

# 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.

## 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 **January 5, 2024**. TWC, §7.075, also requires that the commission promptly consider any written comments received and that the commission may withdraw or withhold approval of an AO if a comment discloses facts or considerations that indicate that consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the statutes and rules within the commission's jurisdiction or the commission's orders and permits issued in accordance with the commission's regulatory authority. Additional notice of changes to a proposed AO is not required to be published if those changes are made in response to written comments.

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

(1) COMPANY: CS FRANKE DEVELOPMENT LLC; DOCKET NUMBER: 2022-0216-WQ-E; IDENTIFIER: RN111196382; LOCATION: Lindale, Smith County; TYPE OF FACILITY: residential construction; RULES VIOLATED: 30 TAC §305.125(1), and Texas Pollutant Discharge Elimination System (TPDES) General Permit Number TXR1520EO, Part III, Section F.2.(c)(i)(A)(1), by failing to install sedimentation basins; 30 TAC §305.125(1), and TPDES General Permit Number TXR1500EO, Part III, Section F.4.(d), by failing to place velocity dissipation devices at discharge locations and along the length of any outfall channel; 30 TAC §305.125(1) and TPDES General Permit Number TXR1520EO, Part III, Section F.7.(c), by failing to perform inspections of the site at least once every 14 calendar days and within 24 hours of the end of a storm event of 0.5 inches or greater; 30 TAC §305.125(1) and TPDES General Permit Number TXR1520EO, Part III, Section G.1, by failing to install and maintain effective erosion controls and sediment controls to minimize the discharge of pollutants; and 30 TAC §305.125(1), TWC, §26.121(a), and TPDES General Permit Number TXR1520EO, Part III, Section G.1, 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: \$20,750; ENFORCEMENT COORDINATOR: Monica Larina, (361) 881-6965; REGIONAL OFFICE: 2916 Teague Drive, Tyler, Texas 75701-3734, (903) 535-5100.

(2) COMPANY: Harris County; DOCKET NUMBER: 2022-0433-PWS-E; IDENTIFIER: RN101194660; LOCATION: Humble, Harris County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §§290.106(e), 290.107(e), and 290.115(e), by failing to provide the results of nitrate, volatile organic chemical (VOC) contaminants, and Stage 2 Disinfection Byproducts sampling to the executive director (ED) for the January 1, 2021 - December 31, 2021, monitoring period; 30 TAC §290.107(e), by failing to provide the results of synthetic organic chemical Group 5 contaminants sampling to the ED for the January 1, 2019 - December 31, 2021, monitoring period; and 30 TAC §290.107(e), by failing to provide the results of VOC contaminants sampling to the ED for the third and fourth quarters of 2020; PENALTY: \$2,400; ENFORCEMENT COORDINATOR: Ashley Lemke, (512) 239-1118; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(3) COMPANY: KING, BRANDON; DOCKET NUMBER: 2023-1582-WQ-E; IDENTIFIER: RN111797122; LOCATION: Canton, Van Zandt County; TYPE OF FACILITY: operator; RULES VIOLATED: TWC, §11.081 and §11.121, by failing to obtain authorization prior to appropriating any state water or beginning construction of any work designed for the storage, taking, or diversion of water; PENALTY: \$350; ENFORCEMENT COORDINATOR: Shane Glantz, (325) 698-6124; REGIONAL OFFICE: 2916 Teague Drive, Tyler, Texas 75701-3734, (903) 535-5100.

(4) COMPANY: Permian Basin Materials, LLC; DOCKET NUMBER: 2022-0237-WQ-E; IDENTIFIER: RN105494827; LOCATION: Fort Stockton, Pecos County; TYPE OF FACILITY: cement and concrete product manufacturing plant; RULES VIOLATED: 30 TAC §305.125(1), TWC, §26.121(a)(1), and Texas Pollutant Discharge Elimination System General Permit Number TXG111980, Part III, Permit Requirements Number 1, by failing to comply with permitted effluent limitations; PENALTY: \$2,813; ENFORCEMENT COORDINATOR: Cheryl Thompson, (817) 588-5865; REGIONAL OFFICE: 9900 West IH-20, Suite 100, Midland, Texas 79706, (432) 570-1359.

(5) COMPANY: Ranger Ready Mix, LLC; DOCKET NUMBER: 2021-1597-WQ-E; IDENTIFIERS: RN108365560 and RN109335026; LOCATION: Hutto and Georgetown, Williamson County; TYPE OF FACILITIES: concrete batch plants; RULES VIOLATED: 30 TAC §305.125(1) and (17) and §319.7(d) and Texas Pollutant Discharge Elimination System General Permit Numbers TXG111622 and TXG111897, Part III, Section A, Permit Requirements Numbers 1 and 2; and Part IV, Standard Permit Conditions Number 7.f, by failing to timely submit monitoring results at intervals specified in the permit; PENALTY: \$22,010; ENFORCEMENT COORDINATOR: Harley Hobson, (512) 239-1337; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 339-2929.

(6) COMPANY: Ronan Bailey Smith dba Starlite Mobile Home Park; DOCKET NUMBER: 2022-0358-PWS-E; IDENTIFIER: RN101457554; LOCATION: Brenham, Washington County; TYPE

OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.41(c)(1)(A), by failing to locate the facility's well at least 50 feet from a tile or concrete sanitary sewer, sewerage appurtenance, septic tank, storm sewer, or cemetery or provide sanitary or storm sewers constructed of ductile iron or polyvinyl chloride pipe meeting American Water Works Association standards, having a minimum working pressure of 150 pounds per square inch or greater, and equipped with pressure type joints at distances of less than 50 feet from a proposed well site, but in no case less than ten feet; 30 TAC §290.41(c)(3)(M), by failing to provide suitable sampling cocks on the discharge pipe of the facility's two wells pump prior to any treatment; 30 TAC §290.42(l), by failing to maintain a thorough and up-to-date plant operations manual for operator review and reference; 30 TAC §290.43(d)(2), by failing to provide the facility's pressure tanks with a pressure release device and an easily readable pressure gauge; 30 TAC §290.44(d)(6), by failing to provide all dead-end mains with acceptable flush valves and discharge piping; 30 TAC §290.46(d)(2)(A) and §290.110(b)(4) and Texas Health and Safety Code, §341.0315(c), by failing to maintain a disinfectant residual of at least 0.2 milligrams per liter of free chlorine throughout the distribution system and in the water entering the distribution system at all times; 30 TAC §290.46(v), by failing to ensure that the electrical wiring is securely installed in compliance with a local or national electrical code; and 30 TAC §290.110(c)(4)(A), by failing to monitor the disinfectant residual at representative locations throughout the distribution system at least once every seven days; PENALTY: \$4,280; ENFORCEMENT COORDINATOR: Miles Wehner, (512) 239-2813; REGIONAL OFFICE: 6801 Sanger Avenue, Suite 2500, Waco, Texas 76710-7826, (254) 751-0335.

TRD-202304306

Gitanjali Yadav

Deputy Director, Litigation

Texas Commission on Environmental Quality

Filed: November 17, 2023



#### Notice of Application and Public Hearing for an Air Quality Standard Permit for a Concrete Batch Plant with Enhanced Controls Proposed Air Quality Registration Number 174037

**APPLICATION.** Martin Marietta Texas Ready-Mix LLC, 1503 LBJ Freeway Suite 400, Dallas, Texas 75234-6007 has applied to the Texas Commission on Environmental Quality (TCEQ) for an Air Quality Standard Permit for a Concrete Batch Plant with Enhanced Controls Registration Number 174037 to authorize the operation of a concrete batch plant. The facility is proposed to be located at 2005 South McDonald Street, McKinney, Collin County, Texas 75069. This link to an electronic map of the site or facility's general location is provided as a public courtesy and not part of the application or notice. For exact location, refer to application. <https://gisweb.tceq.texas.gov/Location-Mapper/?marker=-96.625,33.169722&level=13>. This application was submitted to the TCEQ on September 21, 2023. The primary function of this plant is to manufacture concrete by mixing materials including (but not limited to) sand, aggregate, cement and water. The executive director has determined the application was technically complete on November 16, 2023.

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

at [www14.tceq.texas.gov/epic/eComment/](http://www14.tceq.texas.gov/epic/eComment/). Please be aware that any contact information you provide, including your name, phone number, email address and physical address will become part of the agency's public record.

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

**The Public Hearing is to be held:**

**Thursday, January 4, 2024, at 6:00 p.m.**

**Sheraton McKinney Hotel**

**1900 Gateway Boulevard**

**McKinney, Texas 75070**

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

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

**CENTRAL/REGIONAL OFFICE.** The application will be available for viewing and copying at the TCEQ Central Office and the TCEQ Dallas/Fort Worth Regional Office, located at 2309 Gravel Dr, Fort Worth, Texas 76118-6951, during the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, beginning the first day of publication of this notice.

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

Further information may also be obtained from Martin Marietta Texas Ready-Mix, LLC, 1503 LBJ Freeway Suite 400, Dallas, Texas 75234-6007, or by calling Mrs. Melissa Fitts, Senior Vice President with Westward Environmental at (830) 249-8284.

Notice Issuance Date: November 16, 2023

TRD-202304321

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: November 17, 2023



#### Notice of Completion of Technical Review for Minor Amendment Radioactive Material License Number R04100

Notice Issued on November 17, 2023

APPLICATION. Waste Control Specialists LLC (WCS) has applied to the Texas Commission on Environmental Quality (TCEQ) for a minor amendment to Radioactive Material License R04100. Radioactive Material License R04100 authorizes the commercial disposal of Low-Level Radioactive Waste (LLRW) and storage and processing of radioactive substances. The application for a minor amendment was received on June 20, 2023.

The facility is located at 9998 State Highway 176 West in Andrews County, Texas. The following link to an electronic map of the site or facility's general location is provided as a public courtesy and is not part of the application or notice. For the exact location, refer to the application. <https://tceq.maps.arcgis.com/apps/webappviewer/index.html?id=db5bac44afbc468bbddd360f8168250f&marker=-103.063055%2C32.4425&level=12>.

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

The TCEQ Executive Director has determined that a minor amendment to the license is appropriate because it does not pose a detrimental impact and is in consideration of maintaining public health and safety, worker safety, and environmental health. The license will be amended to incorporate the updated Nuclear Regulatory Commission (NRC) Order (Docket No. 70-7005) to relocate the transuranic waste from Los Alamos National Laboratory (LANL) from the Federal Waste Facility to the Bin Storage Area 1 (BSA-1) and prepare the LANL waste in an enclosure at BSA-1 to make it transport ready, increase the financial assurance of the disposal facility to cover the Phase 2a expansion of the Compact Waste Facility (CWF), revise procedure EV-1.0.0, Consolidated Radiological Environmental Monitoring Program, to account for changes in monitoring wells due to necessary relocations from the CWF Phase 2a expansion, authorize higher activity waste (beyond the currently authorized license condition (LC) 192 exempt waste) for processing using GeoMelt In Container Vitrification (ICV), and revise procedure RS-5.0.0, Radiological Waste Process for the RCRA Landfill, to change the values in table 1, "Controlling Concentrations", used for determining if waste is eligible for the LC 192 exemption. The license will not be amended to extend the time that the Licensee can store transuranic waste that originated at LANL to December 31, 2024. The license application, the Executive Director's technical summary, and the amended draft license are available for viewing and copying at the TCEQ's central office in Austin, Texas and at the Andrews Public Library, 109 NW 1st Street, Andrews, Texas, 79714.

PUBLIC COMMENT/PUBLIC MEETING. You may submit public comments or request a public meeting about this application. The purpose of a public meeting is to provide the opportunity to submit comments or to ask questions about the application. TCEQ will hold a public meeting if the Executive Director determines that there is a significant degree of public interest in the application or if requested by a local legislator. A public meeting is not a contested case hearing. After the deadline for submitting public comments, the Executive Director will consider all timely comments and prepare a response to all relevant and material, or significant public comments.

EXECUTIVE DIRECTOR ACTION. The amendment is subject to Commission rules which direct the Executive Director to act on behalf of the Commission and provide authority to the Executive Director to issue final approval of the application for amendment after consideration of all timely comments submitted on the application.

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

INFORMATION AVAILABLE ONLINE: For details about the status of the application, visit the Commissioners' Integrated Database (CID) at [www.tceq.texas.gov/goto/cid](http://www.tceq.texas.gov/goto/cid). Once you have access to the CID using the above link, enter the license number for this application, which is provided at the top of this notice.

AGENCY CONTACTS AND INFORMATION. All public comments and requests must be submitted either electronically at <https://www.tceq.texas.gov/agency/decisions/cc/comments.html>, or in writing to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC-105, P.O. Box 13087, Austin, Texas 78711-3087 within 10 days from the date of this notice or 10 days from the date of publication in the *Texas Register*, whichever is later. 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 license application or the licensing 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](http://www.tceq.texas.gov/goto/pep). Si desea información en español, puede llamar al (800) 687-4040.

Further information may also be obtained from WCS at the facility address stated above or by calling Mr. Jay Cartwright at (432) 525-8698.

TRD-202304320

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: November 17, 2023



## Notice of District Petition

Notice issued September 8, 2023

TCEQ Internal Control No. D-05252023-050; KSH Group, LLC, a Texas limited liability company, Andrewakka, LLC, a Texas limited liability company, Terrell FM429 Land, LLC, a Texas limited liability company, Poonuru, LLC, a Texas limited liability company and Terrell 429 Eaden Prairie, LLC, a Texas limited liability company, ("Petitioners") filed a petition for creation of Kaufman County Municipal Utility District No. 25 (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 of a majority in value of the land to be included in the proposed District; (2) there are two lienholders, Texas Farm Credit Services, FLCA and Texas Heritage National Bank, on the property to be included in the proposed District, and the aforementioned entities have consented to the creation of the District and inclusion of the land in the District; (3) the proposed District will contain approximately 574.887 acres of land, located entirely within Kaufman 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, maintain and operate a waterworks, sanitary sewer, drainage and storm sewer system, and road facilities for residential and commercial purposes, (2) construct, acquire, improve, extend, maintain and operate works, improvements, facilities, plants, equipment and appliances helpful or necessary to provide more adequate drainage for the District, (3) control, abate and amend local storm waters or other harmful excesses of waters in the District, and (4) such other purchase, construction, acquisition, improvement, maintenance and operation of such additional facilities, systems, plants and enterprises as shall be consistent with all of 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 \$28,850,000.

#### 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](http://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](http://www.tceq.texas.gov).

TRD-202304322

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: November 17, 2023



Notice of District Petition

Notice issued November 17, 2023

TCEQ Internal Control No. D-09292023-043; RFJJ HWY 21, LLC., a Texas limited liability company, (Petitioner) filed a petition for creation

of Caldwell County Municipal Utility District No. 7 (District) with the Texas Commission on Environmental Quality (TCEQ). The petition was filed pursuant to Article XVI, Section 59 of the Constitution of the State of Texas; Chapters 49 and 54 of the Texas Water Code; 30 Texas Administrative Code Chapter 293; and the procedural rules of the TCEQ.

The petition states that: (1) the Petitioner holds title to a majority in value of the land to be included in the proposed District; (2) there is one lienholder, JLE Investments, LLC, on the property to be included in the proposed District and the aforementioned entity has consented to the creation of the District; (3) the proposed District will contain approximately 153.84 acres of land, more or less, located within Caldwell County, Texas; (4) all of the land to be included within the proposed District is within the extraterritorial jurisdiction of the City of Mustang Ridge (City); and (5) the City has consented to the creation of the District. The petition further states that the proposed District will: (1) construct, maintain, and operate a waterworks system, including the purchase and sale of water, for domestic and commercial purposes; (2) construct, maintain, and operate a sanitary sewer collection, treatment, and disposal system, for domestic and commercial purposes; (3) construct, install, maintain, purchase, and operate drainage and roadway facilities and improvements; and (4) construct, install, maintain, purchase, and operate such additional facilities, systems, plants, and enterprises as shall be consonant with the purposes for which the District is created. It further states that the planned residential and commercial development of the area and the present and future inhabitants of the area will be benefited by the above-referenced work, which will promote the purity and sanitary condition of the State's waters and the public health and welfare of the community. According to the petition, a preliminary investigation has been made to determine the cost of the project, and it is estimated by the Petitioner, from the information available at this time, that the cost of said project will be approximately \$30,815,000 (\$22,350,000 for water, wastewater, and drainage facilities and \$8,465,000 road facilities).

#### 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](http://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](http://www.tceq.texas.gov).

TRD-202304323

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: November 17, 2023



## Notice of District Petition

Notice issued November 17, 2023

TCEQ Internal Control No. D-09122023-013; Greenwood Land Holdings, LLC, (Petitioner) filed a petition for creation of Waller County Municipal Utility District No. 53 (District) with the Texas Commission on Environmental Quality (TCEQ). The petition was filed pursuant to Article XVI, §59 of the Constitution of the State of Texas; Chapters 49 and 54 of the Texas Water Code; 30 Texas Administrative Code Chapter 293; and the procedural rules of the TCEQ. The petition states that: (1) the Petitioner holds title to a majority in value of the land to be included in the proposed District; (2) there is one lienholder, Capital Farm Credit, ACA, on the property to be included in the proposed District and the lienholder consents to the creation of the proposed District; (3) the proposed District will contain approximately 122.7422 acres located within Waller County, Texas; and (4) the land within the proposed District is not within the corporate limits or extraterritorial jurisdiction of any city. The petition further states that the proposed District will: (1) purchase, construct, acquire, improve, extend, maintain, and operate a waterworks and sanitary sewer system for domestic and commercial purposes and the purchase, construct, acquire, improve, extend, maintain, and operate works, improvements, facilities, plants, equipment and appliances helpful or necessary to provide more adequate drainage for the proposed District; (2) control, abate, and amend local storm waters or other harmful excesses of water; (3) purchase interests in land and purchase, construct, acquire, improve, extend, maintain, and operate improvements, facilities, and equipment for the purpose of providing recreational facilities. Additionally, pursuant to §54.234, Texas Water Code, as amended, the proposed District may also exercise road powers and authority pursuant to applicable law, the proposed District may also establish, finance, provide, operate and maintain a fire department and/or fire-fighting services within the proposed District.

According to the petition, a preliminary investigation has been made to determine the cost of the project, and it is estimated by the Petitioners that the cost of said project will be approximately \$30,020,000 (\$21,920,000 for water, wastewater, drainage facilities and \$8,100,000 for roads).

### INFORMATION SECTION

To view the complete issued notice, view the notice on our web site at [www.tceq.texas.gov/agency/cc/pub\\_notice.html](http://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](http://www.tceq.texas.gov).

TRD-202304324

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: November 17, 2023



## Notice of District Petition

Notice issued November 17, 2023

TCEQ Internal Control No. D-05092023-019; Lackland Creekview Development, LLC, a Texas limited liability company, (Petitioner) filed a petition with the Texas Commission on Environmental Quality (TCEQ) for the annexation of land into Grayson County Municipal Utility District No. 8 (District) under Texas Water Code Chapters 49 and 54, Texas Local Government Code Sections (§§) 42.042 and 42.0425 and the procedural rules of the TCEQ. The petition states that: (1) the Petitioner holds title to all the property in the proposed annexation area to be included in the District; (2) the proposed property annexation will contain approximately 70.201 acres of land located within Grayson County; (3) all of the land to be included within the proposed property annexation is within the extraterritorial jurisdiction of the City of Van Alstyne, Texas (City); and (4) there is one lienholder on the property, American National Bank and Trust, and they have consented to the proposed annexation. The property proposed for annexation is a non-contiguous tract located east of the existing District boundaries and approximately one quarter mile east of the City. Access to the annexation tract will be by Farm-to-Market Road 3133. In accordance with Local Government Code §42.042 and Texas Water Code §54.016, the petition was submitted to the City, requesting the City's consent to the creation of the District. After more than 90 days passed without receiving consent, the Petitioner submitted a petition to the City to provide water and sewer services to the proposed District. The 120-day period for reaching a mutually agreeable contract as established by the Texas Water Code §54.016(c) expired and the information provided indicates that the Petitioner and the City have not executed a mutually agreeable contract for service. Pursuant to Texas Water Code §54.016(d), failure to execute such

an agreement constitutes authorization for the Petitioner to initiate proceedings to include the land within the proposed District.

#### 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](http://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](http://www.tceq.texas.gov).

TRD-202304325

Laurie Gharis  
Chief Clerk

Texas Commission on Environmental Quality  
Filed: November 17, 2023



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

The Texas Commission on Environmental Quality (TCEQ or commission) staff is providing an opportunity for written public comment on the listed Default Order (DO). The commission staff proposes a DO when the staff has sent the Executive Director's Preliminary Report and Petition (EDPRP) to an entity outlining the alleged violations; the proposed penalty; the proposed technical requirements necessary to bring the entity back into compliance; and the entity fails to request a hearing on the matter within 20 days of its receipt of the EDPRP or 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 **January 5, 2024**. The commission will consider any writ-

ten comments received, and the commission may withdraw or withhold approval of a DO if a comment discloses facts or considerations that indicate that consent to the proposed DO is inappropriate, improper, inadequate, or inconsistent with the requirements of the statutes and rules within the commission's jurisdiction, or the commission's orders and permits issued in accordance with the commission's regulatory authority. Additional notice of changes to a proposed DO is not required to be published if those changes are made in response to written comments.

A copy of the proposed DO is available for public inspection at both the commission's central office, located at 12100 Park 35 Circle, Building A, 3rd Floor, Austin, Texas 78753, (512) 239-3400 and at the applicable regional office listed as follows. Written comments about the DO should be sent to the attorney designated for the DO at the commission's central office at P.O. Box 13087, MC 175, Austin, Texas 78711-3087 and must be **received by 5:00 p.m. on January 5, 2024**. The commission's attorney is available to discuss the DO and/or the comment procedure at the listed phone number; however, TWC, §7.075, provides that comments on the DO shall be submitted to the commission in **writing**.

(1) COMPANY: Charles Patrick Patterson; DOCKET NUMBER: 2019-1447-MSW-E; TCEQ ID NUMBER: RN110852795; LOCATION: 10510 County Road 6910, Lubbock, Lubbock County; TYPE OF FACILITY: unauthorized municipal solid waste (MSW) disposal site; RULE VIOLATED: 30 TAC §330.15(c), by causing, suffering, allowing, or permitting the unauthorized disposal of MSW; PENALTY: \$1,250; STAFF ATTORNEY: Barrett Hollingsworth, Litigation, MC 175, (512) 239-0657; REGIONAL OFFICE: Lubbock Regional Office, 5012 50th Street, Suite 100, Lubbock, Texas 79414-3426, (806) 796-7092.

TRD-202304309

Gitanjali Yadav

Deputy Director, Litigation

Texas Commission on Environmental Quality

Filed: November 17, 2023



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

The Texas Commission on Environmental Quality (TCEQ or commission) staff is providing an opportunity for written public comment on the listed Agreed Order (AO) in accordance with Texas Water Code (TWC), §7.075. TWC, §7.075, requires that before the commission may approve the AO, the commission shall allow the public an opportunity to submit written comments on the proposed AO. TWC, §7.075, requires that notice of the opportunity to comment must be published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is **January 5, 2024**. TWC, §7.075, also requires that the commission promptly consider any written comments received and that the commission may withdraw or withhold approval of an AO if a comment discloses facts or considerations that indicate that consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the statutes and rules within the commission's jurisdiction or the commission's orders and permits issued in accordance with the commission's regulatory authority. Additional notice of changes to a proposed AO is not required to be published if those changes are made in response to written comments.

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

ble regional office listed as follows. Written comments about an AO should be sent to the attorney designated for the AO at the commission's central office at P.O. Box 13087, MC 175, Austin, Texas 78711-3087 and must be **received by 5:00 p.m. on January 5, 2024**. The designated attorney is available to discuss the AO and/or the comment procedure at the listed phone number; however, TWC, §7.075, provides that comments on an AO shall be submitted to the commission in **writing**.

(1) COMPANY: Juan Malto; DOCKET NUMBER: 2021-0789-MSW-E; TCEQ ID NUMBER: RN11245551; LOCATION: north of the terminus of Hughes Road near Big Lake, Reagan County; TYPE OF FACILITY: municipal solid waste (MSW) disposal site; RULE VIOLATED: 30 TAC §330.15(a) and (c), by causing, suffering, allowing, or permitting the unauthorized disposal of MSW; PENALTY: \$12,500; STAFF ATTORNEY: William Hogan, Litigation, MC 175, (512) 239-5918; REGIONAL OFFICE: San Angelo Regional Office, 622 South Oakes, Suite K, San Angelo, Texas 76903-7035, (325) 655-9479.

TRD-202304308  
Gitanjali Yadav  
Deputy Director, Litigation  
Texas Commission on Environmental Quality  
Filed: November 17, 2023



**Notice of Public Hearing on Assessment of Administrative Penalties and Requiring Certain Actions of BPR Enterprises, L.L.C. SOAH Docket No. 582-24-04319 TCEQ Docket No. 2022-0453-PWS-E**

The Texas Commission on Environmental Quality (TCEQ or the Commission) has referred this matter to the State Office of Administrative Hearings (SOAH). An Administrative Law Judge with the State Office of Administrative Hearings will conduct a public hearing via Zoom videoconference at:

10:00 a.m. - December 14, 2023

To join the Zoom meeting via computer or smart device:

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

**Meeting ID:** 161 984 0712

**Password:** TCEQDC1

or

To join the Zoom meeting via telephone dial:

+1 (669) 254-5252

**Meeting ID:** 161 984 0712

**Password:** 5247869

The purpose of the hearing will be to consider the Executive Director's Preliminary Report and Petition mailed June 7, 2023, concerning assessing administrative penalties against and requiring certain actions of BPR Enterprises, L.L.C., for violations in Parker County, Texas, of: 30 Texas Administrative Code §290.42(b)(1) and (e)(3), and §290.46(n)(1) and (n)(3).

The hearing will allow BPR Enterprises, L.L.C., the Executive Director, and the Commission's Public Interest Counsel to present evidence on whether a violation has occurred, whether an administrative penalty should be assessed, and the amount of such penalty, if any. The first convened session of the hearing will be to establish jurisdiction, afford BPR Enterprises, L.L.C., the Executive Director of the Commis-

sion, and the Commission's Public Interest Counsel an opportunity to negotiate and to establish a discovery and procedural schedule for an evidentiary hearing. Unless agreed to by all parties in attendance at the preliminary hearing, an evidentiary hearing will not be held on the date of this preliminary hearing. **Upon failure of BPR Enterprises, L.L.C. to appear at the preliminary hearing or evidentiary hearing, the factual allegations in the notice will be deemed admitted as true, and the relief sought in the notice of hearing may be granted by default. The specific allegations included in the notice are those set forth in the Executive Director's Preliminary Report and Petition, attached hereto and incorporated herein for all purposes.** BPR Enterprises, L.L.C., the Executive Director of the Commission, and the Commission's Public Interest Counsel are the only designated parties to this proceeding.

Legal Authority: Tex. Health & Safety Code ch. 341, Tex. Water Code ch. 5, and 30 Texas Administrative Code chs. 70 and 290; Tex. Water Code § 7.058, and the Rules of Procedure of the Texas Commission on Environmental Quality and the State Office of Administrative Hearings, including 30 Texas Administrative Code §70.108 and §70.109 and ch. 80, and 1 Texas Administrative Code ch. 155.

Further information regarding this hearing may be obtained by contacting Marilyn Norrod, Staff Attorney, Texas Commission on Environmental Quality, Litigation Division, Mail Code 175, P.O. Box 13087, Austin, Texas 78711-3087, telephone (512) 239-3400. Information concerning your participation in this hearing may be obtained by contacting Sheldon Wayne, Staff Attorney, Office of Public Interest Counsel, Mail Code 103, at the same P. O. Box address given above, or by telephone at (512) 239-6363.

**Any document filed prior to the hearing must be filed with TCEQ's Office of the Chief Clerk and SOAH. Documents filed with the Office of the Chief Clerk may be filed electronically at [www.tceq.texas.gov/goto/efilings](http://www.tceq.texas.gov/goto/efilings) or sent to the following address: TCEQ Office of the Chief Clerk, Mail Code 105, P.O. Box 13087, Austin, Texas 78711-3087. Documents filed with SOAH may be filed via fax at (512) 322-2061 or sent to the following address: SOAH, 300 West 15th Street, Suite 504, Austin, Texas 78701. When contacting the Commission or SOAH regarding this matter, reference the SOAH docket number given at the top of this notice.**

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

Persons who need special accommodations at the hearing should call the SOAH Docketing Department at (512) 475-3445, at least one week before the hearing.

Issued: November 9, 2023

TRD-202304318

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: November 17, 2023



**Notice of Public Meeting for TPDES Permit for Municipal Wastewater New Permit No. WQ0016281001**

**APPLICATION.** Gram Vikas Partners, Inc., 214 West Bandera Road #114-474, Boerne, Texas 78006, has applied to the Texas Commission on Environmental Quality (TCEQ) for a new Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0016281001, to autho-

alize the discharge of treated domestic wastewater at a daily average flow not to exceed 300,000 gallons per day. TCEQ received this application on January 10, 2023.

The facility will be located approximately 0.2 miles west of the intersection of County Road 341 and County Road 442, in Medina County, Texas 78861. 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=-99.144444,29.380277&level=18>

The treated effluent will be discharged directly to Hondo Creek in Segment No. 2114 of the Nueces River Basin. The designated uses for Segment No. 2114 are primary contact recreation, public water supply, aquifer protection, and high aquatic life use. In accordance with 30 Texas Administrative Code §307.5 and the TCEQ *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 Hondo Creek, 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.

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

**ALTERNATIVE LANGUAGE NOTICE.** Alternative language notice in Spanish is available at <https://www.tceq.texas.gov/permitting/wastewater/plain-language-summaries-and-public-notices>. El aviso de idioma alternativo en español está disponible en <https://www.tceq.texas.gov/permitting/wastewater/plain-language-summaries-and-public-notices>.

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

**The Public Meeting is to be held:**

**Tuesday, January 9, 2024, at 7:00 p.m.**

**Graff 7A Event Barn**

**911 US Hwy 90 E**

**Hondo, Texas 78861**

**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](http://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 Hondo Public Library, 2003 Avenue K, Hondo, Texas. Further information may also be obtained from Gram Vikas Partners, Inc. at the address stated above or by calling Mr. Kelly Leach at (210) 827-7918.

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: November 17, 2023

TRD-202304319

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: November 17, 2023

◆ ◆ ◆  
**Texas Department of Insurance**

Notice of Public Hearing

**PROPOSED AMENDMENTS TO NOTICE REQUIREMENTS AND UNCOOPERATIVE INSURED NONRENEWAL RULES**

**DOCKET NO. 2843**

The commissioner of insurance will hold a public hearing to consider proposed amendments to the Notice Requirements and Uncooperative Insured Nonrenewal rules. The hearing will begin at 2:30 p.m., central time, December 14, 2023, in Room 2.029 of the Barbara Jordan Building, 1601 Congress Avenue in Austin, Texas.

The proposed amendments were published in the October 6, 2023, issue of the *Texas Register*. The proposed amendments may also be viewed at [www.tdi.texas.gov/rules/2023/documents/57101uncoop.pdf](http://www.tdi.texas.gov/rules/2023/documents/57101uncoop.pdf). Due to this hearing, the comment period is extended to 5:00 p.m., central time, December 14, 2023.

You may submit written comments or make oral comments on this rulemaking at the hearing, or you may submit your written comments to TDI on or before 5:00 p.m., central time, on December 14, 2023. Send your comments to ChiefClerk@tdi.texas.gov or to the Office of the Chief Clerk, MC: GC-CCO, Texas Department of Insurance, P.O. Box 12030, Austin, Texas 78711-2030. Please include the docket number on any written or emailed comments.

TRD-202304300

Jessica Barta

General Counsel

Texas Department of Insurance

Filed: November 16, 2023



◆ ◆ ◆  
**Supreme Court of Texas**

Final Approval of Texas Rules of Civil Procedure 194a and 195a and of Amendments to Texas Rules of Civil Procedure 190, 192, 194, 195, 196, 197, and 198

*(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 figure is available in the on-line version of the December 1, 2023, issue of the Texas Register.)*

TRD-202304313

Jaclyn Daumerie  
Rules Attorney  
Supreme Court of Texas  
Filed: November 17, 2023

◆ ◆ ◆  
Final Approval of the Repeal of Texas Rule of Appellate Procedure 28.2 and of Amendments to Texas Rule of Appellate Procedure 28.3

# Supreme Court of Texas

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Misc. Docket No. 23-9093

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## Final Approval of the Repeal of Texas Rule of Appellate Procedure 28.2 and of Amendments to Texas Rule of Appellate Procedure 28.3

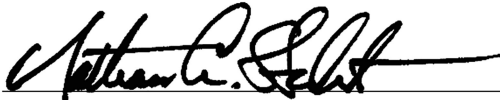
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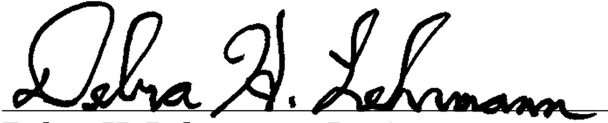
ORDERED that:

1. On July 25, 2023, in Misc. Dkt. No. 23-9047, the Court preliminarily approved the repeal of Texas Rule of Civil Procedure 28.2 and amendments to Texas Rule of Civil Procedure 28.3, effective September 1, 2023, and invited public comment.
2. Following the comment period, the Court made revisions to Texas Rule of Appellate Procedure 28's title and to Texas Rule of Appellate Procedure 28.3. This Order incorporates the revisions and contains the final version of the rules, effective immediately.
3. The Clerk is directed to:
  - a. file a copy of this Order with the Secretary of State;
  - b. cause a copy of this Order to be mailed to each registered member of the State Bar of Texas by publication in the *Texas Bar Journal*;
  - c. send a copy of this Order to each elected member of the Legislature; and
  - d. submit a copy of this Order for publication in the *Texas Register*.

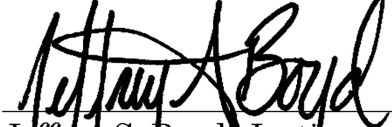
Dated: November 17, 2023.



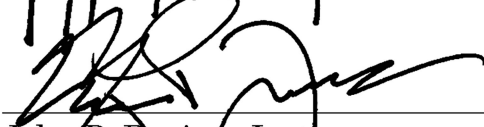
Nathan L. Hecht, Chief Justice



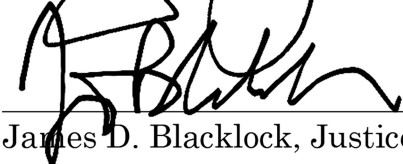
Debra H. Lehrmann, Justice



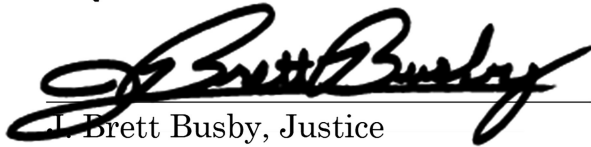
Jeffrey S. Boyd, Justice



John P. Devine, Justice



James D. Blacklock, Justice



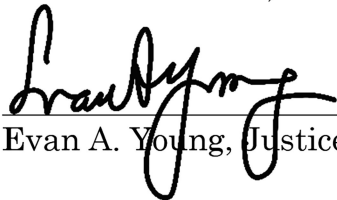
J. Brett Busby, Justice



Jane N. Bland, Justice



Rebeca A. Huddle, Justice



Evan A. Young, Justice

# TEXAS RULES OF APPELLATE PROCEDURE

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

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### [28.2. Repealed effective September 1, 2023]

### 28.3. Permissive Appeals in Civil Cases.

- (a) *Petition Required.* When a trial court has permitted an appeal from an interlocutory order that would not otherwise be appealable, a party seeking to appeal must petition the court of appeals for permission to appeal.
- (b) *Where Filed.* The petition must be filed with the clerk of the court of appeals having appellate jurisdiction over the action in which the order to be appealed is issued. The First and Fourteenth Courts of Appeals must determine in which of those two courts a petition will be filed.
- (c) *When Filed.* The petition must be filed within 15 days after the order to be appealed is signed. If the order is amended by the trial court, either on its own or in response to a party's motion, to include the court's permission to appeal, the time to petition the court of appeals runs from the date the amended order is signed.
- (d) *Extension of Time to File Petition.* The court of appeals may extend the time to file the petition if the party:
  - (1) files the petition within 15 days after the deadline, and
  - (2) files a motion complying with Rule 10.5(b).
- (e) *Contents.* The petition must:
  - (1) contain the information required by Rule 25.1(d) to be included in a notice of appeal;
  - (2) ~~attach a copy of the order from which appeal is sought;~~
    - (A) a copy of the order from which appeal is sought;

- (B) a copy of every file-marked document that is material to the order from which appeal is sought and that was filed in the trial court; and
- (C) a properly authenticated transcript of any relevant testimony from the underlying proceeding, including any relevant exhibits offered in evidence relating to the order from which appeal is sought; a statement that the transcript has been ordered and will be filed when it is received; or a statement that no evidence was adduced in connection with such order.
- (3) contain a table of contents, index of authorities, issues presented, and a statement of facts; and
- (4) argue clearly and concisely why the order to be appealed involves a controlling question of law as to which there is a substantial ground for difference of opinion and how an immediate appeal from the order may materially advance the ultimate termination of the litigation.
- (f) *Response; Reply; Cross-Petition; Time for Filing.* If any party timely files a petition, any other party may file a response or a cross-petition within 10 days. A party may file a response to a cross-petition within 10 days of the date the cross-petition is filed. A petitioner or cross-petitioner may reply to any matter in a response within 7 days of the date the response is filed. The court of appeals may extend the time to file a response, reply, and cross-petition.
- (g) *Length of Petition, Cross-Petition, Response, and Reply.* A petition, cross-petition, response, and reply must comply with the length limitations in Rule 9.4(i)(2)(D)-(E).
- (h) *Service.* A petition, cross-petition, response, and reply must be served on all parties to the trial court proceeding.
- (i) *Docketing Statement.* Upon filing the petition, the petitioner must file the docketing statement required by Rule 32.1.
- (j) *Time for Determination.* Unless the court of appeals orders otherwise, a petition, and any cross-petition, response, and reply,

will be determined without oral argument, no earlier than 10 days after the petition is filed.

(k) *When Petition Granted.* If the petition is granted, a notice of appeal is deemed to have been filed under Rule 26.1(b) on that date, and the appeal is governed by the rules for accelerated appeals. A separate notice of appeal need not be filed. A copy of the order granting the petition must be filed with the trial court clerk.

(l) *When Petition Denied.* If the court of appeals denies the petition, the court must explain in its decision the specific reasons for its finding that an appeal is not warranted. On petition for review, the Supreme Court may review the court of appeals' denial de novo, and, if the Supreme Court concludes that the statutory prerequisites for a permissive appeal are met, the Supreme Court may direct the court of appeals to grant permission to appeal.

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

TRD-202304314  
Jaclyn Daumerie  
Rules Attorney  
Supreme Court of Texas  
Filed: November 17, 2023



#### Order Approving Amendments to the Rules and Fees of the Judicial Branch Certification Commission

*(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 figure is available in the on-line version of the December 1, 2023, issue of the Texas Register.)*

TRD-202304315  
Jaclyn Daumerie  
Rules Attorney  
Supreme Court of Texas  
Filed: November 17, 2023



#### Texas Windstorm Insurance Association

##### TFPA Announces RFP December 2023

TFPA invites all qualified Respondents to submit proposals in accordance with the requirements outlined in the below-listed Request for Proposals (RFP) issued by TFPA.

The purpose of the RFP is to obtain proposals from qualified Respondents for all services related to the development and management of commercial and liability insurance policies for Property Owner Associations to be offered by TFPA. These services would include, but may not be limited to, the underwriting and issuance of policies, the billing and collection of premiums, and handling of claims. More information about the required services will be included in the RFP.

A copy of the RFP will be posted to <https://www.twia.org/vendor-requests/> no later than December 4, 2023.

For more information on the requirements for proposals to be submitted by interested Respondents, please contact the Vendor and Contract Manager at [vendormanagement@twia.org](mailto:vendormanagement@twia.org).

Important deadlines pertaining to the RFP is as follows:

RFP Type: POA Commercial and Liability Insurance

RFP Issuance Date: December 4, 2023

Proposal Due Date: January 5, 2024

Provisional RFP Award Date: January 26, 2024

TRD-202304317

Brooke Adam

Risk Manager

Texas Windstorm Insurance Association

Filed: November 17, 2023

