

IN ADDITION

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

Office of Consumer Credit Commissioner

Notice of Rate Ceilings

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

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 09/04/23 - 09/10/23 is 18% for consumer¹ credit.

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 09/04/23 - 09/10/23 is 18% for commercial² credit.

¹ Credit for personal, family, or household use.

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

TRD-202303212

Leslie L. Pettijohn

Commissioner

Office of Consumer Credit Commissioner

Filed: August 30, 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 **October 9, 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 **October 9, 2023**. Written comments may also be sent by facsimile machine to the enforcement coordinator at (512) 239-2550. The commission's enforcement coordinators are available to discuss the AOs and/or the comment procedure at the listed phone numbers; however, TWC, §7.075, pro-

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

(1) COMPANY: Ascension Seton; DOCKET NUMBER: 2022-1067-PST-E; IDENTIFIER: RN100599356; LOCATION: Austin, Travis County; TYPE OF FACILITY: emergency generator; RULES VIOLATED: 30 TAC §334.48(e)(1) and §334.50(b)(2)(B) and TWC, §26.3475(b) and (c)(1), by failing to provide release detection for the suction piping associated with the underground storage tank (UST) system, and failing to conduct the annual operability testing of release detection equipment to ensure it is operating properly; 30 TAC §334.48(g)(1)(A)(ii) and (B) and TWC, §26.3475(c)(2), by failing to test the spill prevention equipment at least once every three years to ensure the equipment is liquid tight, and failing to inspect the overfill prevention equipment for operability at least once every three years; and 30 TAC §334.49(a)(4) and TWC, §26.3475(d), by failing to provide corrosion protection to all metal components of the UST system designed or used to convey, contain, or store regulated substances; PENALTY: \$7,500; ENFORCEMENT COORDINATOR: Stephanie McCurley, (512) 239-2607; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 339-2929.

(2) COMPANY: BC Humble Enterprises, LLC; DOCKET NUMBER: 2021-1500-MWD-E; IDENTIFIER: RN101527513; LOCATION: Humble, Harris County; TYPE OF FACILITY: wastewater treatment plant; RULES VIOLATED: 30 TAC §217.7(b)(3)(B) and §305.125(1) and (8), and Texas Pollutant Discharge Elimination System Permit Number WQ0014874001, Permit Conditions Number 4.c, by failing to apply for an amendment; PENALTY: \$3,375; ENFORCEMENT COORDINATOR: Taylor Williamson, (512) 239-2097; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(3) COMPANY: Brookshire Brothers, Incorporated dba Brookshire Brothers 81; DOCKET NUMBER: 2022-1490-PST-E; IDENTIFIER: RN107147688; LOCATION: Zavalla, Angelina County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULES VIOLATED: 30 TAC §334.50(b)(1)(B) and TWC, §26.3475(c)(1), by failing to monitor the underground storage tanks for releases in a manner which will detect a release at a frequency of at least once every 30 days by using interstitial monitoring for tanks installed on or after January 1, 2009; PENALTY: \$3,375; ENFORCEMENT COORDINATOR: Karolyn Kent, (512) 239-2536; REGIONAL OFFICE: 3870 Eastex Freeway, Beaumont, Texas 77703-1830, (409) 898-3838.

(4) COMPANY: City of Galveston; DOCKET NUMBER: 2023-0267-PWS-E; IDENTIFIER: RN101274249; LOCATION: Galveston, Galveston County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.44(e)(5), by failing to have a minimum nine-foot separation distance from a potable waterline to a wastewater main manhole or where the nine-foot separation distance cannot be achieved, and failing to encase the potable waterline in a joint of at least 150 pounds per square inch pressure class pipe at least 18 feet long and two nominal sizes larger than the new conveyance; and 30 TAC §290.46(m), by failing to initiate maintenance and house-keeping practices to ensure the good working condition and general appearance of the system's facilities and equipment; PENALTY: \$17,250; ENFORCEMENT COORDINATOR: Ashley Lemke, (512)

239-1118; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(5) COMPANY: City of Rose City; DOCKET NUMBER: 2022-0203-MWD-E; IDENTIFIER: RN109046458; LOCATION: Vidor, Orange County; TYPE OF FACILITY: wastewater treatment plant; RULES VIOLATED: 30 TAC §305.65 and TWC, §26.121(a)(1), by failing to maintain authorization to discharge wastewater into or adjacent to any water in the state; PENALTY: \$15,300; ENFORCEMENT COORDINATOR: Samantha Smith, (512) 239-2099; REGIONAL OFFICE: 3870 Eastex Freeway, Beaumont, Texas 77703-1830, (409) 898-3838.

(6) COMPANY: Higbie Ventures of Texas, Incorporated; DOCKET NUMBER: 2022-0340-WQ-E; IDENTIFIER: RN11214474; LOCATION: Kingwood, Harris County; TYPE OF FACILITY: construction site; RULES VIOLATED: 30 TAC §305.125(1), and Texas Pollutant Discharge Elimination System (TPDES) General Permit Number TXR1554ET, Part III, Section F.2.(c).i.(B), by failing to install minimum controls such as silt fences, vegetative buffer strips, or equivalent sediment controls for all down-slope boundaries at the site; 30 TAC 305.125(1), and TPDES General Permit Number TXR1554ET, Part III, Section F.6(a)(c), by failing to maintain best management practices in effective operating condition; and 30 TAC §305.125(1), and TPDES General Permit Number TXR1554ET, Part III, Section F.6.(d), by failing to remove accumulations of sediment at a frequency that minimizes off-site impacts; PENALTY: \$7,988; ENFORCEMENT COORDINATOR: Monica Larina, (512) 239-0184; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(7) COMPANY: J and S Materials, LLC; DOCKET NUMBER: 2023-0418-AIR-E; IDENTIFIER: RN110872991; LOCATION: San Antonio, Comal County; TYPE OF FACILITY: permanent rock and concrete crushing plant; RULES VIOLATED: 30 TAC §116.115(c) and §116.615(2), Standard Permit Registration Number 159907, Air Quality Standard Permit for Permanent Rock and Concrete Crushers, General Conditions Number 2 and General Requirements Number 1(B), and Texas Health and Safety Code, §382.085(b), by failing to comply with all representations with regard to construction plans, operating procedures, pollution control methods, and maximum emission rates in any registration for a standard permit; PENALTY: \$11,812; ENFORCEMENT COORDINATOR: Yuliya Dunaway, (210) 403-4077; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, (210) 492-3096.

(8) COMPANY: James L. Sullivan and Anytime Septic Solutions LLC; DOCKET NUMBER: 2023-0065-SLG-E; IDENTIFIER: RN110596814; LOCATION: Saratoga, Polk County; TYPE OF FACILITY: sludge transporter; RULES VIOLATED: 30 TAC §312.44(h)(1) and Domestic Septage Registration Number 711028, Section V.D. Regulated Management Conditions Number 9A, by failing to apply domestic septage uniformly over the surface of the land; and 30 TAC §312.64(m) and Domestic Septage Registration Number 711028, Section V.D. Regulated Management Conditions Number 11, by failing to restrict public access to a surface disposal site; PENALTY: \$2,625; ENFORCEMENT COORDINATOR: Cheryl Thompson, (817) 588-5865; REGIONAL OFFICE: 3870 Eastex Freeway, Beaumont, Texas 77703-1830, (409) 898-3838.

(9) COMPANY: Kopperl ISD; DOCKET NUMBER: 2022-1567-MWD-E; IDENTIFIER: RN101279396; LOCATION: Kopperl, Bosque County; TYPE OF FACILITY: sludge plant; RULES VIOLATED: 30 TAC §305.125(1) and (5) and Texas Pollutant Discharge Elimination System Permit Number WQ0013982001, Operational Requirements Number 1, by failing to ensure the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained; PENALTY: \$1,350; ENFORCEMENT COORDINATOR: Mistie Gonzales, (254) 761-3056; REGIONAL OFFICE:

6801 Sanger Avenue, Suite 2500, Waco, Texas 76710-7826, (254) 751-0335.

(10) COMPANY: Mako, LLC; DOCKET NUMBER: 2022-1287-WR-E; IDENTIFIER: RN11369286; LOCATION: La Marque, Galveston County; TYPE OF FACILITY: residential development; RULES VIOLATED: 30 TAC §297.11 and TWC, §11.121, by failing to obtain authorization prior to diverting, impounding, storing, taking, or using state water; PENALTY: \$6,000; ENFORCEMENT COORDINATOR: Harley Hobson, (512) 239-1337; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(11) COMPANY: N2PR LLC dba Food Store Lucky 7; DOCKET NUMBER: 2022-1250-PST-E; IDENTIFIER: RN102344892; LOCATION: Fort Worth, Tarrant County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULES VIOLATED: 30 TAC §334.50(b)(1)(A) and TWC, §26.3475(c)(1), by failing to monitor the underground storage tanks for releases in a manner which will detect a release at a frequency of at least once every 30 days; PENALTY: \$3,750; ENFORCEMENT COORDINATOR: Mark Gamble, (512) 239-2587; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(12) COMPANY: Rivers Edge Interests, Ltd.; DOCKET NUMBER: 2022-0141-WQ-E; IDENTIFIER: RN110901360; LOCATION: Conroe, Montgomery County; TYPE OF FACILITY: construction site; RULES VIOLATED: 30 TAC §305.125(1), TWC, §26.121(a), and Texas Pollutant Discharge Elimination System General Permit Number TXR1597AT, Part III, Section F.6(a), (b), (c), and (d), by failing to install and maintain best management practices at the site which resulted in a discharge of pollutants into or adjacent to any water in the state; PENALTY: \$16,875; ENFORCEMENT COORDINATOR: Harley Hobson, (512) 239-1337; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(13) COMPANY: Stratford at Bulverde Village Homeowners Association; DOCKET NUMBER: 2022-0346-EAQ-E; IDENTIFIER: RN105323612; LOCATION: San Antonio, Bexar County; TYPE OF FACILITY: residential common grounds; RULES VIOLATED: 30 TAC §213.4(k) and Edwards Aquifer Protection Plan Number 13-07081401, Standard Conditions Number 15, by failing to maintain best management practices and measures to prevent pollutants from entering sensitive features located within the Edwards Aquifer Recharge Zone; PENALTY: \$1,500; ENFORCEMENT COORDINATOR: Harley Hobson, (512) 239-1337; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, (210) 492-3096.

(14) COMPANY: WS CAMPUS HOLDINGS, LLC; DOCKET NUMBER: 2022-0388-EAQ-E; IDENTIFIER: RN11359683; LOCATION: Florence, Williamson County; TYPE OF FACILITY: new construction; RULE VIOLATED: 30 TAC §213.23(a)(1), by failing to obtain approval of an Edwards Aquifer Protection Plan prior to commencing a regulated activity over the Edwards Aquifer Contributing Zone; PENALTY: \$8,250; ENFORCEMENT COORDINATOR: Mark Gamble, (512) 239-2587; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 339-2929.

TRD-202303179
Gitanjali Yadav
Deputy Director, Litigation
Texas Commission on Environmental Quality
Filed: August 29, 2023

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Enforcement Orders

An agreed order was adopted regarding SKMD BUSINESS LLC dba Calder Food Mart, Docket No. 2021-1024-PST-E on August 29, 2023 assessing \$3,375 in administrative penalties with \$675 deferred. Information concerning any aspect of this order may be obtained by contacting Amy Lane, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Southwest Texas Commercial Properties LLC dba Star Stop 430530, Docket No. 2021-1497-PST-E on August 29, 2023 assessing \$5,838 in administrative penalties with \$1,167 deferred. Information concerning any aspect of this order may be obtained by contacting Ken Moller, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding HOESMAN INDUSTRIES, INC. dba Capital Concrete Products, Docket No. 2021-1520-MLM-E on August 29, 2023 assessing \$3,550 in administrative penalties with \$710 deferred. Information concerning any aspect of this order may be obtained by contacting Ken Moller, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding City of Buda, Docket No. 2022-0007-EAQ-E on August 29, 2023 assessing \$5,000 in administrative penalties with \$1,000 deferred. Information concerning any aspect of this order may be obtained by contacting Mark Gamble, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding CRYSTAL SPRINGS WATER CO., INC., Docket No. 2022-0083-PWS-E on August 29, 2023 assessing \$4,638 in administrative penalties with \$927 deferred. Information concerning any aspect of this order may be obtained by contacting Miles Wehner, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding GREEN SPRINGS WATER SUPPLY CORPORATION, Docket No. 2022-0114-PWS-E on August 29, 2023 assessing \$4,040 in administrative penalties with \$808 deferred. Information concerning any aspect of this order may be obtained by contacting Tessa Bond, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding HWCC No. 3, LLC, Docket No. 2022-0208-PWS-E on August 29, 2023 assessing \$450 in administrative penalties with \$90 deferred. Information concerning any aspect of this order may be obtained by contacting Samantha Salas, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding PURE WATER SUPPLY CORPORATION, Docket No. 2022-0275-PWS-E on August 29, 2023 assessing \$5,800 in administrative penalties with \$1,160 deferred. Information concerning any aspect of this order may be obtained by contacting Ronica Rodriguez, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding DFW Golden Heights Business Park Owners Condominium Association, Inc., Docket No. 2022-0549-PWS-E on August 29, 2023 assessing \$4,175 in administrative penalties with \$835 deferred. Information concerning any aspect of this order may be obtained by contacting Miles Caston,

Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas

An agreed order was adopted regarding City of Sabinal, Docket No. 2022-0615-PWS-E on August 29, 2023 assessing \$350 in administrative penalties with \$70 deferred. Information concerning any aspect of this order may be obtained by contacting Kaisie Hubschmitt, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding ELSA INVESTMENT LLC dba LaMexico 6, Docket No. 2022-0839-PST-E on August 29, 2023 assessing \$3,375 in administrative penalties with \$675 deferred. Information concerning any aspect of this order may be obtained by contacting Karolyn Kent, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding City of Hedley, Docket No. 2022-1348-UTL-E on August 29, 2023 assessing \$450 in administrative penalties with \$90 deferred. Information concerning any aspect of this order may be obtained by contacting Ronica Rodriguez, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding FOREST HILL NO. TWO WATER SUPPLY CORPORATION, Docket No. 2022-1389-UTL-E on August 29, 2023 assessing \$500 in administrative penalties with \$100 deferred. Information concerning any aspect of this order may be obtained by contacting Miles Wehner, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Southwestern Bell Telephone Company, Docket No. 2022-1448-PST-E on August 29, 2023 assessing \$3,750 in administrative penalties with \$750 deferred. Information concerning any aspect of this order may be obtained by contacting Amy Lane, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Boling Municipal Water District, Docket No. 2022-1485-UTL-E on August 29, 2023 assessing \$470 in administrative penalties with \$94 deferred. Information concerning any aspect of this order may be obtained by contacting Daphne Greene, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Old Town Water Supply Corporation, Ben Adams dba Old Town Water Supply Corporation, Terry Adams dba Old Town Water Supply Corporation, and David Hicks dba Old Town Water Supply Corporation, Docket No. 2022-1512-UTL-E on August 29, 2023 assessing \$500 in administrative penalties with \$100 deferred. Information concerning any aspect of this order may be obtained by contacting Miles Wehner, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Deyma Davila dba Dey's RV and Mobile Park, Docket No. 2023-0186-UTL-E on August 29, 2023 assessing \$875 in administrative penalties with \$175 deferred. Information concerning any aspect of this order may be obtained by contacting Miles Caston, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Wood Island Homeowners Association Water System, Docket No. 2023-0223-UTL-E on August 29, 2023 assessing \$500 in administrative penalties with \$100 deferred.

Information concerning any aspect of this order may be obtained by contacting Tessa Bond, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding North San Saba Water Supply Corporation, Docket No. 2023-0268-PWS-E on August 29, 2023 assessing \$5,325 in administrative penalties with \$1,065 deferred. Information concerning any aspect of this order may be obtained by contacting Miles Wehner, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A field citation was adopted regarding Kinney County, Docket No. 2023-0287-WR-E on August 29, 2023 assessing \$350 in administrative penalties. Information concerning any aspect of this citation may be obtained by contacting Harley Hobson, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding BRAZOS VALLEY SEPTIC & WATER, INC., Docket No. 2023-0463-UTL-E on August 29, 2023 assessing \$500 in administrative penalties with \$100 deferred. Information concerning any aspect of this order may be obtained by contacting Nick Lohret-Froio, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Seth Ward Water Supply Corporation, Docket No. 2023-0464-UTL-E on August 29, 2023 assessing \$600 in administrative penalties with \$120 deferred. Information concerning any aspect of this order may be obtained by contacting Nick Lohret-Froio, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding SEABOARD WATER SUPPLY CORPORATION, Docket No. 2023-0465-UTL-E on August 29, 2023 assessing \$500 in administrative penalties with \$100 deferred. Information concerning any aspect of this order may be obtained by contacting Nick Lohret-Froio, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A field citation was adopted regarding W4-A Holdings LLC, Docket No. 2023-0762-WQ-E on August 29, 2023 assessing \$875 in administrative penalties. Information concerning any aspect of this citation may be obtained by contacting Monica Larina, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A field citation was adopted regarding Gulf Coast Fiber Services LLC, Docket No. 2023-0777-WR-E on August 29, 2023 assessing \$350 in administrative penalties. Information concerning any aspect of this citation may be obtained by contacting John Thibodeaux, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A field citation was adopted regarding Moss, Terrance Deon, Docket No. 2023-0803-WOC-E on August 29, 2023 assessing \$175 in administrative penalties. Information concerning any aspect of this citation may be obtained by contacting Daphne Greene, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

TRD-202303210

Laurie Gharis
Chief Clerk
Texas Commission on Environmental Quality
Filed: August 30, 2023



Notice of District Petition

Notice issued August 28, 2023

TCEQ Internal Control No. D-05022023-003; AALV 153 Jarrell, LLC and AALV 75 Georgetown, LLC ("Petitioners") filed a petition for creation of Theon Ranches Municipal Utility District No. 2 (District) with the Texas Commission on Environmental Quality (TCEQ). The petition was filed pursuant to Article III, Section 52 and Article XVI, Section 59 of the Constitution of the State of Texas; Chapters 49 and 54 of the Texas Water Code; 30 Texas Administrative Code Chapter 293; and the procedural rules of the TCEQ. The petition states that: (1) the Petitioners own a majority of the assessed value of the land to be included in the proposed District; (2) there is one lienholder on the property to be included in the proposed District, and the aforementioned entity has consented to creation of the District and inclusion of the land in the District; (3) the proposed District will contain approximately 229.301 acres of land, located entirely within Williamson County, Texas; and (4) none of the land to be included in the proposed District is within the corporate limits or extraterritorial jurisdiction of any municipality. The petition further states that the proposed District will (1) purchase, construct, acquire, provide, operate, extend, repair, maintain or improve inside or outside of its boundaries, any and all works, improvements, facilities, plants, equipment, and appliances necessary or helpful to supply and distribute water for municipal, domestic, industrial and commercial purposes, (2) collect, transport, process, dispose of and control domestic, industrial and commercial wastes, (3) gather, conduct, divert, abate, amend and control local storm water or other local harmful excesses of water in the District, (4) construct, maintain, improve and operate graveled or paved roads or turnpikes that serve or are intended to serve as an arterial or main feeder roads, or works, facilitates, or improvements in aid of those roads or turnpikes inside or outside the boundaries of the District to the extent authorized by Article III, Section 52 of the Texas Constitution, purchase, (5) construct, acquire, provide, operate, maintain, repair, improve, extend and develop park and recreational facilities for the inhabitants of the District, and (6) purchase, construct, acquire, provide, operate, maintain, repair, improve, or extend inside or outside of its boundaries such additional facilities, systems, plants and enterprises as shall be consonant with the purposes for which the District is created. According to the petition, a preliminary investigation has been made to determine the cost of the project, and it is estimated by the Petitioners, from the information available at this time, that the cost of said project will be approximately \$65,080,000.

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-202303207

Laurie Gharis
Chief Clerk

Texas Commission on Environmental Quality
Filed: August 30, 2023



Notice of District Petition

Notice issued August 28, 2023

TCEQ Internal Control No. D-03032023-007; Kendall County Water Control and Improvement District No. 2 (the "District") filed an application with the Texas Commission on Environmental Quality (TCEQ) for authority to levy a revised impact fee of \$36,935 per connection (LUE) within the District's service area. The District files this application under the authority of Chapter 395 of the Local Government Code, 30 Texas Administrative Code Chapter 293, and the procedural rules of the TCEQ. The purpose of impact fees is to generate revenue to recover the costs of capital improvements or facility expansions made necessary by and attributable to serving new development in the District's service area. At the direction of the District, a registered engineer has prepared a capital improvements plan for the system that identifies the capital improvements or facility expansions and their costs for which the impact fees will be assessed. The impact fee application and supporting information are available for inspection and copying during regular business hours in the Districts Section of the Water Supply Division, Third Floor of Building F (in the TCEQ Park 35 Office Complex located between Yager and Braker lanes on North IH-35), 12100 Park 35 Circle, Austin, Texas 78753. A copy of the impact fee application and supporting information, as well as the capital improvements plan, is available for inspection and copying at the District's office during regular business hours.

INFORMATION SECTION

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

lication 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-202303208

Laurie Gharis
Chief Clerk

Texas Commission on Environmental Quality
Filed: August 30, 2023



Notice of Opportunity to Comment on Default 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 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 **October 9, 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, Build-

ing 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 October 9, 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 & K ENTERPRISES, INC. dba Country Food Store; DOCKET NUMBER: 2021-0549-PWS-E; TCEQ ID NUMBER: RN101183861; LOCATION: 9815 State Highway 60 South, Lane City, Wharton County; TYPE OF FACILITY: public water system; RULES VIOLATED: Texas Health and Safety Code, §341.0315(c) and 30 TAC §290.45(d)(2)(A) and §290.110(b)(2), by failing to maintain a disinfectant residual of at least 0.2 milligrams per liter free chlorine in the water entering the distribution system; 30 TAC §290.41(c)(3)(K), by failing to seal the wellhead by a gasket or sealing compound and provide a well casing vent for Well Number 1 that is covered with 16-mesh or finer corrosion-resistant screen, facing downward, and elevated and located so as to minimize the drawing of contaminants into the well; 30 TAC §290.46(m)(4), by failing to maintain all water treatment units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances in a watertight condition and free of excessive solids; 30 TAC §290.41(c)(3)(O), by failing to protect all well units with an intruder-resistant fence with a lockable gate or enclose the well in a locked and ventilated well house to exclude the possible contamination or damage to the facilities by trespassers; and TWC, §5.702 and 30 TAC §290.51(a)(6), by failing to pay the annual Public Health Service fees and/or any associated late fees for TCEQ Financial Administration Account Number 92410032 for Fiscal Year 2021; PENALTY: \$5,775; STAFF ATTORNEY: Benjamin Pence, Litigation, MC 175, (512) 239-2157; REGIONAL OFFICE: Houston Regional Office, 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(2) COMPANY: SOFIYASHANU ENTERPRISES INC dba 1604 Corner Store; DOCKET NUMBER: 2021-0964-PST-E; TCEQ ID NUMBER: RN101436475; LOCATION: 9100 West Loop 1604 North, San Antonio, Bexar County; TYPE OF FACILITY: underground storage tank (UST) system and convenience store with retail sales of gasoline; RULES VIOLATED: TWC, §26.3475(c)(1) and 30 TAC §334.50(b)(1)(A), by failing to monitor the USTs for releases in a manner which will detect a release at a frequency of at least once every 30 days; and TWC, §26.3475(a) and 30 TAC §334.50(b)(2), by failing to provide release detection for the pressurized piping associated with the UST system; PENALTY: \$3,869; STAFF ATTORNEY: Katherine Keithley, Litigation, MC 175, (512) 239-0620; REGIONAL OFFICE: San Antonio Regional Office, 14250 Judson Road, San Antonio, Texas 78233-4480, (210) 490-3096.

TRD-202303190

Gitanjali Yadav

Deputy Director, Litigation

Texas Commission on Environmental Quality

Filed: August 29, 2023



Notice of Opportunity to Request a Public Meeting for a Development Permit Application for Construction Over a Closed Municipal Solid Waste Landfill

Notice issued on August 25, 2023

Proposed Permit No. 62050

Application. The City of Waco, P.O. Box 2570, Waco, Texas 76702, has applied to the Texas Commission on Environmental Quality (TCEQ) for a development permit for construction over a closed municipal solid waste landfill (Proposed Permit No. 62050). The proposed development concerns a tract of land of approximately 43.482 acres located at South University Parks Drive, Waco, Texas 76712. The proposed construction includes an enclosed building with a total footprint of about 21,600 square feet, a possible future building expansion of an additional 14,400 square feet and associated paved access drives and parking for trucks and vehicles. This development permit, if approved, authorizes the construction of buildings and associated features over a closed municipal solid waste landfill that the applicant proposes to use as a future municipal solid waste transfer station. The facility cannot accept waste until a separate application for a Type V Municipal Solid Waste Transfer Station is approved by TCEQ. The development permit application is available for viewing and copying at Waco-McLennan County Library, 1717 Austin Avenue, Waco, Texas 76701, and may be viewed online at <https://www.waco-texas.com/Departments/Solid-Waste-Recycling-Services/Landfill-Planning/Transfer-Station-Permitting-Process>. The following link to an electronic map of the site or facility general location is provided as a public courtesy and is not part of the application or notice: <https://arcg.is/8PfC00>. For exact location, refer to application.

Public Comment/Public Meeting. You may submit public comments or request a public meeting on this application to the Office of Chief Clerk at the address included in the information section below. TCEQ will hold a public meeting if the executive director determines that there is a significant degree of public interest in the application or if requested by a local legislator. 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 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.

If a public meeting is to be held, a public notice shall be published in a newspaper that is generally circulated in the county in which the proposed development is located. All the individuals on the adjacent landowners list shall also be notified at least 15 calendar days prior to the meeting.

Executive Director Action. The executive director shall, after review of the application, issue his decision to either approve or deny the development permit application. Notice of decision will be mailed to the owner and to each person that requested notification of the executive director's decision.

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

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

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

General information regarding the TCEQ can be found at our web site at www.tceq.texas.gov. Further information may also be obtained from the City of Waco at the address stated above or by calling the applicant's representative Mr. Jeff Arrington P.E., at (817) 358-6111.

TRD-202303206

Laurie Gharis
Chief Clerk

Texas Commission on Environmental Quality

Filed: August 30, 2023



Notice of Public Meeting Air Permit (NORI) Renewal Permit Number 50114

APPLICATION. Martin Marietta Materials Southwest, LLC, has applied to the Texas Commission on Environmental Quality (TCEQ) for renewal of Air Quality Permit Number 50114, which would authorize continued operation of a concrete crushing plant located at 5001 Gasmer Drive, Houston, Harris County, Texas 77035. **AVISO DE IDIOMA ALTERNATIVO.** El aviso de idioma alternativo en español está disponible en <https://www.tceq.texas.gov/permitting/air/newsourcereview/airpermits-pendingpermit-apps>. 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/LocationMapper/?marker=-95.467539,29.647513&level=13>. The existing facility is authorized to emit the following air contaminants: carbon monoxide, nitrogen oxides, organic compounds, particulate matter including particulate matter with diameters of 10 microns or less and 2.5 microns or less and sulfur dioxide. This application was submitted to the TCEQ on May 4, 2023.

The executive director has determined the application is administratively complete and will conduct a technical review of the application. Information in the application indicates that this permit renewal would not result in an increase in allowable emissions and would not result in the emission of an air contaminant not previously emitted. **The TCEQ may act on this application without seeking further public comment or providing an opportunity for a contested case hearing if certain criteria are met.**

PUBLIC COMMENT/PUBLIC MEETING. You may submit public comments to the Office of the Chief Clerk at the address below. The TCEQ will consider all public comments in developing a final decision on the application. A public meeting will be held and will consist of two parts, an Informal Discussion Period and a Formal Comment Period. A public meeting is not a contested case hearing under the Administrative Procedure Act. During the Informal Discussion Period, the public will be encouraged to ask questions of the applicant and TCEQ staff concerning the permit application. The comments and questions submitted orally during the Informal Discussion Period will not be considered before a decision is reached on the permit application, and no formal response will be made. Responses will be provided orally during the Informal Discussion Period. During the Formal Comment Period on the permit application, members of the public may state their formal comments orally into the official record. At the conclusion of the comment period, all formal comments will be considered before a decision is reached on the permit application. A written response to all formal comments will be prepared by the executive director and will be sent to each person who submits a formal comment or who requested to be on the mailing list for this permit application and provides a mailing address. Only relevant and material issues raised during the

Formal Comment Period can be considered if a contested case hearing is granted on this permit application.

The Public Meeting is to be held:

Thursday, September 28, 2023, at 7:00 p.m.

Community Collective for Houston

12401 S. Post Oak Road

Houston, Texas 77045

INFORMATION. Members of the public are encouraged to submit written comments anytime during the public meeting or by mail before the close of the public comment period to the Office of the Chief Clerk, TCEQ, Mail Code MC-105, P.O. Box 13087, Austin, Texas 78711-3087 or electronically at <https://www14.tceq.texas.gov/epic/eComment/>. If you need more information about the permit application or the permitting process, please call the TCEQ Public Education Program, toll free, at (800) 687-4040. General information can be found at our Web site at www.tceq.texas.gov. *Si desea información en español, puede llamar al (800) 687-4040.*

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 link, enter the permit number at the top of this form.

The application will be available for viewing and copying at the TCEQ central office, TCEQ Houston regional office, and the Vinson Neighborhood Library, inside H. Clarke Multi-Service Center, 3810 West Fuqua Street, Houston, Harris County, Texas. The facility's compliance file, if any exists, is available for public review in the Houston regional office of the TCEQ. Further information may also be obtained from Martin Marietta Materials Southwest, LLC, 1503 Lyndon B. Johnson Freeway Suite 400, Dallas, Texas 75234-6007 or by calling Ms. Monique Wells, CIC Environmental, LLC at (512) 292-4314.

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

Notice Issuance Date: August 24, 2023

TRD-202303204

Laurie Gharis
Chief Clerk

Texas Commission on Environmental Quality

Filed: August 30, 2023



Notice of Public Meeting for TPDES Permit for Municipal Wastewater New Permit No. WQ0016092001

APPLICATION. Treasure Island Laguna Azure LLC, 2101 Cedar Springs Road, Suite 700, Dallas, Texas 75201, has applied to the Texas Commission on Environmental Quality (TCEQ) for new Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0016092001, to authorize the discharge of treated domestic wastewater at an annual average flow not to exceed 1,400,000 gallons per day. TCEQ received this application on January 18, 2022.

The facility will be located approximately 0.81 of a mile northeast of the intersection of Farmington Road and Hodgins Road, in Grayson County, Texas 75495. The treated effluent will be discharged to West Prong Whites Creek, thence to Whites Creek, thence to East Fork Trinity River above Lake Lavon, thence to Lake Lavon in Segment No.

0821 of the Trinity River Basin. The unclassified receiving water use is high aquatic life use for West Prong Whites Creek. The designated uses for Segment No. 0821 are primary contact recreation, public water supply, and high aquatic life use. The effluent limitations in the draft permit will maintain and protect the existing instream uses. In accordance with 30 Texas Administrative Code Section 307.5 and the TCEQ's Procedures to Implement the Texas Surface Water Quality Standards (June 2010), an antidegradation review of the receiving waters was performed. A Tier 1 antidegradation review has preliminarily determined that existing water quality uses will not be impaired by this permit action. Numerical and narrative criteria to protect existing uses will be maintained. A Tier 2 review has preliminarily determined that no significant degradation of water quality is expected in West Prong Whites Creek, which has been identified as having high aquatic life use. Existing uses will be maintained and protected. The preliminary determination can be reexamined and may be modified if new information is received. This link to an electronic map of the site or facility's general location is provided as a public courtesy and is not part of the application or notice. For the exact location, refer to the application.

<https://tceq.maps.arcgis.com/apps/webappviewer/index.html?id=db5bac44afbc468bbddd360f8168250f&marker=-96.631606%2C33.455858&level=12>

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

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

The Public Meeting is to be held:

Monday, October 9, 2023, at 7:00 p.m.

Days Inn by Wyndham Sherman, "Dallas" Meeting Room

3605 South US Highway 75

Sherman, Texas 75090

INFORMATION. Members of the public are encouraged to submit written comments anytime during the meeting or by mail before the close of the public comment period to the Office of the Chief Clerk, TCEQ, Mail Code MC-105, P.O. Box 13087, Austin, Texas 78711-3087 or electronically at www.tceq.texas.gov/goto/comment. If you need more information about the permit application or the permitting process, please call the TCEQ Public Education Program, Toll Free, at

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

The permit application, Executive Director's preliminary decision, and draft permit are available for viewing and copying at Van Alstyne Public Library, 151 West Cooper Street, Van Alstyne, Texas. Further information may also be obtained from Treasure Island Laguna Azure LLC at the address stated above or by calling Mr. Jonathan Nguyen, Quiddity Engineering, at (512) 685-5156.

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

Issuance Date: August 24, 2023

TRD-202303205

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: August 30, 2023



Notice of Public Meeting New Permit No. WQ0016276001

APPLICATION. The Peninsula RV Resort LLC, P.O. Box 490, Breckenridge, Texas 76424, has applied to the Texas Commission on Environmental Quality (TCEQ) for new Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0016276001, to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 15,000 gallons per day. TCEQ received this application on December 16, 2022.

The facility will be located approximately 1.53 miles northwest of the intersection of County Road 315 and Farm-to-Market Road 3099, in Stephens County, Texas 76424. The treated effluent will be discharged directly to Hubbard Creek Reservoir in Segment No. 1233 of the Brazos River Basin. The designated uses for Segment No. 1233 are primary contact recreation, public water supply, and high aquatic life use. In accordance with 30 Texas Administrative Code §307.5 and TCEQ's *Procedures to Implement the Texas Surface Water Quality Standards* (June 2010), an antidegradation review of the receiving waters was performed. A Tier 1 antidegradation review has preliminarily determined that existing water quality uses will not be impaired by this permit action. Numerical and narrative criteria to protect existing uses will be maintained. A Tier 2 review has preliminarily determined that no significant degradation of water quality is expected in Hubbard Creek Reservoir, which has been identified as having high aquatic life uses. Existing uses will be maintained and protected. The preliminary determination can be reexamined and may be modified if new information is received. This link to an electronic map of the site or facility's general location is provided as a public courtesy and is not part of the application or notice. For the exact location, refer to the application.

<https://gisweb.tceq.texas.gov/LocationMapper/?marker=-98.950555,32.808333&level=18>

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

ALTERNATIVE LANGUAGE NOTICE. Alternative language notice in Spanish is available at <https://www.tceq.texas.gov/permitting/wastewater/plain-language-summaries-and-public-no>

tices. El aviso de idioma alternativo en español está disponible en <https://www.tceq.texas.gov/permitting/wastewater/plain-language-summaries-and-public-notices>.

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

The Public Meeting is to be held:

Thursday, October 12, 2023 at 7:00 p.m.

Bailey Auditorium

500 W. Lindsey

Breckenridge, Texas 76424

INFORMATION. Members of the public are encouraged to submit written comments anytime during the meeting or by mail before the close of the public comment period to the Office of the Chief Clerk, TCEQ, Mail Code MC-105, P.O. Box 13087, Austin, Texas 78711-3087 or electronically at www.tceq.texas.gov/goto/comment. If you need more information about the permit application or the permitting process, please call the TCEQ Public Education Program, Toll Free, at (800) 687-4040. *Si desea información en español, puede llamar (800) 687-4040.* General information about the TCEQ can be found at our web site at <https://www.tceq.texas.gov>.

The permit application, Executive Director's preliminary decision, and draft permit are available for viewing and copying at Breckenridge Library, 209 North Breckenridge Avenue, Breckenridge, Texas. Further information may also be obtained from The Peninsula RV Resort LLC at the address stated above or by calling Mrs. Brook Hatchett at (254) 246-0389.

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

Issuance Date: August 29, 2023

TRD-202303203

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: August 30, 2023



Notice of Public Meeting Permit Number 21258

APPLICATION. Texas Materials Group, Inc., has applied to the Texas Commission on Environmental Quality (TCEQ) for renewal of Air Quality Permit Number 21258, which would authorize continued operation of a hot mix asphalt plant located at 5303 Navigation Boulevard, Houston, Harris County, Texas 77011.

AVISO DE IDIOMA ALTERNATIVO. El aviso de idioma alternativo en español está disponible en <https://www.tceq.texas.gov/permitting/air/newsource/airpermits-pending/permit-apps>.

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/LocationMapper/?marker=-95.31667,29.75417&level=13>. The existing facility is authorized to emit the following air contaminants: carbon monoxide, hazardous air pollutants, nitrogen oxides, organic compounds, particulate matter including particulate matter with diameters of 10 microns or less and 2.5 microns or less, lead and sulfur dioxide. This application was submitted to the TCEQ on May 22, 2023.

The executive director has determined the application is administratively complete and will conduct a technical review of the application. Information in the application indicates that this permit renewal would not result in an increase in allowable emissions and would not result in the emission of an air contaminant not previously emitted. **The TCEQ may act on this application without seeking further public comment or providing an opportunity for a contested case hearing if certain criteria are met.**

PUBLIC COMMENT/PUBLIC MEETING. You may submit public comments to the Office of the Chief Clerk at the address below.

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

The Public Meeting is to be held:

Monday, October 2, 2023 at 7:00 p.m.

Hampton Inn Houston I-10 East

10505 East Freeway

Houston, Texas 77029

INFORMATION. Members of the public are encouraged to submit written comments anytime during the public meeting or by mail before the close of the public comment period to the Office of the Chief Clerk, TCEQ, Mail Code MC-105, P.O. Box 13087, Austin, Texas 78711-3087 or electronically at

<https://www14.tceq.texas.gov/epic/eComment/>. If you need more information about the permit application or the permitting process, please call the TCEQ Public Education Program, toll free, at (800) 687-4040. General information can be found at our Web site at www.tceq.texas.gov. *Si desea información en español, puede llamar al (800) 687-4040.*

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 link, enter the permit number at the top of this form.

The application will be available for viewing and copying at the TCEQ central office, TCEQ Houston regional office, and the Stanaker Neighborhood Library, 611 Staff Sergeant Macario Garcia Drive, Houston, Harris County. The facility's compliance file, if any exists, is available for public review in the Houston regional office of the TCEQ. Further information may also be obtained from Texas Materials Group, Inc., P.O. Box 1987, Baytown, Texas 77522-1987 or by calling Mr. James Wedemeier, Senior Consultant, Trinity Consultants, at (713) 955-1223.

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

Notice Issuance Date: August 29, 2023

TRD-202303209

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: August 30, 2023

Texas Health and Human Services Commission

Public Notice: Adult Vaccine Services

The Texas Health and Human Services Commission (HHSC) announces its intent to submit transmittal number 22-0032 to the Texas State Plan for Medical Assistance, under Title XIX of the Social Security Act.

The Texas Health and Human Services Commission (HHSC) proposes amendments to the Texas State Plan for Medical Assistance under Title XIX of the Social Security Act to repeal language explicitly excluding vaccines specific for travel to or from foreign countries. The Social Security Act was amended to provide that, effective October 1, 2023, state Medicaid programs must cover items and services described in Section 1905(a)(13)(B) of the Act, including adult vaccines approved by the Food and Drug Administration and recommended by the Advisory Committee on Immunization Practices (ACIP) and their administration. On June 27, 2023, the Centers for Medicare and Medicaid Services issued a letter interpreting the reference to ACIP recommendations in Section 1905(a)(13)(B) to include any category of ACIP vaccine recommendations. Because of this interpretation, Medicaid programs must cover all adult vaccines recommended by ACIP, including those recommended solely for occupation or travel to or from foreign countries.

The proposed amendment is effective October 1, 2023.

The proposed amendment is estimated to result in an additional annual aggregate expenditure of \$9,505 for [the remainder of] federal fiscal year (FFY) 2024, consisting of \$0 cost savings in federal funds and \$0 cost savings in state general revenue. For FFY 2025, the estimated additional annual expenditure is \$9,404 consisting of \$0 cost savings in federal funds and \$0 cost savings in state general revenue.

To obtain copies of the proposed amendment, interested parties may contact Nicole Hotchkiss, State Plan Coordinator, by mail at the Health and Human Services Commission, P.O. Box 13247, Mail Code H-600, Austin, Texas 78711; by telephone at (512) 438-5035; by facsimile at (512) 730-7472; or by email at Medicaid_Chip_SPA_Inquiries@hhsc.state.tx.us. Copies of the proposal will also be made available for public review at the local offices of the Texas Health and Human Services Commission.

TRD-202303143

Karen Ray

Chief Counsel

Texas Health and Human Services Commission

Filed: August 24, 2023

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 October 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:

Early and Periodic Screening, Diagnostic and Treatment Services; and Physicians and Other Practitioners

The proposed amendment is estimated to result in an annual aggregate expenditure of \$29,562 for federal fiscal year (FFY) 2023, consisting of \$17,891 in federal funds and \$11,671 in state general revenue. For FFY 2024, the estimated annual aggregate expenditure is \$31,912 consisting of \$19,307 in federal funds and \$12,605 in state general revenue. For FFY 2025, the estimated annual aggregate expenditure is \$31,571 consisting of \$19,100 in federal funds and \$12,471 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 will be conducted online in September or October 2023, to address these updates. Once available, information about the proposed rate changes and the hearing will be published in a subsequent issue of the *Texas Register* at <http://www.sos.state.tx.us/texreg/index.shtml> and the HHS Meetings & Events webpage at <https://www.hhs.texas.gov/about/meetings-events>.

Copy of Proposed Amendment.

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

Written Comments.

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

U.S. Mail

Texas Health and Human Services Commission

Attention: Provider Finance Department

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-202303197

Karen Ray

Chief Counsel

Texas Health and Human Services Commission

Filed: August 30, 2023



Texas Department of Insurance

Company Licensing

Application for incorporation in the state of Texas for Worth National Title Insurance Company, a domestic title company. The home office is in Fort Worth, Texas.

Application for incorporation in the state of Texas for Takaful Insurance Reciprocal Exchange, a domestic reciprocal. The home office is in Houston, 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-202303199

Justin Beam

Chief Clerk

Texas Department of Insurance

Filed: August 30, 2023



Texas Department of Licensing and Regulation

Public Notice - Criminal Conviction Guidelines for the Off-Highway Vehicle (ATV) Operator Safety Program

The Texas Commission of Licensing and Regulation (Commission) provides this public notice that, at its regularly scheduled meeting held August 1, 2023, the Commission adopted amendments to the Texas Department of Licensing and Regulation's (Department's) Criminal Conviction Guidelines pursuant to Texas Occupations Code §53.025(a). The Criminal Conviction Guidelines are updated from the original guidelines published on December 5, 2003 (28 TexReg 11018) to include the Off-Highway Vehicle (ATV) Operator Safety program.

The Criminal Conviction Guidelines (guidelines) describe the process by which the Department determines whether a criminal conviction renders an applicant an unsuitable candidate for the license, or whether a conviction warrants revocation or suspension of a license previously granted. The guidelines present the general factors that are considered in all cases and the reasons why particular crimes are considered to relate to each type of license issued by the Department.

The Texas Legislature enacted Senate Bill 616 (S.B. 616), 86th Legislature, Regular Session (2019), which transferred oversight of the Motorcycle and ATV Operator Safety program from the Texas Department of Public Safety to the Texas Department of Licensing and Regulation.

The Criminal Conviction Guidelines for the ATV Operator Safety program will become a part of the overall guidelines that are already in place for other Department programs. The Department presented the Criminal Conviction Guidelines to the Commission on August 1, 2023, and were adopted as recommended.

A copy of the complete Criminal Conviction Guidelines is posted on the Department's website and may be obtained at www.tdlr.texas.gov. You may also contact the Enforcement Division at (512) 539-5600 or by email at enforcement@tdlr.texas.gov to obtain a copy of the complete guidelines.

Off-Highway Vehicle (ATV) Operator Safety Program – Chapter 99

Instructor

Crimes involving fraud, forgery, bribery, or tampering with records.

Reasons:

1. Inducing or countenancing fraud or a fraudulent practice by a person applying for a driver's license or permit is grounds for denial of a license. See Texas Transportation Code §551A.017.
2. Licensees have the means and the opportunity to practice deceit, fraud and misrepresentation related to the need for service.
3. A person with the predisposition and experience in misrepresentations of fact in the business setting would have the opportunity to engage in further similar conduct.
4. Licensees interact with adults and children in an instructor/student role. Licensees will often be involved in assessing the performance of students. Licensees would have the opportunity to prepare and submit false documents or sell false documents pertaining to the coursework or qualifications of students.
5. A person who has committed such crimes would have the opportunity to engage in further similar conduct.

Crimes involving deceptive trade practices.

Reasons:

1. Licensees may be in a position to advertise or otherwise make representations about services, products, and other matters related to the need for service.
2. Licensees may potentially be involved in the billing of clients.
3. A person who has committed such crimes would have the opportunity to engage in further similar conduct.

Crimes involving the operation of a motor vehicle, including driving while intoxicated, intoxication assault, intoxication manslaughter, reckless driving, and fleeing or evading a police officer.

Reasons:

1. Licensees interact with adults and children in an instructor/student role. Licensees teach proper driving. Persons with a history of operating a motor vehicle in a dangerous manner would not be appropriate persons to teach proper driving.
2. Criminal activity of this type reveals a lack of regard for the safety of others.
3. A person with a predisposition for criminal activity of this type would pose a risk to the public.
4. The instructor license would provide the opportunity to engage in or encourage others to engage in further similar conduct.

Crimes involving children as victims.

Reasons:

1. Licensees interact with children in an instructor/student role. Individuals who have committed crimes involving children as victims would pose a potential danger.
2. A person who has committed such crimes would have the opportunity to engage in further similar conduct.

Program Sponsor

Crimes involving fraud, forgery, bribery, or tampering with records.

Reasons:

1. Inducing or countenancing fraud or a fraudulent practice by a person applying for a driver's license or permit is grounds for denial of a license. See Texas Transportation Code §551A.017.
2. Licensees have the means and the opportunity to practice deceit, fraud and misrepresentation related to the need for service.

3. A person with the predisposition and experience in misrepresentations of fact in the business setting would have the opportunity to engage in further similar conduct.
4. Licensees interact with adults and children in a school/student role. Licensees would have the opportunity to prepare and submit false documents or sell false documents pertaining to the coursework or qualifications of students.
5. A person who has committed such crimes would have the opportunity to engage in further similar conduct.

Crimes involving deceptive trade practices.

Reasons:

1. Licensees may be in a position to advertise or otherwise make representations about services, products, and other matters related to the need for service.
2. Licensees may potentially be involved in the billing of clients.
3. A person who has committed such crimes would have the opportunity to engage in further similar conduct.

TRD-202303127
 Mike Arismendez, Jr.
 Executive Director
 Texas Department of Licensing and Regulation
 Filed: August 23, 2023



Texas Lottery Commission

Scratch Ticket Game Number 2531 "HOLIDAY LOTERIA"

1.0 Name and Style of Scratch Ticket Game.

A. The name of Scratch Ticket Game No. 2531 is "HOLIDAY LOTERIA". The play style is "row/column/diagonal".

1.1 Price of Scratch Ticket Game.

A. The price for Scratch Ticket Game No. 2531 shall be \$3.00 per Scratch Ticket.

1.2 Definitions in Scratch Ticket Game No. 2531.

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: ACORN SYMBOL, BELLS SYMBOL, BOW SYMBOL, CANDLE SYMBOL, CANDY CANE SYMBOL, CARD SYMBOL, CARDINAL SYMBOL, CHIMNEY SYMBOL, DRUM SYMBOL, ELF SYMBOL, FIREPLACE SYMBOL, GIFT BOX SYMBOL, GINGERBREAD SYMBOL, HAT SYMBOL, HOLLY SYMBOL, ICE SKATE SYMBOL, ICICLES SYMBOL, LIGHTS SYMBOL, MILK SYMBOL, MITTEN SYMBOL, ORNAMENT SYMBOL, REINDEER SYMBOL, SCARF SYMBOL, SHOVEL SYMBOL, SLED SYMBOL, SNOW GLOBE SYMBOL, SNOWMAN SYMBOL, STAR SYMBOL, STOCKING SYMBOL, SWEATER SYMBOL, TREE SYMBOL and WREATH SYMBOL.

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. 2531 - 1.2D

PLAY SYMBOL	CAPTION
ACORN SYMBOL	ACORN
BELLS SYMBOL	BELLS
BOW SYMBOL	BOW
CANDLE SYMBOL	CANDLE
CANDY CANE SYMBOL	CANDY CANE
CARD SYMBOL	CARD
CARDINAL SYMBOL	CARDINAL
CHIMNEY SYMBOL	CHIMNEY
DRUM SYMBOL	DRUM
ELF SYMBOL	ELF
FIREPLACE SYMBOL	FIREPLACE
GIFT BOX SYMBOL	GIFT BOX
GINGERBREAD SYMBOL	GINGERBREAD
HAT SYMBOL	HAT
HOLLY SYMBOL	HOLLY
ICE SKATE SYMBOL	ICE SKATE
ICICLES SYMBOL	ICICLES
LIGHTS SYMBOL	LIGHTS
MILK SYMBOL	MILK
MITTEN SYMBOL	MITTEN
ORNAMENT SYMBOL	ORNAMENT
REINDEER SYMBOL	REINDEER
SCARF SYMBOL	SCARF
SHOVEL SYMBOL	SHOVEL
SLED SYMBOL	SLED

SNOW GLOBE SYMBOL	SNOW GLOBE
SNOWMAN SYMBOL	SNOWMAN
STAR SYMBOL	STAR
STOCKING SYMBOL	STOCKING
SWEATER SYMBOL	SWEATER
TREE SYMBOL	TREE
WREATH SYMBOL	WREATH

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 (2531), 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: 2531-0000001-001.

H. Pack - A Pack of the "HOLIDAY LOTERIA" Scratch Ticket Game contains 075 Tickets, packed in plastic shrink-wrapping and fanfolded in pages of one (1). The Packs will alternate. One will show the front of Ticket 001 and back of 075 while the other fold will show the back of Ticket 001 and front of 075.

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 LOTERIA" Scratch Ticket Game No. 2531.

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 LOTERIA" Scratch Ticket Game is determined once the latex on the Scratch Ticket is scratched off to expose thirty (30) Play Symbols. 1) The player completely scratches the CALLER'S CARD to reveal 14 symbols. 2) The player scratches ONLY the symbols on the PLAYBOARD that exactly match the symbols revealed on the CALLER'S CARD. 3) If the player reveals a complete row, column or diagonal line, the player wins the prize for that line. 1) El jugador raspa completamente la CARTA DEL GRITÓN para revelar 14 símbolos. 2) El jugador SOLAMENTE raspa los símbolos en la TABLA DE JUEGO que son exactamente iguales a los símbolos revelados en la CARTA DEL GRITÓN. 3) Si el jugador

revela una línea completa, horizontal, vertical o diagonal, el jugador gana el premio para esa línea. 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 thirty (30) 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 thirty (30) 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 thirty (30) Play Symbols must be exactly one of those described in Section 1.2.C of these Game Procedures;

17. Each of the thirty (30) 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 three (3) 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 Play Symbols.

C. There will be no matching Play Symbols in the CALLER'S CARD/CARTA DEL GRITÓN play area.

D. At least eight (8), but no more than twelve (12), CALLER'S CARD/CARTA DEL GRITÓN Play Symbols will match a symbol on the PLAYBOARD/TABLA DE JUEGO play area on a Ticket.

E. No matching Play Symbols are allowed on the PLAYBOARD/TABLA DE JUEGO play area.

2.3 Procedure for Claiming Prizes.

A. To claim a "HOLIDAY LOTERIA" Scratch Ticket Game prize of \$3.00, \$5.00, \$8.00, \$10.00, \$15.00, \$18.00, \$20.00, \$30.00, \$33.00, \$50.00, \$80.00 or \$250, a claimant shall sign the back of the Scratch Ticket in the space designated on the Scratch Ticket and may present the winning Scratch Ticket to any Texas Lottery Retailer. The Texas Lottery Retailer shall verify the claim and, if valid, and upon presentation of proper identification, if appropriate, make payment of the amount due the claimant and physically void the Scratch Ticket; provided that the Texas Lottery Retailer may, but is not required, to pay a \$30.00, \$33.00, \$50.00, \$80.00 or \$250 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 LOTERIA" Scratch Ticket Game prize of \$3,000 or \$50,000, 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 LOTERIA" Scratch Ticket Game prize the claimant may submit the signed winning Scratch Ticket and a thoroughly completed claim form via mail. If a prize value is \$1,000,000 or more, the claimant must also provide proof of Social Security number or Tax Payer Identification (for U.S. Citizens or Resident Aliens). Mail all to: Texas Lottery Commission, P.O. Box 16600, Austin, Texas 78761-6600. The Texas Lottery is not responsible for Scratch Tickets lost in the mail. In the event that the claim is not validated by the Texas Lottery, the claim shall be denied and the claimant shall be notified promptly.

D. Prior to payment by the Texas Lottery of any prize, the Texas Lottery shall deduct the amount of a delinquent tax or other money from the winnings of a prize winner who has been finally determined to be:

1. delinquent in the payment of a tax or other money to a state agency and that delinquency is reported to the Comptroller under Government Code §403.055;

2. in default on a loan made under Chapter 52, Education Code;

3. in default on a loan guaranteed under Chapter 57, Education Code; or

4. delinquent in child support payments in the amount determined by a court or a Title IV-D agency under Chapter 231, Family Code.

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

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

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

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

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

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

2.5 Payment of Prizes to Persons Under 18. If a person under the age of 18 years is entitled to a cash prize under \$600 from the "HOLIDAY

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

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

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

3.0 Scratch Ticket Ownership.

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

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

4.0 Number and Value of Scratch Prizes. There will be approximately 6,000,000 Scratch Tickets in Scratch Ticket Game No. 2531. The approximate number and value of prizes in the game are as follows:

Figure 2: GAME NO. 2531 - 4.0

Prize Amount	Approximate Number of Winners*	Approximate Odds are 1 in **
\$3.00	560,000	10.71
\$5.00	160,000	37.50
\$8.00	120,000	50.00
\$10.00	120,000	50.00
\$15.00	120,000	50.00
\$18.00	80,000	75.00
\$20.00	80,000	75.00
\$30.00	35,000	171.43
\$33.00	10,000	600.00
\$50.00	5,000	1,200.00
\$80.00	2,800	2,142.86
\$250	750	8,000.00
\$3,000	20	300,000.00
\$50,000	5	1,200,000.00

*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 4.64. 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. 2531 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. 2531, 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-202303191
 Bob Biard
 General Counsel
 Texas Lottery Commission
 Filed: August 29, 2023

◆ ◆ ◆

Supreme Court of Texas

Amended Order Giving Preliminary Approval of Amendments to Canons 3B, 5, and 6 of the Texas Code of Judicial Conduct and the Procedural Rules for the Removal or Retirement

of Judges, Now Titled the Procedural Rules for the State
Commission on Judicial Conduct

(Editor's note: In accordance with Texas Government Code, §2002.014, which permits the omission of material which is "cumbersome, expensive, or otherwise inexpedient," this order is not included in the print version of the Texas Register. The order is available in the on-line version of the September 8, 2023, issue of the Texas Register.)

TRD-202303183
Jaclyn Daumerie
Rules Attorney
Supreme Court of Texas
Filed: August 29, 2023



Order Approving Revised Protective Order Forms

(Editor's note: In accordance with Texas Government Code, §2002.014, which permits the omission of material which is "cumbersome, expensive, or otherwise inexpedient," this order is not included in the print version of the Texas Register. The order is available in the on-line version of the September 8, 2023, issue of the Texas Register.)

TRD-202303185
Jaclyn Daumerie

Rules Attorney
Supreme Court of Texas
Filed: August 29, 2023



Preliminary Approval of Amendments to Texas Rule of
Judicial Administration 7

(Editor's note: In accordance with Texas Government Code, §2002.014, which permits the omission of material which is "cumbersome, expensive, or otherwise inexpedient," this order is not included in the print version of the Texas Register. The order is available in the on-line version of the September 8, 2023, issue of the Texas Register.)

TRD-202303188
Jaclyn Daumerie
Rules Attorney
Supreme Court of Texas
Filed: August 29, 2023



Preliminary Approval of Amendments to Texas Rules of
Appellate Procedure 24.1 and 24.2

Supreme Court of Texas

Misc. Docket No. 23-9062

Preliminary Approval of Amendments to Texas Rules of Appellate Procedure 24.1 and 24.2

ORDERED that:

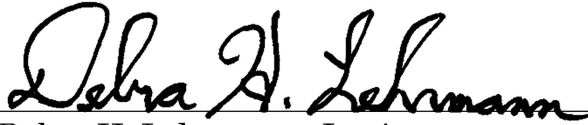
1. The Court invites public comments on proposed amendments to Texas Rules of Appellate Procedure 24.1 and 24.2. All the proposed amendments, except the amendments to Texas Rule of Appellate Procedure 24.1(b)(2), are in accordance with the Act of May 17, 2023, 88th Leg., R.S., ch. 763 (H.B. 4381, codified at TEX. CIV. PRAC. and REM. CODE § 52.007).
2. Comments regarding the proposed amendments should be submitted in writing to rulescomments@txcourts.gov by December 1, 2023.
3. The Court will issue an order finalizing the rule after the close of the comment period. The Court may change the amendments in response to public comments.
4. The Court expects the amendments to Texas Rule of Appellate Procedure 24.1(b)(2) to take effect on January 1, 2024.
5. To effectuate the Act of May 17, 2023, 88th Leg., R.S., ch. 763, all the other amendments proposed in this Order are effective September 1, 2023. Those amendments apply only to a civil action commenced on or after September 1, 2024.
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*.

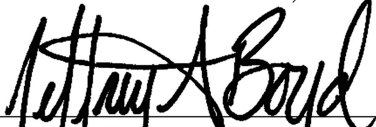
Dated: August 25, 2023.




Nathan L. Hecht, Chief Justice




Debra H. Lehrmann, Justice



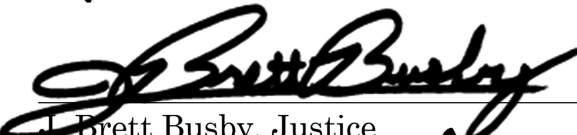
Jeffrey S. Boyd, Justice



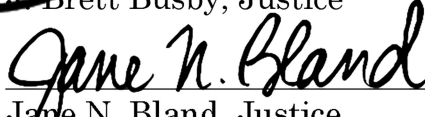
John P. Devine, Justice



James D. Blacklock, Justice



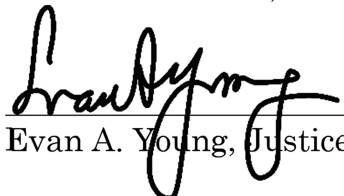
J. Brett Busby, Justice



Jane N. Bland, Justice



Rebeca A. Huddle, Justice



Evan A. Young, Justice

TEXAS RULES OF APPELLATE PROCEDURE

Rule 24. Suspension of Enforcement of Judgment Pending Appeal in Civil Cases

24.1. Suspension of Enforcement

- (a) *Methods.* Unless the law or these rules provide otherwise, a judgment debtor may supersede the judgment by:
- (1) filing with the trial court clerk a written agreement with the judgment creditor for suspending enforcement of the judgment;
 - (2) filing with the trial court clerk a good and sufficient bond;
 - (3) making a deposit with the trial court clerk in lieu of a bond; or
 - (4) providing alternate security under Rule 24.2(e) or ordered by the court.
- (b) *Bonds.*
- (1) A bond must be:
 - (A) in the amount required by 24.2;
 - (B) payable to the judgment creditor;
 - (C) signed by the judgment debtor or the debtor's agent;
 - (D) signed by a sufficient surety or sureties as obligors; and
 - (E) conditioned as required by (d).
 - (2) ~~To be effective a bond must be approved by the trial court clerk.~~ A bond is effective upon filing. On motion of any party, the trial court will review the bond.
- (c) *Deposit in Lieu of Bond.*
- (1) Types of Deposits. Instead of filing a surety bond, a party may deposit with the trial court clerk:
 - (A) cash;

- (B) a cashier's check payable to the clerk, drawn on any federally insured and federally or state-chartered bank or savings-and-loan association; or
 - (C) with leave of court, a negotiable obligation of the federal government or of any federally insured and federally or state-chartered bank or savings-and-loan association.
- (2) Amount of Deposit. The deposit must be in the amount required by 24.2.
- (3) Clerk's Duties; Interest. The clerk must promptly deposit any cash or a cashier's check in accordance with law. The clerk must hold the deposit until the conditions of liability in (d) are extinguished. The clerk must then release any remaining funds in the deposit to the judgment debtor.
- (d) *Conditions of Liability.* The surety or sureties on a bond, any deposit in lieu of a bond, or any alternate security under Rule 24.2(e) or ordered by the court is subject to liability for all damages and costs that may be awarded against the debtor — up to the amount of the bond, deposit, or security — if:
- (1) the debtor does not perfect an appeal or the debtor's appeal is dismissed, and the debtor does not perform the trial court's judgment;
 - (2) the debtor does not perform an adverse judgment final on appeal; or
 - (3) the judgment is for the recovery of an interest in real or personal property, and the debtor does not pay the creditor the value of the property interest's rent or revenue during the pendency of the appeal.
- (di) *Orders of Trial Court.* The trial court may make any order necessary to adequately protect the judgment creditor against loss or damage that the appeal might cause.
- (dii) *Effect of Supersedeas.* Enforcement of a judgment must be suspended if the judgment is superseded. Enforcement begun before the judgment is superseded must cease when the judgment is superseded. If execution has been issued, the clerk will promptly issue a writ of supersedeas.

24.2. Amount of Bond, Deposit, or Security

(a) *Type of Judgment.*

- (1) For Recovery of Money. When the judgment is for money, the amount of the bond, deposit, or security must equal the sum of compensatory damages awarded in the judgment, interest for the estimated duration of the appeal, and costs awarded in the judgment. But the amount must not exceed the lesser of:
 - (A) 50 percent of the judgment debtor's current net worth; or
 - (B) 25 million dollars.
- (2) For Recovery of Property. When the judgment is for the recovery of an interest in real or personal property, the trial court will determine the type of security that the judgment debtor must post. The amount of that security must be at least:
 - (A) the value of the property interest's rent or revenue, if the property interest is real; or
 - (B) the value of the property interest on the date when the court rendered judgment, if the property interest is personal.
- (3) Other Judgment. When the judgment is for something other than money or an interest in property, the trial court must set the amount and type of security that the judgment debtor must post. The security must adequately protect the judgment creditor against loss or damage that the appeal might cause. But the trial court may decline to permit the judgment to be superseded if the judgment creditor posts security ordered by the trial court in an amount and type that will secure the judgment debtor against any loss or damage caused by the relief granted the judgment creditor if an appellate court determines, on final disposition, that that relief was improper. When the judgment debtor is the state, a department of this state, or the head of a department of this state, the trial court must permit a judgment to be superseded except in a matter arising from a contested case in an administrative enforcement action.
- (4) Conservatorship or Custody. When the judgment involves the conservatorship or custody of a minor or other person under legal

disability, enforcement of the judgment will not be suspended, with or without security, unless ordered by the trial court. But upon a proper showing, the appellate court may suspend enforcement of the judgment with or without security.

(5) For a Governmental Entity. When a judgment in favor of a governmental entity in its governmental capacity is one in which the entity has no pecuniary interest, the trial court must determine whether to suspend enforcement, with or without security, taking into account the harm that is likely to result to the judgment debtor if enforcement is not suspended, and the harm that is likely to result to others if enforcement is suspended. The appellate court may review the trial court's determination and suspend enforcement of the judgment, with or without security, or refuse to suspend the judgment. If security is required, recovery is limited to the governmental entity's actual damages resulting from suspension of the judgment.

(b) *Lesser Amount.* The trial court must lower the amount of security required by (a) to an amount that will not cause the judgment debtor substantial economic harm if, after notice to all parties and a hearing, the court finds that posting a bond, deposit, or security in the amount required by (a) is likely to cause the judgment debtor substantial economic harm.

(c) *Determination of Net Worth.*

(1) Judgment Debtor's Affidavit Required; Contents; Prima Facie Evidence. A judgment debtor who provides a bond, deposit, or security under (a)(1)(A) or (e) in an amount based on the debtor's net worth must simultaneously file with the trial court clerk an affidavit that states the debtor's net worth and states complete, detailed information concerning the debtor's assets and liabilities from which net worth can be ascertained. An affidavit that meets these requirements is prima facie evidence of the debtor's net worth for the purpose of establishing the amount of the bond, deposit, or security required to suspend enforcement of the judgment. A trial court clerk must receive and file a net-worth affidavit tendered for filing by a judgment debtor.

(2) Contest; Discovery. A judgment creditor may file a contest to the debtor's claimed net worth. The contest need not be sworn. The creditor may conduct reasonable discovery concerning the judgment debtor's net worth.

- (3) **Hearing; Burden of Proof; Findings; Additional Security.** The trial court must hear a judgment creditor's contest of the judgment debtor's claimed net worth promptly after any discovery has been completed. The judgment debtor has the burden of proving net worth. The trial court must issue an order that states the debtor's net worth and states with particularity the factual basis for that determination. If the trial court orders additional or other security to supersede the judgment, the enforcement of the judgment will be suspended for twenty days after the trial court's order. If the judgment debtor does not comply with the order within that period, the judgment may be enforced against the judgment debtor.
- (d) *Injunction.* The trial court may enjoin the judgment debtor from dissipating or transferring assets to avoid satisfaction of the judgment, but the trial court may not make any order that interferes with the judgment debtor's use, transfer, conveyance, or dissipation of assets in the normal course of business.
- (e) *Alternative Security in Certain Cases.*
- (1) *Applicability.* Paragraph (e) applies only to a judgment debtor with a net worth of less than \$10 million.
- (2) *Alternative Security; Required Showing.* On a showing by the judgment debtor that posting security in the amount required under (a)(1) would require the judgment debtor to substantially liquidate the judgment debtor's interests in real or personal property necessary to the normal course of the judgment debtor's business, the trial court must allow the judgment debtor to post alternative security with a value sufficient to secure the judgment.
- (3) *Earnings on Appeal.* During an appeal, the judgment debtor may continue to manage, use, and receive earnings from interests in real or personal property in the normal course of business.
- (f) *Redetermination.* If an appellate court reduces the amount of the judgment that the trial court used to set the bond, deposit, or security, the judgment debtor is entitled, pending appeal of the judgment to a court of last resort, to a redetermination by the trial court of the amount of the bond, deposit, or security required to suspend enforcement.

Comment to 2023 change: Rule 24.1(b)(2) is amended to provide that a bond is effective upon filing, though the bond is still subject to challenge. New Rule 24.2(e) and (f) are added to implement section 52.007 of the Texas Civil Practice and Remedies Code.

TRD-202303184
Jaclyn Daumerie
Rules Attorney
Supreme Court of Texas
Filed: August 29, 2023

◆ ◆ ◆
Preliminary Approval of Amendments to Texas Rules of
Disciplinary Procedure 1.06, 2.10, 2.17, 7.08, and 7.11

Supreme Court of Texas

Misc. Docket No. 23-9067

Preliminary Approval of Amendments to Texas Rules of Disciplinary Procedure 1.06, 2.10, 2.17, 7.08, and 7.11

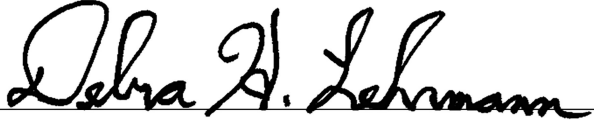
ORDERED that:

1. The Court invites public comments on proposed amendments to Texas Rules of Disciplinary Procedure 1.06, 2.10, 2.17, 7.08, and 7.11.
2. To effectuate the Act of May 17, 2023, 88th Leg., R.S., ch. 716 (H.B. 2384, codified at TEX. GOV'T CODE § 81.075(f)) and the Act of May 24, 2023, 88th Leg., R.S., ch. 1020 (H.B. 5010, codified at TEX. GOV'T CODE §§ 81.073 and 81.074), the amendments are effective September 1, 2023. But the amendments may later be changed in response to public comments. The Court requests public comments be submitted in writing to rulescomments@txcourts.gov by December 1, 2023.
3. The amendments apply only to a grievance filed on or after September 1, 2023. The amendments to Rule 2.17 apply only to an application for a place on the ballot filed for an election ordered on or after September 1, 2023.
4. 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: August 25, 2023.



Nathan L. Hecht, Chief Justice



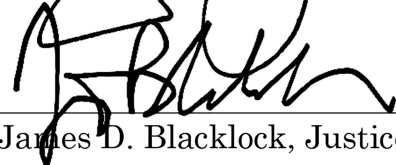
Debra H. Lehrmann, Justice



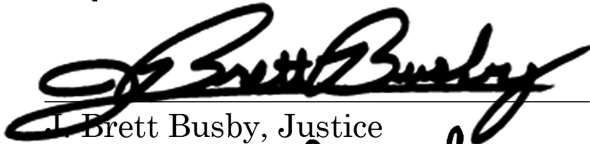
Jeffrey S. Boyd, Justice



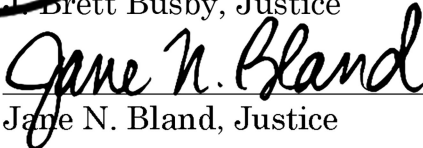
John P. Devine, Justice



James D. Blacklock, Justice



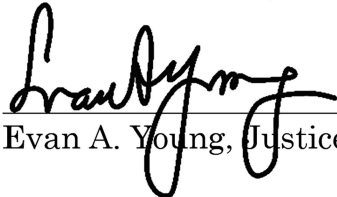
Brett Busby, Justice



Jane N. Bland, Justice



Rebeca A. Huddle, Justice



Evan A. Young, Justice

TEXAS RULES OF DISCIPLINARY PROCEDURE

1.06. Definitions:

F. "Complainant" means the person, firm, corporation, or other entity, including the Chief Disciplinary Counsel, initiating a Complaint or Inquiry.

G. "Complaint" means ~~these written matters~~ a Grievance received by the Office of the Chief Disciplinary Counsel that:

1. either on ~~the~~its face ~~thereof~~ or upon screening or preliminary investigation, alleges Professional Misconduct or attorney Disability, or both, cognizable under these rules or the Texas Disciplinary Rules of Professional Conduct; and

2. is submitted by any of the following:

a. a family member of a ward in a guardianship proceeding that is the subject of the Grievance;

b. a family member of a decedent in a probate matter that is the subject of the Grievance;

c. a trustee of a trust or an executor of an estate if the matter that is the subject of the Grievance relates to the trust or estate;

d. the judge, prosecuting attorney, defense attorney, court staff member, or juror in the legal matter that is the subject of the Grievance;

e. a trustee in a bankruptcy that is the subject of the Grievance; or

f. any other person who has a cognizable individual interest in or connection to the legal matter or facts alleged in the Grievance.

R. "Grievance" means a written statement, from whatever source, apparently intended to allege Professional Misconduct by a lawyer, or lawyer Disability, or both, received by the Office of the Chief Disciplinary Counsel.

T. "Inquiry" means ~~any written matter concerning attorney conduct~~ a Grievance received by the Office of the Chief Disciplinary Counsel that, even if true, does not allege Professional Misconduct or Disability or is not submitted by a person listed in paragraph G.

FF. "Sanction" means any of the following:

1. Disbarment.
2. Resignation in lieu of discipline.
3. Indefinite Disability suspension.
4. Suspension for a term certain.
5. Probation of suspension, which probation may be concurrent with the period of suspension, upon such reasonable terms as are appropriate under the circumstances.
6. Interim suspension.
7. Public reprimand.
8. Private reprimand.

The term "Sanction" may include the following additional ancillary requirements:

- a. Restitution (which may include repayment to the Client Security Fund of the State Bar of any payments made by reason of Respondent's Professional Misconduct); and
- b. Payment of Reasonable Attorneys' Fees and all direct expenses associated with the proceedings.

2.10. Classification of Grievances: The Chief Disciplinary Counsel shall within thirty days examine each Grievance received to determine whether it constitutes an Inquiry, a Complaint, or a Discretionary Referral.

A. If the Grievance is determined to constitute an Inquiry, the Chief Disciplinary Counsel shall notify the Complainant and Respondent of the dismissal. The Complainant may, within thirty days from notification of the dismissal, appeal the determination to the Board of Disciplinary Appeals. If the Board of Disciplinary Appeals affirms the classification as an Inquiry, the Complainant will be so notified and may within twenty days amend the Grievance one time only by providing new or additional evidence. The Complainant may appeal a decision by the Chief Disciplinary Counsel to dismiss the amended Complaint as an Inquiry to the Board of Disciplinary Appeals. No further amendments or appeals will be accepted.

B. If the Grievance is determined to constitute a Complaint, the Respondent shall be provided a copy of the Complaint with notice to respond, in writing, to the allegations of the Complaint. The notice shall advise the Respondent that the Chief Disciplinary Counsel may provide appropriate information, including the Respondent's response, to law enforcement agencies as permitted by Rule 6.08. The Respondent shall deliver the response to both the Office of the Chief Disciplinary Counsel and the Complainant within thirty days after receipt of the notice. The Respondent may, within thirty days after receipt of notice to respond, appeal to the Board of Disciplinary Appeals the Chief Disciplinary Counsel's determination that the Grievance constitutes a Complaint. If the Respondent perfects an appeal, the pendency of the appeal automatically stays the Respondent's deadline to respond to the Complaint and the deadlines pertaining to the investigation and determination of Just Cause. If the Board of Disciplinary Appeals reverses the Chief Disciplinary Counsel's determination, the Grievance must be dismissed immediately as an Inquiry. If the Board of Disciplinary Appeals affirms the Chief Disciplinary Counsel's determination, the Respondent must respond to the allegations in the Complaint within thirty days after the Respondent receives notice of the affirmance.

C. If the Grievance is determined to be a Discretionary Referral, the Chief Disciplinary Counsel will notify the Complainant and the Respondent of the referral to the State Bar's Client Attorney Assistance Program (CAAP). No later than sixty days after the Grievance is referred, CAAP will notify the Chief Disciplinary Counsel of the outcome of the referral. The Chief Disciplinary Counsel must, within fifteen days of notification from CAAP, determine whether the Grievance should be dismissed as an Inquiry or proceed as a

Complaint. The Chief Disciplinary Counsel and CAAP may share confidential information for all Grievances classified as Discretionary Referrals.

2.17. Evidentiary Hearings: Within fifteen days of the earlier of the date of Chief Disciplinary Counsel's receipt of Respondent's election or the day following the expiration of Respondent's right to elect, the chair of a Committee having proper venue shall appoint an Evidentiary Panel to hear the Complaint. The Evidentiary Panel may not include any person who served on a Summary Disposition or an Investigatory Panel that heard the Complaint and must have at least three members but no more than one-half as many members as on the Committee. Each Evidentiary Panel must have a ratio of two attorney members for every public member. Proceedings before an Evidentiary Panel of the Committee include:

P. Decision:

1. After conducting the Evidentiary Hearing, the Evidentiary Panel shall issue a judgment within thirty days. In any Evidentiary Panel proceeding where Professional Misconduct is found to have occurred, such judgment shall include findings of fact, conclusions of law and the Sanctions to be imposed.

2. The Evidentiary Panel may:

1. a. dismiss the Disciplinary Proceeding and refer it to the voluntary mediation and dispute resolution procedure;

2. b. find that the Respondent suffers from a disability and forward that finding to the Board of Disciplinary Appeals for referral to a district disability committee pursuant to Part XII; or

3. c. find that Professional Misconduct occurred and impose Sanctions.

3. The Evidentiary Panel must impose a public sanction listed in Rule 1.06(FF)(1)-(7) against the Respondent if the Evidentiary Panel finds that the Respondent knowingly made a false declaration on an application for a place on the ballot as a candidate for the following judicial offices:

a. chief justice or justice of the supreme court;

- b. presiding judge or judge of the court of criminal appeals;
- c. chief justice or justice of a court of appeals;
- d. district judge, including a criminal district judge; or
- e. judge of a statutory county court.

7.08. Powers and Duties: The Board of Disciplinary Appeals shall exercise the following powers and duties:

- A. Propose rules of procedure and administration for its own operation to the Supreme Court of Texas for promulgation.
- B. Review the operation of the Board of Disciplinary Appeals and periodically report to the Supreme Court and to the Board.
- C. Affirm or reverse a determination by the Chief of Disciplinary Counsel that a ~~statement~~ Grievance constitutes either:
 - 1. an Inquiry as opposed to a Complaint; or
 - 2. a Complaint as opposed to an Inquiry.

7.11. Judicial Review: An appeal from a determination of the Board of Disciplinary Appeals shall be to the Supreme Court. Within fourteen days after receipt of notice of a final determination by the Board of Disciplinary Appeals, the party appealing must file a notice of appeal directly with the Clerk of the Supreme Court. The record must be filed within sixty days after the Board of Disciplinary Appeals' determination. The appealing party's brief is due thirty days after the record is filed, and the responding party's brief must be filed within thirty days thereafter. Except as herein expressly provided, the appeal must be made pursuant to the then applicable Texas Rules of Appellate Procedure. Oral argument may be granted on motion. The case shall be reviewed under the substantial evidence rule. The Court may affirm a decision on the Board of Disciplinary Appeals by order without written opinion. Determinations by the Board of Disciplinary Appeals that a statement constitutes either an Inquiry or a Complaint, or transferring cases, are conclusive, and may not be appealed to the Supreme Court.

TRD-202303187

Jaclyn Daumerie

Rules Attorney

Supreme Court of Texas

Filed: August 29, 2023



Texas Department of Transportation

Notice of Agreement on Identification of Future Transportation
Corridors Within Williamson County

The Texas Department of Transportation and Williamson County,
Texas, have entered into an agreement that identifies future trans-

portation corridors within Williamson County in accordance with
Transportation Code, Section 201.619. Copies of the agreement and
all plans referred to by the agreement are available at the department's
Austin District Office, 7901 N. Interstate Hwy 35, Austin, Texas
78753.

TRD-202303196

Becky Blewett

Deputy General Counsel

Texas Department of Transportation

Filed: August 30, 2023

