

IN ADDITION

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

Office of the Attorney General

Request for Applications (RFA) for the Support Adoption Grant Program

The Office of the Attorney General (OAG) is soliciting applications for projects that support the Support Adoption Grant Program. The purpose of the OAG Support Adoption Grant Program is to provide funds, using a competitive allocation method, as described in Chapter 402 of the Government Code.

Applicable Funding Source for Support Adoption Grant Program:

The Support Adoption Grant Program receives funding from a separate trust fund established by the Comptroller of Public Accounts outside the general revenue fund that the OAG is authorized to administer to make grants to an eligible organization. The Support Adoption account is authorized by Chapter 504.662 of the Transportation Code, and Chapter 402.036 of the Government Code, and is funded by fees collected for the purchase of a Support Adoption License Plate, as well as gifts, grants, donations and legislative appropriations. All funding is contingent upon an appropriation to the OAG by the Texas Legislature. The OAG makes no commitment that an Application, once submitted, or a grant, once funded, will receive subsequent funding.

Eligibility Requirements:

An Applicant Organization must be a Non-Profit, as well as either an 1) adoption agency, 2) as defined by Family Code Section 162.402; an authorized agency, as defined by Family Code Section 162.402; or 3) be an eligible organization, as defined by Government Code Section 402.036(g)(1), to apply for the Support Adoption Grant Program. Non-profit Applicants with 26 U.S.C. § 501(c)(3) status must be in good standing with the Comptroller of Public Accounts and "in existence" with the Secretary of State.

- An adoption agency is a person, other than a natural parent or guardian of a child, who plans for the placement of or places a child in the home of a prospective adoptive parent. See Texas Family Code section 162.402(4).

- An authorized agency is a public agency authorized to care for or to place children for adoption or a private entity approved for that purpose by the Department of Family and Protective Services (DFPS) through a license, certification, or other means. The term includes a licensed child-placing agency or a previously licensed child-placing agency that has ceased operations and has transferred its adoption records to the vital statistics unit or an agency authorized by the DFPS to place children for adoption and a licensed child-placing agency that has been acquired by, merged with, or otherwise succeeded by an agency authorized by the DFPS to place children for adoption. See Texas Family Code section 162.402(7).

- Other eligible organizations must meet all of the following requirements:

-- An organization that provides services in this state and is exempt from federal income taxation under Section 501(a), Internal Revenue Code of 1986, by being listed as an exempt charitable organization under Section 501(c)(3) of that code;

-- Provides counseling and material assistance to pregnant women who are considering placing their children for adoption or to prospective adoptive parents;

-- Does not charge for services provided, except for adoption-related costs or fees;

-- Does not provide abortions or abortion-related services, or make referrals to abortion providers;

-- Is not affiliated with an organization that provides abortions or abortion-related services or makes referrals to abortion providers; and

-- Does not contract with an organization that provides abortions or abortion-related services or makes referrals to abortion providers.

Eligibility: The OAG will initially screen each application for eligibility. Applications will be deemed ineligible if the application is submitted by an ineligible applicant; the application is not filed in the manner and form required by the Application Kit; the application is filed after the deadline established in the Application Kit; or the application does not meet other requirements as stated in the RFA and the Application Kit.

How to Obtain Application Kit: The OAG will post the Application Kit on the OAG's website at <https://www.texasattorneygeneral.gov/divisions/grants>. Updates and other helpful reminders about the application process will also be posted at this location. Potential Applicants are encouraged to refer to the site regularly.

Deadlines and Filing Instructions for the Grant Application:

In order to apply, the Applicant must email the following point of contact information to Grants@oag.texas.gov:

- First Name

- Last Name

- Email Address

- Organization Legal Name

The point of contact will receive a response from the Grants@oag.texas.gov email address. If the Organization Legal Name provided is a Non-Profit with 26 U.S.C. § 501(c)(3) status, in good standing with the Comptroller of Public Accounts, and "in existence" with the Secretary of State, the point of contact will receive the FY 2024-2025 Support Adoption Excel Grant Application to complete and submit to Grants@oag.texas.gov by the deadline. If a request is received from an individual (not representing an organization) or an agency which is not a Non-Profit, the requester will receive notice that they did not meet the criteria to receive a grant application.

Application Deadline: The Applicant must submit its application, including all required attachments, to the OAG by the deadline established in the Application Kit.

Filing Instructions: Strict compliance with the submission instructions, as provided in the Application Kit, is required. The OAG will **not** consider an Application if it is not submitted by the due date. The OAG will **not** consider an Application if it is not in the manner and form as stated in the Application Kit.

Minimum and Maximum Amounts of Funding Available: Minimum and maximum amounts of funding are subject to change as stated in the Application Kit. The minimum grant request the OAG will consider is \$2,500. As of the date this Application Kit is published, the amount available in the Support Adoption account to award is approximately \$30,000. Applications requesting an amount below the minimum will not be considered.

Start Date and Length of Grant Contract Period: The term of this grant contract is up to two years from November 1, 2023 through August 31, 2025, subject to and contingent on funding and approval by the OAG.

No Match or Volunteer Requirements: There are no match or volunteer requirements.

Award Criteria: The OAG will make funding decisions that support the efficient and effective use of public funds. Scoring and review components will include, but are not limited to, information provided by the applicant on the proposed project activities and budget. Funding decisions will use a competitive allocation method. All grant decisions including, but not limited to, eligibility, evaluation and review, and funding rest completely within the discretionary authority of the OAG. The decisions made by the OAG are final and are not subject to appeal.

Grant Purpose Area: All grant projects must address one or more of the purpose areas as stated in the Application Kit.

Funding for Applications may be prioritized for pre-adoption counseling, post-adoption counseling and advertising relating to adoption. Applicants are encouraged to prioritize their needs and explain the reason for their funding request.

Prohibitions on Use of Support Adoption Grant Program Funds: OAG grant funds may not be used to support activities related to providing abortions or abortion-related services, or making referrals to abortion providers. OAG grant funds may not be used to support or pay the costs of equipment, overtime, out-of-state travel, dues, or lobbying; any portion of the salary or any other compensation for an elected government official; the purchase or lease of vehicles; the purchase of promotional items or recreational activities; costs of travel that are unrelated to the direct delivery of services that support the OAG grant-funded program; the costs for consultants or vendors who participate directly in writing a grant application; or for any unallowable costs set forth in applicable state or federal law, rules, regulations, guidelines, policies, procedures or cost principles. Grant funds may not be used to purchase any other products or services the OAG identifies as inappropriate or unallowable within this RFA or the Application Kit.

OAG Contact Person: If additional information is needed, contact the Grants Administration Division at Grants@oag.texas.gov or (512) 936-0792.

TRD-202302607
Austin Kinghorn
General Counsel
Office of the Attorney General
Filed: July 20, 2023

Office of Consumer Credit Commissioner

Notice of Rate Ceilings

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

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 07/31/23 - 08/06/23 is 18% for consumer¹ credit.

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 07/31/23 - 08/06/23 is 18% for commercial² credit.

¹ Credit for personal, family, or household use.

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

TRD-202302661
Leslie L. Pettijohn
Commissioner
Office of Consumer Credit Commissioner
Filed: July 26, 2023

Texas Commission on Environmental Quality

Agreed Orders

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

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

(1) COMPANY: City of Ballinger; DOCKET NUMBER: 2023-0547-PWS-E; IDENTIFIER: RN101409928; LOCATION: Ballinger, Runnels County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.115(f)(1) and Texas Health and Safety Code, §341.0315(c), by failing to comply with the maximum contaminant level of 0.080 milligrams per liter for total trihalomethanes, based on the locational running annual average; PENALTY: \$3,475; ENFORCEMENT COORDINATOR: Miles Caston, (512) 239-4593; REGIONAL OFFICE: 1977 Industrial Boulevard, Abilene, Texas 79602-7833, (325) 698-9674.

(2) COMPANY: DEER PARK REFINING LIMITED PARTNERSHIP; DOCKET NUMBER: 2023-0340-AIR-E; IDENTIFIER:

RN111372785; LOCATION: Deer Park, Harris County; TYPE OF FACILITY: petroleum refinery; RULES VIOLATED: 30 TAC §§101.20(3), 116.115(c), 116.715(a), and 122.143(4), Flexible Permit Numbers 21262 and PSDTX928M1, Special Conditions Number 1, Federal Operating Permit Number O1669, General Terms and Conditions and Special Terms and Conditions Number 24, and Texas Health and Safety Code, §382.085(b), by failing to prevent unauthorized emissions; PENALTY: \$13,375; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET AMOUNT: \$13,375; ENFORCEMENT COORDINATOR: Desmond Martin, (512) 239-2814; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(3) COMPANY: Eastman Chemical Texas City, Incorporated; DOCKET NUMBER: 2023-0598-AIR-E; IDENTIFIER: RN100212620; LOCATION: Texas City, Galveston County; TYPE OF FACILITY: chemical manufacturing plant; RULES VIOLATED: 30 TAC §§101.20(2), 113.130, 116.115(c), and 122.143(4), 40 Code of Federal Regulations (CFR) §63.182(d)(1), New Source Review Permit Number 5260B, Special Conditions Number 5, Federal Operating Permit Number O1400, General Terms and Conditions and Special Terms and Conditions Numbers 1.A and 16, and Texas Health and Safety Code, §382.085(b), by failing to submit the 40 CFR Part 63 Subpart H semiannual periodic report; PENALTY: \$7,800; ENFORCEMENT COORDINATOR: Johnnie Wu, (512) 239-2524; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(4) COMPANY: ExxonMobil Oil Corporation; DOCKET NUMBER: 2023-0194-AIR-E; IDENTIFIER: RN102450756; LOCATION: Beaumont, Jefferson County; TYPE OF FACILITY: oil refinery; RULES VIOLATED: 30 TAC §§101.20(3), 116.715(a), and 122.143(4), New Source Review Permit Numbers 49138, GHGPSDTX161M1, PSDTX1506M1, PSDTX768M2, PSDTX799M1, PSDTX802M1, PSDTX932M1, and PSDTX992M2, Special Conditions Number 1, Federal Operating Permit Number O2000, General Terms and Conditions and Special Terms and Conditions Number 18, and Texas Health and Safety Code, §382.085(b), by failing to prevent unauthorized emissions; PENALTY: \$25,000; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET AMOUNT: \$12,500; ENFORCEMENT COORDINATOR: Johnnie Wu, (512) 239-2524; REGIONAL OFFICE: 3870 Eastex Freeway, Beaumont, Texas 77703-1830, (409) 898-3838.

(5) COMPANY: Ferguson Food Mart LLC dba EZ Stop 3; DOCKET NUMBER: 2022-0965-PST-E; IDENTIFIER: RN110581154; LOCATION: Dallas, Dallas County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULES VIOLATED: 30 TAC §334.8(c)(4)(A)(vii) and (5)(B)(ii), by failing to renew a previously issued underground storage tank (UST) delivery certificate by submitting a properly completed UST registration and self-certification form at least 30 days before the expiration date; 30 TAC §334.8(c)(5)(A)(i) and TWC, §26.3467(a), by failing to make available to a common carrier a valid, current TCEQ delivery certificate before accepting delivery of a regulated substance into the USTs; and 30 TAC §344.50(b)(1)(B) and TWC, §26.3475(c)(1), by failing to monitor the UST installed on or after January 1, 2009, in a manner which will detect a release at a frequency of at least once every 30 days by using interstitial monitoring; PENALTY: \$32,713; ENFORCEMENT COORDINATOR: Karolyn Kent, (512) 239-2536; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(6) COMPANY: RIVER CITY READY MIX, INCORPORATED; DOCKET NUMBER: 2022-0212-AIR-E; IDENTIFIER: RN100844026; LOCATION: San Antonio, Bexar County; TYPE OF FACILITY: concrete batch plant; RULES VIOLATED: 30 TAC

§116.110(a) and Texas Health and Safety Code, §382.0518(a) and §382.085(b), by failing to obtain authorization prior to constructing or modifying a source of air contaminants; PENALTY: \$7,500; ENFORCEMENT COORDINATOR: Heather Lancour, (806) 468-0507; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, (210) 492-3096.

(7) COMPANY: Texas Carriers, LLC; DOCKET NUMBER: 2022-0652-AIR-E; IDENTIFIER: RN111022695; LOCATION: Laredo, Webb County; TYPE OF FACILITY: trucking company; RULES VIOLATED: 30 TAC §101.4 and Texas Health and Safety Code, §382.085(a) and (b), by failing to prevent nuisance dust conditions; PENALTY: \$5,625; ENFORCEMENT COORDINATOR: Desmond Martin, (512) 239-2814; REGIONAL OFFICE: 707 East Calton Road, Suite 304, Laredo, Texas 78041-3887, (956) 791-6611.

(8) COMPANY: UNION WATER SUPPLY CORPORATION; DOCKET NUMBER: 2022-0155-MWD-E; IDENTIFIER: RN102915501; LOCATION: Garciasville, Starr County; TYPE OF FACILITY: wastewater treatment plant; RULES VIOLATED: 30 TAC §305.125(1) and (17) and §319.7(d) and Texas Pollutant Discharge Elimination System Permit Number WQ0015867001, Monitoring and Reporting Requirements Number 1, by failing to timely submit monitoring results at the intervals specified in the permit; PENALTY: \$930; ENFORCEMENT COORDINATOR: Taylor Williamson, (512) 239-2097; REGIONAL OFFICE: 1804 West Jefferson Avenue, Harlingen, Texas 78550-5247, (956) 425-6010.

(9) COMPANY: Utilities Investment Company, Incorporated; DOCKET NUMBER: 2022-0173-PWS-E; IDENTIFIER: RN101260669; LOCATION: Trinity, Walker County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.39(j)(1)(A) and Texas Health and Safety Code (THSC), §341.0351, by failing to notify the Executive Director and receive approval prior to making any significant change or addition where the change in the existing distribution system results in an increase or decrease in production, treatment, storage, or pressure maintenance capacity; 30 TAC §290.42(l), by failing to compile and maintain a thorough and up-to-date plant operations manual for operator review and reference; 30 TAC §290.45(b)(1)(A)(i) and THSC, §341.0315(c), by failing to provide a well capacity of 1.5 gallons per minute per connection; and 30 TAC §290.46(m), by failing to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment; PENALTY: \$6,650; ENFORCEMENT COORDINATOR: Epifanio Villarreal, (361) 881-6991; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(10) COMPANY: Zapata County; DOCKET NUMBER: 2021-1578-PWS-E; IDENTIFIER: RN101218949; LOCATION: San Ygnacio, Zapata County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.39(l)(5), by failing to meet the conditions for an issued exception; 30 TAC §290.42(e)(7)(A)(ii), by failing to ensure when chlorine and ammonia are added to distribution water that has a chloramine residual, that the ammonia is added first; 30 TAC §290.45(b)(2)(H) and Texas Health and Safety Code (THSC), §341.0315(c), by failing to maintain logs of all emergency power use and maintenance and keep on file for a period of not less than three years and make the logs available, upon request, for executive director (ED) review; 30 TAC §290.46(d)(2)(B) and §290.110(b)(4) and THSC, §341.0315(c), by failing to maintain a disinfectant residual of at least 0.5 milligrams per liter of chloramine throughout the distribution system at all times; 30 TAC §290.46(f)(2) and (3)(A)(ii)(I), by failing to maintain water works operation and maintenance records and make them readily available for review by the ED upon request; 30 TAC §290.46(m), by failing to initiate maintenance and housekeeping

practices to ensure the good working condition and general appearance of the system's facilities and equipment; 30 TAC §290.46(s)(2)(B)(iii) and (iv), by failing to check the calibration of the facility's five on-line turbidimeters with primary standards at least once every 90 days, and check the calibration with a primary standard, a secondary standard, or the manufacturer's proprietary calibration confirmation device or by comparing the results from the on-line unit with the results from a properly calibrated benchtop unit at least once every week; 30 TAC §290.46(s)(2)(C)(ii), by failing to verify the accuracy of the facility's continuous disinfectant analyzer at least once every seven days with a chlorine solution of known concentration or by comparing the results from the on-line analyzer with the results of an approved benchtop method; 30 TAC §290.46(s)(2)(D), by failing to verify the accuracy of the analyzer used to determine the effectiveness of chloramination in accordance with the manufacturer's recommendations every 90 days; 30 TAC §290.110(c)(1)(B)(i), by failing to take three grab samples a day to monitor the disinfectant residual of the water at each entry point; 30 TAC §290.110(c)(4)(E), by failing to monitor the total chlorine residual downstream of any chlorine and ammonia injection points in the distribution system weekly and whenever the chemical dose is changed; 30 TAC §290.110(c)(5)(C), by failing to collect and analyze weekly samples to ensure that chemical addition is effective and the proper chlorine to ammonia ratio is achieved or whenever the chemical dosage is changed; 30 TAC §290.111(e)(3)(B), by failing to properly monitor the turbidity level of the combined filter effluent at least every four hours that the system serves water to the public; 30 TAC §290.111(e)(5)(C)(iii), by failing to ensure that if the continuous turbidity monitoring equipment malfunctions, the system conducts grab sampling every four hours in lieu of continuous monitoring, but for no more than 14 working days following the failure of the equipment; and 30 TAC §290.111(h), by failing to properly complete the Surface Water Monthly Operating Reports submitted to the commission; PENALTY: \$9,010; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET AMOUNT: \$7,208; ENFORCEMENT COORDINATOR: Samantha Salas, (512) 239-1543; REGIONAL OFFICE: 707 East Calton Road, Suite 304, Laredo, Texas 78041-3887, (956) 791-6611.

TRD-202302629

Gitanjali Yadav

Deputy Director, Litigation

Texas Commission on Environmental Quality

Filed: July 25, 2023



Correction of Error

The Texas Commission on Environmental Quality (TCEQ) published proposed amendments to 30 TAC §290.47 in the July 14, 2023, issue of the *Texas Register* (48 TexReg 3835). Due to an error by TCEQ, the text for subsection (a) was published incorrectly. The new language listed for paragraphs (1) and (2) of subsection (a) was included in error. The correct text for subsection (a) is as follows:

(a) Appendix A. Recognition as a Superior or Approved Public Water System.

Figure: 30 TAC §290.47(a) (No change.)

TRD-202302615

Charmaine Backens

Deputy Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: July 21, 2023



Correction of Error and Announcement of Additional Public Hearing for Proposed Revisions to 30 TAC Chapter 50

In the July 14, 2023 issue of the *Texas Register* (48 TexReg 3937), the Texas Commission on Environmental Quality (TCEQ or commission) published notice of public hearing on the proposed revisions to 30 Texas Administrative Code Chapter 50 (Project No. 2023-130-050-LS). The commission incorrectly stated that we will hold a public hearing on Monday, August 1, 2023. The correct date is Tuesday, August 1, 2023.

Due to this error, the commission will hold the hearing on Tuesday, August 1, 2023 and an additional hybrid virtual and in-person public hearing on this proposal in Austin on Tuesday, August 15, 2023, at 10:00 a.m. in Building E, Room 201S at the commission's central office located at 12100 Park 35 Circle. The hearing is structured for the receipt of oral or written comments by interested persons. Individuals may present oral statements when called upon in order of registration. Open discussion will not be permitted during the hearing; however, commission staff members will be available to discuss the proposal 30 minutes prior to the hearing.

Individuals who plan to attend the hearing virtually and want to provide oral comments and/or want their attendance on record must register by Friday, August 11, 2023. To register for the hearing, please email Rules@tceq.texas.gov and provide the following information: your name, your affiliation, your email address, your phone number, and whether or not you plan to provide oral comments during the hearing. Instructions for participating in the hearing will be sent on Monday, August 14, 2023, to those who register for the hearing.

Members of the public who do not wish to provide oral comments but would like to view the hearing may do so at no cost at:

https://teams.microsoft.com/l/meetup-join/19%3ameeting_MTRi-ODdkZGMtOTM2OS00ZDJiLTkzODQtNjk0NmJkYTI3M2Ex%40thread.v2/0?context=%7b%22Tid%22%3a%22871a83a4-a1ce-4b7a-8156-3bcd93a08fba%22%2c%22Oid%22%3a%22e74a40ea-69d4-469d-a8ef-06f2c9ac2a80%22%2c%22IsBroadcastMeeting%22%3atru%7d

If you need translation services, please contact TCEQ at 800-687-4040. Si desea información general en español, puede llamar al 800-687-4040.

The comment period will be extended until Tuesday, August 15, 2023. Written comments may be submitted to Gwen Ricco, MC 205, Office of Legal Services, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087, or faxed to fax4808@tceq.texas.gov. Electronic comments may be submitted at: <https://tceq.commentinput.com/>. File size restrictions may apply to comments being submitted via the TCEQ Public Comment system. All comments should reference Rule Project Number 2023-130-050-LS. For further information, please contact Amy Browning, Environmental Law Division, (512) 239-0891.

TRD-202302617

Charmaine Backens

Deputy Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: July 24, 2023



Notice of an Application to Amend a Certificate of Adjudication Application No. 12-2948B and Application No. 12-2949B

Notices Issued July 25, 2023

Chester E. Dickson and Linda Diane Dickson (Owners/ Applicants), 2699 Sparta Road, Belton, Texas 76513, seek an amendment to Certificate of Adjudication No. 12-2948 to increase the maximum combined diversion rate from 2.23 cfs (1,000 gpm) to 6.69 cfs (3,000 gpm), and to add a place of use for agricultural purposes in Bell County. More information on the application and how to participate in the permitting process is given below.

The application and fees were received on November 8, 2019. Additional information was received on March 13 and 16, 2020. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on April 27, 2020.

The Executive Director has completed the technical review of the application and prepared a draft permit. The draft permit, if granted, would include special conditions including, but not limited to, stream-flow restrictions. The application, technical memoranda, and Executive Director's draft permit are available for viewing on the TCEQ web page at: https://www.tceq.texas.gov/permitting/water_rights/wr-permitting/view-wr-pend-apps.

Alternatively, you may request a copy of the documents by contacting the TCEQ Office of the Chief Clerk by phone at (512) 239-3300 or by mail at TCEQ OCC, Notice Team (MC-105), P.O. Box 13087, Austin, Texas 78711.

Written public comments and requests for a public meeting should be submitted to the Office of the Chief Clerk, at the address provided in the information section below, within 30 days of the date of newspaper publication of the notice. A public meeting is intended for the taking of public comment and is not a contested case hearing. A public meeting will be held if the Executive Director determines that there is a significant degree of public interest in the application.

The TCEQ may grant a contested case hearing on this application if a written hearing request is filed within 30 days from the date of newspaper publication of this notice. The Executive Director may approve the application unless a written request for a contested case hearing is filed within 30 days after newspaper publication of this 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) applicant's name and permit number; (3) the statement "[I/we] request a contested case hearing;" (4) a brief and specific description of how you would be affected by the application in a way not common to the general public; and (5) the location and distance of your property relative to the proposed activity. You may also submit proposed conditions to the requested permit which would satisfy your concerns. 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.

If a hearing request is filed, the Executive Director will not issue the permit and will forward the application and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

Written hearing requests, public comments, or requests for a public meeting should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087 or electronically at <https://www14.tceq.texas.gov/epic/eComment/> by entering ADJ 2948 in the search field. 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 Public Education Program at (800) 687-4040. General information regarding the TCEQ can be found at our web site

at www.tceq.texas.gov. Si desea información en español, puede llamar al (800) 687-4040 o por el internet al <http://www.tceq.texas.gov>.

APPLICATION NO. 12-2949B

Chester E. Dickson and Linda Diane Dickson (Owners/Applicants), 2699 Sparta Road, Belton, Texas 76513, seek an amendment to Certificate of Adjudication No. 12-2949 to increase the maximum combined diversion rate from 2.23 cfs (1,000 gpm) to 6.69 cfs (3,000 gpm) and add a place of use for agricultural purposes in Bell County. More information on the application and how to participate in the permitting process is given below.

The application and fees were received on November 8, 2019. Additional information was received on March 13 and 16, 2020. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on April 27, 2020.

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

Written public comments and requests for a public meeting should be submitted to the Office of the Chief Clerk, at the address provided in the information section below, within 30 days of the date of newspaper publication of the notice. A public meeting is intended for the taking of public comment, and is not a contested case hearing. A public meeting will be held if the Executive Director determines that there is a significant degree of public interest in the application.

The TCEQ may grant a contested case hearing on this application if a written hearing request is filed within 30 days from the date of newspaper publication of this notice. The Executive Director may approve the application unless a written request for a contested case hearing is filed within 30 days after newspaper publication of this 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) applicant's name and permit number; (3) the statement "[I/we] request a contested case hearing;" (4) a brief and specific description of how you would be affected by the application in a way not common to the general public; and (5) the location and distance of your property relative to the proposed activity. You may also submit proposed conditions to the requested permit which would satisfy your concerns. 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.

If a hearing request is filed, the Executive Director will not issue the permit and will forward the application and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

Written hearing requests, public comments, or requests for a public meeting should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087 or electronically at <https://www14.tceq.texas.gov/epic/eComment/> by entering ADJ 2949 in the search field. 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 Public Education Program at (800) 687-4040.

General information regarding the TCEQ can be found at our web site at www.tceq.texas.gov. Si desea información en español, puede llamar al (800) 687-4040 o por el internet al <http://www.tceq.texas.gov>.

TRD-202302667

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: July 26, 2023



Notice of Application and Opportunity to Request a Public Meeting for a New Municipal Solid Waste Facility

Notice issued on July 20, 2023

Proposed Registration No. 40335

Application. BAP Kennor Landfill, LLC has applied to the Texas Commission on Environmental Quality (TCEQ) for proposed Registration No. 40335 to construct and operate a Type V municipal solid waste recycling facility. The proposed facility, BAP Kennor C&D Recycling Facility, will be located at 3411 Silver Creek Road, Fort Worth 76108, in Tarrant County. The applicant is requesting authorization to store and recycle construction and demolition waste materials. The registration application is available for viewing and copying at the White Settlement Library, 8215 White Settlement Road, Fort Worth, Texas 76108 and may be viewed online at <https://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/Ou5a11>. For exact location, refer to application.

Alternative Language Notice/Aviso de Idioma Alternativo. Alternative language notice in Spanish is available at www.tceq.texas.gov/goto/mswapps. El aviso de idioma alternativo en español está disponible en www.tceq.texas.gov/goto/mswapps.

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 BAP Kennor Landfill, LLC at the address stated above or by calling Mr. Tom Noons at (469) 591-1380.

TRD-202302666

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: July 26, 2023



Notice of Application and Public Hearing for an Air Quality Standard Permit for a Concrete Batch Plant with Enhanced Controls Proposed Air Quality Registration Number 172917

APPLICATION. Five Star Concrete LLC, 2 Grist Mill Road, Umland, Texas 78640-9363 has applied to the Texas Commission on Environmental Quality (TCEQ) for an Air Quality Standard Permit for a Permanent Concrete Batch Plant with Enhanced Controls Registration Number 172917 to authorize the operation of a concrete batch plant. The facility is proposed to be located at the following driving directions: from the intersection of Interstate Highway 35 and County Road 304 West, travel Northwest on County Road 304 West for approximately 2.17 miles, location will be on the left, in Jarrell, Bell County, Texas 76571. This application is being processed in an expedited manner, as allowed by the commission's rules in 30 Texas Administrative Code, Chapter 101, Subchapter J. This link to an electronic map of the site or facility's general location is provided as a public courtesy and not part of the application or notice. For exact location, refer to application. <https://gisweb.tceq.texas.gov/Location-Mapper/?marker=-97.606413,30.876496&level=13>. This application was submitted to the TCEQ on May 26, 2023. The primary function of this plant is to manufacture concrete by mixing materials including

(but not limited to) sand, aggregate, cement and water. The executive director has determined the application was technically complete on July 13, 2023.

PUBLIC COMMENT / PUBLIC HEARING. Public written comments about this application may be submitted at any time during the public comment period. The public comment period begins on the first date notice is published and extends to the close of the public hearing. Public comments may be submitted either in writing to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC-105, P.O. Box 13087, Austin, Texas 78711-3087, or electronically at www14.tceq.texas.gov/epic/eComment/. 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.

A public hearing has been scheduled, that will consist of two parts, an informal discussion period and a formal comment period. During the informal discussion period, the public is encouraged to ask questions of the applicant and TCEQ staff concerning the application, but comments made during the informal period will not be considered by the executive director before reaching a decision on the permit, and no formal response will be made to the informal comments. During the formal comment period, members of the public may state their comments into the official record. **Written comments about this application may also be submitted at any time during the hearing.** The purpose of a public hearing is to provide the opportunity to submit written comments or an oral statement about the application. **The public hearing is not an evidentiary proceeding.**

The Public Hearing is to be held:

Thursday, September 7, 2023, at 6:00 p.m.

Salado Middle School (Cafeteria)

1169 Williams Road

Salado, Texas 76571

RESPONSE TO COMMENTS. A written response to all formal comments will be prepared by the executive director after the comment period closes. The response, along with the executive director's decision on the application, will be mailed to everyone who submitted public comments and the response to comments will be posted in the permit file for viewing.

The executive director shall approve or deny the application not later than 35 days after the date of the public hearing, considering all comments received within the comment period, and base this decision on whether the application meets the requirements of the standard permit.

CENTRAL/REGIONAL OFFICE. The application will be available for viewing and copying at the TCEQ Central Office and the TCEQ Waco Regional Office, located at 6801 Sanger Avenue Suite 2500, Waco, Texas 76710-7826, during the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, beginning the first day of publication of this notice.

INFORMATION. If you need more information about this permit application or the permitting process, please call the Public Education Program toll free at (800) 687-4040. Si desea información en español, puede llamar al (800) 687-4040.

Further information may also be obtained from Five Star Concrete, LLC, 2 Grist Mill Road, Uhlman, Texas 78640-9363, or by calling Mr. Stephen Hampton, Compliance Manager at (512) 398-7797.

Notice Issuance Date: July 25, 2023

TRD-202302668

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: July 26, 2023



Notice of District Petition

Notice issued July 19, 2023

TCEQ Internal Control No. D-06192023-037; Nine Hidden Lake, LTD., a Texas limited partnership, and Parsons Green, LTD., a Texas limited partnership (collectively, the "Petitioners") filed a petition for the creation of Hidden Lakes Municipal Utility District No. 1 (District) with the Texas Commission on Environmental Quality (TCEQ). The petition was filed pursuant to Article XVI, § 59 of the Constitution of the State of Texas; Chapters 49 and 54 of the Texas Water Code; 30 Texas Administrative Code Chapter 293; and the procedural rules of the TCEQ. The petition states that: (1) the Petitioner holds title to a majority in value of the land to be included in the proposed District; (2) there are no lienholders on the property to be included in the proposed District; (3) the proposed District will contain approximately 403.651 acres of land located within Travis County, Texas; and (4) all of the land within the proposed district is located wholly within the extraterritorial jurisdiction of the City of Austin (City). The petition further states that the work to be done by the District at the present time is: (i) the construction of a water distribution system for domestic purposes; (ii) the construction of a sanitary sewer system; (iii) the control, abatement and amendment of the harmful excess of waters and the reclamation and drainage of overflowed lands within the District; (iv) the construction and financing of macadamized, graveled, or paved roads, or improvements in aid of those roads; and (v) such other construction, installation, maintenance, purchase and operation of such additional 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. It is specifically proposed that the District be granted the authority to design, acquire, construct, finance, issue bonds for, operate, maintain, and convey to this state, a county, or a municipality for operation and maintenance, a road, or any improvement in aid of the road, pursuant to Texas Water Code, Section 54.234. According to the petition, a preliminary investigation has been made to determine the cost of the project, and it is estimated by the Petitioners that the cost of said project will be approximately \$76,525,500. The financial analysis in the application was based on an estimated \$52,685,000 (\$20,950,000 for water, wastewater, and drainage plus \$21,260,000 for roads and \$10,475,000 for recreational facilities) at the time of submittal. In accordance with Local Government Code § 42.042 and Texas Water Code § 54.016, a petition was submitted to the City, requesting the City's consent to the creation of the District. After more than 90 days passed without receiving consent, a petition was submitted to the City to provide water and sewer services to the District. The 120-day period for reaching a mutually agreeable contract as established by the Texas Water Code § 54.016(c) expired and information provided indicates that the Petitioner and the City have not executed a mutually agreeable contract for service. Pursuant to Texas Water Code § 54.016(d), failure to execute such an agreement constitutes authorization for the Petitioner to proceed to the TCEQ for inclusion of their Property into the District.

INFORMATION SECTION

To view the complete issued notice, view the notice on our web site at www.tceq.texas.gov/agency/cc/pub_notice.html or call the Office of the Chief Clerk at (512) 239-3300 to obtain a copy of the complete

notice. When searching the web site, type in the issued date range shown at the top of this document to obtain search results.

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

TRD-202302665

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: July 26, 2023



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 **September 5, 2023**. TWC, §7.075, also requires that the commission promptly consider any written comments received and that the commission may withdraw or withhold approval of an AO if a comment discloses facts or considerations that indicate that consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the statutes and rules within the commission's jurisdiction or the commission's orders and permits issued in accordance with the commission's regulatory authority. Additional notice of changes to a proposed AO is not required to be published if those changes are made in response to written comments.

A copy of each proposed AO is available for public inspection at both the commission's central office, located at 12100 Park 35 Circle, Building A, 3rd Floor, Austin, Texas 78753, (512) 239-3400 and at the appli-

cable 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 September 5, 2023**. 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: Rivero Restaurants, Inc.; DOCKET NUMBER: 2020-1373-PWS-E; TCEQ ID NUMBER: RN102683240; LOCATION: 6534 United States Highway 67 South near San Angelo, Tom Green County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.46(z), by failing to create a nitrification action plan for systems distributing chloraminated water; 30 TAC §290.121(a) and (b), by failing to develop and maintain an accurate and 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 §290.42(l), by failing to compile and maintain a thorough and up-to-date plant operations manual for operator review and reference; 30 TAC §290.42(j), by failing to ensure that all chemicals used in treatment of water supplied by public water systems conform to American National Standards Institute/National Sanitation Foundation Standard 60 for Drinking Water Treatment Chemicals; 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 §290.110(e)(4)(B), by failing to retain the Disinfection Level Quarterly Operating Reports and provide a copy if requested by the executive director (ED); 30 TAC §290.110(c)(5), by failing to conduct chloramine effectiveness sampling to ensure that monochloramine is the prevailing chloramine species and that nitrification is controlled; 30 TAC §290.46(f)(2) and (3)(A)(i)(III) and (ii)(III), by failing to maintain water works operation and maintenance records and make them readily available for review by the ED upon request; Texas Health and Safety Code, §341.0315(c) and 30 TAC §290.45(f)(1) and (4), by failing to provide a water purchase contract that authorizes a maximum daily purchase rate, or a uniform purchase rate in the absence of a specified daily purchase rate, plus the actual production capacity of the system of at least 0.6 gallons per minute per connection; 30 TAC §290.46(m)(1)(A), by failing to inspect the facility's four ground storage tanks annually; and 30 TAC §290.46(m)(1)(B), by failing to inspect the facility's two pressure tanks annually; PENALTY: \$7,462; STAFF ATTORNEY: Taylor Pearson, Litigation, MC 175, (512) 239-5937; REGIONAL OFFICE: San Angelo Regional Office, 622 South Oakes, Suite K, San Angelo, Texas 76903-7035, (325) 655-9479.

(2) COMPANY: U.S. Department of the Interior; DOCKET NUMBER: 2022-1086-MWD-E; TCEQ ID NUMBER: RN102657418; LOCATION: approximately 0.67 miles northwest of the intersection of Basin Junction Road and Window View Drive, Chisos Basin, Big Bend National Park, Brewster County; TYPE OF FACILITY: wastewater treatment facility; RULES VIOLATED: 30 TAC §217.36(a) and (i) and §305.125(1) and (5), and Texas Pollutant Discharge Elimination System Permit Number WQ0012865001, Operational Requirement Number 4, by failing to install adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures; PENALTY: \$3,562; STAFF ATTORNEY: Erandi Ratnayake, Litigation, MC 175, (512) 239-6515; REGIONAL OFFICE: El Paso Regional Office, 401 East Franklin Avenue, Suite 560, El Paso, Texas 79901-1212, (915) 834-4949.

TRD-202302630

Gitanjali Yadav
Deputy Director, Litigation
Texas Commission on Environmental Quality
Filed: July 25, 2023



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

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

A copy of each 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 September 5, 2023**. The commission's attorneys are available to discuss the DOs and/or the comment procedure at the listed phone numbers; however, TWC, §7.075, provides that comments on the DO shall be submitted to the commission in **writing**.

(1) COMPANY: A DEEL'S BUSINESS INC. dba A DEELS 2; DOCKET NUMBER: 2021-0895-PST-E; TCEQ ID NUMBER: RN102007960; LOCATION: 125 South Farm-to-Market Road 1194, Lufkin, Angelina County; TYPE OF FACILITY: underground storage tank (UST) system and a convenience store with retail sales of gasoline; RULES VIOLATED: 30 TAC §334.10(b)(2), by failing to assure that all recordkeeping requirements are met; 30 TAC §334.48(c) and §334.50(d)(1)(B), by failing to conduct effective inventory control procedure for all USTs involved in the retail sale of motor fuels; TWC, §26.3475(a) and 30 TAC §334.50(b)(2), by failing to provide release detection for the piping associated with the UST system; and 30 TAC §334.606, by failing to maintain operator training certification records on-site and make them available for inspection upon request by agency personnel; PENALTY: \$6,550; STAFF ATTORNEY: Marilyn Norrod, Litigation, MC 175, (512) 239-5916; REGIONAL OFFICE: Beaumont Regional Office, 3870 Eastex Freeway, Beaumont, Texas 77703-1830, (409) 898-3838.

(2) COMPANY: Teresa Flores; DOCKET NUMBER: 2021-0611-MSW-E; TCEQ ID NUMBER: RN11231700; LOCATION: 17921

Fabens-Carlsbad Road, Clint, El Paso County; TYPE OF FACILITY: unauthorized scrap tire storage site; RULES VIOLATED: Texas Health and Safety Code, §361.112(a) and 30 TAC §328.60(a), by failing to obtain a scrap tire storage site registration for the site prior to storing more than 500 used or scrap tire on the ground or 2,000 used or scrap tires in enclosed and lockable containers; PENALTY: \$5,000; STAFF ATTORNEY: Katherine Keithley, Litigation, MC 175, (512) 239-0620; REGIONAL OFFICE: El Paso Regional Office, 401 East Franklin Avenue, Suite 560, El Paso, Texas 79901-1212, (915) 834-4940.

TRD-202302631
Gitanjali Yadav
Deputy Director, Litigation
Texas Commission on Environmental Quality
Filed: July 25, 2023



Notice of Water Quality Application

The following notice was issued on July 19, 2023:

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

INFORMATION SECTION

Lone Star Industries, Inc., which operates Maryneal Cement Plant, a portland and masonry cement manufacturer, has applied to the TCEQ for a minor amendment to Texas Pollutant Discharge Elimination System Permit No. WQ0003905000 to authorize the removal of flow meters from the existing permit for Outfalls 001 and 002, correct the location coordinates for Outfalls 001 and 002, and update the water flow diagram based on site conditions. The draft permit authorizes the discharge of utility wastewater and stormwater on an intermittent and flow-variable basis via Outfall 001, and stormwater runoff on an intermittent and flow-variable basis via Outfall 002. The facility is located at 202 Country Road 306, near the City of Maryneal, Nolan County, Texas 79535.

TRD-202302664
Laurie Gharis
Chief Clerk
Texas Commission on Environmental Quality
Filed: July 26, 2023



Update to the Water Quality Management Plan (WQMP)

The Texas Commission on Environmental Quality (TCEQ or commission) requests comments from the public on the draft July 2023 Update to the WQMP for the State of Texas.

Download the draft July 2023 WQMP Update at https://www.tceq.texas.gov/permitting/wqmp/WQmanagement_updates.html or view a printed copy at the TCEQ Library, Building A, 12100 Park 35 Circle, Austin, Texas. Please periodically check the following website for updates, in the event the TCEQ Library is closed due to COVID-19 restrictions: https://www.tceq.texas.gov/permitting/wqmp/WQmanagement_comment.html.

The WQMP is developed and promulgated in accordance with the requirements of Federal Clean Water Act, §208. The draft update includes projected effluent limits of specific domestic dischargers, which may be useful for planning in future permit actions. The draft update

may also contain service area populations for listed wastewater treatment facilities, designated management agency information, and total maximum daily load (TMDL) revisions.

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

Deadline

All comments must be received at the TCEQ no later than **5:00 p.m. on September 5, 2023.**

How to Submit Comments

Comments must be submitted in writing to:

Maria Benitez Texas Commission on Environmental Quality Water Quality Division, MC 148 P.O. Box 13087 Austin, Texas 78711-3087

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

For further information, or questions, please contact Ms. Benitez at (512) 239-6705 or by email at Maria.Benitez@tceq.texas.gov.

TRD-202302654

Charmaine Backens

Deputy Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: July 26, 2023



General Land Office

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

On January 10, 1997, the State of Texas received federal approval of the Coastal Management Program (CMP) (62 *Federal Register* pp. 1439 - 1440). Under federal law, federal agency activities and actions affecting the Texas coastal zone must be consistent with the CMP goals and policies identified in 31 TAC Chapter 26. Requests for federal consistency review were deemed administratively complete for the following project(s) during the period of July 15, 2023 to July 21, 2023. As required by federal law, the public is given an opportunity to comment on the consistency of proposed activities in the coastal zone undertaken or authorized by federal agencies. Pursuant to 31 TAC §§30.20(f), 30.30(h), and 30.40(e), the public comment period extends 30 days from the date published on the Texas General Land Office web site. The notice was published on the web site on Friday, July 28, 2023. The public comment period for this project will close at 5:00 p.m. on Sunday, August 27, 2023.

FEDERAL AGENCY ACTIVITIES:

Applicant: Department of the Navy

Location: The project site is located at the Naval Air Station Corpus Christi, Texas.

Project Description: The Navy proposes to replace the existing T-44C Pegasus aircraft with the new T-54A aircraft for the multi-engine maritime flight training program. The T-44C fleet is nearing the end of its service life and requires upgrades to address existing training capability gaps. New aircraft would provide the latest technology and would

promote public health and safety. The replacement of aircraft will also require demolition, construction, and renovation of Navy support facilities and infrastructure at Naval Air Station Corpus Christi, Texas.

Type of Application: Department of the Navy's webpage for the Environmental Assessment for the T-54 Multi-Engine Training System at Naval Air Station Corpus Christi, Texas.

CMP Project No: 23-1251-F2

FEDERAL AGENCY ACTIONS:

Applicant: Passport Shores, LLC

Location: The project site is located on a 55.81-acre tract of land located in Landblock 244, Burton & Danforth Subdivision adjacent to the Gulf Intracoastal Waterway (GIWW), on the east side of State Highway 35 (Bus) and north of Palm Harbor Subdivision, approximately 3 miles north of Aransas Pass, in Aransas County, Texas.

Latitude and Longitude: 27.9722, -97.0899

Project Description: The applicant proposes to amend the footprint for a previously authorized project for a waterfront residential development as depicted on the attached plans (figures 1-3). The revised project would eliminate the previously authorized access channel and residential canals and place clean fill material within approximately 28 acres of the site. Overall, the proposed fill area is composed of 19.11 acres of upland, 7.48 acres of salt marsh, and 1.41 acres of salt flats, which would require 13,665 cubic yards of fill in jurisdictional area. No work has been initiated at the project site at this time.

The applicant has stated that they have avoided and minimized the environmental impacts by eliminating the access channel and residential canals. Aquatic resources have been avoided to the maximum extent practicable, the current project design would reduce impacts to Waters of the US by approximately 1.2 acres, no activity is proposed below the mean high-water line of the adjacent waterbody, and therefore, the amendment would remove all impacts to submerged aquatic vegetation. Additionally, the permittee would complete permittee responsible mitigation consistent with the existing permit authorization including preserving in perpetuity the on-site aquatic habitats that will not be impacted by this project.

The existing mitigation plan would remain unchanged. The plan provides in-kind creation of 6.48 acres of salt marsh on-site, and 2.55 acres created off-site. In total, the applicant proposes to create 9.03 acres of salt marsh to compensate for the unavoidable impacts to this habitat. The mitigation area will employ a deed restriction to preserve 24.25 acres of salt marsh habitat in perpetuity. The plan also provides creation of 0.86 acre of salt flat habitat and preservation of an additional 4.03 acres of salt flat habitat in perpetuity.

Type of Application: U.S. Army Corps of Engineers permit application # SWG-2003-01965. This application will be reviewed pursuant to Section 404 of the Clean Water Act. Note: The consistency review for this project may be conducted by the Texas Commission on Environmental Quality as part of its certification under §401 of the Clean Water Act.

CMP Project No: 23-1283-F1

Applicant: City of League City

Location: The project site is located in Magnolia Creek and Cedar Gully, at west of Interstate 45 and south of Main Street, in League City, Galveston County, Texas.

Latitude and Longitude: 29.478651, -95.148884

Project Description: The applicant proposes to discharge a total of approximately 342 cubic yards of concrete into a total of 3,668 linear

feet of streams (1.07 acres), and 0.2 acre of open water at 56 separate locations along the banks of Magnolia Creek and Cedar Gully. This project proposes spot repairs to correct erosion conditions, intermittent shoreline repairs, bank stabilization, slope paving in spots, and to replace culverts that are not functioning correctly. Bank stabilization will be required for the culvert replacement locations. The purpose of the project is to return Magnolia Creek and Cedar Gully to their intended function. Outfalls along the channels will be removed and replaced with HDPE pipe to adhere to City standards, in some cases improving velocity and slope. This modified approach allows for the current shape of the Magnolia Creek to only be disturbed at the most pertinent areas. The re-design of the project will result in only temporary impacts to install erosion protection and/or bank stabilization measures and will not result in a net loss of waters of the United States.

The applicant has stated that they have avoided and minimized the environmental impacts by avoiding impacts to 8,471 linear feet (1.83 acres) of streams, 11.75 acres of emergent wetlands, and 21.45 acres of open water features. The applicant has stated that the project will restore the original flow regime within Magnolia Creek and Cedar Gully. The applicant has provided an assessment of the affected stream reaches that demonstrate that this project will have no change in the condition of the affected streams. Therefore, no additional compensatory mitigation has been proposed for this project.

Type of Application: U.S. Army Corps of Engineers permit application # SWG-2022-00077. This application will be reviewed pursuant to Section 404 of the Clean Water Act. Note: The consistency review for this project may be conducted by the Texas Commission on Environmental Quality as part of its certification under §401 of the Clean Water Act.

CMP Project No: 23-1312-F1

Applicant: Cameron County

Location: The project site is located along approximately 500 feet of shoreline in the Laguna Madre, within Isla Blanca County Park, at 33174 State Park Road 100, in South Padre Island, Cameron County, Texas 78597.

Latitude and Longitude: 26.96794, -97.16263

Project Description: The applicant proposes to construct a shoreline restoration project that involves the following improvements: (1) construction of two native fill templates each measuring approximately 250-foot long, (2) construction of one offshore breakwater measuring 200-foot-long by 80-foot-wide, (3) construction of two shore-attached groins, each approximately 140-foot-long by 80-foot-wide, and (4) construction of two scour protection areas located within gaps between the offshore breakwater and shore-attached groins measuring 100-foot-long by 80-foot-wide, each. Suitable fill material to construct the fill templates would be obtained from the excavation of the Scour Protection Areas, placed at the Native Fill Material Beneficial Placement Areas shown in the attached drawings on six sheets. If the material is not beach quality, it would be hauled off site, and native fill material from approved sand sources located at Isla Blanca County Park or riverine sand from the Olmito Sand Pit may be utilized. The proposed offshore breakwater and groin structures would be constructed using either armor and bedding stone, or an alternative material type/units composed of concrete, steel, mesh, geogrid, geotextile, stone, piles, chains, anchors, oyster shell, or similar. Scour protection installation would include excavation and fill consisting of marine mattress material as a means to prevent scour within the gaps of the structures.

The stated purpose of the project is to protect the shoreline from erosional forces caused by daily wave action, storm-related events and ship wakes from vessels traversing through the Brazos Santiago Pass

by utilizing a combination of non-structural (native fill) and structural (breakwater, groins, scour protection) methods.

The applicant has stated that they have avoided and minimized the environmental impacts by avoiding impacts to jurisdictional wetlands and special aquatic sites, including seagrass and oysters. Best Management Practices (BMPs) such as silt curtains and silt fencing would be utilized during excavation and placement of native fill material, placement of material for constructing the offshore breakwater and two shore-attached groins, and placement of scour protection material to minimize impact to adjacent wetlands and special aquatic sites. Immediately before construction, a seagrass survey would be performed by the applicant and final adjustments to the positions of the proposed breakwater and groins would be made to ensure complete avoidance of all existing seagrasses. No mitigation is being proposed since there would be no permanent impacts to jurisdictional wetlands or aquatic resources (seagrass, oysters, mangroves). The project footprint would only encompass current areas of unvegetated bay bottom.

Type of Application: U.S. Army Corps of Engineers permit application # SWG-2023-00264. This application will be reviewed pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act. Note: The consistency review for this project may be conducted by the Texas Commission on Environmental Quality as part of its certification under §401 of the Clean Water Act.

CMP Project No: 23-1334-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-202302646

Mark Havens

Chief Clerk

General Land Office

Filed: July 25, 2023

Texas Health and Human Services Commission

Public Notice - Texas State Plan for Medical Assistance Amendment

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

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

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

Early and Periodic Screening, Diagnostic and Treatment Services;

Home Health Services; and

Physicians and Other Practitioners

The proposed amendment is estimated to result in an annual aggregate expenditure of \$1,519,774 for federal fiscal year (FFY) 2023, consisting of \$947,883 in federal funds and \$571,891 in state general revenue. For FFY 2024, the estimated annual aggregate savings is (\$166,595)

consisting of (\$100,840) in federal funds and (\$65,755) in state general revenue. For FFY 2025, the estimated annual aggregate savings is (\$163,700) consisting of (\$98,466) in federal funds and (\$65,234) in state general revenue.

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

Rate Hearing.

A Rate Hearing was conducted in person and online on May 19, 2023. Information about the proposed rate changes and hearings was published in the April 21, 2023, issue of the *Texas Register* (48 TexReg 2159). Additional information and the notice of hearings can be found at <https://www.sos.state.tx.us/texreg/index.shtml>. Archived recordings of the hearings can be found at <https://www.hhs.texas.gov/about/meetings-events>.

Additional hearings may be scheduled to receive additional commentary. Notice of any hearings will be published in the *Texas Register* as well as on the HHSC Meetings and Events website.

Copy of Proposed Amendment.

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

Written Comments.

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

U.S. Mail

Texas Health and Human Services Commission

Attention: Provider Finance Department

Mail Code H-400

P.O. Box 149030

Austin, Texas 78714-9030

Overnight mail, special delivery mail, or hand delivery

Texas Health and Human Services Commission

Attention: Provider Finance Department

North Austin Complex

Mail Code H-400

4601 W. Guadalupe St.

Austin, Texas 78751

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

Fax

Attention: Provider Finance at (512) 730-7475

Email

PFDAcuteCare@hhs.texas.gov

Preferred Communication.

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

TRD-202302643

Karen Ray

Chief Counsel

Texas Health and Human Services Commission

Filed: July 25, 2023

Texas Department of Insurance

Company Licensing

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

Application for incorporation in the state of Texas for Fenyx Health Insurance Company, a domestic life, accident and/or health company. The home office is in Austin, Texas.

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

TRD-202302660

Justin Beam

Chief Clerk

Texas Department of Insurance

Filed: July 26, 2023

Texas Lottery Commission

Scratch Ticket Game Number 2525 "\$50, \$100 or \$500!"

1.0 Name and Style of Scratch Ticket Game.

A. The name of Scratch Ticket Game No. 2525 is "\$50, \$100 OR \$500!". The play style is "key number match".

1.1 Price of Scratch Ticket Game.

A. The price for Scratch Ticket Game No. 2525 shall be \$10.00 per Scratch Ticket.

1.2 Definitions in Scratch Ticket Game No. 2525.

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

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

C. Play Symbol - The printed data under the latex on the front of the Scratch Ticket that is used to determine eligibility for a prize. Each Play Symbol is printed in Symbol font in black ink in positive except for dual-image games. The possible black Play Symbols are: 01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, MONEY BAG SYMBOL, \$50.00, \$100 and \$500.

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. 2525 - 1.2D

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

28	TWET
29	TWNI
30	TRTY
31	TRON
32	TRTO
33	TRTH
34	TRFR
35	TRFV
36	TRSX
37	TRSV
38	TRET
39	TRNI
40	FRTY
41	FRON
42	FRTO
43	FRTH
44	FRFR
45	FRFV
46	FRSX
47	FRSV
48	FRET
49	FRNI
50	FFTY
51	FFON
52	FFTO
53	FFTH
54	FFFR
55	FFFV
56	FFSX

57	FFSV
58	FFET
59	FFNI
60	SXTY
MONEY BAG SYMBOL	WIN\$
\$50.00	FFTY\$
\$100	ONHN
\$500	FVHN

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 (2525), a seven (7) digit Pack number, and a three (3) digit Ticket number. Ticket numbers start with 001 and end with 050 within each Pack. The format will be: 2525-0000001-001.

H. Pack - A Pack of the "\$50, \$100 OR \$500!" Scratch Ticket Game contains 050 Tickets, packed in plastic shrink-wrapping and fanfolded in pages of one (1). Ticket back 001 and 050 will both be exposed.

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

J. Scratch Ticket Game, Scratch Ticket or Ticket - Texas Lottery "\$50, \$100 OR \$500!" Scratch Ticket Game No. 2525.

2.0 Determination of Prize Winners. The determination of prize winners is subject to the general Scratch Ticket validation requirements set forth in Texas Lottery Rule 401.302, Scratch Ticket Game Rules, these Game Procedures, and the requirements set out on the back of each Scratch Ticket. A prize winner in the "\$50, \$100 OR \$500!" Scratch Ticket Game is determined once the latex on the Scratch Ticket is scratched off to expose fifty-five (55) Play Symbols. If the player matches any of the YOUR NUMBERS Play Symbols to any of the WINNING NUMBERS Play Symbols, the player wins the PRIZE for that number. If the player reveals a "MONEY BAG" Play Symbol, the player wins the PRIZE for that symbol instantly. 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 fifty-five (55) 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 fifty-five (55) 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 fifty-five (55) Play Symbols must be exactly one of those described in Section 1.2.C of these Game Procedures;

17. Each of the fifty-five (55) Play Symbols on the Scratch Ticket must be printed in the Symbol font and must correspond precisely to the artwork on file at the Texas Lottery; the Scratch Ticket Serial Numbers must be printed in the Serial font and must correspond precisely to the artwork on file at the Texas Lottery; and the Game-Pack-Ticket Number must be printed in the Game-Pack-Ticket Number font and must correspond precisely to the artwork on file at the Texas Lottery;

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

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

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

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

2.2 Programmed Game Parameters.

A. A Ticket can win up to ten (10) times in accordance with the approved prize structure.

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

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

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

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

F. Non-winning Prize Symbols will never appear more than nine (9) times.

G. The "MONEY BAG" (WIN\$) Play Symbol will never appear in the WINNING NUMBERS Play Symbol spots.

H. The "MONEY BAG" (WIN\$) Play Symbol will never appear more than two (2) times on winning Tickets.

I. The "MONEY BAG" (WIN\$) Play Symbol will only appear on winning Tickets.

J. No prize amount in a non-winning spot will correspond with the YOUR NUMBERS Play Symbol (i.e., 50 and \$50).

2.3 Procedure for Claiming Prizes.

A. To claim a "\$50, \$100 OR \$500!" Scratch Ticket Game prize of \$50.00, \$100.00 or \$500.00, 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, \$100.00 or \$500.00 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. As an alternative method of claiming a "\$50, \$100 OR \$500!" 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.

C. 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.

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

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

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

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

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

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

2.5 Payment of Prizes to Persons Under 18. If a person under the age of 18 years is entitled to a cash prize under \$600 from the "\$50, \$100 OR \$500!" Scratch Ticket Game, the Texas Lottery shall deliver to an adult member of the minor's family or the minor's guardian a check or warrant in the amount of the prize payable to the order of the minor.

2.6 If a person under the age of 18 years is entitled to a cash prize of \$600 or more from the "\$50, \$100 OR \$500!" 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. 2525. The approximate number and value of prizes in the game are as follows:

Figure 2: GAME NO. 2525 - 4.0

Prize Amount	Approximate Number of Winners*	Approximate Odds are 1 in **
\$50.00	576,000	12.50
\$100.00	180,000	40.00
\$500.00	7,200	1,000.00

*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 9.43. 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. 2525 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. 2525, 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-202302663

Bob Biard
General Counsel
Texas Lottery Commission
Filed: July 26, 2023



Scratch Ticket Game Number 2532 "HOLIDAY 777"

1.0 Name and Style of Scratch Ticket Game.

A. The name of Scratch Ticket Game No. 2532 is "HOLIDAY 777". The play style is "key number match".

1.1 Price of Scratch Ticket Game.

A. The price for Scratch Ticket Game No. 2532 shall be \$5.00 per Scratch Ticket.

1.2 Definitions in Scratch Ticket Game No. 2532.

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

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

C. Play Symbol - The printed data under the latex on the front of the Scratch Ticket that is used to determine eligibility for a prize. Each Play Symbol is printed in Symbol font in black ink in positive except for dual-image games. The possible black Play Symbols are: 01, 02, 03, 04, 05, 06, 08, 09, 10, 11, 12, 13, 14, 15, 16, 18, 19, 20, 21, 22, 23, 24, 25, 26, 28, 29, 30, 31, 32, 33, 34, 35, 36, 38, 39, 40, 41, 42, 43, 44, 45, 46, 48, 49, 7 SYMBOL, 77 SYMBOL, 777 SYMBOL,

\$5.00, \$10.00, \$15.00, \$20.00, \$50.00, \$100, \$250, \$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. 2532 - 1.2D

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

32	TRTO
33	TRTH
34	TRFR
35	TRFV
36	TRSX
38	TRET
39	TRNI
40	FRTY
41	FRON
42	FRTO
43	FRTH
44	FRFR
45	FRFV
46	FRSX
48	FRET
49	FRNI
7 SYMBOL	WIN\$
77 SYMBOL	DBL
777 SYMBOL	TRP
\$5.00	FIV\$
\$10.00	TEN\$
\$15.00	FFN\$
\$20.00	TWY\$
\$50.00	FFTY\$
\$100	ONHN
\$250	TOFF
\$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 (2532), 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: 2532-0000001-001.

H. Pack - A Pack of the "HOLIDAY 777" 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 "HOLIDAY 777" Scratch Ticket Game No. 2532.

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 "HOLIDAY 777" Scratch Ticket Game is determined once the latex on the Scratch Ticket is scratched off to expose fifty-one (51) Play Symbols. BONUS PLAY INSTRUCTIONS: If a player reveals 2 matching prize amounts in the same BONUS, the player wins that amount. HOLIDAY 777 PLAY INSTRUCTIONS: If the player matches any of the YOUR NUMBERS Play Symbols to any of the HOLIDAY NUMBERS Play Symbols, the player wins the prize for that number. If the player reveals a "7" Play Symbol, the player wins the prize for that symbol instantly. If the player reveals a "77" Play Symbol, the player wins DOUBLE the prize for that symbol. If the player reveals a "777" Play Symbol, the player wins TRIPLE the prize for that symbol. No portion of the Display Printing nor any extraneous matter whatsoever shall be usable or playable as a part of the Scratch Ticket.

2.1 Scratch Ticket Validation Requirements.

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

1. Exactly fifty-one (51) 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 fifty-one (51) 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 fifty-one (51) Play Symbols must be exactly one of those described in Section 1.2.C of these Game Procedures;

17. Each of the fifty-one (51) Play Symbols on the Scratch Ticket must be printed in the Symbol font and must correspond precisely to the artwork on file at the Texas Lottery; the Scratch Ticket Serial Numbers must be printed in the Serial font and must correspond precisely to the artwork on file at the Texas Lottery; and the Game-Pack-Ticket Number must be printed in the Game-Pack-Ticket Number font and must correspond precisely to the artwork on file at the Texas Lottery;

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

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

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

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

2.2 Programmed Game Parameters.

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

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

C. GENERAL: A Ticket can win up to twenty-three (23) times.

D. GENERAL: The "7" (WIN\$), "77" (DBL) and "777" (TRP) Play Symbols will never appear in any of the three (3) BONUS play areas.

E. BONUS: A Ticket can win up to one (1) time in each of the three (3) BONUS play areas.

F. BONUS: A Ticket will not have matching non-winning Prize Symbols across the three (3) BONUS play areas.

G. BONUS: Non-winning Prize Symbols in a BONUS play area will not be the same as winning Prize Symbols from another BONUS play area.

H. BONUS: A non-winning BONUS play area will have two (2) different Prize Symbols.

I. HOLIDAY 777: A Ticket can win up to twenty (20) times in the main play area.

J. HOLIDAY 777: No matching non-winning YOUR NUMBERS Play Symbols will appear on a Ticket.

K. HOLIDAY 777: A non-winning Prize Symbol will never match a winning Prize Symbol.

L. HOLIDAY 777: 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-three (23) times and with respect to other parameters, play action or prize structure.

M. HOLIDAY 777: Tickets winning more than one (1) time will use as many HOLIDAY NUMBERS Play Symbols as possible to create matches, unless restricted by other parameters, play action or prize structure.

N. HOLIDAY 777: No matching HOLIDAY NUMBERS Play Symbols will appear on a Ticket.

O. HOLIDAY 777: All YOUR NUMBERS Play Symbols will never equal the corresponding Prize Symbol (i.e., \$5 and 05, \$10 and 10, \$15 and 15 and \$20 and 20).

P. HOLIDAY 777: 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.

Q. HOLIDAY 777: On Non-Winning Tickets, a HOLIDAY NUMBERS Play Symbol will never match a YOUR NUMBERS Play Symbol.

R. HOLIDAY 777: The "7" (WIN\$) Play Symbol will never appear on the same Ticket as the "77" (DBL) or "777" (TRP) Play Symbols.

S. HOLIDAY 777: The "7" (WIN\$) Play Symbol will win the prize for that Play Symbol.

T. HOLIDAY 777: The "7" (WIN\$) Play Symbol will never appear more than once on a Ticket.

U. HOLIDAY 777: The "7" (WIN\$) Play Symbol will never appear on a Non-Winning Ticket.

V. HOLIDAY 777: The "7" (WIN\$) Play Symbol will never appear as a HOLIDAY NUMBERS Play Symbol.

W. HOLIDAY 777: The "77" (DBL) Play Symbol will never appear more than once on a Ticket.

X. HOLIDAY 777: The "77" (DBL) Play Symbol will win DOUBLE the prize for that Play Symbol and will win as per the prize structure.

Y. HOLIDAY 777: The "77" (DBL) Play Symbol will never appear on a Non-Winning Ticket.

Z. HOLIDAY 777: The "77" (DBL) Play Symbol will never appear as a HOLIDAY NUMBERS Play Symbol.

AA. HOLIDAY 777: The "777" (TRP) Play Symbol will never appear more than once on a Ticket.

BB. HOLIDAY 777: The "777" (TRP) Play Symbol will win TRIPLE the prize for that Play Symbol and will win as per the prize structure.

CC. HOLIDAY 777: The "777" (TRP) Play Symbol will never appear on a Non-Winning Ticket.

DD. HOLIDAY 777: The "777" (TRP) Play Symbol will never appear as a HOLIDAY NUMBERS Play Symbol.

EE. HOLIDAY 777: The "77" (DBL) and the "777" (TRP) Play Symbols can appear on the same winning Ticket, as indicated by the prize structure.

2.3 Procedure for Claiming Prizes.

A. To claim a "HOLIDAY 777" Scratch Ticket Game prize of \$5.00, \$10.00, \$15.00, \$20.00, \$40.00, \$50.00, \$100, \$250 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 \$40.00, \$50.00, \$100, \$250 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 "HOLIDAY 777" 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 "HOLIDAY 777" 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 vali-

dated 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 "HOLIDAY 777" 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 "HOLIDAY 777" 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. 2532. The approximate number and value of prizes in the game are as follows:

Figure 2: GAME NO. 2532 - 4.0

Prize Amount	Approximate Number of Winners*	Approximate Odds are 1 in **
\$5.00	848,000	8.49
\$10.00	320,000	22.50
\$15.00	176,000	40.91
\$20.00	192,000	37.50
\$40.00	60,000	120.00
\$50.00	44,000	163.64
\$100	25,400	283.46
\$250	5,000	1,440.00
\$500	3,200	2,250.00
\$1,000	75	96,000.00
\$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 4.30. 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. 2532 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. 2532, 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-202302623
 Bob Biard
 General Counsel
 Texas Lottery Commission
 Filed: July 24, 2023

◆ ◆ ◆
Texas Parks and Wildlife Department

Correction of Error

The Texas Parks and Wildlife Department adopted amendments to 31 TAC §65.42 and §65.64 in the July 28, 2023, issue of the *Texas Register* (48 TexReg 4122). Due to an error by the Texas Register, the amendments were incorrectly listed as 31 TAC §65.42 and §65.47. The correct text should be shown as follows:

31 TAC §65.42, §65.64
 TRD-202302626

◆ ◆ ◆
Texas Public Finance Authority

Request for Proposals for Financial Advisor

The Texas Public Finance Authority (the "Authority") solicits responses to a Request for Proposals ("RFP") from firms with the qualifications and experience required to provide financial advisory services to assist the Authority beginning on or about September 1,

2023, and ending August 31, 2025, or, at the option of the Authority, through August 31, 2027.

The Authority will make its selection based on demonstrated competence, experience, knowledge and qualifications, as well as the reasonableness of the proposed fee and any conflicts of interest or potential conflicts of interest identified. The Authority may prioritize the selection of firms whose principal place of business is in Texas.

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

Responses are due no later than 3:00 p.m. (CST) on August 17, 2023, pursuant to the instructions in the RFP.

TRD-202302616

Kevin Van Oort

General Counsel

Texas Public Finance Authority

Filed: July 21, 2023



Public Utility Commission of Texas

Notice of Application for Partial Relinquishment of Designation as an Eligible Telecommunications Carrier

Notice is given to the public of an application filed with the Public Utility Commission of Texas on July 24, 2023, for partial relinquishment of designation as an eligible telecommunications carrier under 16 Texas Administrative Code §26.418.

Docket Title and Number: Petition of Boomerang Wireless, LL dba enTouch Wireless for Partial Relinquishment of Eligible Telecommunications Carrier Designation on a Wireless Basis (Low-Income only)

in a Certain Service Area Previously Served by Verizon Wireless and Removal of AT&T Mobility as an Underlying Carrier, Docket Number 55280.

The Application: Boomerang Wireless seeks partial relinquishment of designation as an eligible telecommunications carrier in the service area served by Verizon Wireless and the removal of AT&T Mobility as an underlying carrier, effective October 20, 2023.

Persons who wish to file a motion to intervene or comments on the application should contact the commission as an intervention deadline will be imposed. A comment or request to intervene should be mailed to P.O. Box 13326, Austin, Texas 78711-3326, or by phone at (512) 936-7120 or toll-free at (888) 782-8477. Hearing and speech-impaired individuals with text telephone (TTY) may contact the commission through Relay Texas by dialing 7-1-1. All comments should reference Docket Number 55280.

TRD-202302645

Andrea Gonzalez

Rules Coordinator

Public Utility Commission of Texas

Filed: July 25, 2023



Supreme Court of Texas

Order Approving Repeal of Texas Rule of Appellate Procedure 28.2 and Amendments to Texas Rule of Appellate Procedure 28.3

Supreme Court of Texas


Misc. Docket No. 23-9047

Order Approving Repeal of Texas Rule of Appellate Procedure 28.2 and Amendments to Texas Rule of Appellate Procedure 28.3

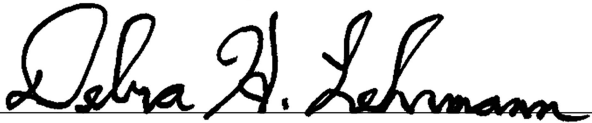
ORDERED that:

1. The Court invites public comments on the repeal of Texas Rule of Appellate Procedure 28.2 and on amendments to Texas Rules of Appellate Procedure 28.3.
2. To effectuate the Act of May 11, 2023, 88th Leg., R.S., ch. 209 (S.B. 1603, codified at TEX. CIV. PRAC. & REM. CODE § 54.014(g)-(h)), the repeal and amendments are effective September 1, 2023. But the repeal and amendments may later be changed in response to public comments. The Court requests public comments be submitted in writing to rulescomments@txcourts.gov by November 1, 2023.
3. The Clerk is directed to:
 - a. file a copy of this Order with the Secretary of State;
 - b. cause a copy of this Order to be mailed to each registered member of the State Bar of Texas by publication in the *Texas Bar Journal*;
 - c. send a copy of this Order to each elected member of the Legislature; and
 - d. submit a copy of this Order for publication in the *Texas Register*.

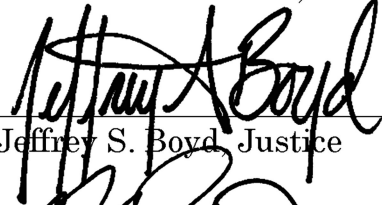
Dated: July 25, 2023.



Nathan L. Hecht, Chief Justice



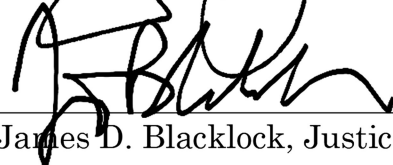
Debra H. Lehrmann, Justice



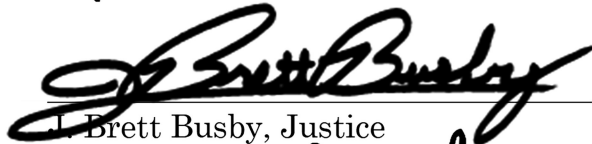
Jeffrey S. Boyd, Justice



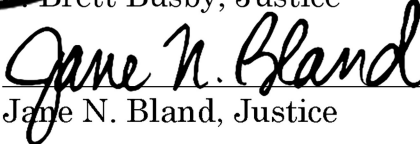
John P. Devine, Justice



James D. Blacklock, Justice



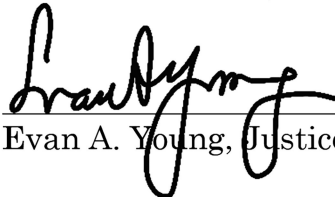
Brett Busby, Justice



Jane N. Bland, Justice



Rebeca A. Huddle, Justice



Evan A. Young, Justice

TEXAS RULES OF APPELLATE PROCEDURE

Rule 28. Accelerated, Agreed, and Permissive Appeals in Civil Cases

28.3. Permissive Appeals in Civil Cases.

- (a) *Petition Required.* When a trial court has permitted an appeal from an interlocutory order that would not otherwise be appealable, a party seeking to appeal must petition the court of appeals for permission to appeal.
- (b) *Where Filed.* The petition must be filed with the clerk of the court of appeals having appellate jurisdiction over the action in which the order to be appealed is issued. The First and Fourteenth Courts of Appeals must determine in which of those two courts a petition will be filed.
- (c) *When Filed.* The petition must be filed within 15 days after the order to be appealed is signed. If the order is amended by the trial court, either on its own or in response to a party's motion, to include the court's permission to appeal, the time to petition the court of appeals runs from the date the amended order is signed.
- (d) *Extension of Time to File Petition.* The court of appeals may extend the time to file the petition if the party:
 - (1) files the petition within 5 days after the deadline, and
 - (2) files a motion complying with Rule 10.5(b).
- (e) *Contents.* The petition must:
 - (1) contain the information required by Rule 25.1(d) to be included in a notice of appeal;
 - (2) attach a copy of the order from which appeal is sought;
 - (3) contain a table of contents, index of authorities, issues presented, and a statement of facts; and
 - (4) argue clearly and concisely why the order to be appealed involves a controlling question of law as to which there is a substantial ground for difference of opinion and how an immediate appeal

from the order may materially advance the ultimate termination of the litigation.

- (f) *Response; Reply; Cross-Petition; Time for Filing.* If any party timely files a petition, any other party may file a response or a cross-petition within 10 days. A party may file a response to a cross-petition within 10 days of the date the cross-petition is filed. A petitioner or cross-petitioner may reply to any matter in a response within 7 days of the date the response is filed. The court of appeals may extend the time to file a response, reply, and cross-petition.
- (g) *Length of Petition, Cross-Petition, Response, and Reply.* A petition, cross-petition, response, and reply must comply with the length limitations in Rule 9.4(i)(2)(D)-(E).
- (h) *Service.* A petition, cross-petition, response, and reply must be served on all parties to the trial court proceeding.
- (i) *Docketing Statement.* Upon filing the petition, the petitioner must file the docketing statement required by Rule 32.1.
- (j) *Time for Determination.* Unless the court of appeals orders otherwise, a petition, and any cross-petition, response, and reply, will be determined without oral argument, no earlier than 10 days after the petition is filed.
- (k) *When Petition Granted.* If the petition is granted, a notice of appeal is deemed to have been filed under Rule 26.1(b) on that date, and the appeal is governed by the rules for accelerated appeals. A separate notice of appeal need not be filed. A copy of the order granting the petition must be filed with the trial court clerk.
- (l) *When Petition Denied.* If the court of appeals denies the petition, the court must explain in its decision the specific reasons for its finding that an appeal is not warranted. On petition for review, the Supreme Court may review the court of appeals' denial de novo, and, if the Supreme Court concludes that the statutory prerequisites for a permissive appeal are met, the Supreme Court may direct the court of appeals to grant permission to appeal.

Comment to 2023 change: Rule 28.2 is repealed. Rule 28.3 is amended to implement sections 51.014(g) and (h) of the Civil Practice and Remedies Code and governs the procedure for all permissive appeals filed after September 1, 2023.

TRD-202302653
Jaclyn Daumerie
Rules Attorney
Supreme Court of Texas
Filed: July 25, 2023

Preliminary Approval of Amendments to the Rule for
Magistrates in Inmate Litigation to Expand the Applicability
of the Rule to Litigation Involving Certain Civilly Committed
Individuals



Supreme Court of Texas

Misc. Docket No. 23-9045

Preliminary Approval of Amendments to the Rule for Magistrates in Inmate Litigation to Expand the Applicability of the Rule to Litigation Involving Certain Civilly Committed Individuals

ORDERED that:

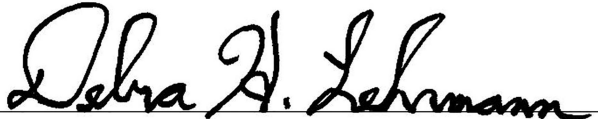
1. On December 11, 1996, in Misc. Dkt. No. 96-9273, the Court adopted the Rule for Magistrates in Inmate Litigation pursuant to section 14.013 of the Texas Civil Practice and Remedies Code.
2. In accordance with the Act of May 17, 2023, 88th Leg., R.S., ch. 351 (S.B. 1179, codified at TEX. CIV. PRAC. & REM. CODE § 14A.061) and the Act of May 12, 2023, 88th Leg., R.S., ch. 203 (S.B. 1180, codified at TEX. CIV. PRAC. & REM. CODE § 14A.061), the Court proposes amendments to the Rule to expand its applicability to litigation involving certain civilly committed individuals.
3. The Court invites public comments on the proposed amendments to the Rule, now titled Rule for Magistrates in Inmate Litigation and Litigation Involving Certain Civilly Committed Individuals.
4. Comments regarding the proposed amendments should be submitted in writing to rulescomments@txcourts.gov by November 1, 2023.
5. The Court will issue an order finalizing the amendments after the close of the comment period. The Court may change the amendments in response to public comments. The Court expects the amendments to take effect on December 1, 2023.
6. The Clerk is directed to:
 - a. file a copy of this Order with the Secretary of State;

- b. cause a copy of this Order to be mailed to each registered member of the State Bar of Texas by publication in the Texas Bar Journal;
- c. send a copy of this Order to each elected member of the Legislature;
and
- d. submit a copy of this Order for publication in the Texas Register.

Dated: July 19, 2023.



Nathan L. Hecht, Chief Justice



Debra H. Lehrmann, Justice



Jeffrey S. Boyd, Justice



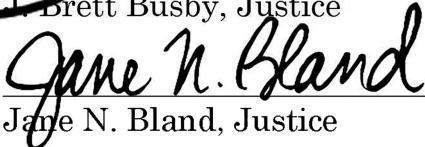
John P. Devine, Justice



James D. Blacklock, Justice



J. Brett Busby, Justice



Jane N. Bland, Justice



Rebeca A. Huddle, Justice



Evan A. Young, Justice

**RULE FOR MAGISTRATES IN INMATE LITIGATION AND LITIGATION
INVOLVING CERTAIN CIVILLY COMMITTED INDIVIDUALS**

1.01 AUTHORITY

This rule is promulgated under authority of Sections 14.013 and 14A.061, Civil Practice and Remedies Code.

2.01 APPOINTMENT

(a) A judge of a court having jurisdiction of a suit subject to Chapters 14 or 14A, Civil Practice and Remedies Code, may appoint a full-time or part-time magistrate to perform the duties authorized by ~~that those~~ chapters if the commissioners court of a county in which the court has jurisdiction authorizes the employment of a magistrate.

(b) If a court has jurisdiction in more than one county, a magistrate appointed by that court may serve only in a county in which the commissioners court has authorized the magistrate's appointment.

(c) If more than one court in a county has jurisdiction of a suit under Chapters 14 or 14A, the commissioners court may authorize the appointment of a magistrate for each court or may authorize one or more magistrates to share service with two or more courts.

(d) If a magistrate serves more than one court, the magistrate's appointment must be made with the unanimous approval of all the judges under whom the magistrate serves.

3.01 QUALIFICATIONS

To be eligible for appointment as a magistrate, a person must meet the requirements and qualifications to serve as a judge of the court or courts for which the magistrate is appointed.

4.01 COMPENSATION

(a) If funds are provided to the Supreme Court by appropriation or interagency contracts as provided by Section 14.013-(b) or 14A.061(b), Civil Practice and Remedies Code, a magistrate may be paid a salary, on an hourly basis, ~~or on a per-case basis, or on such other basis as may be specified by administrative order of the Supreme Court.~~

(b) If funds are not provided to the Supreme Court, a magistrate may be paid a salary or fees provided in the schedule of fees adopted by the judges of the county pursuant to Article 26.05, Code of Criminal Procedure, as approved by the commissioners court in which the magistrate serves.

(c) If paid a salary, the magistrate's salary is paid from the county fund available for payment of officers' salaries. If paid by fee, the magistrate's fees are paid from the general fund of the county.

5.01 TERMINATION OF MAGISTRATE

(a) A magistrate who serves a single court serves at the will of the judge of that court.

(b) The employment of a magistrate who serves more than two courts may only be terminated by a majority vote of all the judges of the courts which the magistrate serves.

(c) The employment of a magistrate who serves two courts may be terminated by either of the judges of the courts which the magistrate serves.

6.01 CASES THAT MAY BE REFERRED

Except as provided by this rule, a judge of a court may refer to a magistrate any suit brought by an inmate, as defined in section 14.001(3), Civil Practice and Remedies Code, or a civilly committed individual, as defined in section 14A.001(1), Civil Practice and Remedies Code, in a district, county, or justice of the peace, or small claims court in which a Statement of Inability to Afford Payment of Court Costs or a similar ~~an~~ affidavit or unsworn declaration of inability to pay costs is filed by the inmate or civilly committed individual. This rule does not apply to an action brought under the Family Code.

7.01 ORDER OF REFERRAL

(a) In referring a case to a magistrate, the judge of the referring court ~~shall~~must render:

(1) an individual order of referral; or

(2) a general order of referral specifying the class and type of cases to be heard by the magistrate.

(b) The order of referral may limit the power or duties of a magistrate.

8.01 AUTHORITY OF MAGISTRATES

Except as limited by an order of referral, a magistrate has the same jurisdiction, authority, and power as the judge of the referring court under Chapters 14 and 14A, Civil Practice and Remedies Code, including, but not limited to the authority to:

- (1) dismiss a claim pursuant to Sections 14.003, 14.005, 14.006, ~~or~~ 14.010, 14A.051, 14A.053, 14A.054, or 14A.058, Civil Practice and Remedies Code,
- (2) order payment of costs pursuant to Sections 14.006, ~~and~~ 14.007, 14A.054, or 14A.055, Civil Practice and Remedies Code, and
- (3) hold hearings as provided in Sections 14.003, 14.008, 14A.051, or 14A.056, Civil Practice and Remedies Code.

9.01 POWERS OF MAGISTRATE

A magistrate may:

- (1) conduct a hearing;
- (2) hear evidence;
- (3) compel production of relevant evidence;
- (4) rule on the admissibility of evidence;
- (5) issue a summons for the appearance of witnesses;
- (6) examine a witness;
- (7) swear a witness for a hearing;
- (8) make findings of fact on evidence;
- (9) formulate conclusions of law;
- (10) recommend an order to be rendered in a case;
- (11) regulate all proceedings in a hearing before the magistrate; and
- (12) take action as necessary and proper for the efficient performance of the

magistrate's duties.

10.01 ATTENDANCE OF BAILIFF

A bailiff may attend a hearing by a magistrate if directed by the referring court.

11.01 COURT REPORTER

(a) A court reporter is not required during a hearing held by a magistrate appointed under this rule.

(b) A party, the magistrate, or the referring court may provide for a reporter during the hearing.

(c) The record may be preserved by any other means approved by the magistrate.

(d) The referring court or magistrate may tax the expense of preserving the record as costs.

12.01 WITNESS

(a) A witness appearing before a magistrate is subject to the penalties for perjury provided by law.

(b) A referring court may fine or imprison a witness who:

(1) failed to appear before a magistrate after being summoned; or

(2) improperly refused to answer questions if the refusal has been certified to the court by the magistrate.

13.01 REPORT

(a) The magistrate's report may contain the magistrate's findings, conclusion, or recommendations. The magistrate's report must be in writing in the form directed by the referring court. The form may be a notation on the referring court's docket sheet.

(b) ~~After a hearing, the~~ magistrate ~~shall~~must provide the parties ~~participating in the hearing notice of the substance of the~~ magistrate's report.

(c) Notice ~~may~~must be given to the parties: by a method authorized by section 80.002, Government Code.

~~(1) in open court, or an oral statement or a copy of the magistrate's written report; or~~

~~(2) by certified mail, return receipt requested.~~

(d) If notice is given by mail, ~~The~~ magistrate ~~shall~~must certify the date of mailing of notice ~~by certified mail~~. Notice is considered given on the third day after the date of mailing.

(e) ~~After a hearing conducted by a magistrate, t~~The magistrate ~~shall~~must send the magistrate's signed and dated report and all other papers relating to the case to the referring court.

14.01 NOTICE OF RIGHT TO APPEAL

~~(a) Notice of the right of appeal to the judge of the referring court shall~~must be given to ~~all~~the parties in the magistrate's report.

~~(b) The notice may be given:~~

~~(1) by oral statement in open court;~~

~~(2) by posting inside or outside the courtroom of the referring court;~~
or

~~(3) as otherwise directed by the referring court.~~

15.01 ORDER OF COURT

(a) Pending appeal of the magistrate's report to the referring court, the decisions and recommendations of the magistrate are in full force and effect and are enforceable as an order of the referring court, except for orders providing for incarceration, civil commitment, or for the appointment of a receiver.

(b) If an appeal to the referring court is not filed or the right to an appeal to the referring court is waived, the findings and recommendations of the magistrate become the order of the referring court only on the referring court's signing an order conforming to the magistrate's report.

16.01 JUDICIAL ACTION ON MAGISTRATE'S REPORT

Unless a party files a written notice of appeal, the referring court may:

- (1) adopt, modify, or reject the magistrate's report;
- (2) hear further evidence; or
- (3) recommit the matter to the magistrate for further proceedings.

17.01 APPEAL TO REFERRING COURT

(a) A party may appeal a magistrate's report by filing notice of appeal not later than ~~the third~~ 10 days after the date the party receives notice of the substance of the magistrate's report as provided by 13.01.

(b) An appeal to the referring court must be in writing specifying the findings and conclusions of the magistrate to which the party objects. The appeal is limited to the specified findings and conclusions.

(c) On appeal to the referring court, the parties may present witnesses as in a hearing de novo on the issues raised in the appeal.

(d) Notice of an appeal to the referring court ~~shall~~ must be given to the opposing attorney under Rule 21a, Texas Rules of Civil Procedure.

(e) If an appeal to the referring court is filed by a party, any other party may file an appeal to the referring court not later than the seventh day after the date the initial appeal was filed.

(f) The referring court, after notice to the parties, ~~shall~~ must hold a hearing on all appeals not later than ~~the 30th~~ days after the date ~~on which the magistrate's report was adopted by the referring court~~ the appeal is submitted in writing.

(g) The parties may waive the right of appeal to the referring court in writing or on the record.

18.01 APPELLATE REVIEW

(a) Failure to appeal to the referring court, by waiver or otherwise, ~~the approval by the referring court of a magistrate's report~~ does not deprive a party of the right to appeal to or request other relief from a court of appeals or the ~~s~~Supreme ~~e~~Court.

(b) The date an order or judgment by the referring court is signed is the controlling date for the purposes of appeal to or request for other relief from a court of appeals or the ~~s~~Supreme ~~e~~Court.

19.01 IMMUNITY

A magistrate appointed under the subchapter has the judicial immunity of a district judge. All existing immunity granted a magistrate by law, express or implied, continues in full force and effect.

TRD-202302603
Jaclyn Daumerie
Rules Attorney
Supreme Court of Texas
Filed: July 19, 2023

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Texas Department of Transportation

Public Notice - Photographic Traffic Signal Enforcement Systems: Municipal Reporting of Traffic Crashes

The Texas Department of Transportation (department) is requesting that each municipality subject to the requirements of Transportation Code §707.004(d) provide the required data to the department **no later than October 27, 2023** in order for the department to meet the deadline for an annual report mandated by the Texas Legislature.

Pursuant to Section 7 of House Bill 1631, 86th Legislature, Regular Session, municipalities meeting certain criteria may continue to operate photographic traffic signal enforcement systems. Pursuant to Transportation Code §707.004(d), each such municipality must continue to compile and submit to the department annual reports after installation showing the number and type of crashes that have occurred at the intersection.

Those municipalities that do not meet the criteria contained in Section 7 of House Bill 1631, 86th Legislature, Regular Session can no longer

implement or operate photographic traffic enforcement systems with respect to highways or streets under their jurisdiction.

The department is required by Transportation Code §707.004 to produce an annual report of the information submitted to the department by December 1 of each year.

The department has created a web page detailing municipal reporting requirements and to allow the required data to be submitted electronically:

<https://www.txdot.gov/inside-txdot/division/traffic/safety/laws/red-light.html>

For additional information contact the Texas Department of Transportation, Traffic Operations Division, 125 East 11th Street, Austin, Texas 78701-2483 or call (512) 416-3260.

TRD-202302644
Becky Blewett
Deputy General Counsel
Texas Department of Transportation
Filed: July 25, 2023

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