstration population.

Amount, Duration, and Scope of Services (Comparability) - Section 1902(a)(10)(B)

To the extent necessary to allow the state to offer the demonstration population a benefit package consisting only of family planning services, family planning-related services, and other preconception women's health services.

Retroactive Coverage - Section 1902(a)(34)

To the extent necessary to enable the state to not provide medical assistance to the demonstration population for any time prior to when an application for the demonstration is made.

Early and Periodic Screening, Diagnostic, and Treatment (EPSDT) - Section 1902(a)(43)(A) To the extent necessary to enable the state to not furnish or arrange for EPSDT services to the demonstration populations. Freedom of Choice - Section 1902(a)(23)(A) To the extent necessary to enable the state to limit freedom of choice of provider in accordance with state law as described in the STCs. To the extent necessary, to enable the state to restrict freedom of choice of providers through the use of mandatory enrollment in managed care plans for the receipt of covered services.

The following expenditure authorities may only be implemented consistent with the approved Special Terms and Conditions (STC) and shall enable Texas to operate the above-identified section 1115(a) demonstration.

1. Healthy Texas Women. Effective through December 31, 2029, expenditures for extending Medicaid eligibility for family planning services, family planning-related services and other preconception women's health services to women who are otherwise ineligible for Medicaid or the Children's Health Insurance Program (CHIP), ages 18 through 44 with income at or below 204.2 percent of the Federal Poverty Level (FPL), including women who are losing Medicaid pregnancy coverage at the conclusion of their postpartum coverage period.

Additionally, HHSC is proposing to add the following expenditure authority with this extension request:

2. Expenditures Related to Managed Care Organization (MCO) Enrollment and Disenrollment Expenditures made under contracts that do not meet the requirements in section 1903(m) of the Act specified below. Managed care organizations (MCOs) delivering HTW services will be required to meet all requirements of section 1903(m) of the Act except the following:

Section 1903(m)(2)(H) of the Act and Federal regulations at 42 CFR Part 438, to the extent that the regulations implementing

section 1932(a)(4) of the Act are inconsistent with the enrollment and disenrollment provisions contained in STC 18(c) of the HTW demonstration's STCs, which permit the State to authorize automatic re-enrollment in the same MCO if the beneficiary loses eligibility for less than six (6) months.

Financial Analysis

The extension of the HTW demonstration (effective date January 1, 2025) will result in a revised budget neutrality model that will be negotiated with CMS and will include transitioning the HTW demonstration to a managed care delivery model. The change to a managed care delivery model may impact budget neutrality due to the addition of capitation related expenses for MCO administrative costs, risk margin and premium tax. It is estimated that the All Funds (AF) costs of capitation for Calendar Year 25 - which includes seven months of impact - is approximately \$17.5M with a General Revenue (GR) cost of approximately \$4.8M (27.6 percent of AF). The first full year impact in Calendar Year 26 is estimated to cost approximately \$31.9M AF and \$8.8M GR (27.6 percent of AF). The impact to budget neutrality will ultimately depend on the revised budget neutrality model as the change in delivery model occurs after the current demonstration ends and will be part of extension negotiations with CMS.

Evaluation Design

HHSC will continue to comply with federal evaluation monitoring and reporting requirements during the HTW demonstration extension. Evaluation monitoring and reporting will remain critical as the HTW demonstration will undergo a change during the extension period when the delivery of services transition from FFS to managed care during Quarter 1 of State Fiscal Year 2026 (approximately nine to twelve months after the extension period begins). This transition may influence measures related to access, quality, and cost. As a result, the evaluation for the HTW demonstration extension will focus on the impacts of this service delivery change. HHSC will also add new evaluation components, where necessary, to ensure the evaluation provides a comprehensive assessment of HTW services delivered under managed care.

Enrollment, Cost Sharing and Service Delivery

There are no proposed changes to eligibility requirements and no expected impact to total enrollment in the HTW demonstration. Transitioning the delivery of HTW services to a managed care model will require HTW clients to select and enroll with an MCO. Default enrollment and eligibility processes will apply. Under the extension, there will continue to be no beneficiary cost sharing.

Full Public Notice

This is the full public notice set forth in 42 CFR § 431.408(a)(1)(i). The full public notice regarding this extension request will be available at: <https://www.hhs.texas.gov/regulations/policies-rules/waivers/healthy-texas-women-1115-demonstration>.

Location and times of Public Hearings

HHSC will host two meetings to provide information about the demonstration extension as well as an opportunity for the public to provide comments. Locations, dates and times are as follows:

On February 22, 2024 at 1:00 p.m., HHSC will hold a hybrid public hearing with both virtual and in-person options. The public hearing will be held in conjunction with the quarterly State Medicaid Managed Care Advisory Committee (SMMCAC) meeting and will be located at the Texas Department of State Health Services, Moreton Building, Room M100, First Floor, 1100 West 49th Street, Austin, Texas 78756. Members of the public must pre-register to provide oral comments virtually during the meeting and written comments by completing a Pub-

lic Comment Registration form at https://texashhsm meetings.org/SMM-CAC_PCReg_Feb2024 no later than 5 p.m. on Tuesday, February 20, 2024.

On March 5, 2024 at 10:30 a.m., HHSC will hold a public hearing at 801 S. State Highway 161, 2nd Floor, Lone Star Conference Room #200, Grand Prairie, Texas 75051. This is an in-person hearing. Public comments will be accepted at this meeting. Members of the public may provide oral comments during the hearing at the hearing location either by pre-registering using the Public Comment Registration form at https://texashhsm meetings.org/HTW_PCReg_Mar2024 or without pre-registering by completing a form at the entrance to the hearing room. The Public Comment Registration form must be completed no later than 5 p.m. on March 1, 2024.

A link to the webcast and virtual registration for commenters wishing to provide testimony during the hybrid public hearing on February 22, 2024, will be included in the agenda posted in the *Texas Register* and on the HHSC's website.

Copies of Demonstration Extension Application

The complete extension application is available online at: <https://www.hhs.texas.gov/regulations/policies-rules/waivers/healthy-texas-women-1115-demonstration>.

Public Comments

The public is invited to submit comments on the Healthy Texas Women Section 1115 Medicaid Demonstration for a period of 30 days, beginning Friday, February 9, 2024. The public comment period will end on Monday, March 11, 2024.

An individual may obtain a free copy of the proposed demonstration extension, ask questions, obtain additional information, or submit comments regarding this extension by March 11, 2024, by contacting Jayasree Sankaran by U.S. mail, telephone, or email. The addresses are as follows:

U.S. Mail

Texas Health and Human Services Commission

Attention: Jayasree Sankaran, Waiver Coordinator, Federal Coordination, Rules and Committees

701 W. 51st Street

Mail Code: H310

Austin, Texas 78751

Telephone: (512) 438-4331

Fax: (512) 323-1905

Email: TX_Medicaid_Waivers@hhs.state.tx.us

TRD-202400339

Karen Ray

Chief Counsel

Texas Health and Human Services Commission

Filed: January 30, 2024



Public Notice - Home and Community-Based Services Adult Mental Health (HCBS-AMH) §1915(i) State Plan Benefit

The Texas Health and Human Services Commission (HHSC) announces its intent to submit transmittal number (TN) 24-0008 to the Texas State Plan for Medical Assistance under Title XIX of the Social Security Act.

The Centers for Medicare and Medicaid Services approved the Home and Community-Based Services Adult Mental Health (HCBS-AMH) §1915(i) State Plan benefit through August 31, 2025. The requested effective date for this proposed amendment is January 1, 2024.

The request proposes to amend existing language regarding Electronic Visit Verification (EVV) requirements. HHSC currently requires program providers to use EVV for certain personal care services. This amendment addresses the requirement in §1903(l) of the Social Security Act (U.S.C. Title 42, §1396b(l)) to also use EVV for home health care services. The amendment references the state rules that describe all of the services for which the use of EVV is required instead of listing the specific services. The personal care services for which the use of EVV is currently required are supported home living and in-home respite. The home health care service for which the use of EVV will be required effective January 1, 2024, is nursing services. The proposed amendment is estimated to have no fiscal impact.

Interested parties may obtain additional information and/or a free copy of the proposed amendment by contacting Nicole Hotchkiss, State Plan Coordinator, by mail or telephone at the address and telephone number provided below, or by email. Copies of the proposed amendments will be available for review at the local HHS offices. Comments about the proposed amendment must be submitted to HHSC by March 11, 2024.

U.S. Mail

Texas Health and Human Services Commission

Attention: Nicole Hotchkiss, SPA Coordinator, Federal Coordination, Rules and Committees

Health and Human Services Commission

P.O. Box 13247,

Mail Code H-310

Austin, Texas 78711

Overnight Mail, special delivery mail, or hand delivery

Texas Health and Human Services Commission

Attention: Nicole Hotchkiss, SPA Coordinator, Federal Coordination, Rules and Committees

John H. Winters Building

Mail Code H-310

701 W. 51st St.

Austin, Texas 78751

Telephone

(512) 438-5035

Fax

Attention: Nicole Hotchkiss at (512) 323-1905

Email

Medicaid_Chip_SPA_Inquiries@hhsc.state.tx.us

TRD-202400341

Karen Ray

Chief Counsel

Texas Health and Human Services Commission

Filed: January 30, 2024



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 March 1, 2024.

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:

Physicians and Other Practitioners;

Clinical Diagnostic Labs;

Outpatient Hospital Services;

Durable Medical Equipment, Prosthetics, Orthotics, and Supplies (DMEPOS); and

Early and Periodic Screening, Diagnosis and Treatment Services (EPSDT).

The proposed amendment is estimated to result in an annual aggregate savings of (\$201,167) for federal fiscal year (FFY) 2024, consisting of (\$121,002) in federal funds and (\$80,165) in state general revenue. For FFY 2025, the estimated annual aggregate savings is (\$352,936) consisting of (\$211,762) in federal funds and (\$141,174) in state general revenue. For FFY 2026, the estimated annual aggregate savings is (\$349,091) consisting of (\$209,455) in federal funds and (\$139,636) 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 Hearings.

A rate hearing was conducted in person and online on November 14, 2023. Information about the proposed rate changes and hearing was published in the October 20, 2023, issue of the *Texas Register* (48 TexReg 6242). 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 Nicole Hotchkiss, State Plan Policy Advisor, by mail at the Health and Human Services Commission, P.O. Box 13247, Mail Code H-600, Austin, Texas 78711; by telephone at (512) 487-3349; by facsimile at (512) 730-7472; or by e-mail at Medicaid_Chip_SPA_Inquiries@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

P.O. Box 149030

Mail Code H-400

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
4601 W. Guadalupe St.
Mail Code H-400
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-202400331

Karen Ray

Chief Counsel

Texas Health and Human Services Commission

Filed: January 30, 2024

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Department of State Health Services

Licensing Actions for Radioactive Materials

During the first half of December 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.

NEW LICENSES ISSUED:

Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amendment Number	Date of Action
GALVESTON	GALVESTON COLLEGE DBA GALVESTON COLLEGE NUCLEAR MEDICINE PROGRAM	L07202	GALVESTON	00	12/05/23

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
ALVIN	EQUISTAR CHEMICALS LP	L03363	ALVIN	33	12/01/23
AMARILLO	CITY OF AMARILLO DEPARTMENT OF CAPITAL PROJECTS & DEVELOPMENT ENGINEERING	L02320	AMARILLO	32	12/11/23
AUSTIN	THE UNIVERSITY OF TEXAS AT AUSTIN	L00485	AUSTIN	101	12/11/23
AUSTIN	ASCENSION SETON MEDICAL CENTER DEPARTMENT OF RADIOLOGY	L00268	AUSTIN	176	12/04/23
BAY CITY	MATAGORDA COUNTY HOSPITAL DISTRICT DBA MATAGORDA REGIONAL MEDICAL CENTER	L02701	BAY CITY	28	12/13/23
BAYTOWN	SAN JACINTO METHODIST HOSPITAL DBA HOUSTON METHODIST BAYTOWN HOSPITAL	L02388	BAYTOWN	84	12/06/23
BORGER	SOLVAY SPECIALTY POLYMERS USA LLC	L06719	BORGER	03	12/01/23

AMENDMENTS TO EXISTING LICENSES ISSUED:(continued)

CARROLLTON	JUBILANT DRAXIMAGE INC DBA JUBILANT RADIOPHARMA	L06943	CARROLLTON	19	12/12/23
DALLAS	CARDIOLOGY SPECIALISTS OF NORTH TEXAS PLLC	L06941	DALLAS	02	12/11/23
DALLAS	HEARTPLACE PLLC	L04607	DALLAS	80	12/11/23
DALLAS	THE UNIVERSITY OF TEXAS SOUTHWESTERN MEDICAL CENTER AT DALLAS	L00384	DALLAS	141	12/11/23
DENTON	HEALTHTEXAS PROVIDER NETWORK DBA BAYLOR SCOTT & WHITE DENTON HEART GROUP	L06777	DENTON	04	12/13/23
DENTON	COLUMBIA MEDICAL CENTER OF DENTON SUBSIDIARY LP DBA MEDICAL CITY DENTON	L02764	DENTON	79	12/04/23
EL PASO	IONETIX CORPORATION	L07100	EL PASO	03	12/06/23
FORT WORTH	ONCOLOGY HEMATOLOGY CONSULTANTS PA DBA THE CENTER FOR CANCER ANDBLOOD DISORDERS	L05919	FORT WORTH	34	12/06/23
GARLAND	MICROPAC INDUSTRIES INC	L06376	GARLAND	05	12/06/23
GRAPEVINE	MNX GLOBAL LOGISTICS CORP	L07144	GRAPEVINE	02	12/07/23
HOUSTON	INSIGNIA TTG PARENT LLC	L05791	HOUSTON	20	12/5/23
HOUSTON	KELSEY-SEYBOLD MEDICAL GROUP PLLC DBA KELSEY- SEYBOLD CLINIC	L00391	HOUSTON	85	12/05/23

AMENDMENTS TO EXISTING LICENSES ISSUED:(continued)

HOUSTON	MEMORIAL HERMANN HEALTH SYSTEM	L03772	HOUSTON	177	12/11/23
IRVING	BAYLOR MEDICAL CENTER AT IRVING DBA BAYLOR SCOTT & WHITE MEDICAL CENTER – IRVING	L02444	IRVING	128	12/12/23
KOSSE	LUMINANT MINING CO LLC DBA LUMINANT	L06177	KOSSE	05	12/11/23
MCALLEN	MCALLEN HOSPITALS LP DBA SOUTH TEXAS HEALTH SYSTEM HEART	L04902	MCALLEN	30	12/11/23
MCALLEN	MCALLEN HOSPITALS LP DBA SOUTH TEXAS HEALTH SYSTEM MCALLEN	L01713	MCALLEN	101	12/11/23
NORTH RICHLAND HILLS	MEDHEALTH DBA METHODIST CARDIOVASCULAR CONSULTANTS	L07176	NORTH RICHLAND HILLS	01	12/13/23
ORANGE	SOLVAY SPECIALTY POLYMERS USA LLC	L06515	ORANGE	07	12/05/23
PASADENA	THE GOODYEAR TIRE & RUBBER COMPANY	L04321	PASADENA	21	12/13/23
SACHSE	SUNLAND MEDICAL FOUNDATION DBA TRINITY REGIONAL HOSPITAL SACHSE	L07140	SACHSE	01	12/11/23
SAN ANTONIO	BHS PHYSICIANS NETWORK INC DBA HEART & VASCULAR INSTITUTE OF TEXAS	L06750	SAN ANTONIO	28	12/08/23
THE WOODLANDS	E+PET IMAGING VIII LP	L05747	THE WOODLANDS	15	12/01/23
THROUGHOUT TX	TERRADYNE ENGINEERING INC	L06525	EULESS	09	12/13/23

AMENDMENTS TO EXISTING LICENSES ISSUED:(continued)

THROUGHOUT TX	BAKER HUGHES OILFIELD OPERATIONS LLC	L00446	HOUSTON	201	12/06/23
THROUGHOUT TX	BAKER HUGHES OILFIELD OPERATIONS LLC	L00446	HOUSTON	204	12/07/23
THROUGHOUT TX	KIEWIT ENERGY GROUP	L07053	INGLESIDE	02	12/11/23
THROUGHOUT TX	MULTI PHASE METER SOLUTIONS LLC	L07141	MIDLAND	04	12/14/23
THROUGHOUT TX	PROTECT LLC	L07110	MIDLAND	08	12/08/23
THROUGHOUT TX	PRO INSPECTION INC	L06666	ODESSA	20	12/13/23
THROUGHOUT TX	TRACERCO US LLC	L03096	PASADENA	108	12/05/23
THROUGHOUT TX	RABA-KISTNER INC	L01571	SAN ANTONIO	104	12/15/23
THROUGHOUT TX	SQS NDT LP	L06896	SANGER	09	12/05/23
THROUGHOUT TX	MID-TEX TESTING LLC	L06674	WACO	05	12/07/23

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
ALLEN	TEXAS HEALTH PRESBYTERIAN HOSPITAL ALLEN	L05765	ALLEN	41	12/11/23
ALLEN	TEXAS HEALTH PRESBYTERIAN HOSPITAL ALLEN	L05765	ALLEN	41	12/11/23
BEAUMONT	ADVANCED CARDIOVASCULAR SPECIALISTS LLP	L05512	BEAUMONT	22	12/05/23
BEAUMONT	ADVANCED CARDIOVASCULAR SPECIALISTS LLP	L05512	BEAUMONT	22	12/05/23
CARROLLTON	ALPHA ENERGY LABORATORIES INC	L02814	CARROLLTON	21	12/01/23

RENEWAL OF LICENSES ISSUED:(continued)

DALLAS	DALLAS MEDICAL CENTER LLC	L06584	DALLAS	18	12/11/23
HOUSTON	THE MURILLO COMPANY GEOTECHNICAL AND ENVIRONMENTAL CONSULTANTS	L01373	HOUSTON	24	12/11/23
KATY	MEMORIAL CITY CARDIOLOGY ASSOCIATES DBA MEMORIAL KATY CARDIOLOGY ASSOCIATES	L05713	KATY	25	12/13/23
KATY	MEMORIAL CITY CARDIOLOGY ASSOCIATES DBA KATY CARDIOLOGY ASSOCIATES	L05713	KATY	25	12/13/23
SAN ANTONIO	CARDIOLOGY OF SAN ANTONIO PA	L05408	SAN ANTONIO	08	12/06/23
SAN ANTONIO	CARDIOLOGY OF SAN ANTONIO PA	L05408	SAN ANTONIO	08	12/06/23
THROUGHOUT TX	PIONEER INSPECTION SERVICES INC	L06553	SPRING	06	12/08/23

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
KINGSVILLE	CHRISTUS SPOHN HEALTH SYSTEM	L02917	KINGSVILLE	60	12/11/23
TAYLOR	LML SERVICES – TX INC DBA LML ENGINEERING	L06173	TAYLOR	06	12/05/23

TRD-202400375
Cynthia Hernandez
General Counsel
Department of State Health Services
Filed: January 31, 2024

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Licensing Actions for Radioactive Materials

During the second half of December 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.

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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.

NEW LICENSES ISSUED:

Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amendment Number	Date of Action
LUBBOCK	COLIBRI ISOTOPES CORPORATION	L07203	LUBBOCK	00	12/18/23
THROUGHOUT TX	GUARDIAN NDT LLC	L07204	ODESSA	00	12/28/23

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
ABILENE	HENDRICK MEDICAL CENTER	L02433	ABILENE	142	12/29/23
AMARILLO	BSA HOSPITAL LLC DBA HARRINGTON CANCER CENTER	L06556	AMARILLO	20	12/19/23
AUSTIN	PHARMALOGIC AUSTIN LLC	L07199	AUSTIN	01	12/19/23
AUSTIN	ARA ST DAVIDS IMAGING LP	L05862	AUSTIN	123	12/20/23
AUSTIN	AUSTIN RADIOLOGICAL ASSOCIATION	L00545	AUSTIN	250	12/20/23
BEDFORD	TEXAS ONCOLOGY PA	L05545	BEDFORD	81	12/15/23
COLLEGE STATION	TEXAS A & M UNIVERSITY	L00448	COLLEGE STATION	163	12/29/23
DALLAS	UT SOUTHWESTERN MEDICAL CENTER	L06663	DALLAS	23	12/20/23
DALLAS	CARDINAL HEALTH	L05610	DALLAS	53	12/20/23
DALLAS	UNIVERSITY OF TEXAS SOUTHWESTERN MEDICAL CENTER AT DALLAS	L05947	DALLAS	56	12/19/23

AMENDMENTS TO EXISTING LICENSES ISSUED:(continued)

DALLAS	THE UNIVERSITY OF TEXAS SOUTHWESTERN MEDICAL CENTER AT DALLAS	L00384	DALLAS	142	12/19/23
EL PASO	TENET HOSPITALS LIMITED DBA THE HOSPITALS OF PROVIDENCE EAST CAMPUS	L06152	EL PASO	40	12/22/23
GRAPEVINE	BAYLOR REGIONAL MEDICAL CENTER AT GRAPEVINE DBA BAYLOR SCOTT & WHITE MEDICAL CENTER GRAPEVINE	L03320	GRAPEVINE	46	12/15/23
HOUSTON	THE UNIVERSITY OF TEXAS MD ANDERSON CANCER CENTER	L06366	HOUSTON	25	12/20/23
HOUSTON	MEMORIAL HERMANN MEDICAL GROUP	L06430	HOUSTON	52	12/15/23
HOUSTON	THE UNIVERSITY OF TEXAS MD ANDERSON CANCER CENTER	L06227	HOUSTON	61	12/22/23
HOUSTON	CARDINAL HEALTH 414 LLC DBA CARDINAL HEALTH NUCLEAR PHARMACY SERVICES	L05536	HOUSTON	67	12/20/23
HOUSTON	METHODIST HEALTH CENTERS DBA HOUSTON METHODIST WILLOWBROOK HOSPITAL	L05472	HOUSTON	74	12/18/23

AMENDMENTS TO EXISTING LICENSES ISSUED:(continued)

LONGVIEW	CHRISTUS GOOD SHEPHERD MEDICAL CENTER DBA CHRISTUS GOOD SHEPHERD MEDICAL CENTER - LONGVIEW	L06902	LONGVIEW	13	12/15/23
LUBBOCK	ISORX TEXAS LTD	L05284	LUBBOCK	43	12/27/23
MANSFIELD	TEXAS HEALTH HOSPITAL MANSFIELD	L07076	MANSFIELD	06	12/29/23
MESQUITE	PRIME HEALTHCARE SERVICES MESQUITE LLC	L06727	MESQUITE	04	12/19/23
PASADENA	PMC HOSPITAL LLC	L06384	PASADENA	11	12/21/23
SAN ANTONIO	SOUTH TEXAS BLOOD & TISSUE CENTER	L04381	SAN ANTONIO	21	12/15/23
THROUGHOUT TX	FLYING A PUMPING SERVICES LLC	L07134	CISCO	03	12/20/23
THROUGHOUT TX	IRISNDT INC	L06435	HOUSTON	35	12/22/23
THROUGHOUT TX	RUIZ TESTING SERVICES INC	L04948	SAN ANTONIO	23	12/21/23
TYLER	ALLENS NUTECH INC	L04274	TYLER	107	12/15/23

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
PORT ARTHUR	MURLIDHAR A AMIN MD PA	L05735	PORT ARTHUR	19	12/19/23

EXEMPTIONS ISSUED:

Location of Use/Possession of Material	Name of Licensed Entity	License Number	Exemption Number	City of Licensed Entity	Amendment Number	Date of Action
COLLEGE STATION	TEXAS A & M UNIVERSITY	L00448	E23-02	COLLEGE STATION	163	12/29/23

TRD-202400376
Cynthia Hernandez
General Counsel
Department of State Health Services
Filed: January 31, 2024

Order Temporarily Placing Etizolam, Flualprazolam, Clonazolam, Flubromazolam, and Diclazepam into Schedule I, Implementing the Designer Steroid control Act of 2014 (Schedule III), and Placing Metonitazene into Schedule I

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The U.S. Drug Enforcement Administration issued an order temporarily placing 4-(2-chlorophenyl)-2-ethyl-9-methyl-6*H*-thieno[3,2-*f*][1,2,4]triazolo[4,3-*a*][1,4]diazepine (commonly known as etizolam), 8-chloro-6-(2-fluorophenyl)-1-methyl-4*H*-benzo[*f*][1,2,4]triazolo[4,3-*a*][1,4]diazepine (commonly known as flualprazolam), 6-(2-chlorophenyl)-1-methyl-8-nitro-4*H*-benzo[*f*][1,2,4]triazolo[4,3-*a*][1,4]diazepine (commonly known as clonazolam), 8-bromo-6-(2-fluorophenyl)-1-methyl-4*H*-benzo[*f*][1,2,4]triazolo[4,3-*a*][1,4]diazepine (alternate chemical name: 8-bromo-6-(2-fluorophenyl)-1-methyl-4*H*-[1,2,4]triazolo[4,3-*a*][1,4]benzodiazepine and commonly known as flubromazolam), and 7-chloro-5-(2-chlorophenyl)-1-methyl-1,3-dihydro-2*H*-benzo[*e*][1,4]diazepin-2-one (commonly known as diclazepam), including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible, in schedule I of the Controlled Substances Act. This order was published in the *Federal Register*, Volume 88, Number 142, pages 48112-48118, and was effective July 26, 2023.

This scheduling action was taken pursuant to the following:

1. Etizolam, flualprazolam, clonazolam, flubromazolam, and diclazepam have high potential for abuse;
2. There is currently no accepted medical use in treatment in the United States;
3. There is a lack of accepted safety for use under medical supervision; and
4. Control of etizolam, flualprazolam, clonazolam, flubromazolam, and diclazepam is necessary to avoid an imminent hazard to public safety.

The U.S. Drug Enforcement Administration (DEA) issued a final rule amending the definition of “anabolic steroid” and adding new specific substances to the list of schedule III anabolic steroids. This order was published in the *Federal Register*, Volume 88, Number 146, pages 50036-50041, and was effective August 1, 2023. This action was taken to implement requirements under the Designer Anabolic Steroid Control Act of 2014 (DASCA). The DEA published this rule to amend and reorganize its regulations and to codify the statutory amendments to the Controlled Substances Act (CSA) made by DASCA. The Department is adopting these changes to maintain consistency with the format and substance of DEA regulations.

The U.S. Drug Enforcement Administration issued a final rule permanently placing *N,N*-diethyl-2-(2-(4-methoxybenzyl)-5-nitro-1*H*-benzimidazol-1-yl)ethan-1-amine (metonitazene), including its isomers, esters, ethers, salts, and salts of isomers, esters, and 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 final rule was published in the *Federal Register*, Volume 88, Number 159, pages 56466-56469, and is effective September 18, 2023.

This scheduling action was taken pursuant to the following:

1. In order to meet the United States' obligations under the 1961 United Nations Single Convention on Narcotic Drugs;
2. Metonitazene has no currently accepted medical use in treatment in the United States;
3. Metonitazene has a pharmacological profile similar to etonitazene (schedule I), isotonitazene (schedule I), and other schedule I and II synthetic opioids; and
4. The use of metonitazene presents a high risk of abuse.

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, Jennifer Shuford, M.D., does hereby order that the substances etizolam, flualprazolam, clonazolam, flubromazolam, and diclazepam be placed into schedule I temporarily controlled substances, amendments to schedule III anabolic steroids and hormones, and metonitazene be placed into Schedule I.

-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) Brorphine (1-(1-(1-(4-bromophenyl)ethyl)piperidin-4-yl)-1,3-dihydro-2H-benzo[d]imidazol-2-one);
- (18) Butyryl fentanyl (*N*-(1-phenethylpiperidin-4-yl)-*N*-phenylbutanamide);
- (19) Clonitazene;
- (20) Crotonyl fentanyl (Other name: (6-2-5) (E)-*N*-(1-Phenethylpiperidin-4-yl)-*N*-phenylbut-2-enamide);
- (21) Cyclopentyl fentanyl (*N*-(1-phenethylpiperidin-4-yl)-*N*-Phenylcyclopentanecarboxamide);
- (22) Cyclopropyl fentanyl (*N*-(1-phenethylpiperidin-4-yl)-*N*-phenylcyclopropanecarboxamide);
- (23) Diampromide;
- (24) Diethylthiambutene;
- (25) Difenoazin;
- (26) Dimenoxadol;
- (27) Dimethylthiambutene;
- (28) Dioxaphetyl butyrate;
- (29) Dipipanone;
- (30) Ethylmethylthiambutene;
- (31) Etonitazene;

- (32) Etoxidine;
- (33) Fentanyl carbamate (ethyl (1-phenethylpiperidin-4-yl)(phenyl)carbamate);
- (34) 4-Fluoroisobutyryl fentanyl (*N*-(4-fluorophenyl)-*N*-(1-phenethylpiperidin-4-yl)isobutyramide) (Other name: *p*-fluoroisobutyryl fentanyl);
- (35) 2'-Fluoro *o*-fluorofentanyl (*N*-(1-(2-fluorophenethyl)piperidin-4-yl)-*N*-(2-fluorophenyl)propionamide (Other name: 2'-fluoro 2-fluorofentanyl);
- (36) Furanyl fentanyl (*N*-(1-phenethylpiperidin-4-yl)-*N*-phenylfuran-2-carboxamide);
- (37) Furethidine;
- (38) Hydroxypethidine;
- (39) Isobutyryl fentanyl (*N*-(1-phenethylpiperidin-4-yl)-*N*-phenylisobutyramide);
- (40) Isotonitazene (*N,N*-diethyl-2-(2-(4-isopropoxybenzyl)-5-nitro-1*H*-benzimidazol-1-yl)ethan-1-amine);
- (41) Ketobemidone;
- (42) Levophenacylmorphane;
- (43) Meprodine;
- (44) Methadol;
- (45) Methoxyacetyl fentanyl (2-methoxy-*N*-(1-phenethylpiperidin-4-yl)-*N*-phenylacetamide);
- (46) 4'-Methyl acetyl fentanyl (*N*-(1-(4-methylphenethyl)piperidin-4-yl)-*N*-phenylacetamide);
- (47) 3-Methylfentanyl (*N*-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-*N*-phenylpropanamide);
- (48) 3-Methylthiofentanyl (*N*-[3-methyl-1-(2-thienyl)ethyl-4-piperidiny]-*N*-phenylpropanamide);
- *(49) Metonitazene (*N,N*-diethyl-2-(2-(4-methoxybenzyl)-5-nitro-1*H*-benzimidazol-1-yl)ethan-1-amine);
- (50) Moramide;
- (51) Morpheridine;
- (52) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);
- (53) MT-45 (1-cyclohexyl-4-(1,2-diphenylethyl)piperazine);
- (54) Noracymethadol;
- (55) Norlevorphanol;
- (56) Normethadone;
- (57) Norpipanone;
- (58) Ocfentanil (*N*-(2-fluorophenyl)-2-methoxy-*N*-(1-phenethylpiperidin-4-yl)acetamide);
- (59) *o*-Fluoroacryl fentanyl (*N*-(2-fluorophenyl)-*N*-(1-phenethylpiperidin-4-yl)acrylamide);
- (60) *o*-Fluorobutyryl fentanyl (*N*-(2-fluorophenyl)-*N*-(1-phenethylpiperidin-4-yl)butyramide (Other name: 2-fluorobutyryl fentanyl);

- (61) *o*-Fluorofentanyl (*N*-(2-fluorophenyl)-*N*-(1-phenethylpiperidin-4-yl)propionamide) (Other name: 2-fluorofentanyl);
- (62) *o*-Fluoroisobutyryl fentanyl (*N*-(2-fluorophenyl)-*N*-(1-phenethylpiperidin-4-yl)isobutyramide);
- (63) *o*-Methyl acetylfentanyl (*N*-(2-methylphenyl)-*N*-(1-phenethylpiperidin-4-yl)acetamide (Other name: 2-methyl acetylfentanyl);
- (64) *o*-Methyl methoxyacetyl fentanyl (2-methoxy-*N*-(2-methylphenyl)-*N*-(1-phenethylpiperidin-4-yl)acetamide (Other name: 2-methyl methoxyacetyl fentanyl);
- (65) *p*-Chloroisobutyryl fentanyl (*N*-(4-chlorophenyl)-*N*-(1-phenethylpiperidin-4-yl)isobutyramide);
- (66) *p*-Fluorobutyryl fentanyl (*N*-(4-fluorophenyl)-*N*-(1-phenethylpiperidin-4-yl)butyramide);
- (67) *p*-Fluorofentanyl (*N*-(4-fluorophenyl)-*N*-[1-(2-phenethyl)-4 piperidinyl]propanamide);
- (68) *p*-Fluoro furanyl fentanyl (*N*-(4-fluorophenyl)-*N*-(1-phenethylpiperidin-4-yl)furan-2-carboxamide);
- (69) *p*-Methoxybutyryl fentanyl (*N*-(4-methoxyphenyl)-*N*-(1-phenethylpiperidin-4-yl)butyramide);
- (70) *p*-Methylfentanyl (*N*-(4-methylphenyl)-*N*-(1-phenethylpiperidin-4-yl)propionamide (Other name: 4-methylfentanyl);
- (71) PEPAP (1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine);
- (72) Phenadoxone;
- (73) Phenampromide;
- (74) Phencyclidine;
- (75) Phenomorphan;
- (76) Phenoperidine;
- (77) Phenyl fentanyl (*N*-(1-phenethylpiperidin-4-yl)-*N*-phenylbenzamide (Other name: benzoyl fentanyl);
- (78) Piritramide;
- (79) Proheptazine;
- (80) Properidine;
- (81) Propiram;
- (82) Tetrahydrofuranyl fentanyl (*N*-(1-phenethylpiperidin-4-yl)-*N*-phenyltetrahydrofuran-2-carboxamide);
- (83) Thiofentanyl (*N*-phenyl-*N*-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide);
- (84) Thiofuranyl fentanyl (*N*-(1-phenethylpiperidin-4-yl)-*N*-phenylthiophene-2-carboxamide (Other names: 2-thiofuranyl fentanyl; thiophene fentanyl);
- (85) Tilidine;
- (86) Trimeperidine;
- (87) U-47700 (3,4-dichloro-*N*-[2-(dimethylamino)cyclohexyl]-*N*-methylbenzamide);
- (88) Valeryl fentanyl (*N*-(1-phenethylpiperidin-4-yl)-*N*-phenylpentanamide); and,

(89) Zipeprol (1-methoxy-3-[4-(2-methoxy-2-phenylethyl)piperazin-1-yl]-1-phenylpropan-2-ol).

-Schedule I temporarily listed substances subject to emergency scheduling by the U.S. Drug Enforcement Administration.

Unless specifically excepted or unless listed in another schedule, a material, compound, mixture, or preparation that contains any quantity of the following substances or that contains any of the substance's isomers, esters, ethers, salts and salts of isomers, esters, and ethers if the existence of the salts, esters, ethers isomers, and salts of isomers, esters, ethers is possible within the specific chemical designation:

(1) Fentanyl-related substances.

(1-1) Fentanyl-related substance means any substance not otherwise listed under another Administration Controlled Substance Code Number, and for which no exemption or approval is in effect under Section 505 of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 355], that is structurally related to fentanyl by one or more of the following modifications:

(1-1-1) Replacement of the phenyl portion of the phenethyl group by any monocycle, whether or not further substituted in or on the monocycle,

(1-1-2) Substitution in or on the phenethyl group with alkyl, alkenyl, alkoxy, hydroxyl, halo, haloalkyl, amino or nitro groups,

(1-1-3) Substitution in or on the piperidine ring with alkyl, alkenyl, alkoxy, ester, ether, hydroxyl, halo, haloalkyl, amino or nitro groups,

(1-1-4) Replacement of the aniline ring with any aromatic monocycle whether or not further substituted in or on the aromatic monocycle, and/or

(1-1-5) Replacement of the *N*-propionyl group by another acyl group.

(1-2) This definition includes, but is not limited to, the following substances:

(1-2-1) *N*-(1-(2-Fluorophenethyl)piperidin-4-yl)-*N*-(2-fluorophenyl)propionamide (Other name: 2'-fluoro-*o*-fluorofentanyl);

(1-2-2) *N*-(2-Methylphenyl)-*N*-(1-phenethylpiperidin-4-yl)acetamide (Other name: *o*-methyl acetylfentanyl);

(1-2-3) *N*-(1-Phenethylpiperidin-4-yl)-*N*,3-diphenylpropanamide (Other names: β' -phenyl fentanyl; hydrocinnamoyl fentanyl); and,

(1-2-4) *N*-(1-Phenethylpiperidin-4-yl)-*N*-phenylthiophene-2-carboxamide (Other name: thiofuranyl fentanyl).

(2) 2-(2-(4-Butoxybenzyl)-5-nitro-1*H*-benzimidazol-1-yl)-*N,N*-diethylethan-1-amine (Other name: butonitazene);

(3) 2-(2-(4-Ethoxybenzyl)-1*H*-benzimidazol-1-yl)-*N,N*-diethylethan-1-amine (Other names: etodesnitazene; etazene);

(4) *N,N*-Diethyl-2-(2-(4-fluorobenzyl)-5-nitro-1*H*-benzimidazol-1-yl)ethan-1-amine (Other name: flunitazene);

(5) *N,N*-Diethyl-2-(2-(4-methoxybenzyl)-1*H*-benzimidazol-1-yl)ethan-1-amine (Other name: metodesnitazene);

~~*(6) *N,N*-Diethyl-2-(2-(4-methoxybenzyl)-5-nitro-1*H*-benzimidazol-1-yl)ethan-1-amine (Other name: metonitazene);~~

(6) 2-(4-Ethoxybenzyl)-5-nitro-1-(2-(pyrrolidin-1-yl)ethyl)-1*H*-benzimidazole (Other names: *N*-pyrrolidino etonitazene; etonitazepyne);

(7) *N,N*-Diethyl-2-(5-nitro-2-(4-propoxybenzyl)-1*H*-benzimidazol-1-yl)ethan-1-amine (Other name: protonitazene);

*(8) 4-(2-chlorophenyl)-2-ethyl-9-methyl-6*H*-thieno[3,2-*f*][1,2,4]triazolo[4,3-*σ*][1,4]diazepine (Other name: etizolam);

*(9) 8-chloro-6-(2-fluorophenyl)-1-methyl-4*H*-benzo[*f*][1,2,4]triazolo[4,3-*σ*][1,4]diazepine (Other name: flualprazolam);

*(10) 6-(2-chlorophenyl)-1-methyl-8-nitro-4*H*-benzo[*f*][1,2,4]triazolo[4,3-*σ*][1,4]diazepine (Other name: clonazolam);

*(11) 8-bromo-6-(2-fluorophenyl)-1-methyl-4*H*-benzo[*f*][1,2,4]triazolo[4,3-*σ*][1,4]diazepine (Other names: 8-bromo-6-(2-fluorophenyl)-1-methyl-4*H*-[1,2,4]triazolo[4,3-*σ*][1,4]benzodiazepine and flubromazolam); and,

*(12) 7-chloro-5-(2-chlorophenyl)-1-methyl-1,3-dihydro-2*H*-benzo[*e*][1,4]diazepin-2-one (Other name: diclazepam).

-Schedule III anabolic steroids and hormones

*Anabolic steroids. Unless specifically excepted or unless listed in another schedule, any substance meeting the definition of anabolic steroid as set forth in 21 CFR §1300.01, including any material, compound, mixture or preparation containing any quantity of the following substances, including its salts, esters and ethers:

(1) 5α-androstan-3,17-dione;

*(2) 5α-androstan-3,6,17-trione;

(3) 1-androstenediol (3β,17β-dihydroxy-5α-androst-1-ene);

(4) 1-androstenediol (3α,17β-dihydroxy-5α-androst-1-ene);

(5) 4-androstenediol (3β,17β-dihydroxy-androst-4-ene);

(6) 5-androstenediol (3β,17β-dihydroxy-androst-5-ene);

(7) 1-androstenedione (5α-androst-1-en-3,17-dione);

(8) 4-androstenedione (androst-4-en-3,17-dione);

(9) 5-androstenedione (androst-5-en-3,17-dione);

(10) bolasterone (7α,17α-dimethyl-17β-hydroxyandrost-4-en-3-one);

(11) boldenone (17β-hydroxyandrost-1,4-diene-3-one);

- (12) boldione (androsta-1,4-diene-3,17-dione);
- *(13) 6-bromo-androsta-1,4-diene-3,17-dione;
- *(14) 6-bromo-androstan-3,17-dione;
- (15) calusterone (7 β ,17 α -dimethyl-17 β -hydroxyandrost-4-en-3-one);
- *(16) 4-chloro-17 α -methyl-androsta-1,4-diene-3,17 β -diol;
- *(17) 4-chloro-17 α -methyl-androst-4-ene-3 β ,17 β -diol;
- *(18) 4-chloro-17 α -methyl-17 β -hydroxy-androst-4-en-3-one;
- *(19) 4-chloro-17 α -methyl-17 β -hydroxy-androst-4-ene-3,11-dione;
- (20) clostebol (4-chloro-17 β -hydroxyandrost-4-en-3-one);
- (21) dehydrochloromethyltestosterone (4-chloro-17 β -hydroxy-17 α -methyl-androst-1,4-dien-3-one);
- (22) desoxymethyltestosterone (17 α -methyl-5 α -androst-2-en-17 β -ol) (Other name: madol);
- (23) 4-dihydrotestosterone (17 β -hydroxy-androstan-3-one);
- (24) Δ 1-dihydrotestosterone (17 β -hydroxy-5 α -androst-1-en-3-one) (Other name: 1-testosterone);
- (25) 3 β ,17 β -dihydroxy-5 α -androstane;
- (26) 3 α ,17 β -dihydroxy-5 α -androstane;
- *(27) 2 α ,17 α -dimethyl-17 β -hydroxy-5 β -androstane-3-one;
- (28) drostanolone (17 β -hydroxy-2 α -methyl-5 α -androstane-3-one);
- *(29) 2 α ,3 α -epithio-17 α -methyl-5 α -androstane-17 β -ol;
- *(30) estra-4,9,11-triene-3,17-dione;
- (31) 13 β -ethyl-17 β -hydroxygon-4-en-3-one;
- (32) ethylestrenol (17 α -ethyl-17 β -hydroxyestr-4-ene);
- (33) fluoxymesterone (9-fluoro-17 α -methyl-11 β ,17 β -dihydroxyandrost-4-en-3-one);
- (34) formebolone (2-formyl-17 α -methyl-11 α ,17 β -dihydroxyandrost-1,4-dien-3-one);
- (35) furazabol (17 α -methyl-17 β -hydroxyandrostano[2,3-c]furazan);
- *(36) [3,2-c]furazan-5 α -androstane-17 β -ol;
- *(37) 18 α -homo-3-hydroxy-estra-2,5(10)-dien-17-one;
- (38) 4-hydroxy-19-nortestosterone (4,17 β -dihydroxy-estr-4-en-3-one);
- *(39) 4-hydroxy-androst-4-ene-3,17-dione;
- *(40) 17 β -hydroxy-androstano[2,3-d]isoxazole;
- *(41) 17 β -hydroxy-androstano[3,2-c]isoxazole;
- *(42) 3 β -hydroxy-estra-4,9,11-trien-17-one;
- (43) 4-hydroxytestosterone (4,17 β -dihydroxy-androst-4-en-3-one);
- (44) mestanolone (17 α -methyl-17 β -hydroxy-5 α -androstane-3-one);
- (45) mesterolone (1 α -methyl-17 β -hydroxy-5 α -androstane-3-one);
- (46) methandienone (17 α -methyl-17 β -hydroxyandrost-1,4-dien-3-one);
- (47) methandriol (17 α -methyl-3 β ,17 β -dihydroxyandrost-5-ene);

- (48) methasterone (2 α ,17 α -dimethyl-5 α -androstan-17 β -ol-3-one or 2 α ,17 α -dimethyl-17 β -hydroxy-5 α -androstan-3-one);
- (49) methenolone (1-methyl-17 β -hydroxy-5 α -androst-1-en-3-one);
- *(50) 17 α -methyl-androsta-1,4-diene-3,17 β -diol;
- *(51) 17 α -methyl-5 α -androstan-17 β -ol;
- *(52) 17 α -methyl-androstan-3-hydroxyimine-17 β -ol;
- *(53) 6 α -methyl-androst-4-ene-3,17-dione;
- *(54) 17 α -methyl-androst-2-ene-3,17 β -diol;
- (55) 17 α -methyl-3 β ,17 β -dihydroxy-5 α -androstane;
- (56) 17 α -methyl-3 α ,17 β -dihydroxy-5 α -androstane;
- (57) 17 α -methyl-3 β ,17 β -dihydroxyandrost-4-ene;
- (58) 17 α -methyl-4-hydroxynandrolone (17 α -methyl-4-hydroxy-17 β -hydroxyestr-4-en-3-one);
- (59) methyldienolone (17 α -methyl-17 β -hydroxyestra-4,9(10)-dien-3-one);
- (60) 17 α -methyl- Δ 1-dihydrotestosterone (17 β -hydroxy-17 α -methyl-5 α -androst-1-en-3-one) (Other name: 17- α -methyl-1-testosterone);
- (61) methyltestosterone (17 α -methyl-17 β -hydroxyandrost-4-en-3-one);
- (62) methyltrienolone (17 α -methyl-17 β -hydroxyestra-4,9,11-trien-3-one);
- (63) mibolerone (7 α ,17 α -dimethyl-17 β -hydroxyestr-4-en-3-one);
- (64) nandrolone (17 β -hydroxyestr-4-en-3-one);
- (65) 19-nor-4-androstenediol (3 β ,17 β -dihydroxyestr-4-ene);
- (66) 19-nor-4-androstenediol (3 α ,17 β -dihydroxyestr-4-ene);
- (67) 19-nor-5-androstenediol (3 β ,17 β -dihydroxyestr-5-ene);
- (68) 19-nor-5-androstenediol (3 α ,17 β -dihydroxyestr-5-ene);
- (69) 19-nor-4,9(10)-androstadienedione (estra-4,9(10)-diene-3,17-dione);
- (70) 19-nor-4-androstenedione (estr-4-en-3,17-dione);
- (71) 19-nor-5-androstenedione (estr-5-en-3,17-dione);
- (72) norbolethone (13 β ,17 α -diethyl-17 β -hydroxygon-4-en-3-one);
- (73) norclostebol (4-chloro-17 β -hydroxyestr-4-en-3-one);
- (74) norethandrolone (17 α -ethyl-17 β -hydroxyestr-4-en-3-one);
- (75) normethandrolone (17 α -methyl-17 β -hydroxyestr-4-en-3-one);
- (76) oxandrolone (17 α -methyl-17 β -hydroxy-2-oxa-5 α -androstan-3-one);
- (77) oxymesterone (17 α -methyl-4,17 β -dihydroxyandrost-4-en-3-one);
- (78) oxymetholone (17 α -methyl-2-hydroxymethylene-17 β -hydroxy-5 α -androstan-3-one);
- (79) prostanazol (17 β -hydroxy-5 α -androstan[3,2-c]pyrazole or [3,2-c]pyrazole-5 α -androstan-17 β -ol);
- *(80) [3,2-c]pyrazole-androst-4-en-17 β -ol;
- (81) stanozolol (17 α -methyl-17 β -hydroxy-5 α -androst-2-eno[3,2-c]-pyrazole);
- (82) stenbolone (17 β -hydroxy-2-methyl-5 α -androst-1-en-3-one);
- (83) testolactone (13-hydroxy-3-oxo-13,17-secoandrosta-1,4-dien-17-oic acid lactone);

- (84) testosterone (17 β -hydroxyandrost-4-en-3-one);
- (85) tetrahydrogestrinone (13 β ,17 α -diethyl-17 β -hydroxygon-4,9,11-trien-3-one);
- and
- (86) trenbolone (17 β -hydroxyestr-4,9,11-trien-3-one).

Changes are marked by an asterisk(*)

TRD-202400377
Cynthia Hernandez
General Counsel
Department of State Health Services
Filed: January 31, 2024



Texas Higher Education Coordinating Board

Meeting of Negotiated Rulemaking Committee on 100-Mile Non-State Resident Tuition Waiver

Date of Meeting: February 21, 2024

Start Time of Meeting: 9:30 a.m.

Additional Information Obtained From: Laurie Frederick, Convener, Laurie.Frederick@highered.texas.gov

Agenda:

1. Introductions
2. Brief Overview of the Negotiated Rulemaking Process: What it is, What it's not
3. Brief Overview of Roles and Responsibilities
 - a) Role of Facilitator
 - b) Role of Sponsor Agency
 - c) Role of Committee Members
4. Consideration and Possible Action to Approve Facilitator
5. Procedural Issues
 - a) Consideration and Possible Action to Approve Ground Rules
 - b) Consideration and Possible Action to Approve Definition of Consensus
6. Discussion of Draft Rule Language on 100-Mile Non-State Resident Tuition Waiver
7. Consideration and Possible Action to Approve Proposed Rule Language on 100-Mile Non-State Resident Tuition Waiver

Individuals who may require auxiliary aids or services for this meeting should contact Glenn Tramel, ADA Coordinator, at (512) 427-6193 at least five days before the meeting so that appropriate arrangements can be made.

TRD-202400358
Nichole Bunker-Henderson
General Counsel
Texas Higher Education Coordinating Board
Filed: January 31, 2024



Meeting of Negotiated Rulemaking Committee on Nursing Scholarship Program

Date of Meeting: February 26, 2024

Start Time of Meeting: 9:30 a.m.

Additional Information Obtained From: Laurie Frederick, Convener, Laurie.Frederick@highered.texas.gov

Agenda:

1. Introductions
2. Brief Overview of the Negotiated Rulemaking Process: What it is, What it's not
3. Brief Overview of Roles and Responsibilities
 - a) Role of Facilitator
 - b) Role of Sponsor Agency
 - c) Role of Committee Members
4. Consideration and Possible Action to Approve Facilitator
5. Procedural Issues
 - a) Consideration and Possible Action to Approve Ground Rules
 - b) Consideration and Possible Action to Approve Definition of Consensus
6. Discussion of Draft Rule Language on Nursing Scholarship Program
7. Consideration and Possible Action to Approve Proposed Rule Language on Nursing Scholarship Program

Individuals who may require auxiliary aids or services for this meeting should contact Glenn Tramel, ADA Coordinator, at (512) 427-6193 at least five days before the meeting so that appropriate arrangements can be made.

TRD-202400359
Nichole Bunker-Henderson
General Counsel
Texas Higher Education Coordinating Board
Filed: January 31, 2024



Meeting of Negotiated Rulemaking Committee on Professional Nursing Shortage Reduction Program

Date of Meeting: February 20, 2024

Start Time of Meeting: 9:30 a.m.

Additional Information Obtained From: Laurie Frederick, Convener, Laurie.Frederick@highered.texas.gov

Agenda:

1. Introductions
2. Brief Overview of the Negotiated Rulemaking Process: What it is, What it's not
3. Brief Overview of Roles and Responsibilities
 - a) Role of Facilitator
 - b) Role of Sponsor Agency
 - c) Role of Committee Members
4. Consideration and Possible Action to Approve Facilitator
5. Procedural Issues

- a) Consideration and Possible Action to Approve Ground Rules
- b) Consideration and Possible Action to Approve Definition of Consensus

6. Discussion of Draft Rule Language on Professional Nursing Shortage Reduction Program

7. Consideration and Possible Action to Approve Proposed Rule Language on Professional Nursing Shortage Reduction Program

Individuals who may require auxiliary aids or services for this meeting should contact Glenn Tramel, ADA Coordinator, at (512) 427-6193 at least five days before the meeting so that appropriate arrangements can be made.

TRD-202400360
 Nichole Bunker-Henderson
 General Counsel
 Texas Higher Education Coordinating Board
 Filed: January 31, 2024



Meeting of Negotiated Rulemaking Committee on Rural Resident Physician Grant Program

Date of Meeting: February 22, 2024

Start Time of Meeting: 9:30 a.m.

Additional Information Obtained From: Laurie Frederick, Convener, Laurie.Frederick@highered.texas.gov

Agenda:

1. Introductions
2. Brief Overview of the Negotiated Rulemaking Process: What it is, What it's not
3. Brief Overview of Roles and Responsibilities
 - a) Role of Facilitator
 - b) Role of Sponsor Agency
 - c) Role of Committee Members
4. Consideration and Possible Action to Approve Facilitator
5. Procedural Issues
 - a) Consideration and Possible Action to Approve Ground Rules
 - b) Consideration and Possible Action to Approve Definition of Consensus
6. Discussion of Draft Rule Language on Rural Resident Physician Grant Program

7. Consideration and Possible Action to Approve Proposed Rule Language on Rural Resident Physician Grant Program

Individuals who may require auxiliary aids or services for this meeting should contact Glenn Tramel, ADA Coordinator, at (512) 427-6193 at least five days before the meeting so that appropriate arrangements can be made.

TRD-202400361
 Nichole Bunker-Henderson
 General Counsel
 Texas Higher Education Coordinating Board
 Filed: January 31, 2024



Notice of Opportunity to Comment on Proposed Lower-Division Academic Course Guide Manual (ACGM) Course Description and Learning Outcome Revisions for PHED/KINE 1164, 1301, 1306, 1308, 1321, 1336, and 2356

The Texas Higher Education Coordinating Board (THECB or Coordinating Board) staff is providing an opportunity for written public comment on revisions to the course descriptions and learning outcomes to PHED/KINE 1164, 1301, 1306, 1308, 1321, 1336, and 2356 that would update the courses to reflect current practice in the discipline of Kinesiology.

Texas Education Code (TEC) Chapter 61, Subchapter B, establishes policies to establish and govern advisory committees, including the Lower-Division Academic Course Guide Manual (ACGM) Advisory Committee. The ACGM Advisory Committee is tasked with making recommendation to improve the efficiency and effectiveness of transition between institutions of higher education for transfer purposes (TEC §61.061). The Coordinating Board has promulgated rules related to transfer policy in 19 Texas Administrative Code (TAC) Chapter 1, Subchapter V, and Chapter 4, Subchapter B. Posting requirements may be found in 19 TAC §4.33(f) and §1.239(b).

The ACGM committee met on November 6, 2023, to consider and make recommendations to the ACGM. The committee recommended updating the course descriptions and learning outcomes for PHED/KINE 1164, 1301, 1306, 1308, 1321, 1336, and 2356 to bring the courses into alignment with current practice in the discipline of Kinesiology. These recommended changes to the courses were developed by a workgroup of faculty in the discipline composed of equal numbers of representatives from public community colleges and universities.

The recommended course descriptions and learning outcomes are as follows:

Physical Activities

Instruction and participation in physical and recreational activities. (Physical Fitness and Sport majors may have the option of four credits.) (NOTE: Any number in the ranges 1100-1150 and 2100-2150 may be used for Physical Education activity and Recreational Dance, as opposed to theory/classroom, courses. Because such courses are so numerous and their specific course equivalency typically is not a significant transfer credit issue, no attempt has been made in the ACGM and the TCCN Matrix to standardize individual numbers within these ranges.)

Approval Number: 36.0108.51 23

Maximum SCH per student: 2 (non-major); 4 (major)

Maximum SCH per course: 1

Maximum contact hours per course: 48

Recreational Dance

Instruction and participation in folk, social, tap, or other dance forms.
NOTE: These courses are recreational in nature and should bear the KINE/PHED prefix instead of the DANC prefix.

(NOTE: Any number in the ranges 1100-1150 and 2100-2150 may be used for Physical Education activity and Recreational Dance, as opposed to theory/classroom, courses. Because such courses are so numerous and their specific course equivalency typically is not a significant transfer credit issue, no attempt has been made in the ACGM and the TCCN Matrix to standardize individual numbers within these ranges.)

Approval Number: 36.0114.51 23

Maximum SCH per student: 2 (non-major); 4 (major)

Maximum SCH per course: 1

Maximum contact hours per course: 48

KINE 1164: Introduction to Physical Fitness & Wellness

This course will provide an overview of the lifestyle necessary for fitness and health. Students will participate in physical activities and assess their fitness status. Students will be introduced to proper nutrition, weight management, cardiovascular health, flexibility, and strength training.

Approval Number: 31.0501.52 23

Maximum SCH per student: 1

Maximum SCH per course: 1

Maximum contact hours per course: 48

Learning Outcomes

Upon successful completion of this course, students will:

1. Describe how the health-related components of physical fitness impact overall health and wellness.
2. Analyze the interaction between lifestyle choices and disease.
3. Plan, implement, and evaluate a personal fitness program.
4. Evaluate the impact of global trends on physical activity and healthy lifestyle practices that can be adopted in response to these trends.

KINE 1301: Foundations of Kinesiology

The purpose of this course is to provide students with an overview to the disciplinary knowledge that includes the historical development of physical education, kinesiology, exercise science, and sport. This course offers the student both an introduction to the knowledge base, as well as information on expanding career opportunities.

Approval Number: 31.0501.52 23

Maximum SCH per student: 3

Maximum SCH per course: 3

Maximum contact hours per course: 48

Learning Outcomes

Upon successful completion of this course, students will:

1. Distinguish between and identify terminology and research within the sub-disciplines in the field of Kinesiology and their application to diverse careers.

2. Summarize the historical and philosophical approaches to physical activity, physical education, exercise science and sport.

3. Identify the characteristics of a physically educated person and the importance of assessment and advocacy in physical education, exercise science, and sport.

4. Discuss how the changing nature of education and technological advances may influence physical education, exercise science, and sport in the future.

5. Identify major professional organizations, foundations, and associations supporting physical activity at local, state, national and international levels as well as data tools and resources.

KINE 1306: First Aid, CPR, and Safety Practices

Instruction and practice for emergency care. Designed to enable students to recognize and avoid hazards within their environment, to render intelligent assistance in case of accident or sudden illness, and to develop skills necessary for the immediate and temporary care of the victim. Successful completion of the course may enable the student to receive a certificate from a nationally recognized agency.

Approval Number: 51.1504.53 16

Maximum SCH per student: 3

Maximum SCH per course: 3

Maximum contact hours per course: 48

Learning Outcomes

Upon successful completion of this course, students will:

1. Explain the workings of the systems in the human body particularly those systems, which are likely affected in emergency care.
2. Recognize and meet the needs of emergency situations including (but not limited to) first aid care, emergency assistance, life support skills, EMS protocols, CPR, and AED.
3. Justify layperson and professional roles and responsibilities in emergency situations including but not limited to legal ramifications, barriers to action, requirements for action, and psychological responses.
4. Explain and demonstrate skills for treating victims including (but not limited to) musculoskeletal injuries, bleeding, choking, and environmental emergencies.
5. Explain and demonstrate skills for respiratory distress including (but not limited to) CPR, rescue breathing, obstructed airway, and usage of an AED devices.
6. Promote safety and preventative educational methods that reduce the risk of injury, accidents, and life-style related diseases.

KINE 1308: Sports Officiating

This course is designed to teach the skills of sports officiating with an emphasis on knowledge of the rules, game management, and the role of the sports official in maintaining fair play and sportsmanship. Communication, decision making, conflict management skills, and game safety will all be covered.

Approval Number: 31.0101.51 23

Maximum SCH per student: 3

Maximum SCH per course: 3

Maximum contact hours per course: 64

Learning Outcomes

Upon successful completion of this course, students will:

1. Explain the application and enforcement of rules during a contest while promoting fair play and sportsmanship.
2. Demonstrate officiating mechanics and techniques including officiating calls, appropriate whistle use, hand signals, and proper positioning.
3. Explain the importance of working with other officials in a variety of sports for appropriate age and skill level.
4. Create a written sports officiating philosophy based on personal values, purpose, beliefs, and learned educational theories and experiences.
5. Assess and manage behaviors when officiating to provide a healthy, safe sport environment through appropriate communication with coaches, players, and spectators.
6. Summarize industry standard policies and practices to enhance game safety.
7. Identify governing bodies of various sports and procedures for becoming a sports official.

KINE 1321 Principles of Athletic Coaching

This course is designed to present foundational knowledge and management skills essential for coaching. Emphasis is on a comprehensive approach to the foundations and theories of coaching including development of a philosophy, objectives, coaching for character, coaching diverse athletes, and motivational techniques. Rules and terminology of competitive sports will be covered.

Approval Number: 31.0505.51 23

Maximum SCH per student: 3

Maximum SCH per course: 3

Maximum contact hours per course: 64

Learning Outcomes

Upon successful completion of this course, students will:

1. Develop a coaching philosophy based on personal values, ethical conduct, vision, and educational theories.
2. Apply best practices related to administrative planning, organizing, staffing, and directing competitive sports by formulating strategies to achieve goals and objectives.
3. Identify characteristics of a safe and inclusive environment for all participants, both physically and emotionally, by recognizing diverse backgrounds, characteristics, abilities, and learning styles.
4. Explain the rules for participation in competitive sports.
5. Design effective, age-appropriate practice sessions and action plans to improve performance over the course of a sports season.

PHED 1336 Introduction to Recreation

Introduction to the recreation and sport management professions including philosophical and foundational perspectives, underlying concepts, and advancement for the future. Orientation to the variety of services, settings, and relationship to public, private, not-for-profit, and government organizations. Current trends and an overview of career opportunities will be addressed.

Approval Number: 31.0101.51 23

Maximum SCH per student: 3

Maximum SCH per course: 3

Maximum contact hours per course: 48

Learning Outcomes

Upon successful completion of this course, students will:

1. Identify the competencies needed to be a successful sport and recreation management professional in a variety of settings.
2. Analyze the interactions among the diverse levels and areas in the sport and recreation industry.
3. Identify possible solutions, through critical thinking and problem-solving skills, to problems in the recreation and sport management professions.
4. Explain the various components of venue and event management and safety, programming, fundraising, budgeting, advertising, and scheduling.
5. Communicate effectively through a variety of mediums to a specific communication task.

PHED 2356: Care and Prevention of Athletic Injuries

An introduction to the principles of athlete training and sports medicine with an emphasis on the pre and care of injuries and conditions that occur during exercise, physical activity, and athletic participation. Focuses on the knowledge, skills, and abilities necessary to prevent, recognize, assess, and manage injuries and conditions common in an active population.

Learning Outcomes

Upon successful completion of this course, students will:

1. Identify risk factors and causes of injuries and conditions.
2. Discuss the components of an injury prevention and risk management program.
3. Describe strategies to prevent common injuries and conditions.
4. Recognize and manage emergency medical situations by employing basic emergency management principles (i.e. conducting a primary survey, activating an emergency action plan, providing initial care, etc.).
5. Recognize the mechanisms and signs and symptoms of common musculoskeletal, non-musculoskeletal, and environmental injuries and conditions.
6. Explain the proper short and long term management of acute, sub-acute, and chronic injuries and conditions.
7. Describe the sports medicine and athletic training professions and the members of a sports medicine team.
8. Use standard medical and professional terminology.

Written comments about the proposed changes must be sent to Elizabeth Mayer, Assistant Commissioner for Academic and Health Affairs, Texas Higher Education Coordinating Board, P.O. Box 12788, Austin, Texas, 78711, or via email to Elizabeth.Mayer@highered.texas.gov. Comments must be received by 5:00 p.m., March 9, 2024, to be considered.

TRD-202400355

Nichole Bunker-Henderson

General Counsel

Texas Higher Education Coordinating Board

Filed: January 31, 2024



Notice of Opportunity to Comment on Proposed Lower-Division Academic Course Guide Manual (ACGM)

Course Descriptions and Learning Outcomes for Four New PHED/KINE Courses

The Texas Higher Education Coordinating Board (THECB or Coordinating Board) staff is providing an opportunity for written public comment on four new courses in the PHED/KINE rubric that reflect current practice in the discipline of Kinesiology.

Texas Education Code (TEC) Chapter 61, Subchapter B, establishes policies to establish and govern advisory committees, including the Lower-Division Academic Course Guide Manual (ACGM) Advisory Committee. The ACGM Advisory Committee is tasked with making recommendation to improve the efficiency and effectiveness of transition between institutions of higher education for transfer purposes (TEC §61.061). The Coordinating Board has promulgated rules related to transfer policy in 19 Texas Administrative Code (TAC) Chapter 1, Subchapter V, and Chapter 4, Subchapter B. Posting requirements may be found in 19 TAC §§4.33(f) and 1.239(b).

The ACGM committee met on November 6, 2023, to consider and make recommendations to the ACGM. The committee recommended adding four new PHED/KINE courses to bring the ACGM into alignment with current practice in the discipline of Kinesiology. These recommended new courses were developed by a workgroup of faculty in the discipline composed of equal numbers of representatives from public community colleges and universities. THECB staff will request numbers for the new courses from the Texas Common Course Numbering System Board after the comment period.

The recommended new course descriptions and learning outcomes are as follows:

KINE 2XXX: Psychological Aspects of Human Performance

This course introduces the psychological factors influencing performance and participation in sports and exercise. Topics include motivation, confidence, focus, goal-setting, stress management, team dynamics, and leadership. Students will gain knowledge of mental skills and strategies to optimize human performance.

Learning Outcomes

Upon successful completion of this course, students will:

1. Explain theories and concepts related to motivation, confidence, and focus on sports and exercise settings.
2. Examine the role of mental skills like visualization, concentration, and self-talk in optimizing performance in sports and exercise contexts.
3. Assess the influence of group dynamics, including leadership, teamwork, and communication, on the performance of sports teams and group exercise settings.
4. Evaluate the psychological benefits and drawbacks of regular participation in sport and exercise, such as stress reduction, enhanced mood, and potential for burnout.
5. Identify strategies for psychological interventions in sport and exercise, such as cognitive-behavioral approaches to enhance performance and adherence.
6. Explore ethical considerations in sports psychology, including doping, fairness, and mental health issues.
7. Develop and implement a psychological skills training program tailored to individual or team needs in sports or exercise settings.
8. Critique relevant research in sport and exercise psychology to inform practice and enhance critical thinking skills.

Approval Number: 31.0501.XX XX

Maximum SCH per student: 3

Maximum SCH per course: 3

Maximum contact hours per course: 48

KINE 2XXX: Fundamentals of Strength and Conditioning

This course introduces students to the core principles and methodologies of strength and conditioning. It covers essential topics such as biomechanics, exercise physiology, training adaptations, and program design. It equips students with the foundational knowledge and skills to develop safe and effective strength and conditioning programs for athletes and general populations.

Learning Outcomes

Upon successful completion of this course, students will:

1. Explain the basic principles of biomechanics relating to human movement and strength and conditioning exercises.
2. Explain the foundational elements of exercise physiology, including muscle contraction, energy systems, and acute and chronic adaptations to training.
3. Design basic strength and conditioning programs based on established principles and tailored to the needs of specific populations, such as athletes or individuals with specific health considerations.
4. Evaluate the effectiveness of various training methods and modalities, such as free weights, machines, plyometrics, and cardiorespiratory exercises, in achieving specific training goals.
5. Implement safe and effective exercise techniques, including proper lifting mechanics, spotting, and risk management to prevent injury.
6. Analyze relevant scientific literature to make evidence-based strength and conditioning practice decisions.
7. Explain the ethical and professional responsibilities of a strength and conditioning specialist, including the scope of practice and adhering to ethical standards.
8. Assess individual and group performance metrics to adjust programming and optimize outcomes.

Approval Number: 31.0501.XX XX

Maximum SCH per student: 3

Maximum SCH per course: 3

Maximum contact hours per course: 48

KINE 2XXX: Foundations of Exercise Science

A survey of scientific principles, methodologies, and research as applied to exercise and physical fitness. Emphasis on physiological responses and adaptations to exercise. Topics include basic elements of kinesiology, biomechanics, and motor learning.

Pre-requisites: BIOL 2401 & 2402

Learning Outcomes

Upon successful completion of this course, students will:

1. Explain the structure of basic anatomy and physiology including the nervous, muscular, skeletal, endocrine, and cardiorespiratory systems.
2. Describe human movements using appropriate anatomical and mechanical terminology.
3. Assess the physiological responses to aerobic and anaerobic exercise training.

4. Explain the basic energy systems in the human body and the ability of each to supply energy for various activities.

Approval Number: 31.0501.XX XX

Maximum SCH per student: 3

Maximum SCH per course: 3

Maximum contact hours per course: 48

KINE 2XXX: Introduction to Personal Training

This course provides theoretical knowledge and practical skills in personal training. Topics include exercise program design, client-trainer relationship, conducting health and fitness assessments, motivation, and legal and safety issues.

Learning Outcomes

Upon successful completion of this course, students will:

1. Evaluate the client's goals, medical history, and assessment results to determine exercise prescription.
2. Evaluate behavioral readiness and develop strategies to optimize exercise adherence.
3. Conduct tests of cardiorespiratory fitness, muscular strength and endurance, joint flexibility, body composition, and pulmonary capacity.
4. Design and implement safe, client-specific programs using proper technique.
5. Demonstrate effective communication and motivational techniques.
6. Explain the legal aspects and scope of practice of a personal trainer.

Approval Number: 31.0501.XX XX

Maximum SCH per student: 3

Maximum SCH per course: 3

Maximum contact hours per course: 48

Written comments about the proposed changes must be sent to Elizabeth Mayer, Assistant Commissioner for Academic and Health Affairs, Texas Higher Education Coordinating Board, P.O. Box 12788, Austin, Texas, 78711, or via email to Elizabeth.Mayer@highered.texas.gov. Comments must be received by 5:00 p.m., March 9, 2024, to be considered.

TRD-202400356

Nichole Bunker-Henderson

General Counsel

Texas Higher Education Coordinating Board

Filed: January 31, 2024



Notice of Opportunity to Comment on Proposed Lower-Division Academic Course Guide Manual (ACGM) EDUC 1301 and EDUC 2301 Course Description Revision

The Texas Higher Education Coordinating Board (THECB or Coordinating Board) staff is providing an opportunity for written public comment on a revision to the course description to EDUC courses 1301 and 2301 that would allow for technology-based field experience.

Texas Education Code (TEC) Chapter 61, Subchapter B, establishes policies to establish and govern advisory committees, including the Lower-Division Academic Course Guide Manual (ACGM) Advisory Committee. The ACGM Advisory Committee is tasked with making recommendations to improve the efficiency and effectiveness of tran-

sition between institutions of higher education for transfer purposes (TEC §61.061). The Coordinating Board has promulgated rules related to transfer policy in 19 Texas Administrative Code (TAC) Chapter 1, Subchapter V, and Chapter 4, Subchapter B. Posting requirements may be found in 19 TAC §4.33(f) and §1.239(b).

The ACGM committee met on November 6, 2023, to consider and make recommendations to the ACGM. The committee recommended updating the course description for EDUC 1301 to include virtual field observation opportunities to be allowed as an option for the required minimum 16 contact hours of field experience in P-12 classrooms. The committee recommended updating the course description for EDUC 2301 to include virtual field observation opportunities to be allowed as an option for the required minimum 16 contact hours of field experience in P-12 classrooms with special populations. Programs will have the discretion to choose how many hours of field experience are provided by video or other video or technology-based method for each course.

The recommended course descriptions are as follows:

EDUC 1301: Introduction to the Teaching Profession

An enriched, integrated pre-service course and content experience that provides active recruitment and institutional support of students interested in a teaching career, especially in high need fields. The course provides students with opportunities to participate in early field observations at all levels of P-12 schools with varied and diverse student populations and provides students with support from college and school faculty, preferably in small cohort groups, for the purpose of introduction to and analysis of the culture of schooling and classrooms. Course content should be aligned as applicable with State Board for Educator Certification Pedagogy and Professional Responsibilities standards; and the course must include a minimum of 16 contact hours of field experience in P-12 classrooms. Up to 16 clock hours of P-12 field experiences may be provided by electronic or other video or technology-based method.

EDUC 2301: Introduction to Special Populations

An enriched, integrated pre-service course and content experience that provides an overview of schooling and classrooms from the perspectives of language, gender, socioeconomic status, ethnic and academic diversity, and equity with an emphasis on factors that facilitate learning. The course provides students with opportunities to participate in early field observations of P-12 special populations and should be aligned as applicable with State Board for Educator Certification Pedagogy and Professional Responsibilities standards. Must include a minimum of 16 contact hours of field experience in P-12 classrooms with special populations. Up to 16 clock hours of P-12 field experiences may be provided by electronic or other video or technology-based method.

Written comments about the proposed changes must be sent to Elizabeth Mayer, Assistant Commissioner for Academic and Health Affairs, Texas Higher Education Coordinating Board, P.O. Box 12788, Austin, Texas, 78711, or via email to Elizabeth.Mayer@highered.texas.gov. Comments must be received by 5:00 p.m., March 9, 2024, to be considered.

TRD-202400357

Nichole Bunker-Henderson

General Counsel

Texas Higher Education Coordinating Board

Filed: January 31, 2024



Texas Department of Insurance

Company Licensing

Application for AssuranceAmerica Insurance Company, a foreign fire and/or casualty company, to change its name to Trustway Insurance Company. The home office is in Atlanta, Georgia.

Application for InsureMax Insurance Company, a foreign fire and/or casualty company, to change its name to Trustway Select Insurance Company. The home office is in Atlanta, Georgia.

Application for West Bend Mutual Insurance Company, a foreign fire and/or casualty company, to change its name to West Bend Insurance Company. The home office is in West Bend, Wisconsin.

Application for CM Select Insurance Company, a foreign fire and/or casualty company, to change its name to MGT Insurance Company. The home office is in Merrill, Wisconsin.

Application to do business in the state of Texas for Bravo Health Pennsylvania, Inc., a foreign health maintenance organization (HMO). The home office is in Philadelphia, Pennsylvania.

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-202400362

Justin Beam

Chief Clerk

Texas Department of Insurance

Filed: January 31, 2024

Texas Department of Licensing and Regulation

Notice of Vacancies on Dyslexia Therapists and Practitioners Advisory Committee

The Texas Department of Licensing and Regulation (Department) announces one vacancy on the Dyslexia Therapists and Practitioners Advisory Committee (Committee) established by 16 Texas Administrative Code §120.65. The purpose of the Dyslexia Therapists and Practitioners Advisory Committee is to advise the Texas Commission of Licensing and Regulation (Commission) regarding rules relating to the licensure and regulation of dyslexia therapists and dyslexia practitioners, including continuing education requirements and the approved examinations for licensure.

This announcement is for:

- **one dyslexia practitioner licensed under the Act, and**
- **one dyslexia therapist.**

Members serve staggered six-year terms, at the will of the Commission. The terms of three of the members begin on December 31st of each odd-numbered year. The Committee consists of five members appointed by the presiding officer of the Commission, with the Commission's approval. The Committee consists of the following members:

- two dyslexia therapists licensed under the Act;
- one dyslexia practitioner licensed under the Act; and
- two consumer or public members, one of whom must be a person with dyslexia or the parent of a person with dyslexia.

Interested persons should complete an application on the Department website at: <https://www.tdlr.texas.gov/AdvisoryBoard/login.aspx>. Applicants can also request an application from the Department by telephone (800) 803-9202 or e-mail advisory.boards@tdlr.texas.gov.

This is not a paid position and there is no compensation or reimbursement for serving on the Committee.

Issued in Austin, Texas this February 9, 2024.

TRD-202400320

Brian E. Francis

Interim Executive Director

Texas Department of Licensing and Regulation

Filed: January 29, 2024

Notice of Vacancies on Motorcycle Safety Advisory Board

The Texas Department of Licensing and Regulation (Department) announces two vacancies on the Motorcycle Safety Advisory Board (Board) established by the Transportation Code, Chapter 662.0037(b). The purpose of the Motorcycle Safety Advisory Board is to advise the Texas Commission of Licensing and Regulation and the Department on rules and educational and technical matters relevant to the administration of this chapter. The Board meets at the call of the Executive Director of the Department or the presiding officer of the Commission. Service as a Board member is voluntary, and compensation is not authorized by law. **This announcement is for:**

- **one member who is an instructor training provider; and**
- **one representative of a law enforcement agency**

The Board consists of nine members appointed by the presiding officer of the Commission, with the approval of the Commission. The board consists of the following members:

- **three members: (a) each of whom must be an instructor or represent a motorcycle school; and (b) who must collectively represent the diversity in size and type of the motorcycle schools licensed under this chapter**

- **one member who represents the motorcycle dealer retail industry**
- **one representative of a law enforcement agency**
- **one representative of the Texas A&M Transportation Institute**
- **one member who is an instructor training provider; and**
- **two public members who hold a valid Class M driver's license issued under Chapter 521**

Members serve staggered six-year terms. The terms of three members expire September 1 of each odd-numbered year. The presiding officer of the commission, on approval of the commission, shall designate a member of the advisory board to serve as the presiding officer of the advisory board for a one-year term. The presiding officer of the advisory board may vote on any matter before the advisory board.

Interested persons should submit an application on the Department website at: <https://www.tdlr.texas.gov/AdvisoryBoard/login.aspx>. Applicants can also request an application from the Department by telephone (800) 803-9202, fax (512) 475-2874 or e-mail advisory.boards@tdlr.texas.gov.

These are not paid positions and there is no compensation or reimbursement for serving on the board.

TRD-202400319

Brian E. Francis

Interim Executive Director

Texas Department of Licensing and Regulation

Filed: January 29, 2024

Texas Lottery Commission

Scratch Ticket Game Number 2476 "LUCKY DOG/COOL CAT"

1.0 Name and Style of Scratch Ticket Game.

A. The name of Scratch Ticket Game No. 2476 is "LUCKY DOG/COOL CAT". The play style is "find symbol".

1.1 Price of Scratch Ticket Game.

A. The price for Scratch Ticket Game No. 2476 shall be \$2.00 per Scratch Ticket.

1.2 Definitions in Scratch Ticket Game No. 2476.

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: STAR SYMBOL, SUN SYMBOL, CHERRY SYMBOL, GOLD BAR SYMBOL, HEART SYMBOL, HORSESHOE SYMBOL, MOON SYMBOL, ANCHOR SYMBOL, DIAMOND SYMBOL, SAILBOAT SYMBOL, LEMON SYMBOL, LIGHTNING BOLT SYMBOL, ELEPHANT SYMBOL, DICE SYMBOL, PAW PRINT SYMBOL, STACK OF CASH SYMBOL, \$2.00, \$4.00, \$5.00, \$10.00, \$20.00, \$30.00, \$50.00, \$100, \$1,000 and \$30,000.

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. 2476 - 1.2D

PLAY SYMBOL	CAPTION
STAR SYMBOL	STAR
SUN SYMBOL	SUN
CHERRY SYMBOL	CHERRY
GOLD BAR SYMBOL	BAR
HEART SYMBOL	HEART
HORSESHOE SYMBOL	HRSHOE
MOON SYMBOL	MOON
ANCHOR SYMBOL	ANCHOR
DIAMOND SYMBOL	DIAMND
SAILBOAT SYMBOL	BOAT
LEMON SYMBOL	LEMON
LIGHTNING BOLT SYMBOL	BOLT
ELEPHANT SYMBOL	ELEPHT
DICE SYMBOL	DICE
PAW PRINT SYMBOL	WIN\$
STACK OF CASH SYMBOL	DBL
\$2.00	TWO\$
\$4.00	FOR\$
\$5.00	FIV\$
\$10.00	TEN\$
\$20.00	TWY\$
\$30.00	TRTY\$
\$50.00	FFTY\$
\$100	ONHN
\$1,000	ONTH
\$30,000	30TH

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 (2476), a seven (7) digit Pack number, and a three (3) digit Ticket number. Ticket numbers start with 001 and end with 125 within each Pack. The format will be: 2476-0000001-001.

H. Pack - A Pack of the "LUCKY DOG/COOL CAT" Scratch Ticket Game contains 125 Tickets, packed in plastic shrink-wrapping and fan-folded in pages of two (2). One Ticket will be folded over to expose a front and back of one Ticket on each 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 "LUCKY DOG/COOL CAT" Scratch Ticket Game No. 2476.

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 "LUCKY DOG/COOL CAT" Scratch Ticket Game is determined once the latex on the Scratch Ticket is scratched off to expose twenty (20) Play Symbols. If a player reveals a "PAW PRINT" Play Symbol, the player wins the prize for that symbol instantly. If the player reveals a "STACK OF CASH" Play Symbol, the player wins DOUBLE 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 twenty (20) 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 twenty (20) 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 twenty (20) Play Symbols must be exactly one of those described in Section 1.2.C of these Game Procedures;

17. Each of the twenty (20) 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 ten (10) times.

D. On winning and Non-Winning Tickets, the top cash prizes of \$1,000 and \$30,000 will each appear at least once, except on Tickets winning ten (10) times and with respect to other parameters, play action or prize structure.

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

F. On all Tickets, a Prize Symbol will not appear more than two (2) times, except as required by the prize structure to create multiple wins.

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

H. The "PAW PRINT" (WINS) Play Symbol will win the corresponding prize for that symbol.

I. The "STACK OF CASH" (DBL) Play Symbol will win DOUBLE the prize for that symbol and will win as per the prize structure.

J. The "STACK OF CASH" (DBL) Play Symbol will not appear more than once on a Ticket.

K. The "PAW PRINT" (WINS) and "STACK OF CASH" (DBL) Play Symbols will never appear on Non-Winning Tickets.

L. The "PAW PRINT" (WINS) and "STACK OF CASH" (DBL) Play Symbols can appear on the same Ticket.

2.3 Procedure for Claiming Prizes.

A. To claim a "LUCKY DOG/COOL CAT" Scratch Ticket Game prize of \$2.00, \$4.00, \$5.00, \$8.00, \$10.00, \$20.00, \$30.00, \$50.00 or \$100, a claimant shall sign the back of the Scratch Ticket in the space designated on the Scratch Ticket and may present the winning Scratch Ticket to any Texas Lottery Retailer. The Texas Lottery Retailer shall verify the claim and, if valid, and upon presentation of proper identification, if appropriate, make payment of the amount due the claimant and physically void the Scratch Ticket; provided that the Texas Lottery Retailer may, but is not required, to pay a \$30.00, \$50.00 or \$100 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 "LUCKY DOG/COOL CAT" Scratch Ticket Game prize of \$1,000 or \$30,000, 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 "LUCKY DOG/COOL CAT" 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 "LUCKY DOG/COOL CAT" 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 "LUCKY DOG/COOL CAT" 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 9,120,000 Scratch Tickets in Scratch Ticket Game No. 2476. The approximate number and value of prizes in the game are as follows:

Figure 2: GAME NO. 2476 - 4.0

Prize Amount	Approximate Number of Winners*	Approximate Odds are 1 in **
\$2.00	924,160	9.87
\$4.00	535,040	17.05
\$5.00	182,400	50.00
\$8.00	206,720	44.12
\$10.00	170,240	53.57
\$20.00	72,960	125.00
\$30.00	14,250	640.00
\$50.00	15,010	607.59
\$100	7,030	1,297.30
\$1,000	20	456,000.00
\$30,000	8	1,140,000.00

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

**The overall odds of winning a prize are 1 in 4.29. 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. 2476 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. 2476, the State Lottery Act (Texas Government Code, Chap-

ter 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-202400327
 Bob Biard
 General Counsel
 Texas Lottery Commission
 Filed: January 30, 2024



Scratch Ticket Game Number 2587 "LOTERIA SUPREME"

1.0 Name and Style of Scratch Ticket Game.

A. The name of Scratch Ticket Game No. 2587 is "LOTERIA SUPREME". The play style is "row/column/diagonal".

1.1 Price of Scratch Ticket Game.

A. The price for Scratch Ticket Game No. 2587 shall be \$100.00 per Scratch Ticket.

1.2 Definitions in Scratch Ticket Game No. 2587.

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: AIRPLANE SYMBOL, ARMORED CAR SYMBOL, BANK SYMBOL, BAG SYMBOL, BIRD SYMBOL, BOOT SYMBOL, BOW SYMBOL, CAKE SYMBOL, CANDY SYMBOL, ATM CARD SYMBOL, CLUB SYMBOL, COFFEE SYMBOL, COINS SYMBOL, CROWN SYMBOL, DIAMOND SYMBOL, FLAG SYMBOL, GOLD BAR SYMBOL, HEART SYMBOL, JOKER SYMBOL, KEY SYMBOL, LAMP SYMBOL, LEMON SYMBOL, LIGHTNING SYMBOL, MOON SYMBOL, ORANGE SYMBOL, PEACH SYMBOL, PICK SYMBOL, PIGGY BANK SYMBOL, PIZZA SYMBOL, POT OF GOLD SYMBOL, RAINBOW SYMBOL, RING SYMBOL, SHADES SYMBOL, SEVEN SYMBOL, SPADE SYMBOL, SUN SYMBOL, TROPHY SYMBOL, WALLET SYMBOL, WISHBONE SYMBOL, ANCHOR SYMBOL, BAR

SYMBOL, BELL SYMBOL, BILL SYMBOL, CAMERA SYMBOL, CHEESE SYMBOL, CHEST SYMBOL, CLOVER SYMBOL, DICE SYMBOL, DOLLAR SIGN SYMBOL, DRUM SYMBOL, EMERALD SYMBOL, GIFT SYMBOL, MELON SYMBOL, NECKLACE SYMBOL, PEARL SYMBOL, SHELL SYMBOL, STAR SYMBOL, VAULT SYMBOL, WATER BOTTLE SYMBOL, ARMADILLO SYMBOL, BAT SYMBOL, BICYCLE SYMBOL, BLUEBONNET SYMBOL, BOAR SYMBOL, BUTTERFLY SYMBOL, CACTUS SYMBOL, CARDINAL SYMBOL, CHERRIES SYMBOL, CHILE PEPPER SYMBOL, COVERED WAGON SYMBOL, COW SYMBOL, COWBOY HAT SYMBOL, COWBOY SYMBOL, DESERT SYMBOL, FIRE SYMBOL, FOOTBALL SYMBOL, GEM SYMBOL, GUITAR SYMBOL, HEN SYMBOL, HORSE SYMBOL, HORSESHOE SYMBOL, JACKRABBIT SYMBOL, LIZARD SYMBOL, LONE STAR SYMBOL, MARACAS SYMBOL, MOCKINGBIRD SYMBOL, MOONRISE SYMBOL, MORTAR PESTLE SYMBOL, NEWSPAPER SYMBOL, OIL RIG SYMBOL, PECAN TREE SYMBOL, PIÁ'ATA SYMBOL, RACE CAR SYMBOL, ROAD RUNNER SYMBOL, SADDLE SYMBOL, SHIP SYMBOL, SHOES SYMBOL, SOCCER BALL SYMBOL, SPEAR SYMBOL, SPUR SYMBOL, STRAWBERRY SYMBOL, SUNSET SYMBOL, WHEEL SYMBOL, WINDMILL SYMBOL, \$100, \$200, \$300, \$500, \$1,000, \$5,000, \$10,000 and \$100,000.

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

Figure 1: GAME NO. 2587 - 1.2D

PLAY SYMBOL	CAPTION
AIRPLANE SYMBOL	AIRPLANE
ARMORED CAR SYMBOL	ARMCAR
BANK SYMBOL	BANK
BAG SYMBOL	BAG
BIRD SYMBOL	BIRD
BOOT SYMBOL	BOOT
BOW SYMBOL	BOW
CAKE SYMBOL	CAKE
CANDY SYMBOL	CANDY
ATM CARD SYMBOL	CARD
CLUB SYMBOL	CLUB
COFFEE SYMBOL	COFFEE
COINS SYMBOL	COINS
CROWN SYMBOL	CROWN
DIAMOND SYMBOL	DIAMND
FLAG SYMBOL	FLAG
GOLD BAR SYMBOL	GOLDBAR
HEART SYMBOL	HEART
JOKER SYMBOL	JOKER
KEY SYMBOL	KEY
LAMP SYMBOL	LAMP
LEMON SYMBOL	LEMON
LIGHTNING SYMBOL	LIGHTN
MOON SYMBOL	MOON
ORANGE SYMBOL	ORANGE
PEACH SYMBOL	PEACH
PICK SYMBOL	PICK

PIGGY BANK SYMBOL	PIGBNK
PIZZA SYMBOL	PIZZA
POT OF GOLD SYMBOL	POTGLD
RAINBOW SYMBOL	RAINBOW
RING SYMBOL	RING
SHADES SYMBOL	SHADES
SEVEN SYMBOL	SEVEN
SPADE SYMBOL	SPADE
SUN SYMBOL	SUN
TROPHY SYMBOL	TROPHY
WALLET SYMBOL	WALLET
WISHBONE SYMBOL	WISHBONE
ANCHOR SYMBOL	ANCHOR
BAR SYMBOL	BAR
BELL SYMBOL	BELL
BILL SYMBOL	BILL
CAMERA SYMBOL	CAMERA
CHEESE SYMBOL	CHEESE
CHEST SYMBOL	CHEST
CLOVER SYMBOL	CLOVER
DICE SYMBOL	DICE
DOLLAR SIGN SYMBOL	DOLLAR
DRUM SYMBOL	DRUM
EMERALD SYMBOL	EMERALD
GIFT SYMBOL	GIFT
MELON SYMBOL	MELON
NECKLACE SYMBOL	NECKLACE
PEARL SYMBOL	PEARL
SHELL SYMBOL	SHELL

STAR SYMBOL	STAR
VAULT SYMBOL	VAULT
WATER BOTTLE SYMBOL	WATER
ARMADILLO SYMBOL	ARMADILLO
BAT SYMBOL	BAT
BICYCLE SYMBOL	BICYCLE
BLUEBONNET SYMBOL	BLUEBONNET
BOAR SYMBOL	BOAR
BUTTERFLY SYMBOL	BUTTERFLY
CACTUS SYMBOL	CACTUS
CARDINAL SYMBOL	CARDINAL
CHERRIES SYMBOL	CHERRIES
CHILE PEPPER SYMBOL	CHILE PEPPER
COVERED WAGON SYMBOL	COVERED WAGON
COW SYMBOL	COW
COWBOY HAT SYMBOL	COWBOY HAT
COWBOY SYMBOL	COWBOY
DESERT SYMBOL	DESERT
FIRE SYMBOL	FIRE
FOOTBALL SYMBOL	FOOTBALL
GEM SYMBOL	GEM
GUITAR SYMBOL	GUITAR
HEN SYMBOL	HEN
HORSE SYMBOL	HORSE
HORSESHOE SYMBOL	HORSESHOE
JACKRABBIT SYMBOL	JACKRABBIT
LIZARD SYMBOL	LIZARD
LONE STAR SYMBOL	LONE STAR
MARACAS SYMBOL	MARACAS

MOCKINGBIRD SYMBOL	MOCKINGBIRD
MOONRISE SYMBOL	MOONRISE
MORTAR PESTLE SYMBOL	MORTAR PESTLE
NEWSPAPER SYMBOL	NEWSPAPER
OIL RIG SYMBOL	OIL RIG
PECAN TREE SYMBOL	PECAN TREE
PIÑATA SYMBOL	PIÑATA
RACE CAR SYMBOL	RACE CAR
ROADRUNNER SYMBOL	ROADRUNNER
SADDLE SYMBOL	SADDLE
SHIP SYMBOL	SHIP
SHOES SYMBOL	SHOES
SOCCER BALL SYMBOL	SOCCER BALL
SPEAR SYMBOL	SPEAR
SPUR SYMBOL	SPUR
STRAWBERRY SYMBOL	STRAWBERRY
SUNSET SYMBOL	SUNSET
WHEEL SYMBOL	WHEEL
WINDMILL SYMBOL	WINDMILL
\$100	ONHN
\$200	TOHN
\$300	THHN
\$500	FVHN
\$1,000	ONTH
\$5,000	FVTH
\$10,000	10TH
\$100,000	100TH

E. Serial Number - A unique thirteen (13) digit number appearing under the latex scratch-off covering on the front of the Scratch Ticket. The

Serial Number is for validation purposes and cannot be used to play the game. The format will be: 0000000000000.

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

G. Game-Pack-Ticket Number - A fourteen (14) digit number consisting of the four (4) digit game number (2587), a seven (7) digit Pack number, and a three (3) digit Ticket number. Ticket numbers start with 001 and end with 015 within each Pack. The format will be: 2587-0000001-001.

H. Pack - A Pack of the "LOTERIA SUPREME" Scratch Ticket Game contains 015 Tickets, packed in plastic shrink-wrapping and fanfolded in pages of one (1). Ticket back 001 and 015 will both be exposed.

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

J. Scratch Ticket Game, Scratch Ticket or Ticket - Texas Lottery "LOTERIA SUPREME" Scratch Ticket Game No. 2587.

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. Each Scratch Ticket contains exactly ninety-eight (98) Play Symbols. A prize winner in the "LOTERIA SUPREME" Scratch Ticket Game is determined once the latex on the Scratch Ticket is scratched off to expose Play Symbols as follows: PLAY AREA 1 INSTRUCTIONS (PLAYBOARD): (1) The player completely scratches the CALLER'S CARD to reveal 27 Play Symbols. (2) The player scratches ONLY the Play Symbols on the PLAYBOARD that exactly match the Play Symbols revealed on the CALLER'S CARD. (3) If the player reveals a complete row, column or diagonal line, the player wins the prize for that line. PLAY AREA 2 INSTRUCTIONS (BONUS): If the player reveals 2 matching Play Symbols in the same BONUS, the player wins the PRIZE for that BONUS. PLAY AREA 3 INSTRUCTIONS (10X, 20X, 50X, 100X, 500X MULTIPLIER): The player scratches the 10X, 20X, 50X, 100X and 500X MULTIPLIER boxes to reveal 2 Play Symbols in each box. If the player reveals 2 matching Play Symbols in the same MULTIPLIER box, the player multiplies the total prize won on the Ticket by that MULTIPLIER and wins that amount. For example, revealing 2 "STAR" Play Symbols in the 10X MULTIPLIER box will multiply the total prize won by 10 TIMES. INSTRUCCIONES PARA ÁREA DE JUEGO 1 (TABLA DE JUEGO): (1) El jugador raspa completamente la CARTA DEL GRITÓN para revelar 27 símbolos. (2) El jugador SOLAMENTE raspa los símbolos en la TABLA DE JUEGO que son exactamente iguales a los símbolos revelados en la CARTA DEL GRITÓN. (3) Si el jugador revela una línea completa, horizontal, vertical o diagonal, el jugador gana el premio para esa línea. INSTRUCCIONES PARA ÁREA DE JUEGO 2 (BONO): Si el jugador revela 2 símbolos iguales en el mismo BONO, el jugador gana el PREMIO para ese BONO. INSTRUCCIONES PARA ÁREA DE JUEGO 3 (MULTIPLICADOR 10X, 20X, 50X, 100X, 500X): El jugador raspa las cajas de MULTIPLICADOR 10X, 20X, 50X, 100X y 500X para revelar 2 símbolos en cada caja. Si el jugador revela 2 símbolos iguales en la misma caja de MULTIPLICADOR, el jugador multiplica el premio total ganado en el boleto por ese MULTIPLICADOR y gana esa cantidad. Por ejemplo, revelando 2 símbolos de "ESTRELLA" en la caja MULTIPLICADOR 10X multiplicará por 10 el premio total ganado. 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 ninety-eight (98) 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 ninety-eight (98) 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 ninety-eight (98) Play Symbols must be exactly one of those described in Section 1.2.C of these Game Procedures;
17. Each of the ninety-eight (98) Play Symbols on the Scratch Ticket must be printed in the Symbol font and must correspond precisely to the artwork on file at the Texas Lottery; the Scratch Ticket Serial Numbers must be printed in the Serial font and must correspond precisely to the artwork on file at the Texas Lottery; and the Game-Pack-Ticket Number must be printed in the Game-Pack-Ticket Number font and must correspond precisely to the artwork on file at the Texas Lottery;
18. The Display Printing on the Scratch Ticket must be regular in every respect and correspond precisely to the artwork on file at the Texas Lottery; and
19. The Scratch Ticket must have been received by the Texas Lottery by applicable deadlines.

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

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

2.2 Programmed Game Parameters.

A. GENERAL: A Ticket can win up to eleven (11) times in accordance with the prize structure.

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

C. PLAY AREA 1 (PLAYBOARD)/ÁREA DE JUEGO 1 (TABLA DE JUEGO): There will be no matching Play Symbols in the CALLER'S CARD/CARTA DEL GRITÓN play area.

D. PLAY AREA 1 (PLAYBOARD)/ÁREA DE JUEGO 1 (TABLA DE JUEGO): At least eight (8) but no more than twelve (12) CALLER'S CARD/CARTA DEL GRITÓN Play Symbols will match a Play Symbol on the PLAYBOARD/TABLA DE JUEGO play area.

E. PLAY AREA 1 (PLAYBOARD)/ÁREA DE JUEGO 1 (TABLA DE JUEGO): No identical Play Symbols are allowed on the same PLAYBOARD/TABLA DE JUEGO play area.

F. PLAY AREA 2 (BONUS)/ÁREA DE JUEGO 2 (BONO): There will never be matching Play Symbols in the BONUS/BONO play areas, unless used as a winning play.

G. PLAY AREA 2 (BONUS)/ÁREA DE JUEGO 2 (BONO): Non-winning Play Symbols from one (1) BONUS/BONO play area will not match winning Play Symbols from another BONUS/BONO play area.

H. PLAY AREA 2 (BONUS)/ÁREA DE JUEGO 2 (BONO): Non-winning Play Symbols will never appear more than one (1) time on a Ticket.

I. PLAY AREA 2 (BONUS)/ÁREA DE JUEGO 2 (BONO): Winning Play Symbols will be matching and appear in the same BONUS/BONO play area and will not appear more than two (2) times on a Ticket.

J. PLAY AREA 3 (10X, 20X, 50X, 100X, 500X MULTIPLIER)/ÁREA DE JUEGO 3 (MULTIPLICADOR 10X, 20X, 50X, 100X, 500X): There will never be matching Play Symbols in the MULTIPLIER/MULTIPLICADOR play areas, unless used as a winning play.

2.3 Procedure for Claiming Prizes.

A. To claim a "LOTERIA SUPREME" Scratch Ticket Game prize of \$100, \$200, \$300 or \$500, a claimant shall sign the back of the Scratch Ticket in the space designated on the Scratch Ticket and may present the winning Scratch Ticket to any Texas Lottery Retailer. The Texas Lottery Retailer shall verify the claim and, if valid, and upon presentation of proper identification, if appropriate, make payment of the amount due the claimant and physically void the Scratch Ticket; provided that the Texas Lottery Retailer may, but is not required, to pay a \$100, \$200, \$300 or \$500 Scratch Ticket Game. In the event the Texas Lottery Retailer cannot verify the claim, the Texas Lottery Retailer

shall provide the claimant with a claim form and instruct the claimant on how to file a claim with the Texas Lottery. If the claim is validated by the Texas Lottery, a check shall be forwarded to the claimant in the amount due. In the event the claim is not validated, the claim shall be denied and the claimant shall be notified promptly. A claimant may also claim any of the above prizes under the procedure described in Section 2.3.B and Section 2.3.C of these Game Procedures.

B. To claim a "LOTERIA SUPREME" Scratch Ticket Game prize of \$1,000, \$5,000, \$10,000 or \$100,000, the claimant must sign the winning Scratch Ticket and may present it at one of the Texas Lottery's Claim Centers. If the claim is validated by the Texas Lottery, payment will be made to the bearer of the validated winning Scratch Ticket for that prize upon presentation of proper identification. When paying a prize of \$600 or more, the Texas Lottery shall file the appropriate income reporting form with the Internal Revenue Service (IRS) and shall withhold federal income tax at a rate set by the IRS if required. In the event that the claim is not validated by the Texas Lottery, the claim shall be denied and the claimant shall be notified promptly.

C. To claim a "LOTERIA SUPREME" Scratch Ticket Game top level prize of \$7,500,000, the claimant must sign the winning Scratch Ticket and present it at Texas Lottery Commission headquarters in Austin, Texas. 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 and proof of Social Security number or Tax Payer Identification (for U.S. Citizens or Resident Aliens). 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.

D. As an alternative method of claiming a "LOTERIA SUPREME" Scratch Ticket Game prize, with the exception of the top prize level of \$7,500,000, 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.

E. 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.
- F. 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 "LOTERIA SUPREME" 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 "LOTERIA SUPREME" Scratch Ticket Game, the Texas Lottery shall deposit the amount of the prize in a custodial bank account, with an adult member of the minor's family or the minor's guardian serving as custodian for the minor.

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

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

3.0 Scratch Ticket Ownership.

A. Until such time as a signature is placed upon the back portion of a Scratch Ticket in the space designated, a Scratch Ticket shall be owned by the physical possessor of said Scratch Ticket. When a signature is placed on the back of the Scratch Ticket in the space designated, the player whose signature appears in that area shall be the owner of the Scratch Ticket and shall be entitled to any prize attributable thereto. Notwithstanding any name or names submitted on a claim form, the Executive Director shall make payment to the player whose signature appears on the back of the Scratch Ticket in the space designated. If more than one name appears on the back of the Scratch Ticket, the Executive Director will require that one of those players whose name appears thereon be designated by such players to receive payment.

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

4.0 Number and Value of Scratch Prizes. There will be approximately 6,000,000 Scratch Tickets in Scratch Ticket Game No. 2587. The approximate number and value of prizes in the game are as follows:

Figure 2: GAME NO. 2587 - 4.0

Prize Amount	Approximate Number of Winners*	Approximate Odds are 1 in **
\$100	800,000	7.50
\$200	600,000	10.00
\$300	100,000	60.00
\$500	300,000	20.00
\$1,000	54,000	111.11
\$5,000	2,300	2608.70
\$10,000	160	37,500.00
\$100,000	30	200,000.00
\$7,500,000	4	1,500,000.00

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

**The overall odds of winning a prize are 1 in 3.23. 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. 2587 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. 2587, 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-202400329
 Bob Biard
 General Counsel
 Texas Lottery Commission
 Filed: January 30, 2024



Texas Parks and Wildlife Department

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

Kinney County has applied to the Texas Parks and Wildlife Department (TPWD) for a General Permit pursuant to Texas Parks and Wildlife Code, Chapter 86, to remove or disturb 161 cubic yards of sedimentary material within the West Nueces River in Kinney County. The purpose is to replace culverts in an existing crossing known as the Bitters Crossing on the West Nueces River. The existing corrugated metal culverts are corroded and will be replaced with pre-cast concrete box culverts. The concrete crossing will be covered with six-inch concrete cap. The location (Bitters Crossing; 29.497947, -100.209051) is approximately 4.5 miles downstream from Ranch Road 3199 (Tularosa Road) and approximately 6.8 miles upstream from Ranch Road 334. Notice is being published and mailed pursuant to 31 TAC §69.105(b).

TPWD will hold a public comment hearing regarding the application at 11:00 a.m. on Friday, March 8, 2024, 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 Beth Bendik at (512) 389-8521 or at beth.bendik@tpwd.texas.gov for information on how to participate in the hearing remotely. The hearing is not a contested case hearing under the Texas Administrative Procedure Act. Oral and written public comment will be accepted during the hearing.

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

public comment period. Timely hearing requests shall be referred to the State Office of Administrative Hearings. Submit written comments, questions, requests to review the application, or requests for a contested case hearing to the TPWD Sand and Gravel Program by mail: Attn: Beth Bendik, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744; or e-mail sand.gravel@tpwd.texas.gov.

TRD-202400337

James Murphy

General Counsel

Texas Parks and Wildlife Department

Filed: January 30, 2024

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Plateau Water Planning Group

Request for Statements of Interest and Qualifications to Provide Professional Services for the Plateau Water Planning Group - Region J

The Upper Guadalupe River Authority (UGRA), on behalf of the Plateau Water Planning Group (PWPG), is requesting Statements of Interest and Qualifications from engineering/planning firms qualified to provide professional services related to regional water management planning for the PWPG. UGRA is the political subdivision for the PWPG, and as such will be the contracting party on behalf of PWPG.

Background

Senate Bill 1 (SB 1), 75th Texas Legislature, made significant changes in the manner in which state water planning is conducted. Notably, SB 1 shifted the emphasis of state water planning from a centralized approach to a regional planning approach. As part of that process, the Texas Water Development Board (TWDB) designated 16 regional planning areas and appointed members to the regional planning groups.

Consensus-based regional water management plans are developed every five years, beginning in 2000, and submitted to TWDB. The 16 regional water plans are then assembled into a State Water Plan, which is submitted to the Texas Legislature. The 2021 Plateau Region Water Plan can be viewed at: <http://www.ugra.org/assets/pdfs/2021Plateau-RegionWaterPlan.pdf>

The planning region addressed by this Request for Statements of Interest and Qualifications is designated by TWDB as Region J, also known as the Plateau Water Planning Group, which consists of the following counties: Bandera, Edwards, Kerr, Kinney, Real, and Val Verde. Most of the PWPG is dependent on groundwater sources to supply its various needs. Groundwater in the region is principally derived from the Trinity Aquifer in the eastern Hill Country area and the Edwards-Trinity (Plateau) Aquifer throughout most of the rest of the region. Strong attention is made to the relationship between groundwater levels and flows in rivers and streams within the region.

Scope of Services

The SB 1 regional water planning process for the PWPG may require the professional services of qualified engineering/planning firms. This will include but is not necessarily limited to the elements and tasks identified by the TWDB. Additional guidance is available on the TWDB website at: http://www.twdb.texas.gov/waterplanning/rwp/planningdocu/2026/rfa_docs.asp

This request is for professional services to **complete** the regional water planning scope of work for the 6th cycle of planning for Region J. The tasks and budget listed below have been budgeted by TWDB for Region J. The budget values and approximate % of budget remaining is provided for reference:

Task No.	Task Description	Budget (\$) <i>Values are provided for reference only to approximate percent remaining</i>	Approximate % of Budget Remaining
1	Planning area description	8,947	75%
2A	Non-municipal water demand projections	9,674	0%
2B	Population & municipal water demand projections	11,749	0%
3	Water supply analysis	51,494	63%
4A	Water needs analysis	6,787	100%
4B	Identification of Infeasible WMSs in the 2021 RWP	17,119	37%
4C	Technical memorandum	9,591	100%
5A	Identification of Potentially Feasible WMS's	14,267	100%
5B	Evaluation of recommendations of WMS's and projects	145,222	100%
5C	Conservation recommendations	9,451	100%
6	Impacts of plan & consistency with protections of resources	11,502	100%
7	Drought response information, activities and recommendations	17,019	54%
8	Unique Site & Policy recommendations	9,435	100%
9	Implementation and Comparison to the previous regional water plan	11,552	100%
10	Public Participation & Plan Adoption	105,641	55%
11	Comparison to Previous Water Plan	-	NA
12	Prioritization in 2021 Plateau Plan	-	NA
	Total		75%

In addition to the technical role, an engineering/planning consultant may also assist in the design and implementation of public involvement activities, including participating in public meetings, reviewing and responding to public comments, and developing educational materials on regional water planning issues for presentation to both technical and non-technical audiences in the region.

Firms responding to this request for Statements of Interest and Qualifications should be familiar with the rules for state and regional water planning and regional water planning grant assistance as defined by 31 TAC, Chapters 355, 357, and 358. These rules contain: procedures governing applications for financial assistance related to the development or revision of regional water management plans; procedures for the development, adoption, and approval of regional water management plans; and guidelines for the development of the State Water Plan.

Request for Qualifications

Each engineering/planning firm, or team of firms, interested in performing the services described above shall submit a Statement of Interest and Qualifications. The Statement of Interest and Qualifications

shall be limited to ten (10) pages, excluding the résumés of project team members, which should not exceed two (2) pages per team member. The PWPG specifically requests succinct submittals tailored to this request. Respondents should include, as a minimum, the following information in their submittals:

Project Organization and Approach

- Description of your firm's or team's approach to completing the project scope of services described in the Scope of Services section herein.
- Description or illustration of the organization of project personnel of the lead firm and sub-consultants, if any.
- A listing of specific individuals (by name) and their hierarchy, of all personnel to be assigned specifically to this project.
- Description of the firm's internal project review process and quality assurance program.

Experience and Qualifications

- Location, size, and description of your firm and services offered.

- Location, size, and description of any sub-consultants, which may be employed as part of the project team.

- Discussion of relevant experience and technical expertise of project members with regard to regional water supply (ground and surface) planning and engineering for both large and small regional areas.

- A list of no more than five (5) projects similar to the scope of services listed herein, with descriptions of the projects, members of the project teams, time schedule, cost information, and contact persons who are able to verify the information presented. All projects must have been completed within the past ten (10) years. Project descriptions must demonstrate the following recent work experience:

-- regional water planning for various size regions in Texas;

-- interactions with diverse interest groups and stakeholders participating in regional water planning;

-- facilitating consensus building and conflict resolution among stakeholders with diverse and potentially conflicting interests;

-- working with the TWDB in reviewing population forecasts and developing and gaining acceptance of alternative forecasts as necessary;

-- familiarity with data and information available from the TWDB and other sources;

-- familiarity with TWDB's planning grant administration and invoicing requirements;

-- knowledge of statutory and regulatory policies affecting water supply, water quality, water conservation, and drought management issues for both surface and groundwater; and

-- experience with environmental issues and analyses related to water supply development.

Work Load and Schedule

- Current work load of your firm and its ability to complete the work within the schedule defined by the TWDB.

Acknowledgments

- Acknowledgment that, if requested, you will prepare and make a presentation if selected to a "short list".

- Acknowledgment that, if selected, the key individuals of the proposed professional team will not be changed without written concurrence of the PWPG;

- Acknowledgment that, if selected, you will conform to TWDB rules and requirements for grant funding and invoicing; and

- Acknowledgment, or disclosure, of any conflict of interest on the part of any owner or employee of the primary engineering/planning firm, or sub-consultant, with respect to holding elected or appointed office or having employment, or having a direct relationship to any individual holding such office or having employment, with any political subdivision represented on, or working for, the PWPG, or any similar situation that would constitute grounds for disclosure of a real, potential, or perceived conflict of interest in this regard.

Selection

Selection of a firm, or firms, to provide engineering/planning services related to regional water management planning of the PWPG shall be quality based. The Statements of Interest and Qualifications submitted in response to this request should contain no information on the cost of providing these professional services, nor should they contain any data that could be used to derive such costs. The Statements of Interest and Qualifications submitted will be shared with the PWPG. The planning group's consideration of the responses will be objective and impartial.

The selection of the successful firm(s) shall be accomplished by a vote of the PWPG.

Please submit three (3) copies of the Statement of Interest and Qualifications no later than February 13, 2024 to:

Ms. Tara Bushnoe

General Manager

Upper Guadalupe River Authority

125 Lehmann Drive, Suite 100

Kerrville, Texas 78028

Please note any questions, clarifications, or requests for general information are to be in writing via email to Tara Bushnoe (tbushnoe@uga.org).

TRD-202400309

Jonathan Letz

PWPG Chair

Platea Water Planning Group

Filed: January 26, 2024

Rio Grande Council of Governments

Request for Qualifications Engineering Services for Region E Water Planning Group

1. Background and General Information

Senate Bill 1 (SB 1), passed by the 75th Texas Legislature, mandated the Texas Water Development Board (TWDB) to implement a statewide water planning program to ensure that the water needs of all Texans are met looking forward 50 years. In response to this legislation, TWDB adopted state and regional water planning rules, delineated the state into sixteen regional areas, and selected the initial members for the Regional Water Planning Group serving in each area.

The Far West Texas Water Planning Group (FWTWPG) has been designated Region E and consists of all or parts of the following seven (7) Texas counties: Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Presidio, and Terrell.

The FWTWPG is responsible for preparing and adopting a regional water plan for its area and hires a consultant to assist the Group with developing the engineering, hydrological, environmental, legal, and institutional components of the plan. The planning process begins with the collection and analyses of many types of information related to regional water supplies and the demands placed on them by area users. The Group decides how future water needs may be met and includes in their water plan information about water supplies and demand, water quality problems affecting the water supply, and the social and economic characteristics of the region.

The plan will also identify water supply threats to agriculture and natural resources. Information concerning current preparations for drought and the status of other water plans in the region will also be reviewed during plan development. In addition, the plan addresses the prioritization of water management strategies, based on factors related to strategy cost, year of need, amount of water the strategy provides, and so on.

Before the plan can be finalized, FWTWPG must provide for public input in the planning process, hold public meetings, and furnish a draft report of the plan for public review and comment. The water plan must address the needs of all water users and suppliers in their region (except certain political subdivisions that decide not to participate.) Once this

process has been completed, the final adopted plan will be forwarded to TWDB for approval and incorporation into a comprehensive state water plan.

The Rio Grande Council of Governments (RIOCOG) serves as the administrative entity and public involvement coordinator for the FWTWPG. The RIOCOG's role in the regional water planning process has three broad aspects:

- Provides administrative support for the FWTWPG
- Provides fiscal management of TWDB funds that have been passed through to technical consultants to the Planning Group; and
- Develops and implements a comprehensive public involvement strategy to maximize local input and buy-in to the planning process.
- The RIOCOG therefore acts as the fiscal agent and project manager for the regional planning effort.

The RIOCOG, is a political subdivision of the state codified pursuant to the Texas Local Government Code, Chapter 391, is the regional organization through which local governments consider issues and cooperate in solving area wide problems. Through RIOCOG, local governments also initiate efforts in anticipating and preventing problems, thus saving public funds. In order to address the needs of citizens and businesses, local governments are providing leadership to guide regional development wisely and manage change constructively.

2. SOLICITATION

The RIOCOG, on behalf of the Region E FWTWPG, is soliciting Statements of Qualifications (SOQ) from engineering/planning firms qualified to provide professional consulting services related to Regional Water Planning activities. The RIOCOG is the administrative entity for the FWTWPG, and as such will be the contracting party on behalf of the Group. The SOQ should be submitted in accordance with the instructions listed in Item 4.B. below.

3. SCOPE OF WORK

The required Scope of Work for the sixth cycle of the 2026 Regional Water Plans can be found here, Sixth Cycle Regional Water Planning Documents | Texas Water Development Board. The Scope of work is to be amended to incorporate remaining planning tasks that are necessary to complete the 2026 Regional Water Plans at a later date. Respondents may contact the following individual regarding clarification of the Request for Qualification: Annette Gutierrez, Executive Director, RIOCOG, at annetteg@riocog.org.

4. SUBMISSION OF STATEMENT OF QUALIFICATIONS

Respondents shall carefully read the information in the following evaluation criteria and submit a complete Statement of Qualifications to all questions in this RFQ.

A. All proposals shall be submitted to and all correspondence shall be directed to Annette Gutierrez at annetteg@riocog.org.

B. All proposals must be received electronically no later than 2:00 p.m., MST, on Friday, February 9 to annetteg@riocog.org. The subject line of the email should be "Region E FWTWPG Engineering RFQ". No verbal or fax submittals will be accepted or considered valid.

C. Each proposal shall be signed by the principals of the firm.

D. All RFQs become the property of the RIOCOG upon return and will not be returned to the submitted.

E. Any cost or expense incurred by the Firm that is associated with the preparation or selection process of the RFQ shall be borne solely by the Firm.

F. Inquiries and Interpretations: Responses to inquiries which directly affect an interpretation or change to this RFQ will be issued in writing by the RIOCOG as an addendum and faxed or emailed to all parties recorded by the RIOCOG as having received a copy of the RFQ. All such addenda issued by the RIOCOG prior to the time that proposals are received shall be considered part of the RFQ, and the Respondent shall be required to consider and acknowledge receipt of each addendum in its Qualifications. Only those inquiries the RIOCOG replies to by addenda shall be binding. Oral and other interpretations or clarifications will be without legal effect.

G. Respondents shall restrict all contact and questions regarding this RFQ to Annette Gutierrez at annetteg@riocog.org. Respondents or their agents are prohibited from lobbying members of the RIOCOG and its staff. Failure to comply with this clause shall be grounds for rejection of their RFQ as non-responsive.

H. Firms are prohibited from contacting any RIOCOG employee, FWTWPG or RIOCOG Board of Directors for the purpose of lobbying to secure this agreement. All requests for information shall be made to the Executive Director, Annette Gutierrez at annetteg@riocog.org.

5. STATEMENT OF QUALIFICATIONS REQUIREMENTS

The firm should have extensive experience in working in environmental issues and analyses related to flood planning and management. The qualifications and commitment of the key personnel assigned to this project is critically important in the selection of a firm. Please provide the following in your proposal.

A. Qualifications (40 points)

I. Cover letter and introduction including legal name of firm, phone number and email address of the person(s) authorized to represent the company regarding all matters related to the proposal.

II. A description of the firm, including brief history, date of formation, number of employees, philosophy regarding client and customer service, location, years in business, biographies of principals, biography of the individual who will be assigned as the primary representative to the RIOCOG.

III. Provide statement detailing the firm and its staff are qualified to complete tasks related to the Scope of Services.

IV. Provide a statement on whether the firm is currently or in the past been involved in disciplinary action by any licensing organization.

B. Staffing (35 points)

I. Provide statement on the availability and commitment of the firm, its principal(s) and assigned professionals to undertake the project and reporting,

II. Provide names and roles of key personnel proposed to work on this project, their educational backgrounds, licenses and certificates earned.

III. Provide office locations for all key personnel proposed to work on this project.

C. Experience with similar projects (25 points)

I. Five references (past or current). Firms shall provide contact information for five clients for whom the firm has provided similar services and including entity name, address, service, provided, contact person, and telephone number.

II. Firm shall describe any contracts for services awarded to your firm that have been cancelled or terminated for unsatisfactory performance.

III. Provide a statement on whether the firm is currently or has in the past been involved in litigation with a client.

6. EVALUATION AND SELECTION

This RFQ provides information necessary to prepare and submit qualifications for consideration and ranking by the RIOCOG. The FWTWPG Executive Committee will rank the firms in order of the most qualified, based on demonstrated competence and qualification to perform the services, subject to negotiation of fair and reasonable compensation. The Executive Committee will then recommend the finalist to the FWTWP group for approval. RGOOG will then negotiate a contract with the finalist. If a satisfactory contract cannot be negotiated with the most highly qualified firm, the RIOCOG will formally end negotiations with that firm and select the next most highly qualified firm and negotiate a contract at a fair and reasonable price.

7. Conflict of Interest Questionnaire Chapter 176 of the Local Government Code requires vendors and qualified firms contracting or seeking to do business with RIOCOG to file a conflict of interest questionnaire (CIQ). The required questionnaire is located at the Texas Ethics Commission Website Form CIQ. The list of RIOCOG officers, subject to HB 914 disclosure requirements, can be found on the RIOCOG's website, <http://www.riocog.org>. The CIQ must be completed and filed with

the proposal response. Vendors and qualified firms that do not include the form with the response, and fail to timely provide it, may be disqualified from consideration by RIOCOG.

8. Reservation of Rights and Contract Requirements

A. The RIOCOG reserves the right to select one or no firm in response to this RFQ.

B. The firm, if selected, will be the firm whose RFQ is deemed most advantageous to the RIOCOG, as determined by the RIOCOG.

C. This RFQ does not commit the RIOCOG to enter into a Contract, award any services related to this RFQ.

TRD-202400317

Annette Gutierrez
Executive Director
Rio Grande Council of Governments
Filed: January 29, 2024

