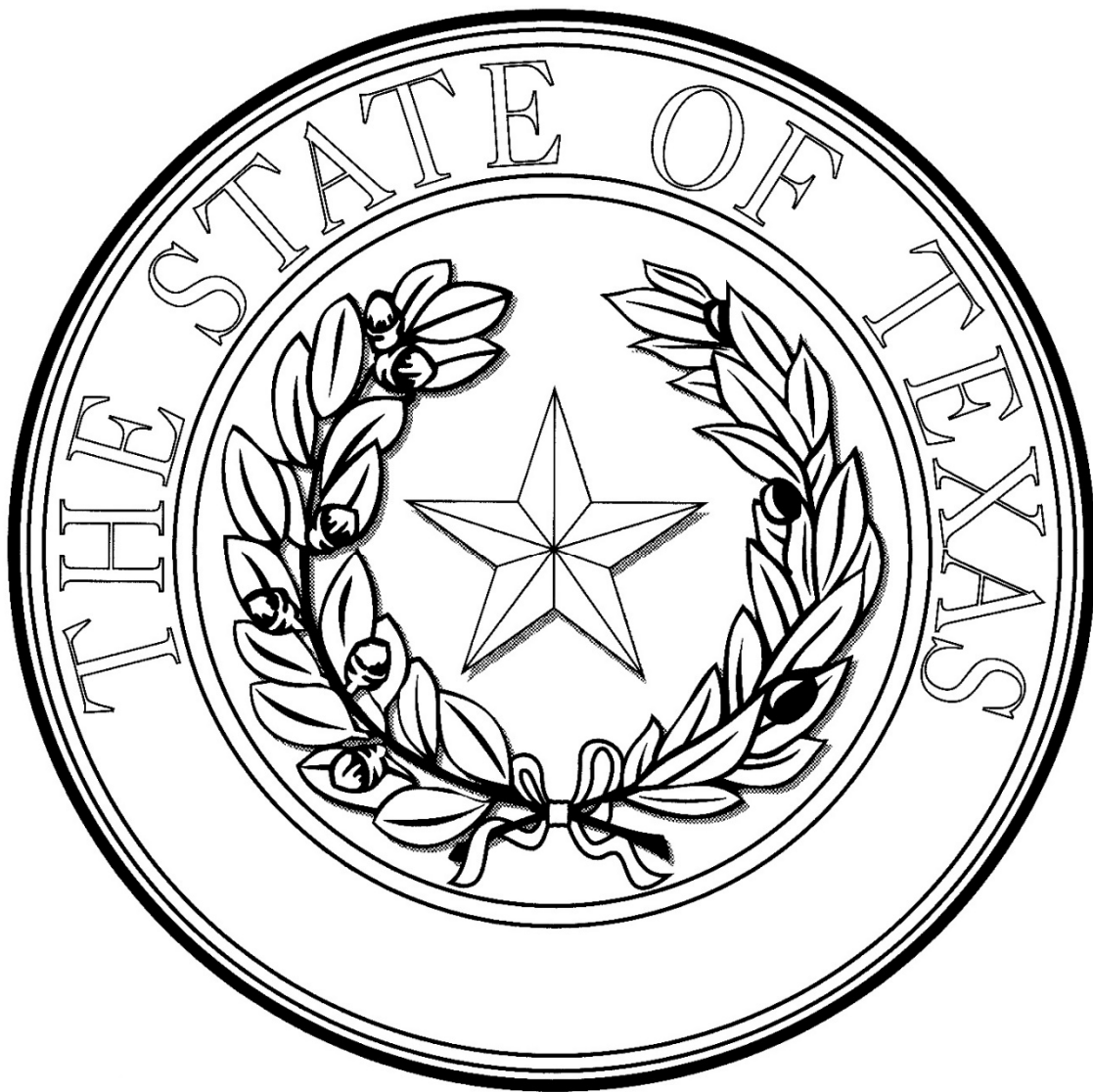

TEXAS REGISTER

Volume 47 Number 3

January 21, 2022

Pages 131 - 192



TEXAS REGISTER

a section of the
Office of the Secretary of State
P.O. Box 12887
Austin, Texas 78711
(512) 463-5561
FAX (512) 463-5569

<https://www.sos.texas.gov>
register@sos.texas.gov

Texas Register, (ISSN 0362-4781, USPS 12-0090), is published weekly (52 times per year) for \$340.00 (\$502.00 for first class mail delivery) by Matthew Bender & Co., Inc., 3 Lear Jet Lane Suite 104, P. O. Box 1710, Latham, NY 12110.

Material in the *Texas Register* is the property of the State of Texas. However, it may be copied, reproduced, or republished by any person without permission of the *Texas Register* director, provided no such republication shall bear the legend *Texas Register* or "Official" without the written permission of the director.

The *Texas Register* is published under the Government Code, Title 10, Chapter 2002. Periodicals Postage Paid at Easton, MD and at additional mailing offices.

POSTMASTER: Send address changes to the *Texas Register*, 4810 Williamsburg Road, Unit 2, Hurlock, MD 21643.

Secretary of State - John B. Scott

Editor-in-Chief - Jill S. Ledbetter

Editors

Leti Benavides

Eddie Feng

Brandy M. Hammack

Belinda Kirk

Joy L. Morgan

Breanna Mutschler

Barbara Strickland

IN THIS ISSUE

GOVERNOR

| | |
|---------------------------|-----|
| Appointments..... | 135 |
| Proclamation 41-3879..... | 136 |

EMERGENCY RULES

HEALTH AND HUMAN SERVICES COMMISSION

| | |
|---|-----|
| COVID-19 EMERGENCY HEALTH CARE FACILITY LICENSING | |
| 26 TAC §500.1..... | 137 |
| 26 TAC §500.20..... | 137 |
| LICENSING | |
| 26 TAC §745.115..... | 137 |
| 26 TAC §745.10301..... | 138 |

DEPARTMENT OF AGING AND DISABILITY SERVICES

| | |
|---|-----|
| INTELLECTUAL DISABILITY SERVICES-MEDICAID STATE OPERATING AGENCY RESPONSIBILITIES | |
| 40 TAC §9.597..... | 139 |

PROPOSED RULES

TEXAS HEALTH AND HUMAN SERVICES COMMISSION

| | |
|---------------------|-----|
| REIMBURSEMENT RATES | |
| 1 TAC §355.312..... | 141 |

TEXAS EDUCATION AGENCY

| | |
|---|-----|
| ASSESSMENT | |
| 19 TAC §§101.2001, 101.2003, 101.2005 - 101.2007, 101.2009, 101.2011, 101.2015, 101.2017, 101.2019..... | 145 |
| ACCELERATED INSTRUCTION | |
| 19 TAC §104.1001..... | 147 |

ADOPTED RULES

TEXAS EDUCATION AGENCY

| | |
|--|-----|
| CURRICULUM REQUIREMENTS | |
| 19 TAC §74.1007..... | 151 |
| SCHOOL DISTRICT PERSONNEL | |
| 19 TAC §§153.1201, 153.1203, 153.1207, 153.1209, 153.1251..... | 152 |

HEALTH AND HUMAN SERVICES COMMISSION

| | |
|---|-----|
| LICENSING | |
| 26 TAC §745.8913..... | 153 |
| 26 TAC §745.8933..... | 153 |
| 26 TAC §§745.9025 - 745.9027, 745.9030..... | 154 |

COMPTROLLER OF PUBLIC ACCOUNTS

| | |
|---|-----|
| UNCLAIMED PROPERTY REPORTING AND COMPLIANCE | |
| 34 TAC §§13.5, 13.9, 13.10..... | 155 |

TABLES AND GRAPHICS

| | |
|-------|-----|
| | 157 |
|-------|-----|

IN ADDITION

Office of Consumer Credit Commissioner

| | |
|------------------------------|-----|
| Notice of Rate Ceilings..... | 161 |
|------------------------------|-----|

Texas Education Agency

| | |
|---|-----|
| Request for Applications Concerning the 2022-2024 Charter School Program Grant (Subchapters C and D)..... | 161 |
|---|-----|

Commission on State Emergency Communications

| | |
|--|-----|
| Public Notice of Workshop Regarding Rider 9 - Plan for Continued Funding of Statewide 9-1-1 Service..... | 162 |
|--|-----|

Texas Commission on Environmental Quality

| | |
|-------------------------|-----|
| Agreed Orders..... | 162 |
| Enforcement Orders..... | 164 |
| Enforcement Orders..... | 164 |

| | |
|---|-----|
| Notice of Application and Opportunity to Request a Public Meeting for a New Municipal Solid Waste Facility: Registration Application No. 40324..... | 165 |
|---|-----|

| | |
|---|-----|
| Notice of Application and Opportunity to Request a Public Meeting for a New Municipal Solid Waste Facility: Registration Application No. 40325..... | 166 |
|---|-----|

| | |
|----------------------------------|-----|
| Notice of District Petition..... | 167 |
|----------------------------------|-----|

| | |
|--|-----|
| Notice of Hearing on AIRW 2017-7, L.P.: SOAH Docket No. 582-22-1016; TCEQ Docket No. 2021-1214-MWD; Permit No. WQ0015878001..... | 167 |
|--|-----|

| | |
|---|-----|
| Notice of Hearing on City of Fort Worth: SOAH Docket No. 582-22-1017; TCEQ Docket No. 2021-1211-MWD; Permit No. WQ0015668001..... | 168 |
|---|-----|

| | |
|---|-----|
| Notice of Hearing on TPC Group LLC: SOAH Docket No. 582-22-0799; TCEQ Docket No. 2021-1422-AIR; Permit Nos. 22052, PSDTX1578, N286, GHGPSDTX201, 46307, PSDTX1580, N288, GHGPSDTX202, 46426, PSDTX999M1, N290, GHGPSDTX203, 19806, and PSDTX1586..... | 169 |
|---|-----|

| | |
|--|-----|
| Notice of Hearing on Van Ruiten Dairy Partners: SOAH Docket No. 582-22-1085; TCEQ Docket No. 2021-1003-AGR; Permit No. WQ0003290000..... | 171 |
|--|-----|

| | |
|--|-----|
| Notice of Opportunity to Comment on a Default Order of Administrative Enforcement Actions..... | 171 |
|--|-----|

| | |
|--|-----|
| Notice of Opportunity to Comment on Agreed Orders of Administrative Enforcement Actions..... | 172 |
|--|-----|

| | |
|--|-----|
| Notice of Receipt of Application and Intent to Obtain Municipal Solid Waste Permit Major Amendment: Proposed Permit No. 2278A | 173 |
|--|-----|

General Land Office

Notice and Opportunity to Comment on Requests for Consistency Agreement/Concurrence Under the Texas Coastal Management Program174

Golden Crescent Workforce Development Board

Request for Quotes for Website Redesign, Hosting, and Maintenance Services174

Department of State Health Services

Notice of Compliance with Temporary Injunction Issued by Presiding Judge Jan Soifer on November 8, 2021 Ordering DSHS to Change the Definitions of Tetrahydrocannabinol and Marijuana Extract.....175

Order Placing PMMA in Schedule I, Extending the Temporary Scheduling of Six Cathinones, and Maintaining Remimazolam in Schedule IV176

Texas Department of Housing and Community Affairs

Notice of Public Comment Period and Hearings on the HOME American Rescue Plan (HOME-ARP) Program Draft Plan185

Texas Department of Insurance

Company Licensing186

Texas Lottery Commission

Scratch Ticket Game Number 2382 "LUCKY"186

North Central Texas Council of Governments

Notice of Contract Award for Digital Asset Management Service..192

Notice of Contract Award for Limited Access Facilities Traffic Counts and Travel Survey Data Collection192

Notice of Contract Award for Public Engagement Software192

THE GOVERNOR

As required by Government Code, §2002.011(4), the *Texas Register* publishes executive orders issued by the Governor of Texas. Appointments and proclamations are also published. Appointments are published in chronological order. Additional information on documents submitted for publication by the Governor's Office can be obtained by calling (512) 463-1828.

Appointments

Appointments for January 5, 2022

Appointed as Judge of the 132nd Judicial District, Borden and Scurry Counties, for a term until December 31, 2022, or until her successor shall be duly elected and qualified, Dana W. Cooley of Snyder, Texas (replacing Judge Ernie B. Armstrong of Snyder, who resigned).

Appointed as District Attorney of the 287th Judicial District, Bailey and Parmer Counties, for a term until December 31, 2022, or until his successor shall be duly elected and qualified, Jackie R. Claborn, II of Muleshoe, Texas (replacing Kathryn H. Gurley of Friona, who resigned).

Appointed as Judge of the 287th Judicial District, Bailey and Parmer Counties, for a term until December 31, 2022, or until her successor shall be duly elected and qualified, Kathryn H. Gurley of Friona, Texas (replacing Judge Gordon H. Green of Muleshoe, who resigned).

Appointments for January 6, 2022

Appointed to the Texas Holocaust, Genocide, and Antisemitism Advisory Commission pursuant to HB 3257, 87th Legislature, Regular Session, for a term to expire February 1, 2023, Jeffrey L. Beck of Dallas, Texas.

Appointed to the Texas Holocaust, Genocide, and Antisemitism Advisory Commission pursuant to HB 3257, 87th Legislature, Regular Session, for a term to expire February 1, 2023, Kenneth E. "Kenny" Goldberg of Dallas, Texas.

Appointed to the Texas Holocaust, Genocide, and Antisemitism Advisory Commission pursuant to HB 3257, 87th Legislature, Regular Session, for a term to expire February 1, 2025, Lucy Taus Katz of Austin, Texas.

Appointed to the Texas Holocaust, Genocide, and Antisemitism Advisory Commission pursuant to HB 3257, 87th Legislature, Regular Session, for a term to expire February 1, 2025, Providence Umugwaneza of San Antonio, Texas.

Appointed to the Texas Holocaust, Genocide, and Antisemitism Advisory Commission pursuant to HB 3257, 87th Legislature, Regular Session, for a term to expire February 1, 2027, Ilan S. Emanuel of Corpus Christi, Texas.

Appointments for January 7, 2022

Appointed as the Director of the Child Sex Trafficking Prevention Unit, for a term to expire at the pleasure of the Governor, Hillary A. England of Pflugerville, Texas (replacing Andrea Sparks of Austin).

Appointed as the Director of the Governor's Program for Victims of Child Sex Trafficking, for a term to expire at the pleasure of the Governor, Hillary A. England of Pflugerville, Texas (replacing Andrea Sparks of Austin).

Appointed to the Joint Interim Committee to Study Land Banks pursuant to SB 1679, 87th Legislature, Regular Session, for a term to expire at the pleasure of the Governor, Leslie G. Bingham of Brownsville,

Texas (Ms. Bingham will serve as the presiding officer of the committee).

Appointed to the Joint Interim Committee to Study Land Banks pursuant to SB 1679, 87th Legislature, Regular Session, for a term to expire at the pleasure of the Governor, Anna Maria Farias of San Antonio, Texas.

Appointed to the Joint Interim Committee to Study Land Banks pursuant to SB 1679, 87th Legislature, Regular Session, for a term to expire at the pleasure of the Governor, Carl W. Pankratz, III of Dallas, Texas.

Appointed to the Joint Interim Committee to Study Land Banks pursuant to SB 1679, 87th Legislature, Regular Session, for a term to expire at the pleasure of the Governor, Ernest Richards of Irving, Texas.

Appointed to the Private Sector Advisory Council pursuant to Government Code Section 421.042, for a term to expire at the pleasure of the Governor, Kelley D. Adley of Pottsboro, Texas.

Appointed to the Private Sector Advisory Council pursuant to Government Code Section 421.042, for a term to expire at the pleasure of the Governor, Nathanael "Nate" Graglia of Fort Worth, Texas.

Appointed to the Private Sector Advisory Council pursuant to Government Code Section 421.042, for a term to expire at the pleasure of the Governor, John Banks Hofmann of Liberty Hill, Texas.

Appointed to the Private Sector Advisory Council pursuant to Government Code Section 421.042, for a term to expire at the pleasure of the Governor, David A. Kassen of Richardson, Texas.

Appointed to the Private Sector Advisory Council pursuant to Government Code Section 421.042, for a term to expire at the pleasure of the Governor, Brian K. Lawson of Lake Jackson, Texas.

Appointed to the Private Sector Advisory Council pursuant to Government Code Section 421.042, for a term to expire at the pleasure of the Governor, Michael R. "Mike" McNally of Granbury, Texas.

Appointed to the Private Sector Advisory Council pursuant to Government Code Section 421.042, for a term to expire at the pleasure of the Governor, Russell S. McQuiston of Willow Park, Texas.

Appointed to the Private Sector Advisory Council pursuant to Government Code Section 421.042, for a term to expire at the pleasure of the Governor, Justen R. Noakes of San Antonio, Texas.

Appointed to the Private Sector Advisory Council pursuant to Government Code Section 421.042, for a term to expire at the pleasure of the Governor, Jeffrey E. "Jeff" Suggs of La Porte, Texas.

Appointed to the Private Sector Advisory Council pursuant to Government Code Section 421.042, for a term to expire at the pleasure of the Governor, Elicer "Eli" Viamontes of The Woodlands, Texas.

Appointed to the Private Sector Advisory Council pursuant to Government Code Section 421.042, for a term to expire at the pleasure of the Governor, Marcus E. "Woody" Woodring of League City, Texas.

Appointments for January 11, 2022

Appointed to the Office of Small Business Assistance Advisory Task Force, for a term to expire June 14, 2023, Eduardo A. Contreras of Austin, Texas (Mr. Contreras is being reappointed).

Appointed to the Office of Small Business Assistance Advisory Task Force, for a term to expire June 14, 2023, Lisa A. Fullerton of Boerne, Texas (Ms. Fullerton is being reappointed).

Appointed to the San Antonio River Authority Board of Directors, for a term until November 19, 2025, or until his successor shall be duly elected and qualified, Derek J. Gaudlitz of Floresville, Texas (replacing Darrell T. Brownlow, Ph.D. of Floresville, who resigned).

Appointed to the Texas Workforce Investment Council, for a term to expire September 1, 2027, Joe W. Arnold of Muldoon, Texas (Mr. Arnold is being reappointed).

Appointed to the Texas Workforce Investment Council, for a term to expire September 1, 2027, Lindsey R. Geeslin of Lorena, Texas (Ms. Geeslin is being reappointed).

Appointed to the Texas Workforce Investment Council, for a term to expire September 1, 2027, Wayne J. Oswald of Angleton, Texas (Mr. Oswald is being reappointed).

Appointed to the Texas Workforce Investment Council, for a term to expire September 1, 2027, Paul J. Puente of Houston, Texas (Mr. Puente is being reappointed).

Greg Abbott, Governor
TRD-202200063



Proclamation 41-3879

TO ALL TO WHOM THESE PRESENTS SHALL COME:

I, GREG ABBOTT, Governor of the State of Texas, do hereby certify that exceptional drought conditions pose a threat of imminent disaster in Andrews, Baylor, Borden, Brewster, Cameron, Carson, Castro, Childress, Collingsworth, Cottle, Culberson, Dallam, Dawson, Deaf Smith, Dimmit, Fisher, Foard, Gray, Hansford, Hardeman, Hartley, Haskell, Hemphill, Hidalgo, Howard, Hutchinson, Jones, Knox, Lamar, Martin,

Maverick, Midland, Moore, Motley, Ochiltree, Oldham, Pecos, Potter, Presidio, Randall, Roberts, Scurry, Sherman, Stonewall, Terrell, Throckmorton, Upton, Ward, Wheeler, Wichita, Wilbarger, and Winkler counties.

WHEREAS, significantly low rainfall and prolonged dry conditions continue to increase the threat of wildfire across these portions of the state; and

WHEREAS, these drought conditions pose an imminent threat to public health, property, and the economy;

THEREFORE, in accordance with the authority vested in me by Section 418.014 of the Texas Government Code, I do hereby declare a state of disaster in the previously listed counties based on the existence of such threat.

Pursuant to Section 418.017 of the code, I authorize the use of all available resources of state government and of political subdivisions that are reasonably necessary to cope with this disaster.

Pursuant to Section 418.016 of the code, any regulatory statute prescribing the procedures for conduct of state business or any order or rule of a state agency that would in any way prevent, hinder, or delay necessary action in coping with this disaster shall be suspended upon written approval of the Office of the Governor. However, to the extent that the enforcement of any state statute or administrative rule regarding contracting or procurement would impede any state agency's emergency response that is necessary to protect life or property threatened by this declared disaster, I hereby authorize the suspension of such statutes and rules for the duration of this declared disaster.

In accordance with the statutory requirements, copies of this proclamation shall be filed with the applicable authorities.

IN TESTIMONY WHEREOF, I have hereunto signed my name and have officially caused the Seal of State to be affixed at my office in the City of Austin, Texas, this the 6th day of January, 2022.

Greg Abbott, Governor
TRD-202200040



EMERGENCY RULES

Emergency Rules include new rules, amendments to existing rules, and the repeals of existing rules. A state agency may adopt an emergency rule without prior notice or hearing if the agency finds that an imminent peril to the public health, safety, or welfare, or a requirement of state or federal law, requires adoption of a rule on fewer than 30 days' notice. An emergency rule may be effective for not longer than 120 days and may be renewed once for not longer than 60 days (Government Code, §2001.034).

TITLE 26. HEALTH AND HUMAN SERVICES

PART 1. HEALTH AND HUMAN SERVICES COMMISSION

CHAPTER 500. COVID-19 EMERGENCY

HEALTH CARE FACILITY LICENSING

SUBCHAPTER A. HOSPITALS

26 TAC §500.1

The Health and Human Services Commission is renewing the effectiveness of emergency new §500.1 for a 60-day period. The text of the emergency rule was originally published in the September 24, 2021, issue of the *Texas Register* (46 TexReg 6317).

Filed with the Office of the Secretary of State on January 8, 2022.

TRD-202200035

Nycia Deal

Attorney

Health and Human Services Commission

Original effective date: September 16, 2021

Expiration date: March 14, 2022

For further information, please call: (512) 834-4591



SUBCHAPTER B. END STAGE RENAL DISEASE FACILITIES

26 TAC §500.20

The Health and Human Services Commission is renewing the effectiveness of emergency amended §500.20 for a 60-day period. The text of the emergency rule was originally published in the October 8, 2021, issue of the *Texas Register* (46 TexReg 6613).

Filed with the Office of the Secretary of State on January 8, 2022.

TRD-202200036

Nycia Deal

Attorney

Health and Human Services Commission

Original effective date: September 25, 2021

Expiration date: March 23, 2022

For further information, please call: (512) 834-4591



CHAPTER 745. LICENSING

The Executive Commissioner of the Texas Health and Human Services Commission (HHSC) adopts on an emergency basis in Texas Administrative Code Title 26 Part 1, Chapter 745, Licensing, new §745.10301 and amended §745.115, in response to the Governor's May 31, 2021, proclamation certifying an ongoing and imminent threat due to individuals unlawfully crossing the Texas-Mexico border. As authorized by Texas Government Code §2001.034, HHSC may adopt an emergency rule without prior notice or hearing upon finding that an imminent peril to the public health, safety, or welfare requires adoption on fewer than 30 days' notice. Emergency rules adopted under Texas Government Code §2001.034 may be effective for not longer than 120 days and may be renewed for not longer than 60 days.

BACKGROUND AND PURPOSE

The purpose of the emergency rulemaking is to continue complying with the Governor's direction in the May 31, 2021, proclamation declaring a state of disaster in certain Texas counties and for affected state agencies. In this proclamation, the Governor directed HHSC to take all necessary steps to discontinue state licensing of certain child-care facilities that shelter or detain unlawful immigrants or other individuals not lawfully present in the United States. The Governor suspended Texas Human Resources Code §42.046 and §42.048 and all other relevant laws to the extent necessary for HHSC to comply with this direction. To date, this proclamation remains in effect, and HHSC accordingly finds that an imminent peril to the public health, safety, and welfare of the state requires immediate adoption of these emergency rule and emergency rule amendment until such time that HHSC can adopt permanent rules to comply with the Governor's declaration.

The new emergency rule §745.10301 provides that child-care programs that are exempt from licensure and regulation by HHSC operate separately from child-care operations that are licensed or certified by HHSC. The emergency amendment of §745.115 clarifies that a program that provides care exclusively to unlawfully present individuals, as defined in §745.10301, is exempt from licensure and regulation by HHSC.

SUBCHAPTER C. OPERATIONS THAT ARE EXEMPT FROM REGULATION

DIVISION 2. EXEMPTIONS FROM REGULATION

26 TAC §745.115

STATUTORY AUTHORITY

The emergency rulemaking is adopted under Texas Government Code §§2001.034 and 531.0055, and Texas Human Resources Code Chapter 42. Texas Government Code §2001.034 authorizes the adoption of emergency rules without prior notice and hearing, if an agency finds that an imminent peril to the public

health, safety, or welfare requires adoption of a rule on fewer than 30 days' notice. Texas Government Code §531.0055 authorizes the Executive Commissioner of HHSC to adopt rules and policies necessary for the operation and provision of health and human services by the health and human services system. Texas Human Resources Code §42.001 states that the purpose of Texas Human Resources Code Chapter 42 is to protect the health, safety, and well-being of the children of the state who reside in child-care facilities, and §42.042 requires the Executive Commissioner to adopt rules to carry out the provisions of that chapter.

The amended section implements Texas Government Code §531.0055 and Texas Human Resources Code Chapter 42.

§745.115. What programs regulated by other governmental entities are exempt from Licensing regulation?

The following programs and facilities are exempt from our regulation:
Figure: 26 TAC §745.115
[Figure: 26 TAC §745.115]

The agency certifies that legal counsel has reviewed the emergency adoption and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on January 7, 2022.

TRD-202200033

Karen Ray

Chief Counsel

Health and Human Services Commission

Effective date: January 9, 2022

Expiration date: May 8, 2022

For further information, please call: (512) 438-3269



SUBCHAPTER X. EMERGENCY RULES

26 TAC §745.10301

STATUTORY AUTHORITY

The emergency rulemaking is adopted under Texas Government Code §§2001.034 and 531.0055, and Texas Human Resources Code Chapter 42. Texas Government Code §2001.034 authorizes the adoption of emergency rules without prior notice and hearing, if an agency finds that an imminent peril to the public health, safety, or welfare requires adoption of a rule on fewer than 30 days' notice. Texas Government Code §531.0055 authorizes the Executive Commissioner of HHSC to adopt rules and policies necessary for the operation and provision of health and human services by the health and human services system. Texas Human Resources Code §42.001 states that the purpose of Texas Human Resources Code Chapter 42 is to protect the health, safety, and well-being of the children of the state who reside in child-care facilities, and §42.042 requires the Executive Commissioner to adopt rules to carry out the provisions of that chapter.

The new section implements Texas Government Code §531.0055 and Texas Human Resources Code Chapter 42.

§745.10301. May a general residential operation provide care to or shelter an unlawfully present individual?

(a) In this emergency rule, the following terms are defined as follows.

(1) Exempt program--A child-care program that is exempt from or otherwise not subject to regulation as a child-care operation by Texas Health and Human Services Commission (HHSC) under Texas Human Resources Code Chapter 42, and this chapter.

(2) General residential operation (GRO)--A child-care facility that requires a license or certification under Texas Human Resources Code Chapter 42 in order to provide care to seven or more children for 24 hours a day in compliance with Chapter 748 of this title (relating to Minimum Standards For General Residential Operations).

(3) Unlawfully present individual--An individual who is neither a citizen nor has a right to be present in the United States under the Immigration and Nationality Act or accompanying regulations or decisions, who is in the custody of the federal government. This term includes a child who has no lawful immigration status in the United States and:

(A) with respect to whom, there is no parent or legal guardian in the United States, or no parent or legal guardian in the United States available to provide care and physical custody, as described in 6 U.S.C. §279(g)(2); or

(B) who is detained with a parent or other adult family member who is not lawfully present in the United States.

(b) Governor Abbott's May 31, 2021, proclamation declaring a state of disaster directs HHSC to discontinue state licensure of child-care facilities that shelter or detain unlawfully present individuals. Accordingly, a licensed or certified GRO may not provide care to or shelter an unlawfully present individual.

(c) A licensed or certified GRO must operate separately from an exempt program that provides care for an unlawfully present individual, including ensuring that the exempt program:

(1) has separate caregivers from the GRO or has caregivers that do not provide care at the GRO while caring for children at the exempt program; and

(2) does not use an area of the GRO's building or grounds at the same time that the GRO is using the area, except that the exempt program and GRO may share restrooms and indoor/outdoor activity areas under a written plan regarding how caregivers from the GRO and the exempt program will supervise the children in the shared space.

(d) A licensed or certified GRO that operates a licensed operation and a sufficiently separated exempt program to provide care for an unlawfully present individual must:

(1) notify HHSC in writing; and

(2) submit to HHSC a written plan for how the exempt program will operate separately from the GRO, as required by subsection (c) of this section.

(e) If HHSC determines that a licensed or certified GRO is providing care for an unlawfully present individual, HHSC will place the operation on probation. If the operation does not meet all requirements of the probation within the first 30 days of the probationary period, HHSC will seek revocation or refuse to renew the GRO's license or certification.

(f) As provided by Texas Human Resources Code §42.074, a program that operates in violation of this rule may be subject to an injunction, temporary restraining order, or other civil or criminal action.

(g) No provision of this section limits or restricts HHSC's authority to take an enforcement action described in Texas Human Resources Code Chapter 42 or a rule adopted under that chapter.

(h) If there is any inconsistency between this emergency rule and any suspended provision in Texas Human Resources Code Chapter 42 or a rule adopted under that chapter, this emergency rule will prevail so long as this emergency rule is in effect.

The agency certifies that legal counsel has reviewed the emergency adoption and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on January 7, 2022.

TRD-202200034

Karen Ray

Chief Counsel

Health and Human Services Commission

Effective date: January 9, 2022

Expiration date: May 8, 2022

For further information, please call: (512) 438-3269



TITLE 40. SOCIAL SERVICES AND ASSISTANCE

PART 1. DEPARTMENT OF AGING AND DISABILITY SERVICES

CHAPTER 9. INTELLECTUAL DISABILITY SERVICES--MEDICAID STATE OPERATING AGENCY RESPONSIBILITIES

SUBCHAPTER N. TEXAS HOME LIVING (TXHML) PROGRAM AND COMMUNITY FIRST CHOICE (CFC)

40 TAC §9.597

The Health and Human Services Commission is renewing the effectiveness of emergency new §9.597 for a 60-day period. The text of the emergency rule was originally published in the September 24, 2021, issue of the *Texas Register* (46 TexReg 6319).

Filed with the Office of the Secretary of State on January 10, 2022.

TRD-202200045

Nycia Deal

Attorney

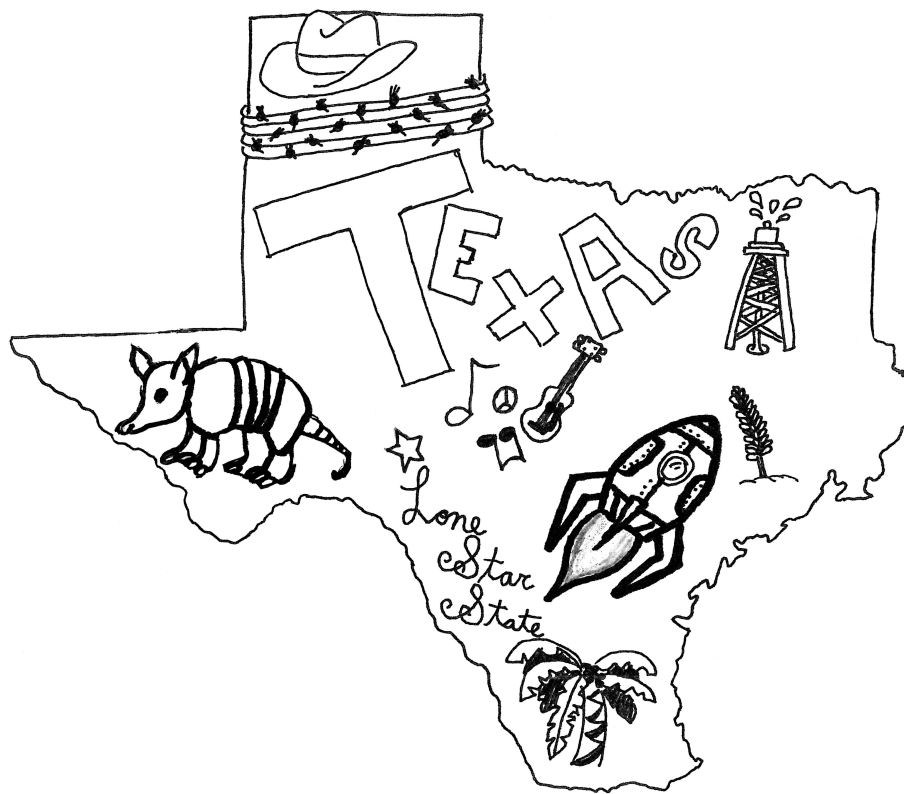
Department of Aging and Disability Services

Original effective date: September 19, 2021

Expiration date: March 17, 2022

For further information, please call: (512) 438-3161





PROPOSED RULES

Proposed rules include new rules, amendments to existing rules, and repeals of existing rules. A state agency shall give at least 30 days' notice of its intention to adopt a rule before it adopts the rule. A state agency shall give all interested persons a reasonable opportunity to submit data, views, or arguments, orally or in writing (Government Code, Chapter 2001).

Symbols in proposed rule text. Proposed new language is indicated by underlined text. ~~[Square brackets and strikethrough]~~ indicate existing rule text that is proposed for deletion. "(No change)" indicates that existing rule text at this level will not be amended.

TITLE 1. ADMINISTRATION

PART 15. TEXAS HEALTH AND HUMAN SERVICES COMMISSION

CHAPTER 355. REIMBURSEMENT RATES SUBCHAPTER C. REIMBURSEMENT METHODOLOGY FOR NURSING FACILITIES

1 TAC §355.312

The Executive Commissioner of the Texas Health and Human Services Commission (HHSC) proposes an amendment to §355.312, concerning Reimbursement Setting Methodology--Liability Insurance Costs.

BACKGROUND AND PURPOSE

The purpose of the proposal is to streamline the payment of liability insurance add-on rates by replacing the current certification requirements with an annual provider attestation to be completed during an open enrollment period. The amendment seeks to improve the timeliness of payments for add-on rates to nursing facility (NF) providers serving Medicaid residents for maintaining acceptable liability insurance coverage, in accordance with Section 32.028(h) of the Texas Human Resources Code. The proposed amendment defines eligibility criteria and clarifies how the add-ons are paid for new facilities and for facilities undergoing a change of ownership. This amendment also describes the circumstances under which HHSC may recoup the add-on payments.

SECTION-BY-SECTION SUMMARY

The proposed amendment to §355.312(a) adds an introductory paragraph to clarify the purpose of this section and relabels the definition section to subsection (b).

The proposed amendment to new §355.312(b) adds definitions for "provider," "rate year," and "open enrollment period" and alphabetizes the terms. Language regarding payment rate determination is moved to subsection (d).

The proposed amendment adds new subsection (c), which establishes the eligibility criteria for a provider to receive and retain liability insurance coverage rate add-ons from HHSC. The amendment moves language currently in subsection (c) to subsection (f)(2).

The proposed amendment to new §355.312(d) updates formatting and references. This subsection was previously located in subsection (b), and it describes the methodology that is used to determine add-on rates.

The proposed amendment adds a new subsection (e), which describes the annual open enrollment period during which providers may submit an attestation described in subsection (f).

The proposed amendment adds a new subsection (f), which describes the attestation that providers must submit to comply with subsection (c)(3) during the open enrollment period described in subsection (e) prior to the rate year the liability insurance add-ons will be paid. Subsection (f)(1) requires that the provider indicate the type of liability insurance it purchased. Subsection (f)(2) establishes the attestation requirements for providers who have purchased insurance through an entity determined by the Texas Department of Insurance to be authorized to issue liability insurance policies in the State of Texas. Subsection (f)(2) incorporates language from current subsection (c). Subsection (f)(3) establishes the attestation for providers who have purchased independently procured liability insurance. Subsection (f)(3) incorporates language from current subsection (d). Subsection (f)(4) establishes the attestation for providers who have purchased liability insurance through a captive insurance company. Subsection (f)(4) incorporates language from current subsection (e). Subsection (f)(5) requires a provider to attest that it has not obtained insurance from an insurer or person engaged in unauthorized insurance, as set forth in Chapter 101 of the Texas Insurance Code, Unauthorized Insurance. Subsection (f)(5) incorporates language from current subsection (f).

The proposed amendment deletes current subsections (g) and (h). Language concerning the circumstances in which a provider would qualify to receive add-on rates in subsection (g) is established in new subsection (c). Subsection (h) is no longer applicable.

The proposed amendment adds new §355.312(g), which revises language currently in subsection (i) regarding a provider's responsibility to notify HHSC of changes in liability insurance coverage during a rate year for which liability insurance add-ons are being paid.

The proposed amendment adds new §355.312(h), which describes the process through which newly contracted providers can request to receive liability insurance rate add-ons.

The proposed amendment adds new §355.312(i), which describes payment of the liability insurance add-on rates for facilities that undergo a change of ownership.

The proposed amendment adds new §355.312(j), which describes the circumstances under which HHSC may recoup a provider's add-on rates.

FISCAL NOTE

Trey Wood, Chief Financial Officer, has determined that for each year of the first five years that the rule will be in effect, enforcing

or administering the rule does not have foreseeable implications relating to costs or revenues of state or local governments.

GOVERNMENT GROWTH IMPACT STATEMENT

HHSC has determined that during the first five years that the rule will be in effect:

- (1) the proposed rule will not create or eliminate a government program;
- (2) implementation of the proposed rule will not affect the number of HHSC employee positions;
- (3) implementation of the proposed rule will result in no assumed change in future legislative appropriations;
- (4) the proposed rule will not affect fees paid to HHSC;
- (5) the proposed rule will not create a new rule;
- (6) the proposed rule will not expand, limit, or repeal existing rule;
- (7) the proposed rule will not change the number of individuals subject to the rule(s); and
- (8) the proposed rule will not affect the state's economy.

SMALL BUSINESS, MICRO-BUSINESS, AND RURAL COMMUNITY IMPACT ANALYSIS

Trey Wood has also determined that there will be no adverse economic effect on small businesses, micro-businesses, or rural communities.

The rule does not impose any additional costs on small businesses, micro-businesses, or rural communities that are required to comply with the rule because participation is voluntary. For providers currently participating in the program, the amendment will merely improve the timeliness of add-on payments and there are no additional costs to comply.

LOCAL EMPLOYMENT IMPACT

The proposed rule will not affect a local economy.

COSTS TO REGULATED PERSONS

Texas Government Code §2001.0045 does not apply to this rule because the rule does not impose a cost on regulated persons; is amended to reduce the burden or responsibilities imposed on persons regulated by the rule; and is amended to decrease a person's cost for compliance with the rule;

PUBLIC BENEFIT AND COSTS

Victoria Grady, Director of Provider Finance Department, has determined that for each year of the first five years the rule is in effect, the public benefit will be increased timeliness in payment of liability insurance rate add-ons to NF providers. This amendment will create more efficiency in NF payments while reducing administrative burden for NF providers to allowing them to better serve Medicaid residents of Texas.

Trey Wood has also determined that for the first five years the rule is in effect, there are no anticipated economic costs to persons who are required to comply with the proposed rule because the participation for NF providers is voluntary. There is no requirement to alter current business practices, nor are there any new fees or costs imposed on those required to comply.

TAKINGS IMPACT ASSESSMENT

HHSC has determined that the proposal does not restrict or limit an owner's right to his or her property that would otherwise exist

in the absence of government action and, therefore, does not constitute a taking under Texas Government Code §2007.043.

PUBLIC COMMENT

Written comments on the proposal may be submitted to HHSC Provider Finance Department, Mail Code H-400, P.O. Box 149030, Austin, Texas 78714-9030, or by email to PFD-LTSS@hhs.texas.gov.

To be considered, comments must be submitted no later than 31 days after the date of this issue of the *Texas Register*. Comments must be (1) postmarked or shipped before the last day of the comment period; (2) hand-delivered before 5:00 p.m. on the last working day of the comment period; or (3) emailed before midnight on the last day of the comment period. If last day to submit comments falls on a holiday, comments must be postmarked, shipped, or emailed before midnight on the following business day to be accepted. When emailing comments, please indicate "Comments on Proposed Rule 21R155" in the subject line.

STATUTORY AUTHORITY

The amendment is proposed under Texas Government Code §531.033, which authorizes the Executive Commissioner of HHSC to adopt rules necessary to carry out HHSC's duties; Texas Human Resources Code §32.021 and Texas Government Code §531.021(a), which provide HHSC with the authority to administer the federal medical assistance (Medicaid) program in Texas; Texas Human Resources Code §32.028(h), which requires the Executive Commissioner of HHSC to ensure that the rules governing the determination of rates paid for nursing facility services provide for the rate component derived from reported liability insurance costs to be paid only to those facilities that purchase liability insurance acceptable to HHSC; and Texas Government Code §531.021(b-1), which establishes HHSC as the agency responsible for adopting reasonable rules governing the determination of fees, charges, and rates for medical assistance payments under the Texas Human Resources Code Chapter 32.

The amendment and new section affect Texas Government Code Chapter 531 and Texas Human Resources Code Chapter 32.

§355.312. *Reimbursement Setting Methodology--Liability Insurance Costs.*

(a) Introduction. The Texas Health and Human Services Commission (HHSC) uses the methodology described in this section to establish Nursing Facility (NF) Liability Insurance Coverage Rate Add-ons.

(b) Definitions.

(1) Provider--A person who has a written agreement with HHSC to provide Medicaid NF services to an individual or a person who is contracted with a managed care organization as defined in §353.2 of this title (relating to Definitions) to provide Medicaid NF services.~~[Purchased commercial liability insurance--Either general or professional liability insurance from a commercial carrier or a non-profit service corporation in an arm's-length transaction that provides for the shifting of risk to the unrelated party. The commercial carrier or non-profit service corporation must meet the requirements as set by the Texas Department of Insurance (TDI) for authorized insurance.]~~

{(2) ~~Self-insurance--Self-insurance is a means whereby a contracted provider undertakes the risk to protect itself against antici-~~

pated liabilities by providing funds equivalent to liquidate those liabilities. If a contracted provider enters into an arrangement with an unrelated party that does not provide for the shifting of risk to the unrelated party, such an agreement shall be considered self-insurance. Self-insurance is not purchased liability insurance.]

(2) [(3)] Independently procured insurance--An insurance transaction involving an insurance contract independently procured from an insurance company not licensed in Texas through negotiations occurring entirely outside the state of Texas that is reported and on which premium tax is paid.

(3) Open enrollment period--Open enrollment period begins on the first day of July and ends on the last day of that same July preceding the rate year for which payments are being determined.

(4) Purchased captive insurance--General [A company providing either general] or professional liability insurance purchased from a non-admitted [nonadmitted] captive insurance company that insures solely directors and officer's liability insurance for the directors and officers of the company's parent and affiliated companies and [and/or] the risks of the company's parent and affiliated companies, if applicable.

(5) Purchased commercial liability insurance--Either general or professional liability insurance from a commercial carrier or a non-profit service corporation in an arm's-length transaction that provides for the shifting of risk to the unrelated party. The commercial carrier or non-profit service corporation must meet the requirements as set by the Texas Department of Insurance (TDI) for authorized insurance.

(6) Rate year--The rate year begins on the first day of September and ends on the last day of August of the following year.

(7) Self-insurance--Self-insurance is a means whereby a provider undertakes the risk to protect itself against anticipated liabilities by providing funds equivalent to liquidate those liabilities. If a provider enters into an arrangement with an unrelated party that does not provide for the shifting of risk to the unrelated party, such an agreement shall be considered self-insurance. Self-insurance is not purchased liability insurance.

(c) Eligibility. To be eligible to receive and retain liability insurance coverage rate add-ons from HHSC under this section:

(1) the provider must be enrolled as a Medicaid provider;

(2) the provider must be actively providing and billing for NF services provided to Medicaid clients; and

(3) the provider must maintain acceptable liability insurance coverage as described in this section during the rate year for which the liability insurance add-ons will be paid.

(d) [(b)] Payment rates. Payment rates for purchased general and professional liability insurance will be determined as follows.[:]

(1) Determine the portion of the general and administration [general/administration] rate component from [4 FAC] §355.307 of this subchapter (relating to Reimbursement Setting Methodology) attributable to allowable liability insurance costs.

(2) Determine the amount of total dollars that would be expended if the liability rate component from paragraph (1) of this subsection were paid uniformly to all providers during the rate effective period.

(3) Estimate the number of days of service that will be covered by purchased liability insurance during the rate period.

(4) Divide the total dollars available for liability insurance from paragraph (2) of this subsection by the estimated number of days of service that will be covered by purchased liability insurance during the rate period from paragraph (3) of this subsection. Estimate the proportion of this per diem amount accruing from general liability insurance and the proportion accruing from professional liability insurance to determine the payment rate for each day of purchased general liability insurance and the payment rate for each day of purchased professional liability insurance.

(5) Payment rates for purchased general and professional liability insurance may be adjusted as often as HHSC determines is necessary to ensure that the total dollars expended during the rate period do not exceed the amount appropriated for this purpose.

(6) Since these payment rates are determined through an allocation of available appropriations among estimated units of service covered by purchased liability insurance, a public rate hearing is not required when adjustments are made to the payment rates.

(7) Providers [Contracted providers] will be notified, in a manner determined by HHSC, of adjustments to the payment rates for purchased general and professional liability insurance.

(8) Providers [Contracted providers] who purchase general liability insurance without professional liability insurance are only eligible to receive payment of the rate for purchased general liability insurance. Providers [Contracted providers] who purchase professional liability insurance without general liability insurance are only eligible to receive payment of the rate for purchased professional liability insurance. Providers [Contracted providers] who purchase both general and professional liability insurance are eligible to receive payment of both rates.

(e) Open enrollment. Each rate year, HHSC notifies providers of open enrollment for providers to receive the liability insurance rate add-ons via email sent to an authorized representative per the signature authority designation form applicable to the provider's contract or ownership type. If open enrollment has been postponed or canceled, HHSC will notify providers by email before the first day of the open enrollment period. Should conditions warrant, HHSC may conduct additional enrollment periods during a rate year. A provider must submit an attestation in accordance with subsection (f) of this section during an open enrollment period to receive the liability rate add-ons for each rate year. The HHSC Provider Finance Department must receive the attestation by the last day of the open enrollment period. If the last day of open enrollment is on a weekend day, state holiday, or national holiday, the HHSC Provider Finance Department must receive the attestation by the next business day. A provider who fails to submit an acceptable attestation of agreement in accordance with this section will not receive the add-on rates during the rate year.

(f) Attestation of agreement. The provider must submit an electronic attestation of agreement to comply with subsection (c)(3) of this section during the open enrollment period prior to the rate year the liability insurance add-ons will be paid. The electronic attestation will include the following.

(1) The provider must indicate that it is carrying general liability and professional liability insurance; general liability insurance without professional liability insurance; or professional liability insurance only.

(2) [(e)] The provider must attest that it has purchased [Purchased] liability insurance issued through an entity [entities] meeting any one of the following criteria [will be determined automatically to qualify for the payment rates for purchased general and/or professional liability insurance as appropriate]. These entities

have been determined by the TDI to be authorized to issue liability insurance policies in the State of Texas.

(A) [(4)] An insurance company identified as an admitted, licensed[;] insurer authorized to write liability insurance in Texas. This type of insurance company is designated as "active" on the TDI website. This designation includes risk retention groups chartered inside the State [state] of Texas.

(B) [(2)] An insurance company that is an eligible surplus lines insurer which requires that there be a Texas licensed surplus lines agent placing the coverage with the insurance company. This type of insurance company is designated as "eligible" on the TDI website.

(C) [(3)] The Texas Medical Liability Insurance Underwriting Association (JUA). This insurance arrangement is designated as "active" on the TDI website.

(D) [(4)] A risk retention group chartered outside the State [state] of Texas that is registered with the TDI and which is designated as "registered" on the TDI website.

(3) [(4)] The provider must attest that if it purchased independently [Independently] procured insurance [will not be determined automatically to qualify for the payment rates for purchased general and/or professional liability insurance. To qualify for the purchased general and/or professional liability insurance payment rates], the coverage was [must have been] purchased through an independently procured insurance arrangement. [The liability insurance payment rates will not be paid to any nursing facility contracted provider until HHSC Rate Analysis has received from the contracted provider a signed and notarized affidavit in the form provided by HHSC regarding the circumstances of the solicitation and procurement of coverage. An authorized signatory for the contracted provider as per the Department of Aging and Disability Services (DADS) Form 2031 must sign the affidavit. HHSC may request additional information to support the contents of the affidavit. The affidavit and supporting information will be reviewed by HHSC to determine if the information supplied is correct and complete to authorize payment of rates for purchased general and/or professional liability insurance. Upon receipt and review of the affidavit and supporting information and a determination that the information is correct and complete to authorize payments, payments will be made as identified in subsection (h) of this section. HHSC may refer any questionable case to the TDI to determine if a violation of the Texas Insurance Code has occurred.] The provider must also attest [liability insurance payment rates will continue to be paid if evidence] that taxes on the premiums of independently procured insurance were paid to and received by the Texas Comptroller for the calendar year in which the policy was [is] procured, continued or renewed. [Evidence of the annual taxes paid to and received by the Texas Comptroller for the independently procured insurance in which the policy has been procured, continued or renewed must be received by HHSC Rate Analysis no later than the end of the business day on June 15 following the applicable calendar year. Failure to provide HHSC by June 15 with evidence that premium taxes have been paid will result in the discontinuation of the liability insurance rate add-on. If June 15 falls on a weekend, a national holiday, or a state holiday, then the first business day following June 15 of that year is the due date for the evidence of taxes paid. If acceptable evidence that taxes have been paid has not been received by HHSC within 60 days after the June 15 deadline, HHSC will recoup any add-on payments made to the contracted provider for the period in which taxes are unpaid. Once HHSC Rate Analysis receives evidence of taxes paid to the Texas Comptroller, HHSC will restore any add-on payments for that period previously withheld or recouped. Any vendor hold placed under 40 TAC §19.2308 (relating to Change of Ownership) will remain in place until evidence that all taxes on the premiums are paid to and received by the Texas Comptroller for all time periods

for which the liability insurance add-on rate was paid to the contracted provider.]

(4) [(e)] The provider must agree that if it purchased insurance [Insurance purchased] through a captive insurance company [will not be determined automatically to qualify for the payment rates for purchased general and/or professional liability insurance. The liability insurance payment rates will not be paid to any nursing facility contracted provider until HHSC Rate Analysis has received from the contracted provider a signed and notarized affidavit in the form provided by HHSC and any requested supporting information regarding the financial arrangements and affiliation between the contracted provider and the captive insurance company. An authorized signatory for the contracted provider as per DADS Form 2031 must sign the affidavit. HHSC may request additional information to support the contents of the affidavit. The affidavit and supporting information will be reviewed by HHSC to determine if the information supplied is correct and complete to authorize payment of rates for purchased general and/or professional liability insurance. Payments will be made as identified in subsection (h) of this section. Insurance purchased through an "active" or "eligible" insurance company will automatically qualify for the payment rate for purchased general and/or professional liability insurance, regardless of whether such risk has been reinsured by a captive insurance company. It is the responsibility of the nursing facility to obtain any requested information from the captive insurance company or affiliates. HHSC may refer any questionable cases to TDI to determine if a violation of the Texas Insurance Code has occurred. The liability insurance payment rates will continue to be paid if evidence] that taxes on the premiums of captive insurance were paid to and received by the Texas Comptroller for the calendar year in which the policy was [is] procured, continued or renewed. [Evidence of the annual taxes paid to and received by the Texas Comptroller for the captive insurance in which the policy has been procured, continued or renewed must be received by HHSC Rate Analysis no later than the end of the business day on April 1 following the applicable calendar year. Failure to provide HHSC by April 1 with evidence that premium taxes paid have been will result in the discontinuation of the liability insurance rate add-on. If April 1 falls on a weekend, a national holiday, or a state holiday, then the first business day following April 1 of that year is the due date for the evidence of taxes paid. If acceptable evidence that taxes have been paid has not been received by HHSC within 60 days after the April 1 deadline, HHSC will recoup any add-on payments made to the contracted provider for the period in which taxes are unpaid. Once HHSC Rate Analysis receives evidence of taxes paid to the Texas Comptroller, HHSC will restore any add-on payments for that period previously withheld or recouped. Any vendor hold placed under 40 TAC §19.2308 (relating to Change of Ownership) will remain in place until evidence that all taxes on the premiums are paid to and received by the Texas Comptroller for all time periods for which the liability insurance add-on rate was paid to the contracted provider.]

(5) [(f)] The provider must attest that it has not obtained [Liability insurance payments will not be made to facilities that obtain] insurance from an insurer or person engaged in unauthorized insurance as set forth in Chapter 101 of the Texas Insurance Code, Unauthorized Insurance. [Providers will be notified by certified mail that the liability insurance payments are being stopped and of the provider's right to appeal the stoppage of payment with HHSC under 1 TAC §§357.481 - 357.490. It is the responsibility of the nursing facility contracted provider to ensure that liability insurance submitted for payment is authorized. Liability insurance payments made on insurance that is later determined by the Texas Department of Insurance to be unauthorized insurance under Chapter 101, Texas Insurance Code will be recouped. If the determination by TDI that the insurance is unauthorized is successfully appealed with TDI and the insurance is determined to be au-

thorized, the liability insurance payments that were stopped will be paid to the provider.]

[(g) To qualify for the purchased liability insurance payment rates each contracted entity must submit the following to HHSC Rate Analysis:]

[(1) A completed liability insurance coverage certification form provided by HHSC Rate Analysis, signed by an authorized signatory for the contracted provider as per DADS Form 2031.]

[(2) A copy of evidence of coverage to include a certificate of insurance, the ACORD 25-S or similar document provided by the insurance company or agent that includes the type of coverage, effective and expiration dates of coverage, insurer, policy, and form number of policy contract, agent/producer, and claims made/occurrences. For catastrophic or excess liability coverage, the evidence of coverage must also include the sum that the catastrophic or excess coverage must exceed to become payable. A binder is not acceptable as evidence of insurance.]

[(3) For independently procured liability insurance, the information identified in subsection (d) of this section.]

[(4) For insurance purchased through a captive insurance company, the information identified in subsection (e) of this section.]

[(h) If an insurance policy effective date is not the first day of the month, then the liability insurance payment rates will become effective the first day of the following month. If an insurance policy expiration date is not the last day of the month, then the liability insurance payment rates will be paid for the full month that includes the expiration date.]

[(g) [(+) Failure to maintain insurance coverage. It is the [contracted] provider's responsibility to notify the HHSC Provider Finance Department [Rate Analysis] of any changes to liability insurance coverage during a rate year for which liability insurance rate add-ons are being paid, including cancellation of, or failure to renew or to maintain coverage, [change of insurance and renewal of coverage] within 15 calendar days of the effective date of the change. Failure to notify HHSC Provider Finance Department [Rate Analysis] of cancellation of or failure to renew or maintain coverage [or change of insurance] could constitute Medicaid fraud and the rate add-on amounts paid for a period during which liability insurance is not maintained will be subject to recoupment under subsection (j) of this section. [Renewals of coverage not received within 15 calendar days of the effective date of the renewal could result in the liability insurance payment rates being stopped until documentation of the renewal per subsection (f) of this section is received by HHSC Rate Analysis.]

[(h) New provider contracts. For the purposes of this section, a new provider contract is a contract with an effective date on or after the first day of the open enrollment period for that rate year. To receive the liability insurance add-on rates, a provider with a new provider contract must send a written request to complete the attestation of agreement in subsection (f) of this section to the HHSC Provider Finance Department. The attestation of agreement must be completed according to instructions, signed by an authorized agent of the provider's contract, and received by the HHSC Provider Finance Department within 30 days of the date HHSC sends notification to the provider that the attestation of agreement must be completed. If the 30th day is on a weekend day, state holiday, or national holiday, the HHSC Provider Finance Department must receive the attestation by the next business day. A provider who fails to submit an acceptable attestation of agreement in accordance with this section will not receive the add-on rates during the rate year.

[(i) Change of ownership. Payment of liability insurance add-on rate confers to the new owner as defined in 26 TAC §554.2308 (relating to Change of Ownership) when there is a change of ownership. If the change of ownership occurs during an open enrollment period as defined in subsection (b) of this section, then the owner recognized by HHSC, or its designee, may request to modify the enrollment status of the facility by the last day of the enrollment period, in accordance with subsection (e) of this section.

[(j) Recoupment. HHSC will recoup add-on rates paid to a provider under the following circumstances.

(1) It is the responsibility of the provider to ensure that liability insurance is authorized. Liability insurance payments will be recouped if made on insurance that is later determined by TDI to be unauthorized insurance under Chapter 101, Texas Insurance Code. The liability insurance payments that were recouped will be returned to the provider if the determination by TDI that the insurance is unauthorized is successfully appealed with TDI and the insurance is determined to be authorized.

(2) It is the responsibility of the provider to ensure that liability insurance coverage is maintained during a rate year for which liability insurance rate add-ons are paid. Failure to maintain coverage will result in recoupment of funds for any period in which add-ons were paid and liability insurance coverage was not maintained.

(3) It is the responsibility of the provider to ensure that its attestation of liability insurance coverage is accurate. False attestations will result in recoupment of funds for the rate year following the open enrollment in which the false attestation was made.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on January 7, 2022.

TRD-202200032

Karen Ray

Chief Counsel

Texas Health and Human Services Commission

Earliest possible date of adoption: February 20, 2022

For further information, please call: (512) 424-6637



TITLE 19. EDUCATION

PART 2. TEXAS EDUCATION AGENCY

CHAPTER 101. ASSESSMENT

SUBCHAPTER BB. COMMISSIONER'S RULES CONCERNING GRADE ADVANCEMENT AND ACCELERATED INSTRUCTION

19 TAC §§101.2001, 101.2003, 101.2005 - 101.2007, 101.2009, 101.2011, 101.2015, 101.2017, 101.2019

The Texas Education Agency (TEA) proposes the repeal of §§101.2001, 101.2003, 101.2005-101.2007, 101.2009, 101.2011, 101.2015, 101.2017, and 101.2019, concerning grade advancement and accelerated instruction. The proposed repeals would implement House Bill (HB) 4545, 87th Texas Legislature, Regular Session, 2021, which modified requirements related to accelerated instruction.

BACKGROUND INFORMATION AND JUSTIFICATION: HB 4545, 87th Texas Legislature, Regular Session, 2021, amended Texas Education Code (TEC), §28.0211 and §28.0217, to remove grade advancement requirements and focus on the provision of accelerated instruction and related supports for students who have failed to perform satisfactorily on assessments required under TEC, §39.023.

Because of the significant changes to accelerated instruction by HB 4545, the rules in Chapter 101, Subchapter BB, are no longer applicable. The proposed repeal would remove the obsolete rules.

In a separate rulemaking action, TEA is proposing new 19 TAC §104.1001, Accelerated Instruction, Modified Teacher Assignment, and Accelerated Learning Committee, to clarify the statutory changes to accelerated instruction and outline new requirements related to accelerated learning committees and related student supports.

FISCAL IMPACT: Kelvey Oeser, deputy commissioner for educator support, has determined that for the first five-year period the proposal is in effect, there are no additional costs to state or local government, including school districts and open-enrollment charter schools, required to comply with the proposal.

LOCAL EMPLOYMENT IMPACT: The proposal has no effect on local economy; therefore, no local employment impact statement is required under Texas Government Code, §2001.022.

SMALL BUSINESS, MICROBUSINESS, AND RURAL COMMUNITY IMPACT: The proposal has no direct adverse economic impact for small businesses, microbusinesses, or rural communities; therefore, no regulatory flexibility analysis, specified in Texas Government Code, §2006.002, is required.

COST INCREASE TO REGULATED PERSONS: The proposal does not impose a cost on regulated persons, another state agency, a special district, or a local government and, therefore, is not subject to Texas Government Code, §2001.0045.

TAKINGS IMPACT ASSESSMENT: The proposal does not impose a burden on private real property and, therefore, does not constitute a taking under Texas Government Code, §2007.043.

GOVERNMENT GROWTH IMPACT: TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. During the first five years the proposed rulemaking would be in effect, it would repeal existing regulations to implement changes to accelerated instruction by HB 4545, 87th Texas Legislature, Regular Session, 2021.

The proposed rulemaking would not create or eliminate a government program; would not require the creation of new employee positions or elimination of existing employee positions; would not require an increase or decrease in future legislative appropriations to the agency; would not require an increase or decrease in fees paid to the agency; would not create a new regulation; would not expand or limit an existing regulation; would not increase or decrease the number of individuals subject to its applicability; and would not positively or adversely affect the state's economy.

PUBLIC BENEFIT AND COST TO PERSONS: Ms. Oeser has determined that for each year of the first five years the proposal is in effect, the public benefit anticipated as a result of enforcing the proposal would be implementation of HB 4545, 87th Texas Legislature, Regular Session, 2021, by removing obsolete rules

related to accelerated instruction. There is no anticipated economic cost to persons who are required to comply with the proposal.

DATA AND REPORTING IMPACT: The proposal would have no data and reporting impact.

PRINCIPAL AND CLASSROOM TEACHER PAPERWORK REQUIREMENTS: TEA has determined that the proposal would not require a written report or other paperwork to be completed by a principal or classroom teacher.

PUBLIC COMMENTS: The public comment period on the proposal begins January 21, 2022, and ends February 22, 2022. A form for submitting public comments is available on the TEA website at [https://tea.texas.gov/About_TEA/Laws_and_Rules/Commissioner_Rules_\(TAC\)/Proposed_Commissioner_of_Education_Rules/](https://tea.texas.gov/About_TEA/Laws_and_Rules/Commissioner_Rules_(TAC)/Proposed_Commissioner_of_Education_Rules/).

Public hearings to solicit testimony and input on the proposal will be held at 9:00 a.m. on February 3 and 4, 2022, via Zoom. The public may participate in either hearing virtually by linking to the February 3 hearing at <https://us02web.zoom.us/j/86198440744> and the February 4 hearing at <https://us02web.zoom.us/j/82460438458>. The public may attend one or both hearings. Anyone wishing to testify at one of the hearings must sign in between 8:30 a.m. and 9:00 a.m. on the day of the respective hearing. Each hearing will conclude once all who have signed in have been given the opportunity to comment. Each individual's comments are limited to three minutes, and each individual may comment only once. Both hearings will be recorded and made available publicly.

Parties who are interested in providing written comments in addition to, or in lieu of, public testimony are encouraged to send written comments to accelerated.instruction@tea.texas.gov. Questions about the hearings should be directed to accelerated.instruction@tea.texas.gov.

STATUTORY AUTHORITY. The repeals are proposed under Texas Education Code (TEC), §28.0211, as amended by House Bill (HB) 4545, 87th Texas Legislature, Regular Session, 2021, which provides for (1) accelerated instruction for students who do not perform satisfactorily on assessments administered under TEC, §39.023(a), in Grades 3-8; (2) accelerated learning committees for students in Grades 3, 5, or 8 who do not perform satisfactorily on reading and mathematics assessments administered under TEC, §39.023; and (3) other related requirements. TEC, §28.0211(k), allows, but does not require, the commissioner to adopt rules as necessary to implement the section; and TEC, §28.0217, as amended by HB 4545, 87th Texas Legislature, Regular Session, 2021, which provides for accelerated instruction, which must comply with the requirements for accelerated instruction under TEC, §28.0211, for students in high school who do perform satisfactorily on assessments administered under TEC, §39.023(c), as well as related requirements.

CROSS REFERENCE TO STATUTE. The repeals implements Texas Education Code, §28.0211 and §28.0217, as amended by House Bill 4545, 87th Texas Legislature, Regular Session, 2021.

§101.2001. *Policy.*

§101.2003. *Grade Advancement Testing Requirements.*

§101.2005. *Test Administration and Schedule.*

- §101.2006. Accelerated Instruction.*
- §101.2007. Role of Grade Placement Committee.*
- §101.2009. Notice to Parents or Guardians.*
- §101.2011. Alternate Assessment.*
- §101.2015. Parental Waiver.*
- §101.2017. Scoring and Reporting.*
- §101.2019. Credit for High School Graduation.*

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on January 10, 2022.

TRD-202200037

Cristina De La Fuente-Valadez

Director, Rulemaking

Texas Education Agency

Earliest possible date of adoption: February 20, 2022

For further information, please call: (512) 475-1497



CHAPTER 104. ACCELERATED INSTRUCTION

19 TAC §104.1001

The Texas Education Agency (TEA) proposes new §104.1001, concerning accelerated instruction. The proposed new section would implement House Bill (HB) 4545, 87th Texas Legislature, Regular Session, 2021, by updating requirements for accelerated instruction and establishing new requirements for accelerated learning committees and related student supports.

BACKGROUND INFORMATION AND JUSTIFICATION: HB 4545, 87th Texas Legislature, Regular Session, 2021, amended Texas Education Code (TEC), §28.0211 and §28.0217, to remove grade advancement requirements and focus on the provision of accelerated instruction and related supports for students who have failed to perform satisfactorily on assessments required under TEC, §39.023. Proposed new §104.1001 would clarify the statutory changes to accelerated instruction and outline new requirements related to accelerated learning committees and related student supports.

Specifically, proposed new §104.1001 would clarify which assessment instruments are subject to accelerated instruction requirements, when accelerated instruction can and cannot be provided, the requirements of accelerated instruction, options other than accelerated instruction, and the requirements for an accelerated learning committee, including its membership.

Proposed new §104.1001 would also address the applicability of HB 4545 to students served by special education. The new rule would clarify admission, review, and dismissal (ARD) committee responsibilities in connection with accelerated instruction committees and an ARD committee's responsibility to ensure a free appropriate public education in connection with accelerated instruction.

In a separate rulemaking action, TEA is proposing the repeal of 19 TAC Chapter 101, Assessment, Subchapter BB, Commissioner's Rules Concerning Grade Advancement and Accelerated Instruction, to align with TEC, §28.0211 and §28.0217, as amended by HB 4545.

FISCAL IMPACT: Kelvey Oeser, deputy commissioner for educator support, has determined that for the first five-year period the proposal is in effect, there are no additional costs to state or local government, including school districts and open-enrollment charter schools, required to comply with the proposal.

LOCAL EMPLOYMENT IMPACT: The proposal has no effect on local economy; therefore, no local employment impact statement is required under Texas Government Code, §2001.022.

SMALL BUSINESS, MICROBUSINESS, AND RURAL COMMUNITY IMPACT: The proposal has no direct adverse economic impact for small businesses, microbusinesses, or rural communities; therefore, no regulatory flexibility analysis, specified in Texas Government Code, §2006.002, is required.

COST INCREASE TO REGULATED PERSONS: The proposal does not impose a cost on regulated persons, another state agency, a special district, or a local government and, therefore, is not subject to Texas Government Code, §2001.0045.

TAKINGS IMPACT ASSESSMENT: The proposal does not impose a burden on private real property and, therefore, does not constitute a taking under Texas Government Code, §2007.043.

GOVERNMENT GROWTH IMPACT: TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. During the first five years the proposed rulemaking would be in effect, it would create a new regulation to implement the requirements of HB 4545, 87th Texas Legislature, Regular Session, 2021, related to accelerated instruction, accelerated learning committees, and related student supports. The proposed rulemaking would also increase the number of students subject to accelerated instruction. Prior to the passage of HB 4545, accelerated instruction applied only to assessment instruments for mathematics, reading, and writing. In accordance with HB 4545, new §104.1001 would apply to all assessment instruments.

The proposed rulemaking would not create or eliminate a government program; would not require the creation of new employee positions or elimination of existing employee positions; would not require an increase or decrease in future legislative appropriations to the agency; would not require an increase or decrease in fees paid to the agency; would not expand, limit, or repeal an existing regulation; would not decrease the number of individuals subject to its applicability; and would not positively or adversely affect the state's economy.

PUBLIC BENEFIT AND COST TO PERSONS: Ms. Oeser has determined that for each year of the first five years the proposal is in effect, the public benefit anticipated as a result of enforcing the proposal would be ensuring that rule language is based on current law and provide school districts with clarification regarding accelerated instruction, accelerated learning committees, and related supports established by HB 4545. There is no anticipated economic cost to persons who are required to comply with the proposal.

DATA AND REPORTING IMPACT: The proposal would have no data and reporting impact.

PRINCIPAL AND CLASSROOM TEACHER PAPERWORK REQUIREMENTS: TEA has determined that the proposal would not require a written report or other paperwork to be completed by a principal or classroom teacher.

PUBLIC COMMENTS: The public comment period on the proposal begins January 21, 2022, and

ends February 22, 2022. A form for submitting public comments is available on the TEA website at [https://tea.texas.gov/About_TEA/Laws_and_Rules/Commissioner_Rules_\(TAC\)/Proposed_Commissioner_of_Education_Rules/](https://tea.texas.gov/About_TEA/Laws_and_Rules/Commissioner_Rules_(TAC)/Proposed_Commissioner_of_Education_Rules/).

Public hearings to solicit testimony and input on the proposal will be held at 9:00 a.m. on February 3 and 4, 2022, via Zoom. The public may participate in either hearing virtually by linking to the February 3 hearing at <https://us02web.zoom.us/j/86198440744> and the February 4 hearing at <https://us02web.zoom.us/j/82460438458>. The public may attend one or both hearings. Anyone wishing to testify at one of the hearings must sign in between 8:30 a.m. and 9:00 a.m. on the day of the respective hearing. Each hearing will conclude once all who have signed in have been given the opportunity to comment. Each individual's comments are limited to three minutes, and each individual may comment only once. Both hearings will be recorded and made available publicly.

Parties who are interested in providing written comments in addition to, or in lieu of, public testimony are encouraged to send written comments to accelerated.instruction@tea.texas.gov. Questions about the hearings should be directed to accelerated.instruction@tea.texas.gov.

STATUTORY AUTHORITY. The new section is proposed under Texas Education Code (TEC), §28.0211, as amended by House Bill (HB) 4545, 87th Texas Legislature, Regular Session, 2021, which provides for (1) accelerated instruction for students who do not perform satisfactorily on assessments administered under TEC, §39.023(a), in Grades 3-8; (2) accelerated learning committees for students in Grades 3, 5, or 8 who do not perform satisfactorily on reading and mathematics assessments administered under TEC, §39.023; and (3) other related requirements. TEC, §28.0211(k), allows, but does not require, the commissioner to adopt rules as necessary to implement the section; and TEC, §28.0217, as amended by HB 4545, 87th Texas Legislature, Regular Session, 2021, which provides for accelerated instruction, which must comply with the requirements for accelerated instruction under TEC, §28.0211, for students in high school who do not perform satisfactorily on assessments administered under TEC, §39.023(c), as well as related requirements.

CROSS REFERENCE TO STATUTE. The new section implements Texas Education Code, §28.0211 and §28.0217, as amended by House Bill 4545, 87th Texas Legislature, Regular Session, 2021.

§104.1001. Accelerated Instruction, Modified Teacher Assignment, and Accelerated Learning Committee.

(a) Requirements for supplemental accelerated instruction.

(1) Each time a student fails to perform satisfactorily on an assessment instrument administered under Texas Education Code (TEC), §39.023(a), in Grades 3-8, the school district or open-enrollment charter school the student attends shall:

(A) provide to the student supplemental accelerated instruction in the applicable subject area during the subsequent summer or school year; or

(B) allow the student to be assigned a classroom teacher who is certified as a master, exemplary, or recognized teacher under TEC, §21.3521, for the subsequent school year in the applicable subject area.

(2) Each time a student fails to perform satisfactorily as determined by the commissioner under TEC, §39.0241(a), on an end-

of-course assessment instrument, a school district or open-enrollment charter school shall:

(A) provide to the student supplemental accelerated instruction under TEC, §28.0217, in the subject assessed by the assessment instrument; or

(B) allow the student to be assigned a classroom teacher who is certified as a master, exemplary, or recognized teacher under TEC, §21.3521, for the subsequent school year in the applicable subject area.

(3) For a student served by special education who does not perform satisfactorily on an assessment instrument administered under TEC, §39.0231(a), the student's admission, review, and dismissal (ARD) committee must determine the manner in which the student will engage in supplemental accelerated instruction. ARD committees must consider the individual needs of a student with a disability when determining the manner in which supplemental accelerated instruction is to be provided to the student. If supplemental accelerated instruction is to be provided to the student, the supplemental accelerated instruction must meet the requirements outlined in this subsection unless the ARD committee specifically determines that some or all of the requirements for supplemental accelerated instruction would deny the student access to a free appropriate public education (FAPE).

(4) The superintendent of each school district and chief administrative officer of each open-enrollment charter school shall establish procedures to ensure that each eligible student who is absent or does not receive a test score for any test administration shall receive appropriate supplemental accelerated instruction as warranted on an individual student basis.

(b) Participation in supplemental accelerated instruction. Supplemental accelerated instruction may require a student to participate before or after normal school hours and may include participation at times of the year outside normal school operations. Each school district and open-enrollment charter school shall be responsible for providing transportation to students required to attend supplemental accelerated instruction programs if the programs occur outside of regular school hours.

(1) In providing supplemental accelerated instruction, a school district or an open-enrollment charter school may not remove a student from recess or from the foundation or enrichment curriculum as defined in TEC, §28.002, except under circumstances for which a student enrolled in the same grade level who is not receiving supplemental accelerated instruction would be removed. The foundation curriculum includes English language arts, mathematics, science, and social studies. Courses in the enrichment curriculum include languages other than English; health, with emphasis on physical health, proper nutrition, and exercise; mental health, including instruction about mental health conditions, substance abuse, skills to manage emotions, establishing and maintaining positive relationships, and responsible decision making; suicide prevention; physical education; fine arts; career and technical education; technology applications; religious literature; and personal financial literacy.

(2) In the event that a school week is three or less instructional days, the school is exempt from meeting the requirement of meeting once per week for supplemental accelerated instruction.

(c) Content and delivery of supplemental accelerated instruction. Supplemental accelerated instruction shall be based on, but not limited to, targeted instruction in the essential knowledge and skills for the applicable grade levels and subject areas and be provided by a person with training in the applicable instructional materials for the supplemental accelerated instruction and under the oversight of the school

district or open-enrollment charter school. Supplemental accelerated instruction shall be provided as outlined in TEC, §28.0211(a-4)(2)-(5) and (8), to a student individually or in a group of no more than three students, unless the parent or guardian of each student in the group authorizes a larger group.

(d) Accelerated learning committee. A school district or an open-enrollment charter school shall establish an accelerated learning committee described by TEC, §28.0211(c), for each student who does not perform satisfactorily on a mathematics or reading assessment instrument under TEC, §39.023, in Grade 3, 5, or 8.

(1) The accelerated learning committee shall be composed of the principal or the principal's designee, the student's parent or guardian, and the teacher of the subject of an assessment instrument on which the student failed to perform satisfactorily. If a student is changing campuses, the committee must include the receiving principal or designee, the sending principal or designee, the receiving content teacher or designee, and the sending content teacher or designee.

(2) The school district or open-enrollment charter school shall notify the parent or guardian of the time and place for convening the accelerated learning committee and the purpose of the committee.

(3) The accelerated learning committee shall, not later than the start of the subsequent school year, develop an educational plan for the student that provides the necessary supplemental accelerated instruction to enable the student to perform at the appropriate grade level by the conclusion of the school year. The provisions of TEC, §28.0211(f-1)-(f-5), (h), and (j), must be satisfied, where applicable, in connection with the development and implementation of the educational plan.

(e) Requirements for an ARD committee serving as an accelerated learning committee.

(1) The ARD committee must serve as the accelerated learning committee for a student served by special education who does not perform satisfactorily on an assessment instrument described by subsection (d) of this section.

(2) The ARD committee must serve as the accelerated learning committee for students who meet the criteria for participation in alternative assessment instruments under TEC, §39.023(b), who do not perform satisfactorily on a mathematics or reading assessment instrument in Grade 3, 5, or 8. The ARD committee must determine the manner in which the student will participate in supplemental accelerated instruction; however, the requirements for supplemental accelerated instruction described by subsection (a) of this section do not apply.

(3) In serving as the accelerated learning committee for a student served by special education, the ARD committee must meet to determine the manner in which the student will participate in supplemental accelerated instruction, and this meeting must include the re-

quired members of a properly constituted ARD committee as described in §89.1050 of this title (relating to The Admission, Review, and Dismissal Committee).

(4) When the ARD committee for a student served by special education serves as the accelerated learning committee, efforts must be taken to ensure parental participation as specified within the requirements of §89.1050(d) of this title and 34 Code of Federal Regulations §300.322.

(5) The ARD committee, serving as the accelerated learning committee, must document decisions regarding supplemental accelerated instruction in writing and a copy must be provided to the student's parent or guardian in accordance with TEC, §28.0211(f-1). This documentation may either be included in ARD deliberations or as a supplemental attachment to the student's individualized education program.

(6) A parent or guardian of a student served by special education may use a dispute resolution mechanism specified in §89.1150 of this title (relating to General Provisions) to resolve any dispute between the parent and a public education agency relating to the identification, evaluation, or educational placement of or the provision of a FAPE to a student with a disability. If a parent or guardian of a student served by special education does not agree with the decision of the ARD committee serving as the accelerated learning committee regarding supplemental accelerated instruction, the parent or guardian may follow the school district grievance policy provided for under TEC, §28.0211(f-3).

(f) Request for teacher assignment. In accordance with TEC, §28.0211(a-5), the parent or guardian of a student who fails to perform satisfactorily on a mathematics or reading assessment in Grade 3, 5, or 8 may follow established school district or open-enrollment charter school processes to request that the student be assigned to a particular classroom teacher in the applicable subject area for the subsequent school year.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on January 10, 2022.

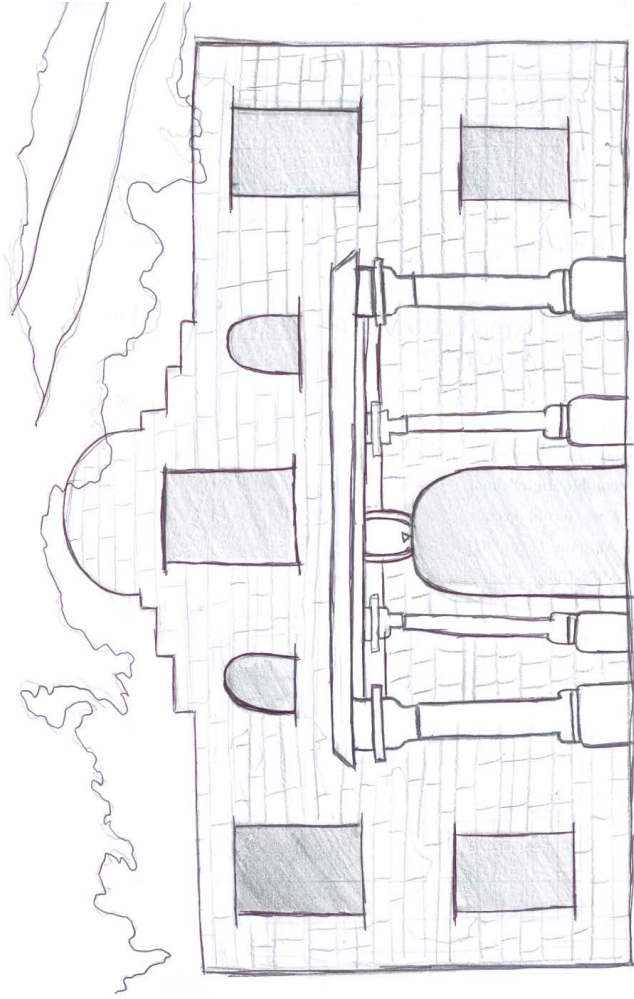
TRD-202200038

Cristina De La Fuente-Valadez
Director, Rulemaking
Texas Education Agency

Earliest possible date of adoption: February 20, 2022

For further information, please call: (512) 475-1497

◆ ◆ ◆



ADOPTED RULES

Adopted rules include new rules, amendments to existing rules, and repeals of existing rules. A rule adopted by a state agency takes effect 20 days after the date on which it is filed with the Secretary of State unless a later date is required by statute or specified in the rule (Government Code, §2001.036). If a rule is adopted without change to the text of the proposed rule, then the *Texas Register* does not republish the rule text here. If a rule is adopted with change to the text of the proposed rule, then the final rule text is included here. The final rule text will appear in the Texas Administrative Code on the effective date.

TITLE 19. EDUCATION

PART 2. TEXAS EDUCATION AGENCY

CHAPTER 74. CURRICULUM REQUIREMENTS

SUBCHAPTER AA. COMMISSIONER'S RULES ON COLLEGE AND CAREER READINESS

19 TAC §74.1007

The Texas Education Agency (TEA) adopts an amendment to §74.1007, concerning college and career readiness. The amendment is adopted without changes to the proposed text as published in the October 22, 2021 issue of the *Texas Register* (46 TexReg 7136) and will not be republished. The amendment modifies the guidelines for the annual calculation of the College, Career, or Military Readiness (CCMR) Outcomes Bonus to implement House Bill (HB) 1147 and HB 1525, 87th Texas Legislature, Regular Session, 2021.

REASONED JUSTIFICATION: HB 3, 86th Texas Legislature, 2019, established the CCMR Outcomes Bonus. The CCMR Outcomes Bonus allows TEA to annually award districts funds based on a district's number of annual graduates in excess of the statewide 25th percentile for CCMR, disaggregated by economically disadvantaged status and by enrollment in a special education program under Texas Education Code (TEC), Subchapter A, Chapter 29.

HB 1147, 87th Texas Legislature, Regular Session, 2021, amended TEC, §48.110, by adding enlistment in the Texas National Guard as an additional way for graduates to earn CCMR credit.

HB 1525, 87th Texas Legislature, Regular Session, 2021, also amended TEC, §48.110, by adding earning an associate degree as an additional way for graduates to earn CCMR credit.

The adopted amendment to §74.1007 includes the two additional CCMR indicators for graduates as required by HB 1147 and HB 1525.

SUMMARY OF COMMENTS AND AGENCY RESPONSES: The public comment period on the proposal began October 22, 2021, and ended November 22, 2021. Following is a summary of the public comments received and the corresponding agency responses.

Comment. One school district staff member objected to the college readiness criteria that requires postsecondary enrollment in the fall following high school graduation. The commenter pro-

posed that qualifying SAT or ACT scores are enough to meet college readiness standards.

Response. The agency disagrees. TEC, §48.110(f)(1), defines college readiness for purposes of that section as both meeting the Texas Success Initiative criteria and enrollment in a postsecondary institution.

Comment. Education Opens Doors proposed military readiness be expanded to include enlistment into the National Guard.

Response. The agency disagrees and provides the following clarification. National Guard enlistment data are currently unavailable to TEA.

STATUTORY AUTHORITY. The amendment is adopted under Texas Education Code (TEC), §48.110(b)(1), (2), and (3), which require the commissioner to determine the threshold percentage for college, career, or military readiness for annual graduates who are educationally disadvantaged, not educationally disadvantaged, and annual graduates who are enrolled in a special education program under TEC, Subchapter A, Chapter 29; TEC, §48.110(c), which requires the commissioner to annually determine the minimum number of annual graduates in each cohort as described in subsection (b) who would have to demonstrate college, career, or military readiness as described in Subsection (f) in order for the district to achieve a percentage of college, career, or military readiness for that cohort equal to the threshold percentage established for that cohort under subsection (b); TEC, §48.110(f)(1)(A), as amended by House Bill (HB) 1525, 87th Texas Legislature, Regular Session, 2021, which requires the commissioner to establish by rule the time period by which an annual graduate must enroll at a postsecondary educational institution or earn an associate degree in order to demonstrate college readiness; TEC, §48.110(f)(1)(B), as added by HB 1525, 87th Texas Legislature, Regular Session, 2021, which requires the commissioner to establish by rule the time period by which an annual graduate must earn an associate degree from a postsecondary educational institution in order to demonstrate college readiness; TEC, §48.110(f)(2)(B), which requires the commissioner to establish by rule the time period by which an annual graduate must earn an industry-accepted certification in order to demonstrate career readiness; TEC, §48.110(f)(3)(B), as amended by HB 1147, 87th Texas Legislature, Regular Session, 2021, which requires the commissioner to establish by rule the time period by which an annual graduate must enlist in the armed forces of the United States or the Texas National Guard in order to demonstrate military readiness; and TEC, §48.110(g), which requires the commissioner to establish threshold percentages under Subsection (b) using the 25th percentile of statewide college, career, or military readiness as described in Subsection (f) for the cohort of annual graduates during the 2016-2017 school year.

CROSS REFERENCE TO STATUTE. The amendment implements Texas Education Code, §48.110.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on January 5, 2022.

TRD-202200019

Cristina De La Fuente-Valadez

Director, Rulemaking

Texas Education Agency

Effective date: January 25, 2022

Proposal publication date: October 22, 2021

For further information, please call: (512) 475-1497



CHAPTER 153. SCHOOL DISTRICT PERSONNEL

SUBCHAPTER EE. COMMISSIONER'S RULES CONCERNING REGISTRY OF PERSONS NOT ELIGIBLE FOR EMPLOYMENT IN PUBLIC SCHOOLS

19 TAC §§153.1201, 153.1203, 153.1207, 153.1209, 153.1251

The Texas Education Agency adopts amendments to §§153.1201, 153.1203, 153.1207, 153.1209, and 153.1251, concerning the registry of persons not eligible for employment in public schools. The amendments are adopted without changes to the proposed text as published in the October 15, 2021 issue of the *Texas Register* (46 TexReg 7011) and will not be republished. The adopted amendments parallel the terms used in rule with the terms used in statute for clarity and ease of reference and implement Senate Bill (SB) 1356, 87th Texas Legislature, Regular Session, 2021.

REASONED JUSTIFICATION: Under Texas Education Code (TEC), §§22.092(c)(5), 22.093(c)(1)(B), and 22.094(e)(2), the commissioner will add a person's name to the registry of persons who are not eligible to be employed by a Texas public school if the commissioner finds that the person "engaged in sexual contact with a student or minor." To match this wording in statute and thereby avoid confusion or misinterpretation, the adopted amendments replace the term "sexual conduct" in §§153.1201, 153.1203, 153.1207, and 153.1251 with the term "sexual contact." The meaning and usage remain the same.

The adopted amendments to §153.1201 and §153.1251 add *nonprofit teacher organizations* to the definitions and to the list of entities that can request access to the registry of persons not eligible for employment in public schools. These changes are necessary to implement SB 1356, 87th Texas Legislature, Regular Session, 2021, which requires that commissioner-approved nonprofit teacher organizations have the same access to the registry of persons not eligible for employment in public schools as public schools and private schools.

The adopted amendments to §§153.1203, 153.1207, and 153.1209 include technical edits such as updating a cross reference title and removing unnecessary acronyms.

SUMMARY OF COMMENTS AND AGENCY RESPONSES: The public comment period on the proposal began October 15, 2021,

and ended November 15, 2021. No public comments were received.

STATUTORY AUTHORITY. The amendments are adopted under Texas Education Code (TEC), §22.091, which sets out the definition of "other charter entity" for the rest of the subchapter; TEC, §22.092, as amended by Senate Bill 1356, 87th Texas Legislature, Regular Session, 2021, which requires the Texas Education Agency to maintain and make available a registry of persons who are not eligible to work in Texas public schools; sets out who will be included in the registry; requires that the agency provide equivalent access to the registry to public schools, private schools, and nonprofit teacher organizations; and grants the agency rulemaking authority as necessary to implement; TEC, §22.093, which requires superintendents or directors of Texas public schools to report certain misconduct by uncertified individuals to the commissioner of education; TEC, §22.094, which sets out the notice and hearing requirements for a person reported to the commissioner under TEC, §22.093, requires that the agency put information on the internet showing that a reported person is under investigation, and gives the commissioner rulemaking authority as necessary to implement; and TEC, §22.095, which requires that the agency develop and maintain an internet portal where the agency makes available the registry of persons ineligible to be employed in public schools and information about people who are under investigation by the commissioner.

CROSS REFERENCE TO STATUTE. The amendments implement Texas Education Code, §§22.091, 22.092, and 22.093-22.095.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on January 5, 2022.

TRD-202200020

Cristina De La Fuente-Valadez

Director, Rulemaking

Texas Education Agency

Effective date: January 25, 2022

Proposal publication date: October 15, 2021

For further information, please call: (512) 475-1497



TITLE 26 HEALTH AND HUMAN SERVICES

PART 1. HEALTH AND HUMAN SERVICES COMMISSION

CHAPTER 745. LICENSING

SUBCHAPTER N. ADMINISTRATOR'S LICENSING

The Texas Health and Human Services Commission (HHSC) adopts amendments to §745.8913, concerning Can my licensure in another state qualify me for an administrator's license; §745.8933, concerning What must a complete application to become a licensed administrator include; §745.9025, concerning What terms must I know to understand this division; §745.9026, concerning What special considerations can Licensing give to a military member, military spouse, or military veteran that applies

for an administrator's license; §745.9027, concerning What must a military member, military spouse, or military veteran submit to Licensing to receive special consideration during the application process; and §745.9030, concerning When may a military spouse with a license in another state act as an administrator without a license under this subchapter.

The amendments to §§745.8913, 745.9025, and 745.9030 are adopted without changes to the proposed text as published in the October 29, 2021, issue of the *Texas Register* (46 TexReg 7352). These rules will not be republished.

The amendments to §§745.8933, 745.9026, and 745.9027 are adopted with changes to the proposed text as published in the October 29, 2021, issue of the *Texas Register* (46 TexReg 7352). These rules will be republished.

BACKGROUND AND JUSTIFICATION

The amendments are necessary to comply with House Bill 139, 87th Legislature, Regular Session, 2021, which amended §§55.001, 55.004, and 55.0041 of Texas Occupations Code. The adopted amendments will update the current requirements for a military member, spouse, or veteran that applies for an administrator's license for a general residential operation, child-placing agency, or both, including a military spouse with an equivalent license in another state seeking to act as an administrator without obtaining an administrator's license. Specifically, the adopted amendments (1) expand military members of armed forces to include members of the space force; (2) clarify that a military member, spouse, or veteran must receive credit for any training, education, or experience that meets a requirement for an administrator's license; and (3) require a military spouse with a license in another state seeking to act as an administrator without obtaining an administrator's license to submit a copy of the permanent change of station order for the military member to whom the spouse is married to establish residency. In addition, HHSC is adopting amendments to the rules, including the addition of citations, to improve the readability and understanding of the rules.

COMMENTS

The 38-day comment period ended December 6, 2021. During this period, HHSC received one comment regarding the proposed rules from an individual who is licensed as a Child Care Administrator for a general residential operation. A summary of comment relating to the rule and HHSC's response follows.

Comment: Regarding §745.9025, the commenter recommended that the definition of "military spouse" be broadened to include a person married to a military veteran. Currently, the definition of a "military spouse" is a person married to a "military member," which is an active full-time member of the armed forces. The commenter stated that when applying for a Child Care Administrator's License, the state would not waive her application and examination fees because she was not married to a military member but instead was married to a military veteran, which did not comply with the definition of "military spouse."

Response: While HHSC understands the commenter's concern, HHSC does not have the authority to broaden the definition of a "military spouse." The rules regarding an administrator's license are governed by Texas Human Resources Code (HRC), Chapter 43, including sections on qualifications for a license and fees for administering an examination and issuing an initial license and renewal license. HHSC does not have the authority

to broaden the Chapter 43 requirements, unless otherwise legislatively mandated to do so. Texas Occupations Code (Occ. Code), Chapter 55 provides HHSC the authority to broaden the scope of Chapter 43 for military members, spouses, and veterans. However, Chapter 55 limits a "military spouse" to a person married to a military member. Therefore, HHSC does not have the authority to broaden the definition of a "military spouse" to include a person married to a military veteran.

One minor editorial change was made to §745.8933 to reflect the correct title when citing §745.9030; one minor editorial change was made to the end of §745.9026(2)(B) to add the currently missing conjunctive "and"; and two minor editorial changes were made to §745.9027 to change the conjunctive "or" to "and" at subsection (a)(2)(C) and to add a period at the end of subsection (b).

DIVISION 1. OVERVIEW OF ADMINISTRATOR'S LICENSING

26 TAC §745.8913

STATUTORY AUTHORITY

The amendment is adopted under Texas Government Code §531.0055, which provides that the Executive Commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies. In addition, HRC §43.045 authorizes the Executive Commissioner to adopt rules to carry out the requirements in HRC Chapter 43; and Occ. Code §55.004 and §55.0041 that authorize a state agency to adopt rules necessary to implement that chapter.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on January 3, 2022.

TRD-202200006

Karen Ray
Chief Counsel

Health and Human Services Commission

Effective date: January 23, 2022

Proposal publication date: October 29, 2021

For further information, please call: (512) 438-3269



DIVISION 2. SUBMITTING YOUR APPLICATION MATERIALS

26 TAC §745.8933

STATUTORY AUTHORITY

The amendment is adopted under Texas Government Code §531.0055, which provides that the Executive Commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies. In addition, HRC §43.045 authorizes the Executive Commissioner to adopt rules to carry out the requirements in HRC Chapter 43; and Occ. Code §55.004 and §55.0041 that authorize a state agency to adopt rules necessary to implement that chapter.

§745.8933. *What must a complete application to become a licensed administrator include?*

(a) A complete application to become a licensed administrator must include:

- (1) A completed application form;
- (2) A transcript or letter of verification from the appropriate educational institution(s) to substantiate your educational qualifications;
- (3) Two professional references that verify your professional skills, character, and if applicable, two years of full-time work experience;
- (4) An employer reference that documents your one year of supervisory experience as described in §745.8919 of this subchapter (relating to What qualifies as one year of experience in management or supervision of personnel and programs?);
- (5) An application fee of \$100;
- (6) A notarized affidavit documenting background information on a form provided by DFPS; and
- (7) A completed background check request form and background check fee.

(b) A complete application submitted by any applicant who applies for an administrator's license under §745.8913(a) of this subchapter (relating to Can my licensure in another state qualify me for an administrator's license?) must also include, as applicable:

- (1) Documentation related to each administrator's license currently held outside of Texas; and
- (2) A copy of the regulations pertaining to the current out-of-state administrator's license.

(c) A military spouse with a license in another state seeking to act as an administrator must complete the application as required by §745.9030 of this subchapter (relating to When may a military spouse with a license in another state act as an administrator without a license under this subchapter?).

(d) Your application is incomplete if you fail to complete any requirement of this section, as applicable, including inadequate documentation of your qualifications.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on January 3, 2022.

TRD-202200007

Karen Ray

Chief Counsel

Health and Human Services Commission

Effective date: January 23, 2022

Proposal publication date: October 29, 2021

For further information, please call: (512) 438-3269



DIVISION 5. MILITARY MEMBERS, MILITARY SPOUSES, AND MILITARY VETERANS

26 TAC §§745.9025 - 745.9027, 745.9030

STATUTORY AUTHORITY

The amendments are adopted under Texas Government Code §531.0055, which provides that the Executive Commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies. In addition, HRC §43.045 authorizes the Executive Commissioner to adopt rules to carry out the requirements in HRC Chapter 43; and Occ. Code §55.004 and §55.0041 that authorize a state agency to adopt rules necessary to implement that chapter.

§745.9026. *What special considerations can Licensing give to a military member, military spouse, or military veteran that applies for an administrator's license?*

(a) The following special considerations are applicable to a military member, military spouse, or military veteran that applies for an administrator's license:

(1) In addition to Licensing's authority to waive prerequisites for an administrator's license in §745.8913 of this subchapter (relating to Can my licensure in another state qualify me for an administrator's license?), the Associate Commissioner for Licensing or a designee may waive any prerequisite to get an administrator's license if you held an administrator's license in Texas within five years preceding the application date and your credentials provide compelling justification that your experience and education qualifies you to act as an administrator;

(2) The Associate Commissioner for Licensing or a designee must:

(A) Credit a military member, military spouse, or military veteran for verified military service, training, education, or clinical or professional experience that meets a requirement for a license under this subchapter; and

(B) Substitute any demonstrated competency a military member, military spouse, or military veteran has that the Associate Commissioner or a designee determines to meet the qualifications; and

(3) Licensing will waive the application and examination fees for:

(A) A military member, military spouse, or military veteran whose military service, training, education, or experience substantially meets the requirements for a license under this subchapter; or

(B) A military member, military spouse, or military veteran who holds a current license issued by another state whose license requirements are substantially equivalent to the requirements for a license under this subchapter as determined by Licensing under §745.8914 of this subchapter (relating to How does Licensing determine whether another state's licensing requirements are substantially equivalent to the requirements for an administrator's license under this subchapter?).

(b) If Licensing issues an administrator's license to you under subsection (a)(1) or (2) of this section, the license will be a full license and not a provisional license.

(c) To be eligible for any special consideration under subsection (a)(1) or (2) of this section, you must not be prohibited from receiving or continuing to maintain an administrator's license, as specified in §745.775(c) of this chapter (relating to How may a criminal conviction or a child abuse or neglect finding affect my ability to receive or maintain an administrator's license?).

§745.9027. *What must a military member, military spouse, or military veteran submit to Licensing to receive special consideration during the application process?*

(a) To receive special consideration as a military member, military spouse, or military veteran during the application process, you must submit:

(1) A complete application as required under §745.8933 of this title (relating to What must a complete application to become a licensed administrator include?); and

(2) The following information as it relates to the special consideration requested:

(A) Documentation demonstrating status as a military member, military spouse, or military veteran;

(B) Documentation related to an administrator's license or any other professional or occupational license issued by another state;

(C) A copy of the regulations pertaining to the current out-of-state administrator's license; and

(D) Any additional documentation that we request to determine whether you meet the experience or educational qualifications, or whether one or both of those qualifications should be waived.

(b) To receive special consideration during the application process, a military spouse with a license in another state seeking to act as an administrator must comply with the requirements of §745.9030 of this subchapter (relating to When may a military spouse with a license in another state act as an administrator without a license under this subchapter?).

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on January 3, 2022.

TRD-202200008

Karen Ray

Chief Counsel

Health and Human Services Commission

Effective date: January 23, 2022

Proposal publication date: October 29, 2021

For further information, please call: (512) 438-3269



TITLE 34. PUBLIC FINANCE

PART 1. COMPTROLLER OF PUBLIC ACCOUNTS

CHAPTER 13. UNCLAIMED PROPERTY REPORTING AND COMPLIANCE

34 TAC §§13.5, 13.9, 13.10

The Comptroller of Public Accounts adopts new §13.5, concerning reportability of worthless and non-freely transferable securities; §13.9, concerning documentation requirements to establish heirship; and §13.10, concerning durable powers of attorney, without changes to the proposed text as published in the October 29, 2021, issue of the *Texas Register* (46 TexReg 7358). The rules will not be republished.

Section 13.5 provides definitions for the terms "non-freely transferable security" and "worthless security." Additionally, the rule provides that non-freely transferable or worthless securities are not reportable to the comptroller as unclaimed property. It also provides that the comptroller may issue annual guidance to holders regarding non-freely transferable and worthless securities, which a holder may rely on in determining whether a security is reportable under Property Code, Chapter 74.

Section 13.9 provides for additional documentation requirements for a person making a claim for unclaimed property as an heir of the reported owner.

Section 13.10 provides that a person holding a durable power of attorney for a claimant who is medically incapacitated must provide additional documentation to the comptroller to demonstrate the claimant is presently disabled or medically incapacitated.

No comments were received regarding adoption of the new rules.

The new rules are adopted under Property Code, §74.701, which authorizes the comptroller to adopt rules necessary to carry out Property Code, Title 6, regarding unclaimed property.

The new rules implement Property Code, Chapters 72 and 74.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on January 7, 2022.

TRD-202200029

Victoria North

General Counsel for Fiscal and Agency Affairs

Comptroller of Public Accounts

Effective date: January 27, 2022

Proposal publication date: October 15, 2021

For further information, please call: (512) 475-0387





TABLES & GRAPHICS

Graphic images included in rules are published separately in this tables and graphics section. Graphic images are arranged in this section in the following order: Title Number, Part Number, Chapter Number and Section Number.

Graphic images are indicated in the text of the emergency, proposed, and adopted rules by the following tag: the word "Figure" followed by the TAC citation, rule number, and the appropriate subsection, paragraph, subparagraph, and so on.

Figure: 26 TAC §745.115

| Governmental Entity | Description of Exempt Programs |
|---------------------|---|
| (1) Federal | <p><u>(A) A facility operated on a federal installation, including military bases and Indian reservations; or</u></p> <p><u>(B) A program that provides 24-hour care exclusively to individuals not lawfully present in the United States who are in the custody of the federal government.</u></p> |

| Governmental Entity | Description of Exempt Programs |
|---------------------|--|
| (2) State | <p>(A) A facility operated by the Texas Juvenile Justice Department;</p> <p>(B) A facility providing services solely for the Texas Juvenile Justice Department;</p> <p>(C) Any other correctional facility for children operated or regulated by another state agency or political subdivision;</p> <p>(D) A treatment facility or structured program for treating chemically dependent persons that is licensed by the Texas Health and Human Services Commission;</p> <p>(E) A youth camp licensed by the Texas Department of State Health Services;</p> <p>(F) A youth camp exempt from licensure by the Texas Department of State Health Services under Texas Health and Safety Code, §141.0021, because it is:</p> <p style="padding-left: 40px;">(i) Operated by or on "a campus of an institution of higher education" or "a private or independent institution of higher education," as those terms are defined in Texas Education Code §61.003; and</p> <p style="padding-left: 40px;">(ii) Regularly inspected by a local governmental entity for compliance with health and safety standards.</p> |

| Governmental Entity | Description of Exempt Programs |
|---------------------|---|
| (3) Municipal | <p>A recreation program for elementary age (5-13 years) children with the following criteria:</p> <ul style="list-style-type: none"> (i) A municipality operates the program (ii) The governing body of the municipality annually adopts standards of care by ordinance after a public hearing for such programs, although the governing body of a municipality with a population of at least 300,000 that has adopted standards by ordinance after public hearings at least twice may accept public comment through its Internet website for at least 30 days in lieu of having a public hearing; (iii) The program provides these standards to the parents of each program participant; (iv) The ordinances include child to caregiver ratios, minimum employee qualifications, minimum building, health, and safety standards, and mechanisms for monitoring and enforcing the adopted local standards; (v) The program informs the parents that the state does not license the program; and (vi) The program does not advertise itself as a child care operation. |



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 01/17/22 - 01/23/22 is 18% for Consumer¹/Agricultural/Commercial² credit through \$250,000.

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 01/17/22 - 01/23/22 is 18% for Commercial over \$250,000.

¹ Credit for personal, family or household use.

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

TRD-202200057

Leslie L. Pettijohn

Commissioner

Office of Consumer Credit Commissioner

Filed: January 11, 2022



Texas Education Agency

Request for Applications Concerning the 2022-2024 Charter School Program Grant (Subchapters C and D)

Filing Authority. The availability of grant funds under Request for Applications (RFA) #701-22-105 is authorized by Public Law 114-95, Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act of 2015, Title IV, Part C, Expanding Opportunity Through Quality Charter Schools; Texas Education Code (TEC), Chapter 12; and 19 Texas Administrative Code (TAC) Chapter 100, Subchapter AA.

Eligible Applicants. Texas Education Agency (TEA) is requesting applications under RFA #701-22-105 from eligible applicants, which include open-enrollment charter schools that meet the federal definition of a charter school, have never received funds under this grant program, and are one of the following: (1) an open-enrollment charter school campus designated by the commissioner of education for the 2021-2022, 2022-2023, or 2023-2024 school year as a high-quality campus pursuant to 19 TAC §100.1033(b)(9) and (13); (2) open-enrollment charter schools submitting an expansion amendment request and corresponding application for high-quality campus designation for the 2022-2023 or 2023-2024 school year by March 1, 2022. The commissioner must approve the expansion amendment request and designate the campus as a high-quality campus prior to the charter receiving grant funding, if awarded; (3) an open-enrollment charter school authorized by the commissioner of education under the Generation 26 charter application pursuant to TEC, Chapter 12, Subchapter D, that has never received funds under this grant program; or (4) a campus charter school authorized by the local board of trustees pursuant to TEC, Chapter 12, Subchapter C, on or before March 31, 2022, as a new charter school or as a charter school that is designed to replicate a new charter school campus based on the educational model of an existing high-quality

charter school and that submits all required documentation as stated in this RFA. A campus charter school must apply through its public school district, and the application must be signed by the district's superintendent or the appropriate designee.

Please note that any charter school that does not open prior to Wednesday, September 6, 2023, after having been awarded grant funds may be required to forfeit any remaining grant funds and may be required to reimburse any expended amounts to TEA.

Description. The purpose of the Texas Quality Charter Schools Program Grant is to support the growth of high-quality charter schools in Texas, especially those focused on improving academic outcomes for educationally disadvantaged students. This will be achieved through administering the 2022-2024 Charter School Program Grant (Subchapters C and D) to assist eligible applicants in opening and preparing for the operation of newly authorized charter schools and replicated high-quality schools.

Dates of Project. The 2022-2024 Charter School Program Grant (Subchapters C and D) will be implemented during the 2022-2023 school year through the 2023-2024 school year. Applicants should plan for a starting date of no earlier than June 14, 2022, and an ending date of no later than July 31, 2024.

Project Amount. Approximately \$15.3 million is available for funding the 2022-2024 Charter School Program Grant (Subchapters C and D). It is anticipated that approximately 17 grants will be awarded up to \$900,000. This project is funded 100% with federal funds.

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

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

Applicants' Conference. A webinar will be held on Wednesday, February 4, 2022, from 10:00 a.m. to 12:00 p.m. Register for the webinar at https://us02web.zoom.us/webinar/register/WN_rxk5pkz2QRqZYvVYYD-0Lw. Questions relevant to the RFA may be emailed to Marian Schutte at Charter-Schools@tea.texas.gov prior to 5:00 p.m. (Central Time) on Friday, January 31, 2022. These questions, along with other information, will be addressed during the webinar. The applicants' conference webinar will be open to all potential applicants and will provide general and clarifying information about the grant program and the RFA.

Requesting the Application. The complete RFA will be posted on the TEA Grant Opportunities web page at <https://tea4avalonzo.tea.state.tx.us/GrantOpportunities/forms/GrantProgram>

Search.aspx for viewing and downloading. In the "Search Options" box, select the name of the RFA from the drop-down list. Scroll down to the "Application and Support Information" section to view and download all documents that pertain to this RFA.

Further Information. In order to make sure that no prospective applicant obtains a competitive advantage because of acquisition of information unknown to other prospective applicants, any and all questions must be submitted in writing to CharterSchools@tea.texas.gov, the TEA email address identified in the Program Guidelines of the RFA, no later than February 9, 2022. All questions and the written answers thereto will be posted on the TEA Grant Opportunities web page in the format of Frequently Asked Questions (FAQs) by February 14, 2022. In the "Search Options" box, select the name of the RFA from the drop-down list. Scroll down to the "Application and Support Information" section to view all documents that pertain to this RFA.

Deadline for Receipt of Applications. Applications must be submitted to competitivegrants@tea.texas.gov. Applications must be received no later than 11:59 p.m. (Central Time), March 31, 2022, to be considered eligible for funding.

Issued in Austin, Texas, on January 12, 2022.

TRD-202200064

Cristina De La Fuente-Valadez

Director, Rulemaking

Texas Education Agency

Filed: January 12, 2022

◆ ◆ ◆

Commission on State Emergency Communications

Public Notice of Workshop Regarding Rider 9 - Plan for Continued Funding of Statewide 9-1-1 Service

The staff of the Commission on State Emergency Communications ("CSEC") will hold a workshop regarding Rider 9 - Plan for Continued Funding of Statewide 9-1-1 Service on **February 24, 2022, beginning at 10:00 a.m., at the William P. Hobby Building, David P. Mattax Hearing Room, 333 Guadalupe Street, Room 100, Austin, Texas 78701**. All interested persons are invited to attend this in-person, public workshop.

The 87th Texas Legislature included Rider 9 in CSEC's bill pattern in the General Appropriations Act for Fiscal Years 2022-2023 (<https://capitol.texas.gov/tlodocs/87R/billtext/pdf/SB00001F.pdf>). Rider 9 requires CSEC to:

"[D]evelop a plan for the continued long-term funding of the statewide 9-1-1 services program and agency operations out of General Revenue-Dedicated 911 Service Fees Account No. 5050 and submit the plan to the Legislative Budget Board and Office of the Governor not later than July 1, 2022."

The plan must specify:

- (1) options to modify or re-structure the program and operations to preserve balances of Account No. 5050;
- (2) options to fund the program out of alternative methods of finance; and
- (3) any additional items requested by the Legislative Budget Board or Office of the Governor.

The plan must also identify any statutory changes necessary to implement the options specified.

Rider 9 is specifically focused on the long-term funding of the CSEC-Regional Planning Commission 9-1-1 service program. During CSEC's November 2021 open meeting, the Commissioners directed staff to also address in the plan funding of the 9-1-1 service programs of Texas's 57 Emergency Communication Districts.

Prior to the workshop, CSEC staff will post a workshop agenda and request for comments to the "What's New at CSEC" section of our website at [https://www.csec.texas.gov/under "Rider 9 - Continued Funding of Statewide 9-1-1 Service Workshop"](https://www.csec.texas.gov/under/Rider_9_-_Continued_Funding_of_Statewide_9-1-1_Service_Workshop) and to the separate Rider 9 Workshop webpage - https://www.csec.texas.gov/s/9-1-1-program?language=en_US&tabset-44a12=84ec0.

To register for the workshop and to submit comments, please go to the Rider 9 Workshop webpage. CSEC encourages Texas 9-1-1 Entities to attend the workshop, and to submit comments irrespective of whether attending the workshop. **Please note that no audio or video conference bridge will be available for the workshop.**

Note: This notice is neither a formal notice of proposed rulemaking nor will the workshop lead to a rulemaking proceeding.

Questions concerning the workshop or this notice should be sent to Patrick Tyler at patrick.tyler@csec.texas.gov or by phone at (512) 305-6915.

Workshop Accessibility: Persons planning to attend the meeting who require auxiliary aids, services, or special accommodations should request appropriate arrangements as far in advance of the workshop as possible by contacting Karen Paul-Lee at 333 Guadalupe Street, Suite 2-212, Austin, Texas 78701, by email to KarenP@csec.texas.gov, or by phone at (512) 305-6911.

Issued in Austin, Texas on January 12, 2022, by the Commission on State Emergency Communications.

TRD-202200074

Patrick Tyler

General Counsel

Commission on State Emergency Communications

Filed: January 12, 2022

◆ ◆ ◆

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 **February 22, 2022**. 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 **February 22, 2022**. 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: City of Danbury; DOCKET NUMBER: 2021-0640-MWD-E; IDENTIFIER: RN101920676; LOCATION: Danbury, Brazoria County; TYPE OF FACILITY: municipal; RULES VIOLATED: 30 TAC §217.33(a) and §305.125(1) and Texas Pollutant Discharge Elimination System (TPDES) Permit Number WQ0010158001, Monitoring and Reporting Requirements Number 5, by failing to have automatic flow measuring devices accurately calibrated by a trained person at plant start-up and thereafter not less often than annually; 30 TAC §305.125(1) and §319.6 and TPDES Permit Number WQ0010158001, Monitoring and Reporting Requirements Number 1, by failing to assure the quality of all measurements through the use of blanks, standards, duplicates, and spikes; 30 TAC §305.125(1) and (5) and TPDES Permit Number WQ0010158001, Operational Requirements Number 1, by failing to ensure the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained; 30 TAC §305.125(1) and (11)(B) and §319.7(a) and (c) and TPDES Permit Number WQ0010158001, Monitoring and Reporting Requirements Number 3, by failing to maintain monitoring and reporting records at the facility and make them readily available for review by a TCEQ representative for a period of three years; 30 TAC §305.125(1) and (17) and TPDES Permit Number WQ0010158001, Sludge Provisions, Section III.G, by failing to submit a complete annual sludge report to the TCEQ by September 30th of each year; and 30 TAC §305.125(1) and (17) and §319.7(d), and TPDES Permit Number WQ0010158001, Monitoring and Reporting Requirements Number 1, by failing to timely submit monitoring results at intervals specified in the permit; PENALTY: \$19,448; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET AMOUNT: \$15,559; ENFORCEMENT COORDINATOR: Harley Hobson, (512) 239-1337; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(2) COMPANY: City of Hidalgo; DOCKET NUMBER: 2020-1348-MWD-E; IDENTIFIER: RN101919975; LOCATION: Hidalgo, Hidalgo County; TYPE OF FACILITY: wastewater treatment facility; RULES VIOLATED: 30 TAC §305.125(1), TWC, §26.121(a)(1), and Texas Pollutant Discharge Elimination System (TPDES) Permit Number WQ0011080001, Permit Conditions Number 2.g, by failing to prevent an unauthorized discharge of sewage into or adjacent to any water in the state; and 30 TAC §305.125(1) and (5), and TPDES Permit Number WQ0011080001, Operational Requirements Number 1, by failing to ensure the facility and all of its systems of collection, treatment, and disposal were properly operated and maintained; PENALTY: \$58,376; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET AMOUNT: \$58,376; ENFORCEMENT COORDINATOR: Stephanie Frederick, (512) 239-1001; REGIONAL OFFICE: 1804 West Jefferson Avenue, Harlingen, Texas 78550-5247, (956) 425-6010.

(3) COMPANY: City of Rankin; DOCKET NUMBER: 2020-1509-PWS-E; IDENTIFIER: RN101387918; LOCATION: Rankin, Upton County; TYPE OF FACILITY: public water supply; RULES VIO-

LATED: 30 TAC §290.108(f)(1) and Texas Health and Safety Code, §341.0315(c), by failing to comply with the maximum contaminant level (MCL) of 5 picoCuries per liter (pCi/L) for combined radium-226 and -228 based on the running annual average, and failing to comply with the MCL of 15 pCi/L for gross alpha particle activity based on the running annual average; PENALTY: \$1,725; ENFORCEMENT COORDINATOR: Miles Wehner, (512) 239-2813; REGIONAL OFFICE: 9900 West IH-20, Suite 100, Midland, Texas 79706, (432) 570-1359.

(4) COMPANY: City of Zavalla; DOCKET NUMBER: 2021-0756-PWS-E; IDENTIFIER: RN101386100; LOCATION: Zavalla, Angelina County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.46(d)(2)(A) and §290.110(b)(4) and Texas Health and Safety Code, §341.0315(c), by failing to maintain a disinfectant residual of at least 0.2 milligrams per liter of free chlorine throughout the distribution system; and 30 TAC §290.46(f)(2) and (3)(A)(i)(II), (iii) and (iv), and (B)(iii), by failing to maintain water works operation and maintenance records and make them readily available for review by the executive director upon request; PENALTY: \$394; ENFORCEMENT COORDINATOR: Samantha Duncan, (512) 239-2511; REGIONAL OFFICE: 3870 Eastex Freeway, Beaumont, Texas 77703-1830, (409) 898-3838.

(5) COMPANY: Colony Ridge Development, LLC; DOCKET NUMBER: 2020-1359-WQ-E; IDENTIFIERS: RN110510591, RN111077871, RN111077889, RN111077863, and RN111077855; LOCATION: Plum Grove, Liberty County; TYPE OF FACILITIES: residential construction sites; RULES VIOLATED: 30 TAC §305.125(1) and TWC, §26.121(a), cancelled Texas Pollutant Discharge Elimination System (TPDES) General Permit Numbers TXR15343S, TXR1573CU, TXR1574CU, and TXR1572CU, Part III, Section F.2(a)(ii), and TPDES General Permit Number TXR1571CU, Part III, Section F.2(a)(ii), by failing to install and maintain best management practices at the sites which resulted in a discharge of pollutants; PENALTY: \$29,100; ENFORCEMENT COORDINATOR: Caleb Olson, (817) 588-5856; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(6) COMPANY: Grand Mission Municipal Utility District Number 1; DOCKET NUMBER: 2020-1595-MWD-E; IDENTIFIER: RN102845823; LOCATION: Richmond, Fort Bend 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 WQ0014231001, Interim Effluent Limitations and Monitoring Requirements Number 1, by failing to comply with permitted effluent limitations; PENALTY: \$30,187; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET AMOUNT: \$30,187; ENFORCEMENT COORDINATOR: Stephanie Frederick, (512) 239-1001; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(7) COMPANY: Kinder Morgan Tejas Pipeline LLC; DOCKET NUMBER: 2021-1083-AIR-E; IDENTIFIER: RN100217629; LOCATION: Clute, Brazoria County; TYPE OF FACILITY: natural gas compression and storage site; RULES VIOLATED: 30 TAC §117.8140(b) and §122.143(4), Federal Operating Permit Number O100/General Operating Permit Number 511, Table 23, and Texas Health and Safety Code, §382.085(b), by failing to check the engine for proper operation by recorded measurements of engine nitrogen oxides and carbon monoxide emissions at least quarterly and within two weeks after each occurrence of engine maintenance that may be expected to increase emissions; PENALTY: \$28,970; ENFORCEMENT COORDINATOR: Kate Dacy, (512) 239-4593; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(8) COMPANY: Phillips, Larry D; DOCKET NUMBER: 2021-1588-WOC-E; IDENTIFIER: RN103692885; LOCATION: Kilgore,

Rusk County; TYPE OF FACILITY: operator; RULE VIOLATED: 30 TAC §30.5(a), by failing to obtain a required occupational license; PENALTY: \$175; ENFORCEMENT COORDINATOR: Miles Wehner, (512) 239-2813; REGIONAL OFFICE: 2916 Teague Drive, Tyler, Texas 75701-3734, (903) 535-5100.

TRD-202200046

Charmaine Backens

Deputy Director, Litigation

Texas Commission on Environmental Quality

Filed: January 11, 2022



Enforcement Orders

An agreed order was adopted regarding A M & H ENTERPRISES LLC dba Salt Creek Grocery & Grill, Docket No. 2021-0323-PST-E on January 11, 2022, assessing \$4,500 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Cynthia Sirois, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

TRD-202200061

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: January 12, 2022



Enforcement Orders

A default order was adopted regarding Dario Jaime Gonzalez dba Dario's Tire Shop, Docket No. 2018-0832-MSW-E on January 12, 2022, assessing \$39,250 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Megan Grace, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding the City of Scottsville, Docket No. 2019-0314-PWS-E on January 12, 2022, assessing \$880 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Benjamin Warns, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding the City of Scottsville, Docket No. 2019-0677-PWS-E on January 12, 2022, assessing \$1,255 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Benjamin Warns, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Kenneth Patrick Whittlesey, Docket No. 2019-1036-MLM-E on January 12, 2022, assessing \$13,301 in administrative penalties with \$2,659 deferred. Information concerning any aspect of this order may be obtained by contacting Harley Hobson, 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 GRANITE STONEBRIDGE HEALTH CENTER LLC, Docket No. 2019-1076-MWD-E on January 12, 2022, assessing \$74,250 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Casey Kurnath, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding BAGRAM INC dba BAGRAM FOOD MART, Docket No. 2020-0181-PST-E on January 12, 2022, assessing \$11,542 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Megan Grace, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A default and shutdown order was adopted regarding DIAMOND STORE LLC dba Your C Store, Docket No. 2020-0480-PST-E on January 12, 2022, assessing \$9,125 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Casey Kurnath, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Manitou Ltd., Incorporated and 1980 Rolling Ridge Ltd., Docket No. 2020-0595-MWD-E on January 12, 2022, assessing \$41,689 in administrative penalties with \$8,337 deferred. Information concerning any aspect of this order may be obtained by contacting Harley Hobson, 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 City of Milford, Docket No. 2020-0957-MWD-E on January 12, 2022, assessing \$20,000 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Katelyn Tubbs, 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 Ricardo Catano dba Ricky's Burrito and Victoria Catano dba Ricky's Burrito, Docket No. 2020-1030-PWS-E on January 12, 2022, assessing \$3,150 in administrative penalties with \$3,150 deferred. Information concerning any aspect of this order may be obtained by contacting Samantha Duncan, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding the City of Levelland, Docket No. 2020-1108-MLM-E on January 12, 2022, assessing \$10,986 in administrative penalties with \$2,196 deferred. Information concerning any aspect of this order may be obtained by contacting Steven Hall, 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 Chevron Phillips Chemical Company LP, Docket No. 2020-1111-AIR-E on January 12, 2022, assessing \$13,126 in administrative penalties with \$2,625 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 James Lake Midstream LLC, Docket No. 2020-1137-AIR-E on January 12, 2022, assessing \$20,476 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Richard Garza, 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 OCI Beaumont LLC, Docket No. 2020-1141-AIR-E on January 12, 2022, assessing \$67,875 in administrative penalties with \$13,575 deferred. Information concerning any aspect of this order may be obtained by contacting Amanda Diaz, 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 City of Port Arthur, Docket No. 2020-1152-MSW-E on January 12, 2022, assessing

\$13,500 in administrative penalties with \$2,700 deferred. Information concerning any aspect of this order may be obtained by contacting Berenice Munoz, 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 Enterprise Products Operating LLC, Docket No. 2020-1161-AIR-E on January 12, 2022, assessing \$14,625 in administrative penalties with \$2,925 deferred. Information concerning any aspect of this order may be obtained by contacting Yuliya Dunaway, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding BlueLinx Corporation, Docket No. 2020-1185-PST-E on January 12, 2022, assessing \$20,403 in administrative penalties with \$4,080 deferred. Information concerning any aspect of this order may be obtained by contacting Karolyn Kent, 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 Lion Elastomers LLC, Docket No. 2020-1313-AIR-E on January 12, 2022, assessing \$29,250 in administrative penalties with \$5,850 deferred. Information concerning any aspect of this order may be obtained by contacting Toni Red, 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 City of Conroe, Docket No. 2020-1349-MWD-E on January 12, 2022, assessing \$32,812 in administrative penalties with \$6,562 deferred. Information concerning any aspect of this order may be obtained by contacting Harley Hobson, 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 Braskem America, Inc., Docket No. 2020-1369-AIR-E on January 12, 2022, assessing \$23,398 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Yuliya Dunaway, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A default order was adopted regarding the City of Thornton, Docket No. 2020-1408-MWD-E on January 12, 2022, assessing \$4,000 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Casey Kurnath, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Mc. D. C., INC. dba Cardinal Exxon, Docket No. 2020-1411-PST-E on January 12, 2022, assessing \$18,776 in administrative penalties with \$3,755 deferred. Information concerning any aspect of this order may be obtained by contacting Karolyn Kent, 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 KP Business Group LLC dba Kwick Pick Grocery, Docket No. 2020-1503-PST-E on January 12, 2022, assessing \$9,000 in administrative penalties with \$1,800 deferred. Information concerning any aspect of this order may be obtained by contacting Tyler Richardson, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A default order was adopted regarding Heidi Fensterbush dba Valley Estates and Michael D. Fensterbush dba Valley Estates, Docket No. 2020-1507-MLM-E on January 12, 2022, assessing \$3,520 in administrative penalties. Information concerning any aspect of this

order may be obtained by contacting Judith Bohr, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A default order was adopted regarding Alfonso Trevino, Docket No. 2020-1591-MSW-E on January 12, 2022, assessing \$3,750 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Megan Grace, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

TRD-202200066

Laurie Gharis
Chief Clerk

Texas Commission on Environmental Quality

Filed: January 12, 2022



Notice of Application and Opportunity to Request a
Public Meeting for a New Municipal Solid Waste Facility:
Registration Application No. 40324

Application. Circle Lake Transfer, LLC, 13727 Office Park Drive, Houston, Texas 77070, has applied to the Texas Commission on Environmental Quality (TCEQ) for proposed Registration No. 40324, to construct and operate a Type V municipal solid waste transfer station. The proposed facility, Circle Lake Transfer Station, would be located at 34910 Circle Lake Drive, Pinehurst, Texas 77362, in Montgomery County. The Applicant is requesting authorization to transfer municipal solid waste that includes household waste, commercial waste, construction waste, yard waste, demolition waste, brush, rubbish, class 2 non-hazardous industrial solid waste, class 3 non-hazardous industrial solid waste, shredded or quartered tires, and certain special wastes. The registration application is available for viewing and copying at the Montgomery County Commissioner Precinct No. 2, 19910 Unity Park Drive, Magnolia, Texas 77355, in Montgomery County, and may be viewed online at <https://www.circlelaketransfer.com/tceq-forms.php>. The following link to an electronic map of the site or facility's general location is provided as a public courtesy and is not part of the application or notice: <https://arcg.is/1WDHea>. For exact location, refer to application.

Public Comment/Public Meeting. You may submit public comments or request a public meeting on this application. Written public comments or written requests for a public meeting must be submitted to the Office of the Chief Clerk at the address included in the information section below. If a public meeting is held, comments may be made orally at the meeting or submitted in writing by the close of the public meeting. A public meeting will be held by the executive director if requested by a member of the legislature who represents the general area where the development is to be located, or if there is a substantial public interest in the proposed development. The purpose of the public meeting is for the public to provide input for consideration by the commission, and for the applicant and the commission staff to provide information to the public. A public meeting is not a contested case hearing. The executive director will review and consider public comments and written requests for a public meeting submitted during the comment period. The comment period shall begin on the date this notice is published and end 30 calendar days after this notice is published. The comment period shall be extended to the close of any public meeting. The executive director is not required to file a response to comments.

Executive Director Action. The executive director shall, after review of an application for registration, determine if the application will be approved or denied in whole or in part. If the executive director acts on an application, the chief clerk shall mail or otherwise transmit notice

of the action and an explanation of the opportunity to file a motion to overturn the executive director's decision. The chief clerk shall mail this notice to the owner and operator, the public interest counsel, to adjacent landowners as shown on the required land ownership map and landowners list, and to other persons who timely filed public comment in response to public notice. Not all persons on the mailing list for this notice will receive the notice letter from the Office of the Chief Clerk.

Information Available Online. For details about the status of the application, visit the Commissioners' Integrated Database (CID) at www.tceq.texas.gov/goto/cid. Once you have access to the CID using the above link, enter the registration number for this application, which is provided at the top of this notice.

Mailing List. If you submit public comments, you will be added to the mailing list for this 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. 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.

Agency Contacts and Information. All public comments and requests must be submitted either electronically at www14.tceq.texas.gov/epic/eComment/ or in writing to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC-105, P.O. Box 13087, Austin, Texas 78711-3087. Please be aware that any contact information you provide, including your name, phone number, email address and physical address will become part of the agency's public record. For more information about this registration application or the registration process, please call the TCEQ's Public Education Program, Toll Free, at (800) 687-4040 or visit their webpage, www.tceq.texas.gov/goto/pep. General information regarding the TCEQ can be found on our website at www.tceq.texas.gov/. *Si desea información en español, puede llamar al (800) 687-4040.*

Further information may also be obtained from Circle Lake Transfer, LLC at the address stated above or by calling Shelby Lowe at (214) 605-2933.

TRD-202200049

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: January 11, 2022



Notice of Application and Opportunity to Request a Public Meeting for a New Municipal Solid Waste Facility: Registration Application No. 40325

Application. Stacy Wershing, P.O. Box 2047 Center, Texas 75935, has applied to the Texas Commission on Environmental Quality (TCEQ) for proposed Registration No. 40325, to construct and operate a Type V medical waste processing facility. The proposed facility, R&J Recycling and Disposal Medical Waste Facility, will be located on FM 2468 approximately 830 feet northwest of the intersection of FM 2468 and FM 699 in Center, Texas 75935, in Shelby County. The Applicant is requesting authorization to process, store, and transfer municipal solid waste that includes medical waste as defined in §326.3(23), trace chemotherapeutic waste, non-hazardous pharmaceutical waste, and other healthcare related items that have come into contact with medical waste. The registration application is available for viewing and copying at the Fannie Brown Booth Memorial Library, 619 Tenaha

Street, Center, Shelby County, Texas 75935 and may be viewed online at <http://www.rolloffgarbage.com/>. The following link to an electronic map of the site or facility's general location is provided as a public courtesy and is not part of the application or notice: <https://arcg.is/1CqPPC>. For exact location, refer to application.

Public Comment/Public Meeting. You may submit public comments or request a public meeting on this application. Written public comments or written requests for a public meeting must be submitted to the Office of the Chief Clerk at the address included in the information section below. If a public meeting is held, comments may be made orally at the meeting or submitted in writing by the close of the public meeting. A public meeting will be held by the executive director if requested by a member of the legislature who represents the general area where the development is to be located, or if there is a substantial public interest in the proposed development. The purpose of the public meeting is for the public to provide input for consideration by the commission, and for the applicant and the commission staff to provide information to the public. A public meeting is not a contested case hearing. The executive director will review and consider public comments and written requests for a public meeting submitted during the comment period. The comment period shall begin on the date this notice is published and end 30 calendar days after this notice is published. The comment period shall be extended to the close of any public meeting. The executive director is not required to file a response to comments.

Executive Director Action. The executive director shall, after review of an application for registration, determine if the application will be approved or denied in whole or in part. If the executive director acts on an application, the chief clerk shall mail or otherwise transmit notice of the action and an explanation of the opportunity to file a motion to overturn the executive director's decision. The chief clerk shall mail this notice to the owner and operator, the public interest counsel, to adjacent landowners as shown on the required land ownership map and landowners list, and to other persons who timely filed public comment in response to public notice. Not all persons on the mailing list for this notice will receive the notice letter from the Office of the Chief Clerk.

Information Available Online. For details about the status of the application, visit the Commissioners' Integrated Database (CID) at www.tceq.texas.gov/goto/cid. Once you have access to the CID using the above link, enter the registration number for this application, which is provided at the top of this notice.

Mailing List. If you submit public comments, you will be added to the mailing list for this 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. 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.

Agency Contacts and Information. All public comments and requests must be submitted either electronically at www14.tceq.texas.gov/epic/eComment/ or in writing to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC-105, P.O. Box 13087, Austin, Texas 78711-3087. Please be aware that any contact information you provide, including your name, phone number, email address and physical address will become part of the agency's public record. For more information about this registration application or the registration process, please call the TCEQ's Public Education Program, Toll Free, at (800) 687-4040 or visit their webpage, www.tceq.texas.gov/goto/pep. General information regarding the TCEQ can be found on our website at www.tceq.texas.gov/. *Si desea información en español, puede llamar al (800) 687-4040.* Further information may also be obtained from

Ms. Shelby Wershing at the address stated above or by calling (936) 591-9695.

TRD-202200050

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: January 11, 2022



Notice of District Petition

Notice issued January 6, 2022

TCEQ Internal Control No. D-04122021-017; Harrington/Turner Enterprises LP, a Texas Limited Partnership, submitted a revised petition for creation of Collin County Municipal Utility District No. 7 (District) with the Texas Commission on Environmental Quality (TCEQ). The revised 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 revised petition states that: (1) the Petitioner is the holder of title to the Property as shown by the Collin County Tax Rolls and conveyances of Record in the proposed District; (2) there are no lienholders on the property to be included in the proposed District; (3) the proposed District will contain approximately 101.829 acres located within Collin County, Texas; and (4) all of the land within the proposed District is wholly within the extraterritorial jurisdiction of the City of Parker, Texas. The revised petition further states that the general nature of the work proposed to be done by the District, as contemplated at the present time, is to: (1) construct a water supply and distribution system for domestic purposes; (2) construct a sanitary sewer conveyance and treatment system; (3) control, abate, and amend the harmful excess of waters and the reclamation and drainage of overflowed lands within the proposed District; (4) construct and finance macadamized, graveled, or paved roads and turnpikes, or improvements in aid of those roads; and (5) construct, install, maintain, purchase, and operate such other facilities, systems, plants, and enterprises as shall be consistent with the purposes for which the District is organized, all to the extent authorized by law from time to time. According to the revised petition, a preliminary investigation has been made to determine the cost of the project, and it is estimated by the Petitioners, from the information available at this time, that the cost of said project will be approximately \$44,210,000 (\$27,560,000 for water, wastewater, and drainage facilities and \$16,650,000 for roads). In accordance with Local Government Code §42.042 and Texas Water Code §54.016, the Petitioner submitted a petition to the City, requesting the City's consent to the creation of the District. After more than 90 days passed without receiving consent, the petitioner submitted a petition to the City to provide water and sewer services to the District. The 120-day period for reaching a mutually agreeable contract as established by Texas Water Code §54.016(c) expired and information provided indicates that the Petitioner and the City have not executed a mutually agreeable contract for service. Pursuant to Texas Water Code §54.016(d), failure to execute such an agreement constitutes authorization for the Petitioner to initiate proceedings to include the land with the district.

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-202200030

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: January 7, 2022



Notice of Hearing on AIRW 2017-7, L.P.: SOAH Docket No. 582-22-1016; TCEQ Docket No. 2021-1214-MWD; Permit No. WQ0015878001

APPLICATION.

AIRW 2017-7, L.P., 2505 North State Highway 360, Suite 800, Grand Prairie, Texas 75050, has applied to the Texas Commission on Environmental Quality (TCEQ) for new Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0015878001, to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 200,000 gallons per day. TCEQ received this application on April 6, 2020.

The facility will be located approximately 500 feet southeast of the intersection of Rockride Lane (County Road 110) and Westinghouse Road (County Road 111), in Williamson County, Texas 78626. The treated effluent will be discharged via pipe, thence through a culvert, thence to an unnamed tributary, thence to Mankins Branch, thence the San Gabriel/North Fork San Gabriel River in Segment No. 1248 of the Brazos River Basin. The unclassified receiving water uses are limited aquatic life use for the unnamed tributary and Mankins Branch (intermittent with perennial pools), and high aquatic life use for Mankins Branch (perennial). The designated uses for Segment No. 1248 are primary contact recreation, public water supply, aquifer protection, and high aquatic life use. In accordance with 30 Texas Administrative Code (TAC) §307.5 and the TCEQ's *Procedures to Implement the Texas Surface Water Quality Standards* (June 2010), an

antidegradation review of the receiving waters was performed. A Tier 1 antidegradation review has preliminarily determined that existing water quality uses will not be impaired by this permit action. Numerical and narrative criteria to protect existing uses will be maintained. A Tier 2 review has preliminarily determined that no significant degradation of water quality is expected in Mankins Branch (perennial), which has been identified as having high aquatic life uses. Existing uses will be maintained and protected. The preliminary determination can be reexamined and may be modified if new information is received. As a public courtesy, we have provided the following Web page to an online map of the site or the facility's general location. The online map is not part of the application or the notice: <https://tceq.maps.arcgis.com/apps/webappviewer/index.html?id=db5bac44afbc468bbddd360f8168250f&marker=-97.633888%2C30.598333&level=12>.

For the exact location, refer to the application.

The TCEQ Executive Director has prepared a draft permit which, if approved, would establish the conditions under which the facility must operate. The Executive Director has made a preliminary decision that this permit, if issued, meets all statutory and regulatory requirements. The permit application, Executive Director's preliminary decision, and draft permit are available for viewing and copying at Georgetown Public Library, Reference Desk, 402 West 8th Street, Georgetown, Texas.

CONTESTED CASE HEARING.

Considering directives to protect public health, the State Office of Administrative Hearings (SOAH) will conduct a preliminary hearing via Zoom videoconference. A Zoom meeting is a secure, free meeting held over the internet that allows video, audio, or audio/video conferencing.

10:00 a.m. - February 24, 2022

To join the Zoom meeting via computer:

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

Meeting ID: 161 880 3401

Password: TCEQ2/24

or

To join the Zoom meeting via telephone:

(669) 254-5252 or (646) 828-7666

Meeting ID: 161 880 3401

Password: 04283235

Visit the SOAH website for registration at: <http://www.soah.texas.gov/> or call SOAH at (512) 475-4993.

The purpose of a preliminary hearing is to establish jurisdiction, name the parties, establish a procedural schedule for the remainder of the proceeding, and to address other matters as determined by the judge. The evidentiary hearing phase of the proceeding, which will occur at a later date, will be similar to a civil trial in state district court. The hearing will address the disputed issues of fact identified in the TCEQ order concerning this application issued on November 9, 2021. In addition to these issues, the judge may consider additional issues if certain factors are met.

The hearing will be conducted in accordance with Chapter 2001, Texas Government Code; Chapter 26, Texas Water Code; and the procedural rules of the TCEQ and SOAH, including 30 TAC Chapter 80 and 1 TAC Chapter 155. The hearing will be held unless all timely hearing requests have been withdrawn or denied.

To request to be a party, you must attend the hearing and show you would be adversely affected by the application in a way not common to members of the general public. Any person may attend the hearing and

request to be a party. Only persons named as parties may participate at the hearing.

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

INFORMATION.

If you need more information about the hearing process for this application, please call the Public Education Program, toll free, at (800) 687-4040. General information about the TCEQ can be found at our website at www.tceq.texas.gov.

Further information may also be obtained from AIRW 2017-7, L.P. at the address stated above or by calling Mr. Matthew Hiles, Vice President at (972) 471-8700.

Persons with disabilities who need special accommodations at the hearing should call the SOAH Docketing Department at (512) 475-4993, at least one week prior to the hearing.

Issued: January 5, 2022

TRD-202200027

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: January 6, 2022



Notice of Hearing on City of Fort Worth: SOAH Docket No. 582-22-1017; TCEQ Docket No. 2021-1211-MWD; Permit No. WQ0015668001

APPLICATION.

City of Fort Worth, 200 Texas Street, Fort Worth, Texas 76102, has applied to the Texas Commission on Environmental Quality (TCEQ) for new Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0015668001, to authorize the discharge of treated domestic wastewater at an annual average flow not to exceed 15,000,000 gallons per day. TCEQ received this application on March 23, 2018.

The facility will be located at 11091 Chapin Road, in the City of Fort Worth, Tarrant County, Texas 76108. The treated effluent will be discharged to Mary's Creek, thence to Clear Fork Trinity River Below Benbrook Lake in Segment No. 0829 of the Trinity River Basin. The unclassified receiving water use is high aquatic life use for Mary's Creek. The designated uses for Segment No. 0829 are primary contact recreation, public water supply, and high aquatic life use. In accordance with 30 Texas Administrative Code (TAC) §307.5 and the TCEQ implementation procedures (June 2010) for the Texas Surface Water Quality Standards, an antidegradation review of the receiving waters was performed. A Tier 1 antidegradation review has preliminarily determined that existing water quality uses will not be impaired by this permit action. Numerical and narrative criteria to protect existing uses will be maintained. A Tier 2 review has preliminarily determined that no significant degradation of water quality is expected in Mary's Creek, which has been identified as having high aquatic life use. Existing uses will be maintained and protected. The preliminary determination can be reexamined and may be modified if new information is received. As a public courtesy, we have provided the following Web page to an online map of the site or the facility's general location. The online map is not part of the application or the notice: <https://tceq.maps.arcgis.com/apps/webappviewer/index.html?id=db5bac44afbc468bb->

ddd360f8168250f&marker=-97.53%2C32.7312&level=12. For the exact location, refer to the application.

The TCEQ Executive Director has prepared a draft permit which, if approved, would establish the conditions under which the facility must operate. The Executive Director has made a preliminary decision that this permit, if issued, meets all statutory and regulatory requirements. The permit application, Executive Director's preliminary decision, and draft permit are available for viewing and copying at Fort Worth City Hall, Water Department, 200 Texas Street, Fort Worth, Texas.

CONTESTED CASE HEARING.

Considering directives to protect public health, the State Office of Administrative Hearings (SOAH) will conduct a preliminary hearing via Zoom videoconference. A Zoom meeting is a secure, free meeting held over the internet that allows video, audio, or audio/video conferencing.

10:00 a.m. - February 28, 2022

To join the Zoom meeting via computer:

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

Meeting ID: 160 257 1453

Password: FW-0228

or

To join the Zoom meeting via telephone:

(669) 254-5252 or (646) 828-7666

Meeting ID: 160 257 1453

Password: 1729905

Visit the SOAH website for registration at:

<http://www.soah.texas.gov/>

or call SOAH at (512) 475-4993.

The purpose of a preliminary hearing is to establish jurisdiction, name the parties, establish a procedural schedule for the remainder of the proceeding, and to address other matters as determined by the judge. The evidentiary hearing phase of the proceeding, which will occur at a later date, will be similar to a civil trial in state district court. The hearing will address the disputed issues of fact identified in the TCEQ order concerning this application issued on November 9, 2021. In addition to these issues, the judge may consider additional issues if certain factors are met.

The hearing will be conducted in accordance with Chapter 2001, Texas Government Code; Chapter 26, Texas Water Code; and the procedural rules of the TCEQ and SOAH, including 30 TAC Chapter 80 and 1 TAC Chapter 155. The hearing will be held unless all timely hearing requests have been withdrawn or denied.

To request to be a party, you must attend the hearing and show you would be adversely affected by the application in a way not common to members of the general public. Any person may attend the hearing and request to be a party. Only persons named as parties may participate at the hearing.

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

INFORMATION.

If you need more information about the hearing process for this application, please call the Public Education Program, toll free, at (800) 687-4040. General information about the TCEQ can be found at our website at www.tceq.texas.gov.

Further information may also be obtained from City of Fort Worth at the address stated above or by calling Ms. Stacy Walters at (817) 392-8203.

Persons with disabilities who need special accommodations at the hearing should call the SOAH Docketing Department at (512) 475-4993, at least one week prior to the hearing.

Issued: January 10, 2022

TRD-202200058

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: January 11, 2022



Notice of Hearing on TPC Group LLC: SOAH Docket No. 582-22-0799; TCEQ Docket No. 2021-1422-AIR; Permit Nos. 22052, PSDTX1578, N286, GHGPSDTX201, 46307, PSDTX1580, N288, GHGPSDTX202, 46426, PSDTX999M1, N290, GHGPSDTX203, 19806, and PSDTX1586

APPLICATION.

TPC Group LLC, 8600 Park Place Boulevard, Houston, Texas 77017-2513, has applied to the Texas Commission on Environmental Quality (TCEQ) for an amendment to State Air Quality Permits 22052, 46307, 46426, and 19806, issuance of Prevention of Significant Deterioration (PSD) Air Quality Permits PSDTX1578, PSDTX1580, PSDTX999M1, and PSDTX1586, issuance of Nonattainment Permit Numbers N290, N286, and N288, and issuance of Greenhouse Gas (GHG) PSD Air Quality Permits GHGPSDTX201, GHGPSDTX202, and GHGPSDTX203 for emissions of GHGs, which would authorize modification of the Houston Plant located at 8600 Park Place Boulevard, Houston, Harris County, Texas 77017. As a public courtesy, we have provided the following Web page to an online map of the site or the facility's general location. The online map is not part of the application or the notice: <https://tceq.maps.arcgis.com/apps/webappviewer/index.html?id=db5bac44afbc468bb-ddd360f8168250f&marker=-97.739444%2C32.452777&level=12>.

For the exact location, refer to the application. This application was processed in an expedited manner, as allowed by the commission's rules in 30 Texas Administrative Code (TAC), Chapter 101, Subchapter J. The existing facility will emit the following air contaminants in a significant amount to require a Nonattainment Review: organic compounds. The facility will emit the following air contaminants in a significant amount: particulate matter including particulate matter with diameters of 10 microns or less and 2.5 microns or less. In addition, the facility will emit: carbon monoxide, organic compounds, nitrogen oxides, hazardous air pollutants, and sulfur dioxide. No other pollutant emission increase will result from this facility.

The De Minimis analysis modeling results indicate that all pollutants and averaging times do not exceed the respective de minimis concentrations and do not require PSD increment analyses.

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

Harris County has been designated nonattainment for ozone because Continuous Ambient Air Monitoring Stations have shown that ambient concentrations of ozone exceed the National Ambient Air Quality Standards (NAAQS) for ozone. Ground-level ozone is not emitted directly into the air, but is created by chemical reactions between nitrogen oxides (NOX) and volatile organic compounds (VOC). The Federal Clean Air Act (FCAA) requires that new major stationary sources and major modifications at sources in designated nonattainment areas must satisfy nonattainment new source review prior to commencement of construction.

As required by the nonattainment review, all air contaminants have been evaluated and the "lowest achievable emission rate" has been addressed for the control of these contaminants. The emission increases from this project will be offset with emission reductions by a ratio of 1.2 to 1. Furthermore, the applicant has demonstrated that the benefits of the existing facility significantly outweigh the environmental and social costs imposed as a result of its location, construction, or modification. Finally, the applicant has certified that all major stationary sources owned or operated by the applicant in the state are in compliance or on a schedule for compliance with all applicable state and federal emission limitations and standards. The Executive Director, therefore, has made the preliminary determination to issue this permit.

The TCEQ Executive Director has prepared a draft permit which, if approved, would establish the conditions under which the facility must operate. The permit application, executive director's preliminary decision, draft permit, and the executive director's preliminary determination summary and executive director's air quality analysis, are available for viewing and copying at the TCEQ central office, the TCEQ Houston regional office, and online at <https://www.publicnotice.live/TPC%20DH2%20Amendment%20Application%20Public%20Notice.pdf>. The facility's compliance file, if any exists, is available for public review at the TCEQ Houston Regional Office, 5425 Polk Street, Suite H, Houston, Texas.

DIRECT REFERRAL.

The Notice of Application and Preliminary Decision was published on May 12, 2021. On November 1, 2021, the Applicant filed a request for direct referral to the State Office of Administrative Hearings (SOAH). Therefore, the chief clerk has referred this application directly to SOAH for a hearing on whether the application complies with all applicable statutory and regulatory requirements.

CONTESTED CASE HEARING.

Considering directives to protect public health, the State Office of Administrative Hearings (SOAH) will conduct a preliminary hearing via Zoom videoconference. A Zoom meeting is a secure, free meeting held over the internet that allows video, audio, or audio/video conferencing.

10:00 a.m. - March 2, 2022

To join the Zoom meeting via computer:

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

Meeting ID: 160 309 4168

Password: s6f4ms

or

To join the Zoom meeting via telephone:

(669) 254-5252 or (646) 828-7666

Meeting ID: 160 309 4168

Password: 762629

Visit the SOAH website for registration at:

<http://www.soah.texas.gov/>

or call SOAH at (512) 475-4993.

The purpose of a preliminary hearing is to establish jurisdiction, name the parties, establish a procedural schedule for the remainder of the proceeding, and to address other matters as determined by the judge. The evidentiary hearing phase of the proceeding, which will occur at a later date, will be similar to a civil trial in state district court. The hearing will be conducted in accordance with the Chapter 2001, Texas Government Code; Chapter 382, Texas Health and Safety Code; TCEQ rules including 30 TAC Chapter 116, Subchapters A and B; and the procedural rules of the TCEQ and SOAH, including 30 TAC Chapter 80 and 1 TAC Chapter 155.

To request to be a party, you must attend the hearing and show you would be affected by the application in a way not common to the general public. Any person may attend the hearing and request to be a party. Only persons named as parties may participate at the hearing.

MAILING LIST.

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

AGENCY CONTACTS AND INFORMATION.

Public comments and requests must be submitted either electronically at www.tceq.texas.gov/agency/decisions/cc/comments.html, 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. If you communicate with the TCEQ electronically, please be aware that your email address, like your physical mailing address, will become part of the agency's public record. For more information about this permit application, the permitting process, or the contested case hearing process, please call the Public Education Program toll free at (800) 687-4040. Si desea información en español, puede llamar al (800) 687-4040. General information regarding the TCEQ may be obtained electronically at www.tceq.texas.gov

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

INFORMATION.

If you need more information about the hearing process for this application, please call the Public Education Program, toll free, at (800) 687-4040. General information regarding the TCEQ can be found at www.tceq.texas.gov.

Persons with disabilities who need special accommodations at the hearing should call the SOAH Docketing Department at (512) 475-4993, at least one week prior to the hearing.

Further information may also be obtained from TPC Group LLC at the address stated above or by calling Mr. Jason Sanders, EHSS Environmental Manager at (713) 475-7409.

Issued: January 7, 2022

TRD-202200059

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: January 11, 2022



Notice of Hearing on Van Ruiten Dairy Partners: SOAH Docket No. 582-22-1085; TCEQ Docket No. 2021-1003-AGR; Permit No. WQ0003290000

APPLICATION.

Van Ruiten Dairy Partners (formerly Peter Wilfridus DeRidder), 3813 County Road 396, Dublin, Texas 76446, has applied to the Texas Commission on Environmental Quality (TCEQ) for a major amendment of Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0003290000, for a Concentrated Animal Feeding Operation (CAFO) to authorize the applicant to replace the list of alternative crops and yield goals, add one new land management unit (LMU) LMU #4 - 18 acres, reconfigure existing LMUs, and increase the total land application area from 93 to 138 acres. One existing water well (Well #5) was added to the permit; one freestall barn is proposed to be added to the production area; and the drainage areas of the retention control structures (RCSs) were reconfigured, which necessitated the revision to the design calculations for the RCSs. The required capacities for RCS #1 changed from 14.62 to 15.76 ac-ft and RCS #2 changed from 5.87 to 7.61 ac-ft. The maximum capacity of 990 head total dairy cattle, all of which are milking cows will not change. TCEQ received this application on April 23, 2020.

The facility is located at 1572 County Road 202, Iredell, Erath County, Texas. The facility is located in the drainage area of the North Bosque River in Segment No. 1226 of the Brazos River Basin. Land management unit #4 is located in the drainage area of the Paluxy River/North Paluxy River in Segment 1229 of the Brazos River Basin. As a public courtesy, we have provided the following Web page to an online map of the site or the facility's general location. The online map is not part of the application or the notice: <https://tceq.maps.arcgis.com/apps/webappviewer/index.html?id=db5bac44afbc468bbddd360f8168250f&marker=-97.923611%2C32.141111&level=12>. For the exact location, refer to the application.

The TCEQ Executive Director has prepared a draft permit which, if approved, would establish the conditions under which the facility must operate. This permit is consistent with the requirements of the anti-degradation implementation procedures in 30 Texas Administrative Code (TAC) §307.5 (c)(2)(G) of the Texas Surface Water Quality Standards and no lowering of water quality is anticipated. The TCEQ Executive Director has made a preliminary decision that this permit, if issued, meets all statutory and regulatory requirements. The permit application, Executive Director's Preliminary Decision, and draft permit are available for viewing and copying at the Texas Commission on Environmental Quality Region 4, Stephenville Office, 580 West Lingleville Road, Suite D, Stephenville, Texas 76401.

CONTESTED CASE HEARING.

Considering directives to protect public health, the State Office of Administrative Hearings (SOAH) will conduct a preliminary hearing via Zoom videoconference. A Zoom meeting is a secure, free meeting held over the internet that allows video, audio, or audio/video conferencing.

10:00 a.m. - February 22, 2022

To join the Zoom meeting via computer:

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

Meeting ID: 160 881 8211

Password: 1085TCEQ

or

To join the Zoom meeting via telephone:

(669) 254-5252 or (646) 828-7666

Meeting ID: 160 881 8211

Password: 98803496

Visit the SOAH website for registration at: <http://www.soah.texas.gov/> or call SOAH at (512) 475-4993.

The purpose of a preliminary hearing is to establish jurisdiction, name the parties, establish a procedural schedule for the remainder of the proceeding, and to address other matters as determined by the judge. The evidentiary hearing phase of the proceeding, which will occur at a later date, will be similar to a civil trial in state district court. The hearing will address the disputed issues of fact identified in the TCEQ order concerning this application issued on November 9, 2021. In addition to these issues, the judge may consider additional issues if certain factors are met.

The hearing will be conducted in accordance with Chapter 2001, Texas Government Code; Chapter 26, Texas Water Code; and the procedural rules of the TCEQ and SOAH, including 30 TAC Chapter 80 and 1 TAC Chapter 155. The hearing will be held unless all timely hearing requests have been withdrawn or denied.

To request to be a party, you must attend the hearing and show you would be adversely affected by the application in a way not common to members of the general public. Any person may attend the hearing and request to be a party. Only persons named as parties may participate at the hearing.

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

INFORMATION.

If you need more information about the hearing process for this application, please call the Public Education Program, toll free, at (800) 687-4040. General information about the TCEQ can be found at our website at www.tceq.texas.gov.

Further information may also be obtained from Mr. Bart Van Ruiten at the address stated above or by calling Mr. Matthew Gray, Enviro-Ag Engineering, Inc. at (254) 965-3500.

Persons with disabilities who need special accommodations at the hearing should call the SOAH Docketing Department at (512) 475-4993, at least one week prior to the hearing.

Issued: January 5, 2022

TRD-202200028

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: January 6, 2022



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

The Texas Commission on Environmental Quality (TCEQ or commission) staff is providing an opportunity for written public comment on the listed Default Order (DO). The commission staff proposes a DO when the staff has sent the Executive Director's Preliminary Report and Petition (EDPRP) to an entity outlining the alleged violations; the proposed penalty; the proposed technical requirements necessary to bring the entity back into compliance; and the entity fails to request a hearing on the matter within 20 days of its receipt of the EDPRP or re-

quests a hearing and fails to participate at the hearing. Similar to the procedure followed with respect to Agreed Orders entered into by the executive director of the commission, in accordance with Texas Water Code (TWC), §7.075, this notice of the proposed order and the opportunity to comment is published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is **February 22, 2022**. The commission will consider any written comments received, and the commission may withdraw or withhold approval of a DO if a comment discloses facts or considerations that indicate that consent to the proposed DO is inappropriate, improper, inadequate, or inconsistent with the requirements of the statutes and rules within the commission's jurisdiction, or the commission's orders and permits issued in accordance with the commission's regulatory authority. Additional notice of changes to a proposed DO is not required to be published if those changes are made in response to written comments.

A copy of the proposed DO is available for public inspection at both the commission's central office, located at 12100 Park 35 Circle, Building A, 3rd Floor, Austin, Texas 78753, (512) 239-3400 and at the applicable regional office listed as follows. Written comments about the DO should be sent to the attorney designated for the DO at the commission's central office at P.O. Box 13087, MC 175, Austin, Texas 78711-3087 and must be **received by 5:00 p.m. on February 22, 2022**. Comments may also be sent by facsimile machine to the attorney at (512) 239-3434. The commission's attorney is available to discuss the DO and/or the comment procedure at the listed phone number; however, TWC, §7.075, provides that comments on the DO shall be submitted to the commission in **writing**.

(1) COMPANY: Kenneth Cecil Gifford; DOCKET NUMBER: 2021-0361-MSW-E; TCEQ ID NUMBER: RN110946704; LOCATION: 5535 North Farm-to-Market Road 847, Rockdale, Milam County; TYPE OF FACILITY: unauthorized municipal solid waste (MSW) site; RULE VIOLATED: 30 TAC §330.15(c), by causing, suffering, allowing, or permitting the unauthorized disposal of MSW; PENALTY: \$3,750; STAFF ATTORNEY: Cynthia Sirois, Litigation, MC 175, (512) 239-3392; REGIONAL OFFICE: Waco Regional Office, 6801 Sanger Avenue, Suite 2500, Waco, Texas 76710-7826, (254) 751-0335.

TRD-202200048

Charmaine Backens

Deputy Director, Litigation

Texas Commission on Environmental Quality

Filed: January 11, 2022



Notice of Opportunity to Comment on Agreed Orders of Administrative Enforcement Actions

The Texas Commission on Environmental Quality (TCEQ or commission) staff is providing an opportunity for written public comment on the listed Agreed 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 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 **February 22, 2022**. 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 commis-

sion'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 A, 3rd Floor, Austin, Texas 78753, (512) 239-3400 and at the applicable regional office listed as follows. Written comments about an AO should be sent to the attorney designated for the AO at the commission's central office at P.O. Box 13087, MC 175, Austin, Texas 78711-3087 and must be received by 5:00 p.m. on February 22, 2022. Comments may also be sent by facsimile machine to the attorney at (512) 239-3434. The designated attorneys are available to discuss the AOs and/or the comment procedure at the listed phone numbers; however, TWC, §7.075, provides that comments on an AO shall be submitted to the commission in **writing**.

(1) COMPANY: Blake Truax dba The Barn & Merri Truax dba The Barn; DOCKET NUMBER: 2020-1299-PWS-E; TCEQ ID NUMBER: RN102883394; LOCATION: 12201 Farm-to-Market Road 236 near Victoria, Victoria County; TYPE OF FACILITY: public water system; RULES VIOLATED: 30 TAC §290.110(c)(4)(A), by failing to monitor the disinfectant residual at representative locations throughout the distribution system at least once every seven days; 30 TAC §290.46(m)(1)(B), by failing to inspect the facility's pressure tank annually; 30 TAC §290.41(c)(3)(O) and §290.43(e), by failing to provide an intruder resistant fence or well house around each water treatment plan, well unit, potable water storage tank, pressure maintenance facility, and related appurtenances that remains locked during periods of darkness and when the facility is unattended to exclude possible contamination or damage to the facilities by trespassers; 30 TAC §290.121(a) and (b), by failing to develop and maintain an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the facility will use to comply with the monitoring requirements; 30 TAC §290.41(c)(3)(N), by failing to provide a flow measuring device for each well to measure production yields and provide for the accumulation of water production data; 30 TAC §290.46(n)(2), by failing to make available an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies; 30 TAC §290.46(f)(2) and (3)(A)(i)(III), by failing to maintain water works operation and maintenance records and make them readily available for review by the executive director upon request; Texas Health and Safety Code, §341.0315(c) and 30 TAC §290.45(d)(2)(A)(ii), by failing to provide a minimum pressure tank capacity of 220 gallons; and 30 TAC §290.46(q)(1), by failing to issue a boil water notice to customers of the facility within 24 hours of a low disinfectant residual using the prescribed notification format as specified in 30 TAC §290.47(c); PENALTY: \$7,121; STAFF ATTORNEY: Jess Robinson, Litigation, MC 175, (512) 239-0455; REGIONAL OFFICE: Corpus Christi Regional Office, 500 North Shoreline Boulevard, Suite 500, Corpus Christi, Texas 78401-0318, (361) 825-3100.

(2) COMPANY: Grand Harbor Water Supply Corporation; DOCKET NUMBER: 2021-0404-PWS-E; TCEQ ID NUMBER: RN104497946; LOCATION: on the south side of County Road 1705, approximately 1,000 feet east of the intersection of Boy Scout Road and County Road 1705, near Bridgeport, Wise County; TYPE OF FACILITY: public water supply; RULES VIOLATED: Texas Health and Safety Code, §341.0315(c) and 30 TAC §290.115(f)(1), by failing to comply with maximum contaminant level of 0.060 milligrams per liter for haloacetic acids based on the locational running annual average; PENALTY: \$5,000; STAFF ATTORNEY: Judy Bohr, Litigation,

MC 175, (512) 239-5807; REGIONAL OFFICE: Dallas-Fort Worth Regional Office, 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(3) COMPANY: RAKAH INC. dba Quick Stop; DOCKET NUMBER: 2020-0598-PST-E; TCEQ ID NUMBER: RN102357431; LOCATION: 2401 East Highway 82, Gainesville, Cooke County; TYPE OF FACILITY: underground storage tank (UST) system and a convenience store with retail sales of gasoline; RULES VIOLATED: TWC, §26.3475(c)(1) and 30 TAC §334.50(b)(1)(A), by failing to monitor the USTs for releases in a manner which will detect a release at a frequency of at least once every 30 days; PENALTY: \$4,500; STAFF ATTORNEY: Casey Kurnath, Litigation, MC 175, (512) 239-5932; REGIONAL OFFICE: Dallas-Fort Worth Regional Office, 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(4) COMPANY: Sandlot Sports, Inc; DOCKET NUMBER: 2019-1319-PWS-E; TCEQ ID NUMBER: RN106016421; LOCATION: 16618 Mueschke Road, Cypress, Harris County; TYPE OF FACILITY: public water system; RULES VIOLATED: 30 TAC §290.46(m)(1)(B), by failing to conduct an annual inspection of the facility's pressure tank; 30 TAC §290.46(s)(1), by failing to calibrate the facility's well meter at least once every three years; and 30 TAC §290.110(c)(4)(A), by failing to monitor the disinfectant residual at representative locations throughout the distribution system at least once every seven days; PENALTY: \$4,060; STAFF ATTORNEY: Megan Grace, Litigation, MC 175, (512) 239-3334; REGIONAL OFFICE: Houston Regional Office, 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

TRD-202200047

Charmaine Backens

Deputy Director, Litigation

Texas Commission on Environmental Quality

Filed: January 11, 2022



Notice of Receipt of Application and Intent to Obtain
Municipal Solid Waste Permit Major Amendment: Proposed
Permit No. 2278A

Application. Construction Recycling & Waste Corporation, P.O. Box 22790, Houston, Texas 77227, a Type IV municipal solid waste landfill, has applied to the Texas Commission on Environmental Quality (TCEQ) for a permit amendment to authorize an increase in the maximum excavated depth and volumetric waste disposal capacity, and adding a proposed alternate liner system. The facility is located at 2540 East University Drive, McKinney 75069 in Collin County, Texas. The TCEQ received this application on November 16, 2021. The permit application is available for viewing and copying at the Roy and Helen Hall Memorial Library, 101 East Hunt Street, McKinney, Collin County, 75069, and may be viewed online at <https://www.parkhill.com/tceq-permits/>. The following link to an electronic map of the site or facility's general location is provided as a public courtesy and is not part of the application or notice: <https://arcg.is/0OmC4e>. For exact location, refer to application.

Additional Notice. TCEQ's Executive Director has determined the application is administratively complete and will conduct a technical review of the application. After technical review of the application is complete, the Executive Director may prepare a draft permit and will issue a preliminary decision on the application. Notice of the Application and Preliminary Decision will be published and mailed to those who are on the county-wide mailing list and to those who are on the mailing list for this application. That notice will contain the deadline for submitting public comments.

Public Comment/Public Meeting. You may submit public comments or request a public meeting on this application. The purpose of a public meeting is to provide the opportunity to submit comments or to ask questions about the application. TCEQ will hold a public meeting if the Executive Director determines that there is a significant degree of public interest in the application or if requested by a local legislator. 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, and the Executive Director's decision on the application, 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 reconsideration of the Executive Director's decision and for requesting a contested case hearing. A person who may be affected by the facility is entitled to request a contested case hearing from the commission. A contested case hearing is a legal proceeding similar to a civil trial in 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 permit number; the location and distance of your property/activities relative to the 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 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 that are relevant and material to the Commission's decision on the application submitted during the comment period.

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 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. 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.

Information Available Online. For details about the status of the application, visit the Commissioners' Integrated Database (CID) at www.tceq.texas.gov/goto/cid. Once you have access to the CID using

the above link, enter the permit number for this application, which is provided at the top of this notice.

Agency Contacts and Information. All public comments and requests must be submitted either electronically at www14.tceq.texas.gov/epic/eComment/ or in writing to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC-105, P.O. Box 13087, Austin, Texas 78711-3087. Please be aware that any contact information you provide, including your name, phone number, email address and physical address will become part of the agency's public record. For more information about this permit application or the permitting process, please call the TCEQ's Public Education Program, Toll Free, at (800) 687-4040 or visit their website at www.tceq.texas.gov/goto/pep. Si desea información en español, puede llamar al (800) 687-4040.

Further information may also be obtained from the Construction Recycling & Waste Corporation at the address stated above or by calling Mr. Frank Pugsley, Consultant at (469) 200-7384.

TRD-202200051

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: January 11, 2022

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 501. Requests for federal consistency review were deemed administratively complete for the following project(s) during the period of November 25, 2021 to December 3, 2021. 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 §§506.25, 506.32, and 506.41, the public comment period extends 30 days from the date published on the Texas General Land Office web site. The notice was published on the web site on Friday, January 14, 2022. The public comment period for this project will close at 5:00 p.m. on Sunday, February 13, 2022.

FEDERAL AGENCY ACTIONS:

Applicant: Kinder Morgan Liquids Terminal, LLC

Location: The project site is located in the Houston Ship Channel, at 906 Clinton Drive, in Galena Park, Harris County, Texas 77547.

Latitude & Longitude (NAD 83): 29.726279, -95.223033

Project Description: The applicant proposes a modification to an existing permit, SWG-2008-00319. Such activities include the installation of an approximate 905-linear-foot, sheet pile bulkhead wall, supported by batter piles. Piles will be driven from a barge mounted pile driving hammer stationed directly in front of the existing bulkhead wall. The construction of the bulkhead wall will require the discharge of approximately 16,500 cubic yards (0.06 acre) of clean back-fill material below the MHW line and within open water areas located behind the alignment of the proposed

bulkhead wall.

Type of Application: U.S. Army Corps of Engineers permit application # SWG-2008-00319. 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.

CMP Project No: 22-1093-F1

Applicant: Port of Corpus Christi Authority

Location: The project site is located in the Corpus Christi Ship Channel, Corpus Christi Inner Harbor.

Latitude & Longitude (NAD 83): 27.820449, -97.4625550

Project Description: To reconstruct Oil Dock (OD) 1 in 3 distinct phases: demolition of existing structures, reconstruction, and dredging. Demolition includes: four breasting dolphins on a fender line, two barge breasting dolphins, walkways east and west of the dock loading platform and barge fender system. Reconstruction includes: one (1) new 78-inch steel monopile mooring dolphin, one (1) new 17-foot x 22-foot gangway tower supported by four (4) 30-inch piles, four (4) new 78-inch steel monopile breasting dolphins, one (1) new walkway east and west of the dock loading platform, a barge fender system, reinforcement of the existing platform by six (6) 30-inch batter piles and a bulkhead that includes 150-inch of submerged sheet piles around platform piles. The applicant proposes to use either a mechanical or hydraulic dredge to deepen the previously authorized depth to -54 feet mean lower low water (MLLW), +4 feet of advanced maintenance +2 feet of allowable over dredge to match federal channel improvements resulting in approximately 78,400 cubic yards of dredge material. The applicant is also requesting a 10-year maintenance permit that will include an additional 24,000 cubic yards of dredge material. The dredged material placement is proposed at previously authorized DMPAs; Sun tide, Tule Lake, South Shore, Herbie Maurer or DMPA No. 1, and will occur via pipeline.

Type of Application: U.S. Army Corps of Engineers permit application # SWG-2000-01605. 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 Railroad Commission as part of its certification under §401 of the Clean Water Act.

CMP Project No: 22-1117-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-202200060

Mark Havens

Deputy Land Commissioner and Chief Clerk

General Land Office

Filed: January 11, 2022

Golden Crescent Workforce Development Board

Request for Quotes for Website Redesign, Hosting, and Maintenance Services

The Golden Crescent Workforce Development Board is soliciting Requests for Quotes for Website Redesign, Hosting, and Maintenance Services.

The Golden Crescent Workforce Development Board, Inc. dba Workforce Solutions Golden Crescent (GCWDB), is a nonprofit 501(c)(3), local governmental organization overseen by a 25-31 member volunteer Board appointed by the Chief Elected Officials of the region. The majority of Board members represent the private sector. The balance of the Board membership is comprised of representatives of educational agencies, organized labor, rehabilitation services, community-based organizations, economic development and state agencies. The Board is responsible for the planning, oversight and evaluation of the workforce development system, including child care resources, in the seven county Workforce Development Area (WDA): Gonzales, Lavaca, DeWitt, Jackson, Calhoun, Goliad and Victoria counties.

The Board provides policy and program guidance and exercises independent oversight and evaluation of workforce development programs and services that affect area employers, residents, and job seeker services. Services include six Workforce Centers that provide services for businesses and the current, emerging, and transitional workforce. The Child Care Services (CCS) program is a dual-purpose program that provides access to child care services for low-income families so they can work, attend school, or enroll in training to improve the well-being of their families. At the same time, it also promotes the healthy development and school success of low and moderate-income children by providing them with higher-quality early learning and afterschool experiences. The Texas Workforce Commission (TWC) contracts with the Board to provide these services to eligible families.

The mission of GCWDB is to provide solutions for quality workforce development. To accomplish this mission, GCWDB is guided by the following principles:

The system will:

- Be efficient and cost effective by integrating programs to eliminate duplication;
- Offer services to meet the diverse needs of job seekers and employers;
- Treat people with concern, dignity, respect, and courtesy; and
- Require people to share responsibility for their outcomes.

Our website features a large amount of information that is valuable to the many people we serve. The new website will provide a relatively similar level of content and pages presented in a more accessible, client-based format. GCWDB is looking for an attractive design and platform that are easy to use and provide a responsive experience.

A successful website redesign will offer a user interface that is as intuitive as possible, and that carefully considers each and every visual and interactive element.

Workforce Solutions Golden Crescent is the issuer of this RFQ.

To download a copy of the RFQ, please visit www.gcworkforce.org/doing-business-with-us.

For questions, please contact josetroncoso@gcworkforce.org.

Cut-off to submit questions is January 24, 2022, at 4:00 p.m. CST.

Deadline to respond is March 11, 2022, 4:00 p.m. (CST)

TRD-202200031

Henry Guajardo

Executive Director

Golden Crescent Workforce Development Board

Filed: January 7, 2022



Department of State Health Services

Notice of Compliance with Temporary Injunction Issued by Presiding Judge Jan Soifer on November 8, 2021 Ordering DSHS to Change the Definitions of Tetrahydrocannabinol and Marihuana Extract.

On November 8, 2021 at 10:22 a.m., in the case *Sky Marketing Corp., et al. v. Texas Department of State Health Services, and John Hellerstedt, in his official capacity as Commissioner of the Texas DSHS*, in the District Court of Travis County, 126th Judicial District, Judge Soifer ordered the Department to "remove from its currently published Schedule of Controlled Substances the most recent modifications of the definitions to the following terms: *(31) Tetrahydrocannabinols' and *(58) Marihuana extract,' and any subsequent publications of the same (if any) until further order of this Court."

DSHS issues this notice of compliance with the court's order. DSHS interprets the court's order as temporarily enjoining the definitions of "tetrahydrocannabinols" and "marihuana extract" in the annual publication of the Schedules of Controlled Substances published on March 19, 2021, 46 Tex. Reg. 1763, to the extent they deviate from the definitions of "tetrahydrocannabinols and "marihuana extract" published in the 2020 Schedules of Controlled Substances published on March 27, 2020, 45 Tex. Reg. 2251. DSHS interprets the court's order as temporarily reinstating the definition of "tetrahydrocannabinols" and "marihuana extract" published in the annual Schedules of Controlled Substances published on March 27, 2020, including amendments and updates issued prior to the publication of the 2021 Schedules on March 19, 2021.

The 2020 Schedules of Controlled Substances defines "tetrahydrocannabinols" as

(31) Tetrahydrocannabinols, meaning tetrahydrocannabinols naturally contained in a plant of the genus *Cannabis* (cannabis plant), except for tetrahydrocannabinols in hemp (as defined under Section 297A(1) of the Agricultural Marketing Act of 1946), as well as synthetic equivalents of the substances contained in the cannabis plant, or in the resinous extractives of such plant, and/or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity to those substances contained in the plant, such as the following:

1 cis or trans tetrahydrocannabinol, and their optical isomers;

6 cis or trans tetrahydrocannabinol, and their optical isomers;

3,4 cis or trans tetrahydrocannabinol, and its optical isomers;

(Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions are covered.);

45 Tex. Reg. 2251 (March 27, 2020).

The 2020 Schedule of Controlled Substances defines "marihuana extract" as follows:

(58) Marihuana extract, meaning an extract containing one or more cannabinoids that has been derived from any plant of the genus *Cannabis*, other than the separated resin (whether crude or purified obtained from the plant;

45 Tex. Reg. 2252 (March 27, 2020).

TRD-202200075

Cynthia Hernandez

General Counsel

Department of State Health Services

Filed: January 12, 2022

The Drug Enforcement Agency adopted, without change, an interim final rule published October 6, 2020, placing remimazolam, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible, in schedule IV of the Controlled Substances Act. This final rule was published in the June 2, 2021 issue of the *Federal Register*, Volume 86, Number 104, pages 29506-29509 and was effective July 2, 2021.

The Drug Enforcement Administration issued a final rule placing 1-(4-methoxyphenyl)-*N*-methylpropan-2-amine, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation, in schedule I of the Controlled Substances Act to enable the United States to meet its obligations under the 1971 Convention on Psychotropic Substances. This rule was published in the June 25, 2021 issue of the *Federal Register*, Volume 86, Number 120, pages 33508-33510 and was effective July 26, 2021. This action was taken for the following reasons:

1. PMMA is structurally similar to methamphetamine, a schedule II controlled substance, and para-methoxyamphetamine (PMA), a schedule I controlled substance,
2. PMMA shares a similar pharmacological profile with MDMA (or Ecstasy), a schedule I controlled substance with high potential for abuse,
3. PMMA has no accepted medical use in treatment in the United States, and,
4. There is a lack of accepted safety for use of PMMA under medical Supervision.

The Administrator of the Drug Enforcement Administration (DEA) issued an order to extend the temporary schedule I status of *N*-ethylhexedrone, α -pyrrolidinohexanophenone, 4-methyl α -ethylaminopentiophenone, 4'-methyl- α -pyrrolidinohexiophenone, α -pyrrolidinoheptaphenone, 4'-Chloro- α -pyrrolidinovalerophenone and their geometric isomers, salts, and salts of isomers. This temporary scheduling action expires July 18, 2022 unless the DEA publishes a final rule making this scheduling action permanent. This order was published in the Friday July 16, 2021 issue of the *Federal Register*, Volume 86, Number 134, pages 37672-37674 and was effective July 18, 2021.

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, John Hellerstedt, M.D., does hereby order that the substance PMMA be placed in schedule I, remimazolam maintained in schedule IV and the temporary schedule I status be extended for *N*-ethylhexedrone, α -pyrrolidinohexanophenone, 4-methyl α -ethylaminopentiophenone, 4'-methyl- α -pyrrolidinohexiophenone, α -pyrrolidinoheptaphenone, and 4'-Chloro- α -pyrrolidinovalerophenone.

-Schedule I hallucinogenic substances

Unless specifically excepted or unless listed in another schedule, a material, compound, mixture, or preparation that contains any quantity of the following hallucinogenic substances or that contains any of the substance's salts, isomers, and salts of isomers if the existence of the salts, isomers, and salts of isomers is possible within the specific chemical designation (for the purposes of this Schedule I hallucinogenic substances section only, the term "isomer" includes optical, position, and geometric isomers):

- (1) α -Ethyltryptamine (Other names: etryptamine; Monase; α -ethyl-1*H*-indole-3-ethanamine; 3-(2-aminobutyl) indole; α -ET; AET);
- (2) 4-Bromo-2,5-dimethoxyamphetamine (Other names: 4-bromo-2,5- dimethoxy- α -methylphenethylamine; 4-bromo-2,5-DMA);
- (3) 4-Bromo-2,5-dimethoxyphenethylamine (Other names: Nexus; 2C-B; 2-(4-bromo-2,5-dimethoxyphenyl)-1-aminoethane; α -desmethyl DOB);
- (4) 2,5-Dimethoxyamphetamine (Other names: 2,5-dimethoxy- α -methylphenethylamine; 2,5-DMA);
- (5) 2,5-Dimethoxy-4-ethylamphetamine (Other name: DOET);
- (6) 2,5-Dimethoxy-4-(n)-propylthiophenethylamine, its optical isomers, salts and salts of isomers (Other name: 2C-T-7);
- (7) 4-Methoxyamphetamine (Other names: 4-methoxy- α -methylphenethylamine; paramethoxyamphetamine; PMA);
- (8) 5-Methoxy-3,4-methylenedioxyamphetamine (Other name: MMDA);
- (9) 4-Methyl-2,5-dimethoxyamphetamine (Other names: 4-methyl-2,5-dimethoxy- α -methyl-phenethylamine; "DOM";"STP");

- (10) 3,4-Methylenedioxyamphetamine (Other names: MDA; Love Drug);
- (11) 3,4-Methylenedioxymethamphetamine (Other names: MDMA; MDM; Ecstasy; XTC);
- (12) 3,4-Methylenedioxy-*N*-ethylamphetamine (Other names: *N*-ethyl- α -methyl-3,4(methylenedioxy)phenethylamine; *N*-ethyl MDA; MDE; MDEA);
- (13) *N*-Hydroxy-3,4-methylenedioxyamphetamine (Other name: *N*-hydroxy MDA);
- (14) 3,4,5-Trimethoxyamphetamine (Other name: TMA);
- (15) 5-Methoxy-*N,N*-dimethyltryptamine (Other names: 5-methoxy-3-[2-(dimethylamino)ethyl]indole, 5-MeO-DMT);
- (16) α -Methyltryptamine (Other name: AMT), its isomers, salts, and salts of isomers;
- (17) Bufotenine (Other names: 3- β -Dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoethyl)-5-indolol; *N,N*-dimethylserotonin; 5-hydroxy-*N,N*-dimethyltryptamine; mappine);
- (18) Diethyltryptamine (Other names: *N,N*-Diethyltryptamine; DET);
- (19) Dimethyltryptamine (Other name: DMT);
- (20) 5-Methoxy-*N,N*-diisopropyltryptamine, its isomers, salts, and salts of isomers (Other name: 5-MeO-DIPT);
- (21) Ibogaine (Other names: 7-Ethyl-6,6- β -7,8,9,10,12,13-octhydro-2-methoxy-6,9-methano-5*H*-pyrido[1',2':1,2] azepino [5,4-*b*] indole; Tabernanthe iboga);
- (22) Lysergic acid diethylamide;
- (23) Marihuana.

The term marihuana does not include hemp, as defined in Title 5, Agriculture Code, Chapter 121.

- (24) Mescaline;
- (25) Parahexyl (Other names: 3-Hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6*H*-dibenzo[*b,d*]pyran; Synhexyl);
- (26) Peyote, unless unharvested and growing in its natural state, meaning all parts of the plant classified botanically as *Lophophora williamsii* *Lemaire*, whether growing or not, the seeds of the plant, an extract from a part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or extracts;
- (27) *N*-ethyl-3-piperidyl benzilate;
- (28) *N*-methyl-3-piperidyl benzilate;
- (29) Psilocybin;
- (30) Psilocyn;
- (31) Tetrahydrocannabinols, meaning tetrahydrocannabinols naturally contained in a plant of the genus *Cannabis* (*cannabis* plant), except for tetrahydrocannabinols in hemp (as defined under Section 297A(1)), as well as synthetic equivalents of the substances contained in the *cannabis* plant, or in the resinous extractives of such plant, and/or synthetic substances,

derivatives, and their isomers with similar chemical structure and pharmacological activity to those substances contained in the plant, such as the following:

- 1 cis or trans tetrahydrocannabinol, and their optical isomers;
- 6 cis or trans tetrahydrocannabinol, and their optical isomers;
- 3,4 cis or trans tetrahydrocannabinol, and its optical isomers;

(Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions covered.)

(32) Ethylamine analog of phencyclidine (Other names: *N*-ethyl-1-phenylcyclohexylamine; (1-phenylcyclohexyl)ethylamine; *N*-(1-phenylcyclohexyl)ethylamine; cyclohexamine; PCE);

(33) Pyrrolidine analog of phencyclidine (Other names: 1-(1 phenylcyclohexyl)-pyrrolidine; PCPy; PHP; rolicyclidine);

(34) Thiophene analog of phencyclidine (Other names: 1-[1-(2-thienyl)-cyclohexyl]-piperidine; 2-thienyl analog of phencyclidine; TPCP; TCP);

(35) 1-[1-(2-Thienyl)cyclohexyl]pyrrolidine (Other name: TCPy);

(36) 4-Methylmethcathinone (Other names: 4-methyl-*N*-methylcathinone; mephedrone);

(37) 3,4-Methylenedioxypropylvalerone (Other name: MDPV);

(38) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (Other name: 2C-E);

(39) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (Other name: 2C-D);

(40) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (Other name: 2C-C);

(41) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (Other name: 2C-I);

(42) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (Other name: 2C-T-2);

(43) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (Other name: 2C-T-4);

(44) 2-(2,5-Dimethoxyphenyl)ethanamine (Other name: 2C-H);

(45) 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (Other name: 2C-N);

(46) 2-(2,5-Dimethoxy-4-(*n*)-propylphenyl)ethanamine (Other name: 2C-P);

(47) 3,4-Methylenedioxy-*N*-methylcathinone (Other name: Methylone);

(48) (1-Pentyl-1*H*-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone (Other names: UR-144, 1-pentyl-3-(2,2,3,3-tetramethylcyclopropyl)indole);

(49) [1-(5-Fluoro-pentyl)-1*H*-indol-3-yl](2,2,3,3-tetramethylcyclopropyl)methanone (Other names: 5-fluoro-UR-144; 5-F-UR-144, XLR11, (5-fluoro-pentyl)-3-(2,2,3,3-tetramethylcyclopropoyl)indole);

(50) *N*-(1-Adamantyl)-1-pentyl-1*H*-indazole-3-carboxamide (Other names: APINACA; AKB48);

(51) Quinolin-8-yl 1-pentyl-1*H*-indole-3-carboxylate, its optical, positional, and geometric isomers, salts and salts of isomers (Other names: PB-22; QUPIC);

(52) Quinolin-8-yl 1-(5-fluoropentyl)-1*H*-indole-3-carboxylate, its optical, positional, and geometric isomers, salts and salts of isomers (Other names: 5-fluoro-PB-22; 5F-PB-22);

(53) *N*-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1*H*-indazole-3-carboxamide, its optical, positional, and geometric isomers, salts and salts of isomers (Other name: AB-FUBINACA);

(54) *N*-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1*H*-indazole-3-carboxamide (Other name: ADB-PINACA);

(55) 2-(4-Iodo-2,5-dimethoxyphenyl)-*N*-(2-methoxybenzyl)ethanamine (Other names: 25I-NBOMe; 2CI-NBOMe; 25I; Cimbi-5);

(56) 2-(4-Chloro-2,5-dimethoxyphenyl)-*N*-(2-methoxybenzyl)ethanamine (Other names: 25C-NBOMe; 2C-C-NBOMe; 25C; Cimbi-82);

(57) 2-(4-Bromo-2,5-dimethoxyphenyl)-*N*-(2-methoxybenzyl)ethanamine (Other names: 25B-NBOMe; 2C-B-NBOMe; 25B; Cimbi-36);

(58) Marijuana extract, meaning an extract containing one or more cannabinoids that has been derived from any plant of the genus *Cannabis*, other than separated resin (whether crude or purified) obtained from the plant;

(59) 4-Methyl-*N*-ethylcathinone (4-MEC);

(60) 4-Methyl- α -pyrrolidinopropiophenone (4-MePPP);

(61) α -Pyrrolidinopentiophenone ($[\alpha]$ -PVP);

(62) 1-(1,3-Benzodioxol-5-yl)-2-(methylamino)butan-1-one (Other names: butylone; bk-MBDB);

(63) 2-(Methylamino)-1-phenylpentan-1-one (Other name: pentedrone);

(64) 1-(1,3-Benzodioxol-5-yl)-2-(methylamino)pentan-1-one (Other names: pentylone; bk-MBDP);

(65) 4-Fluoro-*N*-methylcathinone (Other names: 4-FMC; flephedrone);

(66) 3-Fluoro-*N*-methylcathinone (Other name: 3-FMC);

(67) 1-(Naphthalen-2-yl)-2-(pyrrolidin-1-yl)pentan-1-one (Other name: naphyrone);

(68) α -Pyrrolidinobutiophenone (Other name: α -PBP);

- (69) *N*-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1*H*-indazole-3-carboxamide (Other name: AB-CHMINACA);
- (70) *N*-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-pentyl-1*H*-indazole-3-carboxamide (Other name: AB-PINACA);
- (71) [1-(5-Fluoropentyl)-1*H*-indazol-3-yl](naphthalen-1-yl)methanone (Other name: THJ-2201);
- (72) 1-Methyl-4-phenyl-1,2,5,6-tetrahydro-pyridine (Other name: MPTP);
- (73) *N*-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1*H*-indazole-3-carboxamide (Other names: MAB-CHMINACA; ABD-CHMINACA);
- (74) Methyl 2-(1-(5-fluoropentyl)-1*H*-indazole-3-carboxamido)-3,3-dimethylbutanoate (Other names: 5F-ADB; 5F-MDMB-PINACA);
- (75) Methyl 2-(1-(5-fluoropentyl)-1*H*-indazole-3-carboxamido)-3-methylbutanoate (Other name: 5F-AMB);
- (76) *N*-(Adamantan-1-yl)-1-(5-fluoropentyl)-1*H*-indazole-3-carboxamide (Other names: 5F-APINACA; 5F-AKB48);
- (77) *N*-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1*H*-indazole-3-carboxamide (Other name: ADB-FUBINACA);
- (78) Methyl 2-(1-(cyclohexylmethyl)-1*H*-indole-3-carboxamido)-3,3-dimethylbutanoate (Other names: MDMB-CHMICA; MMB-CHMINACA);
- (79) Methyl 2-(1-(4-fluorobenzyl)-1*H*-indazole-3-carboxamido)-3,3-dimethylbutanoate (Other name: MDMB-FUBINACA);
- (80) Methyl 2-(1-(4-fluorobenzyl)-1*H*-indazole-3-carboxamido)-3-methylbutanoate (Other names: FUB-AMB; MMB-FUBINACA; AMB-FUBINACA);
- (81) Naphthalen-1-yl-1-(5-fluoropentyl)-1*H*-indole-3-carboxylate (Other names: NM2201; CBL2201);
- (82) *N*-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1*H*-indazole-3-carboxamide (Other name: 5F-AB-PINACA);
- (83) 1-(4-Cyanobutyl)-*N*-(2-phenylpropan-2-yl)-1*H*-indazole-3-carboxamide (Other names: 4-CN-CUMYL-BUTINACA; 4-cyano-CUMYL BUTINACA; 4-CN-CUMYL-BINACA; CUMYL-4CN-BINACA; SGT-78);
- (84) Methyl 2-(1-(cyclohexylmethyl)-1*H*-indole-3-carboxamido)-3-methylbutanoate (Other names: MMB-CHMICA; AMB-CHMICA);
- (85) 1-(5-Fluoropentyl)-*N*-(2-phenylpropan-2-yl)-1*H*-pyrrolo[2,3-b]pyridine-3-carboxamide (Other name: 5F-CUMYL-P7AICA);
- (86) 1-(1,3-benzodioxol-5-yl)-2-(ethylamino)pentan-1-one (Other names: *N*-ethylpentylone; ephylone);
- (87) Methyl 2-(1-(4-fluorobutyl)-1*H*-indazole-3-carboxamido)-3,3-dimethylbutanoate (Other names: 4F-MDMB-BINACA; 4F-MDMB-BUTINACA); and,
- *(88) 1-(4-methoxyphenyl)-*N*-methylpropan-2-amine (other names: *p*-methoxymethamphetamine; PMMA).

-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) Ethyl 2-(1-(5-fluoropentyl)-1*H*-indazole-3-carboxamido)-3,3-dimethylbutanoate (Other name: 5F-EDMB-PINACA);
- (3) Methyl 2-(1-(5-fluoropentyl)-1*H*-indole-3-carboxamido)-3,3-dimethylbutanoate (Other name: 5F-MDMB-PICA);
- (4) *N*-(Adamantan-1-yl)-1-(4-fluorobenzyl)-1*H*-indazole-3-carboxamide (Other names: FUB-AKB48; FUB-APINACA; AKB48 *N*-(4-FLUOROBENZYL));
- (5) 1-(5-Fluoropentyl)-*N*-(2-phenylpropan-2-yl)-1*H*-indazole-3-carboxamide (Other names: 5F-CUMYL-PINACA; SGT-25);
- (6) (1-(4-Fluorobenzyl)-1*H*-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone (Other name: FUB-144);
- * (7) *N*-Ethylhexedrone (Other name: 2-(ethylamino)-1-phenylhexan-1-one);
- * (8) α -Pyrrolidinohexanophenone (Other names: α -PHP; α -pyrrolidinohexiophenone; 1-phenyl-2-(pyrrolidin-1-yl)hexan-1-one);
- * (9) 4-Methyl- α -ethylaminopentiophenone (Other names: 4-MEAP; 2-(ethylamino)-1-(4-methylphenyl)pentan-1-one);
- * (10) 4'-Methyl- α -pyrrolidinohexiophenone (Other names: MPHP; 4'-methyl- α -pyrrolidinohexanophenone; 1-(4-methylphenyl)-2-(pyrrolidin-1-yl)hexan-1-one);
- * (11) α -pyrrolidinoheptaphenone (Other names: PV8; 1-phenyl-2-(pyrrolidin-1-yl)heptan-1-one);
- * (12) 4'-Chloro- α -pyrrolidinovalerophenone (Other names: 4-chloro- α -PVP; 4'-chloro- α -pyrrolidinopentiophenone; 1-(4-chlorophenyl)-2-(pyrrolidin-1-yl)pentan-1-one);
- (13) *N,N*-diethyl-2-(2-(4 isopropoxybenzyl)-5-nitro-1*H*-benzimidazol-1-yl)ethan-1-amine (Other names: isotonitazene; *N,N*-diethyl-2-[[4-(1-methylethoxy)phenyl]methyl]-5-nitro-1*H*-benzimidazole-1-ethanamine);
- and,
- (14) 1-(1-(1-(4-bromophenyl)ethyl)piperidin-4-yl)-1,3-dihydro-2*H*-benzo[d]imidazol-2-one (Other names: bromphine; 1-[1-[1-(4-bromophenyl)ethyl]-4-piperidinyl]-1,3-dihydro-2*H*-benzimidazol-2-one).

-Schedule IV depressants

Except as provided by the Texas Controlled Substances Act, Health and Safety Code, Section 481.033, a material, compound, mixture, or preparation that contains any quantity of the following substances or any of the substance's salts, isomers, and salts of isomers if the existence of the salts, isomers, and salts of isomers is possible within the specific chemical designation having a potential for abuse associated with a depressant effect on the central nervous system:

- (1) Alfaxalone (5 α -pregnan-3 α -ol-11,20-dione);
- (2) Alprazolam;
- (3) Barbital;

- (4) Brexanolone (3 α -hydroxy-5 α -pregnan-20-one) (Other name: allopregnanolone);
- (5) Bromazepam;
- (6) Camazepam;
- (7) Chloral betaine;
- (8) Chloral hydrate;
- (9) Chlordiazepoxide;
- (10) Clobazam;
- (11) Clonazepam;
- (12) Clorazepate;
- (13) Clotiazepam;
- (14) Cloxazolam;
- (15) Delorazepam;
- (16) Diazepam;
- (17) Dichloralphenazone;
- (18) Estazolam;
- (19) Ethchlorvynol;
- (20) Ethinamate;
- (21) Ethyl loflazepate;
- (22) Fludiazepam;
- (23) Flunitrazepam;
- (24) Flurazepam;
- (25) Fospropofol;
- (26) Halazepam;
- (27) Haloxazolam;
- (28) Ketazolam;
- (29) Lemborexant;
- (30) Loprazolam;
- (31) Lorazepam;
- (32) Lormetazepam;
- (33) Mebutamate;
- (34) Medazepam;
- (35) Meprobamate;
- (36) Methohexital;
- (37) Methylphenobarbital (mephobarbital);
- (38) Midazolam;
- (39) Nimetazepam;
- (40) Nitrazepam;
- (41) Nordiazepam;
- (42) Oxazepam;
- (43) Oxazolam;
- (44) Paraldehyde;
- (45) Petrichloral;
- (46) Phenobarbital;

- (47) Pinazepam;
- (48) Prazepam;
- (49) Quazepam;
- *(50) Remimazolam;
- (51) Suvorexant;
- (52) Temazepam;
- (53) Tetrazepam;
- (54) Triazolam;
- (55) Zaleplon;
- (56) Zolpidem; and,
- (57) Zopiclone.

Changes are marked by an asterisk(*)

TRD-202200076
 Cynthia Hernandez
 General Counsel
 Department of State Health Services
 Filed: January 12, 2022



Texas Department of Housing and Community Affairs

Notice of Public Comment Period and Hearings on the HOME American Rescue Plan (HOME-ARP) Program Draft Plan

The Texas Department of Housing and Community Affairs (TDHCA) was allocated \$132,969,147 from the U.S. Department of Housing and Urban Development (HUD) under Section 3205 of the American Rescue Plan Act, which is called the HOME-ARP Program. HUD Community Planning and Development (CPD) Notice 21-10 requires TDHCA to develop a plan for HOME-ARP and hold at least one public hearing on the draft plan. This notice contains information on the draft HOME-ARP plan and two public hearings on the plan, pending TDHCA Board approval.

The Department held nine consultations in October 2021 on HOME-ARP. As a result of public input, TDHCA has drafted a plan that is anticipated to be presented to the TDHCA Board on January 13, 2022, for approval to then release the plan for public comment. The Board materials including the draft plan will be posted to the Department's website at <https://www.tdhca.state.tx.us/board/meetings.htm> no later than January 10, 2022.

Upon Board approval, the version of the plan approved by the Board will be published online at <https://www.tdhca.state.tx.us/public-comment.htm>.

The public comment period is anticipated to be held from Friday, January 14, 2022, to Monday, January 31, 2022. The dates and locations below are tentative, pending Board approval. Interested parties should check the Department's HOME-ARP website at <https://www.td->

[hca.state.tx.us/HARP.htm](https://www.tdhca.state.tx.us/HARP.htm) to confirm the dates and locations in this notice. The Department will hold two public hearings: one in-person and one virtual. The hearings are being held to receive oral comments on the TDHCA's HOME-ARP plan.

The virtual hearing will take place online on Friday, January 21, 2021, at 10:00 a.m. Austin Local Time. Registration information will be posted at <https://www.tdhca.state.tx.us/HARP.htm>, as well as confirmation of the dates and times of both the in-person and virtual hearings.

The in-person hearing tentatively will take place at the following time and location:

Thursday, January 27, 2022

Health and Human Services Winters Building

701 W 51st Street, Room 560W

Austin, Texas 78751

2:00 p.m.

Written comments may also be submitted by e-mail to Naomi Cantu, HOME-ARP Director, at naomi.cantu@tdhca.state.tx.us or by mail at Texas Department of Housing and Community Affairs, P.O. Box 13941, Austin, Texas 78711-3941. Comments must be received by 5:00 p.m. Austin Local Time on January 31, 2022. Questions or requests for additional information may be directed to Naomi Cantu by calling (737) 247-1088 or using the e-mail listed above.

Individuals who require a language interpreter, auxiliary aids or services for one of the hearings should contact Nancy Dennis, ADA Responsible Employee, (512) 475-3959 or nancy.dennis@tdhca.state.tx.us, or contact Relay Texas at (800) 735-2989 at least three days prior to the hearing date so that appropriate arrangements can be made.

Non-English speaking individuals who require interpreters for one of the hearings should contact Danielle Leath by phone at (512) 475-4606 or by email at danielle.leath@tdhca.state.tx.us at least three days before the meeting so that appropriate arrangements can be made.

Personas que hablan español y requieren un intérprete, favor de llamar a Danielle Leath al siguiente número (512) 475-4606 o por correo electrónico danielle.leath@tdhca.state.tx.us por lo menos tres días antes de la junta para hacer los preparativos apropiados.

TRD-202200062

Bobby Wilkinson
Executive Director

Texas Department of Housing and Community Affairs

Filed: January 12, 2022

◆ ◆ ◆

Texas Department of Insurance

Company Licensing

Application for Centene Venture Insurance Company Texas, a domestic Health Maintenance Organization (HMO), to add DBA (doing business as) Ascension Complete. The home office is in Austin, Texas.

Application for incorporation in the state of Texas for ABC Insurance Company, a domestic fire and/or casualty company. The home office is in Austin, Texas.

Application for North American Specialty Insurance Company, a foreign fire and/or casualty company, to change its name to Swiss Re Corporate Solutions America Insurance Corporation. The home office is in Kansas City, Missouri.

Application for Washington International Insurance Company, a foreign fire and/or casualty company, to change its name to Swiss Re Corporate Solutions Premier Insurance Corporation. The home office is in Kansas City, Missouri.

Application for North American Elite Insurance Company, a foreign fire and/or casualty company, to change its name to Swiss Re Corporate Solutions Elite Insurance Corporation. The home office is in Kansas City, Missouri.

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, 333 Guadalupe Street, MC 103-CL, Austin, Texas 78701.

TRD-202200065

Justin Beam
Chief Clerk
Texas Department of Insurance
Filed: January 12, 2022

◆ ◆ ◆

Texas Lottery Commission

Scratch Ticket Game Number 2382 "LUCKY"

1.0 Name and Style of Scratch Ticket Game.

A. The name of Scratch Ticket Game No. 2382 is "LUCKY". The play style is "row/column".

1.1 Price of Scratch Ticket Game.

A. The price for Scratch Ticket Game No. 2382 shall be \$5.00 per Scratch Ticket.

1.2 Definitions in Scratch Ticket Game No. 2382.

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

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

C. Play Symbol - The printed data under the latex on the front of the Scratch Ticket that is used to determine eligibility for a prize. Each Play Symbol is printed in Symbol font in black ink in positive except for dual-image games. The possible black Play Symbols are: 01, 03, 04, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, HORSESHOE SYMBOL, 2X SYMBOL, 5X SYMBOL, \$5.00, \$10.00, \$20.00, \$50.00, \$100, \$200, \$500, \$1,000 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. 2382 - 1.2D

| PLAY SYMBOL | CAPTION |
|-------------|---------|
| 01 | ONE |
| 03 | THR |
| 04 | FOR |
| 06 | SIX |
| 07 | SVN |
| 08 | EGT |
| 09 | NIN |
| 10 | TEN |
| 11 | ELV |
| 12 | TLV |
| 13 | TRN |
| 14 | FTN |
| 15 | FFN |
| 16 | SXN |
| 17 | SVT |
| 18 | ETN |
| 19 | NTN |
| 20 | TWY |
| 21 | TWON |
| 22 | TWTO |
| 23 | TWTH |
| 24 | TWFR |
| 25 | TWFV |
| 26 | TWSX |
| 27 | TWSV |
| 28 | TWET |
| 29 | TWNH |
| 30 | TRTY |
| 31 | TRON |
| 32 | TRTO |

| | |
|------------------|--------|
| 33 | TRTH |
| 34 | TRFR |
| 35 | TRFV |
| 36 | TRSX |
| 37 | TRSV |
| 38 | TRET |
| 39 | TRNI |
| 40 | FRTY |
| 41 | FRON |
| 42 | FRTO |
| 43 | FRTH |
| 44 | FRFR |
| 45 | FRFV |
| 46 | FRSX |
| 47 | FRSV |
| 48 | FRET |
| 49 | FRNI |
| 50 | FFTY |
| HORSESHOE SYMBOL | WIN\$ |
| 2X SYMBOL | DBL |
| 5X SYMBOL | WINX5 |
| \$5.00 | FIV\$ |
| \$10.00 | TEN\$ |
| \$20.00 | TWY\$ |
| \$50.00 | FFTY\$ |
| \$100 | ONHN |
| \$200 | TOHN |
| \$500 | FVHN |
| \$1,000 | ONTH |
| \$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 (2382), a seven (7) digit Pack number, and a three (3) digit Ticket number. Ticket numbers start with 001 and end with 075 within each Pack. The format will be: 2382-0000001-001.

H. Pack - A Pack of the "LUCKY" Scratch Ticket Game contains 075 Tickets, packed in plastic shrink-wrapping and fanfolded in pages of one (1). Ticket 001 will be shown on the front of the Pack; the back of Ticket 075 will be revealed on the back of the Pack. All Packs will be tightly shrink-wrapped. There will be no breaks between the Tickets in a Pack. Every other Pack will reverse; i.e., reverse order will be: the back of Ticket 001 will be shown on the front of the Pack and the front of Ticket 075 will be shown on the back of the 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" Scratch Ticket Game No. 2382.

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" Scratch Ticket Game is determined once the latex on the Scratch Ticket is scratched off to expose sixty (60) Play Symbols. If a player matches the YOUR NUMBER Play Symbol to the WINNING NUMBER Play Symbol in the same ROW across, the player wins the PRIZE for that ROW. If the player reveals a "HORSESHOE" Play Symbol, the player wins the PRIZE for that ROW instantly. If the player reveals a "2X" Play Symbol, the player wins DOUBLE the PRIZE for that ROW. If the player reveals a "5X" Play Symbol, the player wins 5 TIMES the PRIZE for that ROW. No portion of the Display Printing nor any extraneous matter whatsoever shall be usable or playable as a part of the Scratch Ticket.

2.1 Scratch Ticket Validation Requirements.

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

1. Exactly sixty (60) Play Symbols must appear under the Latex Overprint on the front portion of the Scratch Ticket;
2. Each of the Play Symbols must have a Play Symbol Caption underneath, unless specified, and each Play Symbol must agree with its Play Symbol Caption;
3. Each of the Play Symbols must be present in its entirety and be fully legible;
4. Each of the Play Symbols must be printed in black ink except for dual image games;
5. The Scratch Ticket shall be intact;
6. The Serial Number and Game-Pack-Ticket Number must be present in their entirety and be fully legible;

7. The Serial Number must correspond, using the Texas Lottery's codes, to the Play Symbols on the Scratch Ticket;

8. The Scratch Ticket must not have a hole punched through it, be mutilated, altered, unreadable, reconstituted or tampered with in any manner;

9. The Scratch Ticket must not be counterfeit in whole or in part;

10. The Scratch Ticket must have been issued by the Texas Lottery in an authorized manner;

11. The Scratch Ticket must not have been stolen, nor appear on any list of omitted Scratch Tickets or non-activated Scratch Tickets on file at the Texas Lottery;

12. The Play Symbols, Serial Number and Game-Pack-Ticket Number must be right side up and not reversed in any manner;

13. The Scratch Ticket must be complete and not miscut, and have exactly sixty (60) Play Symbols under the Latex Overprint on the front portion of the Scratch Ticket, exactly one Serial Number and exactly one Game-Pack-Ticket Number on the Scratch Ticket;

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

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

16. Each of the sixty (60) Play Symbols must be exactly one of those described in Section 1.2.C of these Game Procedures;

17. Each of the sixty (60) 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 twenty (20) times.
- D. On winning and Non-Winning Tickets, the top cash prizes of \$1,000 and \$100,000 will each appear at least once, except on Tickets winning twenty (20) times.
- E. On all Tickets, a Prize Symbol will not appear more than three (3) times, except as required by the prize structure to create multiple wins.
- F. Non-winning Prize Symbols will not match a winning Prize Symbol on a Ticket.
- G. No matching YOUR NUMBER Play Symbols will appear on a Ticket.
- H. No matching WINNING NUMBER Play Symbols will appear on a Ticket.
- I. On all Tickets, a WINNING NUMBER Play Symbol will not match a YOUR NUMBER Play Symbol from a different ROW.
- J. YOUR NUMBER Play Symbols will never equal the corresponding Prize Symbol (i.e., 10 and \$10, 20 and \$20 and 50 and \$50).
- K. The "HORSESHOE" (WIN\$) Play Symbol will never appear as a WINNING NUMBER Play Symbol.
- L. The "HORSESHOE (WINS) Play Symbol will never appear on a Non-Winning Ticket.
- M. The "HORSESHOE" (WIN\$) Play Symbol will win the prize for that ROW.
- N. The "HORSESHOE" (WIN\$) Play Symbol will never appear more than once on a Ticket.
- O. The "2X" (DBL) Play Symbol will never appear as a WINNING NUMBER Play Symbol.
- P. The "2X" (DBL) Play Symbol will never appear on a Non-Winning Ticket.
- Q. The "2X" (DBL) Play Symbol will win DOUBLE the PRIZE for that ROW as indicated by the prize structure.
- R. The "2X" (DBL) Play Symbol will never appear more than two (2) times on a Ticket.
- S. The "5X" (WINX5) Play Symbol will never appear as a WINNING NUMBER Play Symbol.
- T. The "5X" (WINX5) Play Symbol will never appear on a Non-Winning Ticket.
- U. The "5X" (WINX5) Play Symbol will win 5 TIMES the PRIZE for that ROW as indicated by the prize structure.
- V. The "5X" (WINX5) Play Symbol will never appear more than four (4) times on a Ticket.
- W. The "2X" (DBL) and "5X" (WINX5) Play Symbols can appear on the same winning Ticket as indicated by the prize structure.
- X. The "HORSESHOE" (WIN\$) Play Symbol will never appear on the same Ticket as the "2X" (DBL) or "5X" (WINX5) Play Symbols.

2.3 Procedure for Claiming Prizes.

A. To claim a "LUCKY" Scratch Ticket Game prize of \$5.00, \$10.00, \$20.00, \$50.00, \$100, \$200 or \$500, a claimant shall sign the back of the Scratch Ticket in the space designated on the Scratch Ticket and may present the winning Scratch Ticket to any Texas Lottery Retailer. The Texas Lottery Retailer shall verify the claim and, if valid, and upon presentation of proper identification, if appropriate, make payment of the amount due the claimant and physically void the Scratch Ticket;

provided that the Texas Lottery Retailer may, but is not required, to pay a \$50.00, \$100, \$200 or \$500 Scratch Ticket Game. In the event the Texas Lottery Retailer cannot verify the claim, the Texas Lottery Retailer shall provide the claimant with a claim form and instruct the claimant on how to file a claim with the Texas Lottery. If the claim is validated by the Texas Lottery, a check shall be forwarded to the claimant in the amount due. In the event the claim is not validated, the claim shall be denied and the claimant shall be notified promptly. A claimant may also claim any of the above prizes under the procedure described in Section 2.3.B and Section 2.3.C of these Game Procedures.

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

C. As an alternative method of claiming a "LUCKY" 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" 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" Scratch Ticket Game, the Texas Lottery shall deposit the amount of the prize in a custodial bank account, with an adult member of the minor's family or the minor's guardian serving as custodian for the minor.

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

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

3.0 Scratch Ticket Ownership.

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

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

4.0 Number and Value of Scratch Prizes. There will be approximately 7,200,000 Scratch Tickets in Scratch Ticket Game No. 2382. The approximate number and value of prizes in the game are as follows:

Figure 2: GAME NO. 2382 - 4.0

| Prize Amount | Approximate Number of Winners* | Approximate Odds are 1 in ** |
|--------------|--------------------------------|------------------------------|
| \$5.00 | 768,000 | 9.38 |
| \$10.00 | 576,000 | 12.50 |
| \$20.00 | 288,000 | 25.00 |
| \$50.00 | 112,000 | 64.29 |
| \$100 | 19,500 | 369.23 |
| \$200 | 2,300 | 3,130.43 |
| \$500 | 1,160 | 6,206.90 |
| \$1,000 | 60 | 120,000.00 |
| \$100,000 | 5 | 1,440,000.00 |

*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 4.07. 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. 2382 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. 2382, 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-202200039
Bob Biard
General Counsel
Texas Lottery Commission
Filed: January 10, 2022

◆ ◆ ◆
North Central Texas Council of Governments

Notice of Contract Award for Digital Asset Management Service

Pursuant to the provisions of Government Code, Chapter 2254, the North Central Texas Council of Governments publishes this notice of contract award. The request appeared in the July 16, 2021, issue of the *Texas Register* (46 TexReg 4400). The selected entity will perform technical and professional work for a Digital Asset Management Service.

The entity selected for this project is MediaValet, Inc., 990 Homer Street, 5th Floor, Vancouver, BC, V6B 2W7 Canada. The amount of the contract is not to exceed \$113,604 over a three-year period.

Issued in Arlington, Texas on January 10, 2022.

TRD-202200042
R. Michael Eastland
Executive Director
North Central Texas Council of Governments
Filed: January 10, 2022

Notice of Contract Award for Limited Access Facilities Traffic Counts and Travel Survey Data Collection

Pursuant to the provisions of Government Code, Chapter 2254, the North Central Texas Council of Governments publishes this notice of contract award. The request appeared in the February 19, 2021, issue of the *Texas Register* (46 TexReg 1302). The selected entity will perform technical and professional work for the Limited Access Facilities Traffic Counts and Travel Survey Data Collection Project.

The entity selected for this project is Gram Traffic North Texas, Inc., 1120 W. Lovers Lane, Arlington, TX 76013. The amount of the contract is not to exceed \$400,000.

Issued in Arlington, Texas on January 10, 2022.

TRD-202200041
R. Michael Eastland
Executive Director
North Central Texas Council of Governments
Filed: January 10, 2022

◆ ◆ ◆
Notice of Contract Award for Public Engagement Software

Pursuant to the provisions of Government Code, Chapter 2254, the North Central Texas Council of Governments publishes this notice of contract award. The request appeared in the April 9, 2021, issue of the *Texas Register* (46 TexReg 2506). The selected entity will perform technical and professional work for a Digital Asset Management Service.

The entity selected for this project is Cityzen Solutions, Inc., dba PublicInput.com 16 W. Martin Street, Raleigh, NC 27601. The amount of the contract is not to exceed \$405,000 over a five-year term.

Issued in Arlington, Texas on January 10, 2022.

TRD-202200043
R. Michael Eastland
Executive Director
North Central Texas Council of Governments
Filed: January 10, 2022

How to Use the Texas Register

Information Available: The sections of the *Texas Register* represent various facets of state government. Documents contained within them include:

Governor - Appointments, executive orders, and proclamations.

Attorney General - summaries of requests for opinions, opinions, and open records decisions.

Texas Ethics Commission - summaries of requests for opinions and opinions.

Emergency Rules - sections adopted by state agencies on an emergency basis.

Proposed Rules - sections proposed for adoption.

Withdrawn Rules - sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the Texas Register six months after the proposal publication date.

Adopted Rules - sections adopted following public comment period.

Texas Department of Insurance Exempt Filings - notices of actions taken by the Texas Department of Insurance pursuant to Chapter 5, Subchapter L of the Insurance Code.

Review of Agency Rules - notices of state agency rules review.

Tables and Graphics - graphic material from the proposed, emergency and adopted sections.

Transferred Rules - notice that the Legislature has transferred rules within the *Texas Administrative Code* from one state agency to another, or directed the Secretary of State to remove the rules of an abolished agency.

In Addition - miscellaneous information required to be published by statute or provided as a public service.

Specific explanation on the contents of each section can be found on the beginning page of the section. The division also publishes cumulative quarterly and annual indexes to aid in researching material published.

How to Cite: Material published in the *Texas Register* is referenced by citing the volume in which the document appears, the words “TexReg” and the beginning page number on which that document was published. For example, a document published on page 2402 of Volume 47 (2022) is cited as follows: 47 TexReg 2402.

In order that readers may cite material more easily, page numbers are now written as citations. Example: on page 2 in the lower-left hand corner of the page, would be written “47 TexReg 2 issue date,” while on the opposite page, page 3, in the lower right-hand corner, would be written “issue date 47 TexReg 3.”

How to Research: The public is invited to research rules and information of interest between 8 a.m. and 5 p.m. weekdays at the *Texas Register* office, James Earl Rudder Building, 1019 Brazos, Austin. Material can be found using *Texas Register* indexes, the *Texas Administrative Code* section numbers, or TRD number.

Both the *Texas Register* and the *Texas Administrative Code* are available online at: <http://www.sos.state.tx.us>. The *Texas Register* is available in an .html version as well as a .pdf version through the internet. For website information, call the Texas Register at (512) 463-5561.

Texas Administrative Code

The *Texas Administrative Code (TAC)* is the compilation of all final state agency rules published in the *Texas Register*. Following its effective date, a rule is entered into the *Texas Administrative Code*. Emergency rules, which may be adopted by an agency on an interim basis, are not codified within the *TAC*.

The *TAC* volumes are arranged into Titles and Parts (using Arabic numerals). The Titles are broad subject categories into which the agencies are grouped as a matter of convenience. Each Part represents an individual state agency.

The complete *TAC* is available through the Secretary of State’s website at <http://www.sos.state.tx.us/tac>.

The Titles of the *TAC*, and their respective Title numbers are:

1. Administration
4. Agriculture
7. Banking and Securities
10. Community Development
13. Cultural Resources
16. Economic Regulation
19. Education
22. Examining Boards
25. Health Services
26. Health and Human Services
28. Insurance
30. Environmental Quality
31. Natural Resources and Conservation
34. Public Finance
37. Public Safety and Corrections
40. Social Services and Assistance
43. Transportation

How to Cite: Under the *TAC* scheme, each section is designated by a *TAC* number. For example in the citation 1 TAC §27.15: 1 indicates the title under which the agency appears in the *Texas Administrative Code*; *TAC* stands for the *Texas Administrative Code*; §27.15 is the section number of the rule (27 indicates that the section is under Chapter 27 of Title 1; 15 represents the individual section within the chapter).

How to Update: To find out if a rule has changed since the publication of the current supplement to the *Texas Administrative Code*, please look at the *Index of Rules*.

The *Index of Rules* is published cumulatively in the blue-cover quarterly indexes to the *Texas Register*.

If a rule has changed during the time period covered by the table, the rule’s *TAC* number will be printed with the *Texas Register* page number and a notation indicating the type of filing (emergency, proposed, withdrawn, or adopted) as shown in the following example.

TITLE 1. ADMINISTRATION Part 4. Office of the Secretary of State Chapter 91. Texas Register

1 TAC §91.1.....950 (P)

SALES AND CUSTOMER SUPPORT

Sales - To purchase subscriptions or back issues, you may contact LexisNexis Sales at 1-800-223-1940 from 7 a.m. to 7 p.m., Central Time, Monday through Friday. Subscription cost is \$502 annually for first-class mail delivery and \$340 annually for second-class mail delivery.

Customer Support - For questions concerning your subscription or account information, you may contact LexisNexis Matthew Bender Customer Support from 7 a.m. to 7 p.m., Central Time, Monday through Friday.

Phone: (800) 833-9844

Fax: (518) 487-3584

E-mail: customer.support@lexisnexis.com

Website: www.lexisnexis.com/printedsc



LexisNexis