

# IN ADDITION

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

## Office of the Attorney General

Texas Water Code and Texas Health and Safety Code Settlement Notice

The State of Texas gives notice of the following proposed resolution of an environmental enforcement action under the Texas Water Code and the Texas Health and Safety Code. Before the State may enter into a voluntary settlement agreement, pursuant to section 7.110 of the Texas Water Code, the State shall permit the public to comment in writing. The Attorney General will consider any written comments and may withdraw or withhold consent to the proposed agreement if the comments disclose facts or considerations indicating that consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the law.

Case Title and Court: *State of Texas v. Exxon Mobil Corporation*; Cause No. D-1-GN-22-006534, in the 419th Judicial District, Travis County, Texas.

Background: Exxon Mobil Corporation owns and operates an olefin manufacturing plant located at 3525 Decker Drive, Baytown, Texas. From December 2018 to February 2022, the plant has experienced twenty unauthorized excessive emissions events, in addition to several incidences of failure to report deviations from its Title V operating permit, in violation of the Texas Clean Air Act and rules promulgated thereunder, as well as state and federal permits. Since September 2023, Exxon has begun implementing corrective actions to address the inadequacies at the plant.

Proposed Settlement: The State and Exxon Mobil Corporation propose an Agreed Final Judgment that awards the payment of \$2,170,000 in civil penalties and \$80,000 in attorney's fees to the State.

For a complete description of the proposed settlement, the Agreed Final Judgment should be reviewed in its entirety. Requests for copies of the proposed judgment and settlement, and written comments on the same, should be directed to Brittany Wright, Assistant Attorney General, Office of the Texas Attorney General, P.O. Box 12548, MC-066, Austin, Texas 78711-2548, (512) 463-2012, facsimile (512) 320-0911, email: [Brittany.Wright@oag.texas.gov](mailto:Brittany.Wright@oag.texas.gov). Written comments must be received within 30 days of publication of this notice to be considered.

TRD-202401745  
Justin Gordon  
General Counsel  
Office of the Attorney General  
Filed: April 24, 2024

## Comptroller of Public Accounts

Request for Public Comment on Standards for Underserved Broadband Serviceable Locations

The Texas Broadband Development Office (BDO) seeks public comment on the usefulness of the existing standards for the classification of broadband serviceable locations in this state as underserved locations on the Texas Broadband Development Map created under Government

Code, §490I.0105. These comments are sought in light of the Federal Communications Commission (FCC) adopting standards for advanced telecommunications capability under 47 U.S.C., §1302 that raised the minimum standard for high-speed fixed broadband to download speeds of 100 megabits per second and upload speeds of 20 megabits per second. The BDO seeks public comment for the purpose of making a recommendation to the legislature regarding whether, and to what extent, the speed thresholds for underserved locations should be revised for the purpose of awarding broadband infrastructure grants using state funds.

You may submit comments to Greg Conte, Director, Broadband Development Office, at [broadband@cpa.texas.gov](mailto:broadband@cpa.texas.gov) or at P.O. Box 13528, Austin, Texas 78711-3528. The BDO must receive your comments no later than June 2, 2024.

TRD-202401924  
Victoria North  
General Counsel for Fiscal and Agency Affairs  
Comptroller of Public Accounts  
Filed: May 1, 2024

## 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, §303.005, and §303.009, Texas Finance Code.

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 05/06/24 - 05/12/24 is 18.00% for consumer<sup>1</sup> credit.

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 05/06/24 - 05/12/24 is 18.00% for commercial<sup>2</sup> credit.

The monthly ceiling as prescribed by §303.005<sup>3</sup> and §303.009 for the period of 05/01/24 - 05/31/24 is 18.00%.

<sup>1</sup> Credit for personal, family, or household use.

<sup>2</sup> Credit for business, commercial, investment, or other similar purpose.

<sup>3</sup> Only for variable rate commercial transactions, as provided by §303.004(a).

TRD-202401923  
Leslie L. Pettijohn  
Commissioner  
Office of Consumer Credit Commissioner  
Filed: May 1, 2024

## Texas Commission on Environmental Quality

Agreed Orders

The Texas Commission on Environmental Quality (TCEQ or commission) staff is providing an opportunity for written public comment on the listed Agreed Orders (AOs) in accordance with Texas Water Code

(TWC), §7.075. TWC, §7.075, requires that before the commission may approve the AOs, the commission shall allow the public an opportunity to submit written comments on the proposed AOs. TWC, §7.075, requires that notice of the proposed orders and the opportunity to comment must be published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is **June 11, 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 **June 11, 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: Ames Construction, Incorporated; DOCKET NUMBER: 2023-1394-WQ-E; IDENTIFIER: RN111290011; LOCATION: Cleveland, Liberty County; TYPE OF FACILITY: construction site; RULES VIOLATED: 30 TAC §281.25(a)(4) and 40 Code of Federal Regulations §122.26(c), by failing to maintain authorization to discharge stormwater associated with construction activities; and TWC, §26.121(a)(2), by failing to prevent an unauthorized discharge of sediment into or adjacent to any water in the state; PENALTY: \$37,500; ENFORCEMENT COORDINATOR: Taylor Williamson, (512) 239-2097; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(2) COMPANY: Aqua Texas, Incorporated; DOCKET NUMBER: 2023-0660-PWS-E; IDENTIFIER: RN101219947; LOCATION: Baytown, Chambers County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.106(f)(3)(C) and Texas Health and Safety Code, §341.0315(c), by failing to comply with the maximum contaminant level of 0.010 milligrams per liter for arsenic based on a running annual average; PENALTY: \$2,425; ENFORCEMENT COORDINATOR: Tessa Bond, (512) 239-1269; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(3) COMPANY: Aqua Utilities, Incorporated; DOCKET NUMBER: 2023-0158-PWS-E; IDENTIFIER: RN102681855; LOCATION: Valley View, Cooke County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.46(d)(2)(A) and §290.110(b)(4) and Texas Health and Safety Code, §341.0315(c), by failing to maintain a disinfectant residual of at least 0.2 milligrams per liter of free chlorine throughout the distribution system at all times; PENALTY: \$1,125; ENFORCEMENT COORDINATOR: Nick Lohret-Froio, (512) 239-4495; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(4) COMPANY: Bayport Polymers LLC; DOCKET NUMBER: 2023-0968-AIR-E; IDENTIFIER: RN109845768; LOCATION: Port Arthur, Jefferson County; TYPE OF FACILITY: petrochemical

manufacturing plant; RULES VIOLATED: 30 TAC §§101.20(3), 116.115(c), and 122.143(4), New Source Review Permit Numbers 122353, PSDTX1426, and GHGPSDTX114, Special Conditions Number 1, Federal Operating Permit (FOP) Number O4161, General Terms and Conditions (GTC) and Special Terms and Conditions (STC) Number 12, and Texas Health and Safety Code (THSC), §382.085(b), by failing to prevent unauthorized emissions; 30 TAC §101.201(a)(1) and §122.143(4), FOP Number O4161, GTC and STC Number 2.F., and THSC, §382.085(b), by failing to submit an initial notification for a reportable emissions event no later than 24 hours after the discovery of an emissions event; and 30 TAC §101.201(c) and §122.143(4), FOP Number O4161, GTC and STC Number 2.F., and THSC, §382.085(b), by failing to submit a final record for a reportable emissions event no later than two weeks after the end of the emissions event; PENALTY: \$16,461; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET AMOUNT: \$6,584; ENFORCEMENT COORDINATOR: Desmond Martin, (512) 239-2814; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(5) COMPANY: Bell County Water Control and Improvement District Number 2; DOCKET NUMBER: 2024-0257-MWD-E; IDENTIFIER: RN101610491; LOCATION: Little River-Academy, Bell County; TYPE OF FACILITY: wastewater treatment facility; RULES VIOLATED: 30 TAC §305.125(1), TWC, §26.121(a)(1), and Texas Pollutant Discharge Elimination System Permit Number WQ0011090001, Effluent Limitations and Monitoring Requirements Numbers 1 and 2, by failing to comply with permitted effluent limitations; PENALTY: \$12,150; ENFORCEMENT COORDINATOR: Taylor Williamson, (512) 239-2097; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(6) COMPANY: Celanese Ltd.; DOCKET NUMBER: 2024-0060-AIR-E; IDENTIFIER: RN100227016; LOCATION: Pasadena, Harris County; TYPE OF FACILITY: chemical manufacturing; RULES VIOLATED: 30 TAC §116.115(c) and §122.143(4), New Source Review Permit Number 55046, Special Conditions Number 1, Federal Operating Permit Number O1986, General Terms and Conditions and Special Terms and Conditions Number 20, and Texas Health and Safety Code, §382.085(b), by failing to prevent unauthorized emissions; PENALTY: \$13,650; ENFORCEMENT COORDINATOR: Caleb Martin, (512) 239-2091; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(7) COMPANY: City of Orange Grove; DOCKET NUMBER: 2022-0387-MWD-E; IDENTIFIER: RN101920171; LOCATION: Orange Grove, Jim Wells County; TYPE OF FACILITY: wastewater treatment facility; RULES VIOLATED: 30 TAC §305.125(1) and Texas Pollutant Discharge Elimination System (TPDES) Permit Number WQ0010592001, Sludge Provisions, Section III. G. Reporting Requirements Numbers 6 and 9, by failing to complete the annual sludge report correctly; 30 TAC §305.125(1), TWC, §26.121(a)(1), and TPDES Permit Number WQ0010592001, Effluent Limitations Monitoring Requirements Numbers 2 and 6, by failing to maintain compliance with permitted effluent limitations; 30 TAC §305.125(1) and (4), TWC, §26.121(a)(1), and TPDES Permit Number WQ0010592001 Permit Condition Number 2.d, by failing to prevent the discharge of sludge into the receiving stream; 30 TAC §305.125(1) and (5) and TPDES Permit Number WQ0010592001, Operational Requirements Number 1, by failing to ensure at all times that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained; 30 TAC §305.125(1) and (5), TWC, §26.121(a)(1), and TPDES Permit Number WQ0010592001, Permit Conditions Number 2.g and Operational Requirements Number 1, by failing to prevent the unauthorized discharge of sewage into or adjacent to any water in the state; and 30 TAC §305.125(1) and §319.11(b) and TPDES Permit Number WQ0010592001, Monitoring and Reporting

Requirements Number 2.a, by failing to properly analyze effluent samples according to the permit; PENALTY: \$54,225; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET AMOUNT: \$54,225; ENFORCEMENT COORDINATOR: Mistie Gonzales, (254) 761-3056; REGIONAL OFFICE: 6801 Sanger Avenue, Suite 2500, Waco, Texas 76710-7826, (254) 751-0335.

(8) COMPANY: CSWR-Texas Utility Operating Company, LLC; DOCKET NUMBER: 2023-1072-PWS-E; IDENTIFIER: RN102678885; LOCATION: Fort Worth, Parker County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.108(f)(1) and Texas Health and Safety Code, §341.0315(c), by failing to comply with the maximum contaminant level of 15 picoCuries per liter for gross alpha particle activity based on the running annual average; PENALTY: \$17,900; ENFORCEMENT COORDINATOR: Margaux Ordoveza, (512) 239-1128; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(9) COMPANY: Devon Energy Production Company, L.P.; DOCKET NUMBER: 2024-0157-AIR-E; IDENTIFIER: RN106395460; LOCATION: Falls City, Karnes County; TYPE OF FACILITY: oil and gas production facility; RULES VIOLATED: 30 TAC §116.115(c) and §116.615(2), Standard Permit Registration Number 108546, and Texas Health and Safety Code, §382.085(b), by failing to prevent unauthorized emissions; PENALTY: \$12,500; ENFORCEMENT COORDINATOR: Christina Ferrara, (512) 239-5081; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(10) COMPANY: Equistar Chemicals, LP; DOCKET NUMBER: 2023-0702-AIR-E; IDENTIFIER: RN100215276; LOCATION: Victoria, Victoria County; TYPE OF FACILITY: chemical manufacturing plant; RULES VIOLATED: 30 TAC §116.115(b)(2)(F) and (c) and §122.143(4), New Source Review Permit Number 811B, Special Conditions Number 1, Federal Operating Permit Number O41308, General Terms and Conditions and Special Terms and Conditions Number 13, and Texas Health and Safety Code, §382.085(b), by failing to comply with the annual maximum allowable emissions rates; PENALTY: \$5,625; ENFORCEMENT COORDINATOR: Desmond Martin, (512) 239-2814; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(11) COMPANY: ExxonMobil Oil Corporation; DOCKET NUMBER: 2022-0283-AIR-E; IDENTIFIER: RN102450756; LOCATION: Beaumont, Jefferson County; TYPE OF FACILITY: petroleum refinery; RULES VIOLATED: 30 TAC §§101.20(3), 116.715(a), and 122.143(4), Flexible Permit Numbers 49138, PSDTX768M1, PSDTX799, PSDTX802, PSDTX932, and PSDTX992M1, Special Conditions Number 1, Federal Operating Permit (FOP) Number O2000, General Terms and Conditions (GTC) and Special Terms and Conditions (STC) Numbers 18.A and 22.A, and Texas Health and Safety Code (THSC), §382.085(b), by failing to prevent unauthorized emissions; 30 TAC §101.201(a)(1)(B) and §122.143(4), FOP Number O2000, GTC and STC Number 2.F, and THSC, §382.085(b), by failing to submit an initial notification for a reportable emissions event no later than 24 hours after the discovery of an emissions event; and 30 TAC §101.201(c) and §122.143(4), FOP Number O2000, GTC and STC Number 2.F, and THSC, §382.085(b), by failing to submit a final record for a reportable emissions event no later than two weeks after the end of the emissions event; PENALTY: \$39,031; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET AMOUNT: \$15,612; ENFORCEMENT COORDINATOR: Johnnie Wu, (512) 239-2524; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(12) COMPANY: GARY WATER SUPPLY CORPORATION; DOCKET NUMBER: 2022-1646-PWS-E; IDENTIFIER:

RN101436004; LOCATION: Gary, Panola County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.115(f)(1) and Texas Health and Safety Code, §341.0315(c), by failing to comply with the maximum contaminant level of 0.080 milligrams per liter for total trihalomethanes, based on the locational running annual average; PENALTY: \$2,500; ENFORCEMENT COORDINATOR: Wyatt Throm, (512) 239-1120; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(13) COMPANY: Georgetown Independent School District; DOCKET NUMBER: 2023-1549-EAQ-E; IDENTIFIER: RN102134921; LOCATION: Georgetown, Williamson County; TYPE OF FACILITY: construction site; RULE VIOLATED: 30 TAC §213.4(a)(1), by failing to obtain approval of an Edwards Aquifer Protection Plan prior to commencing regulated activity over the Edwards Aquifer Recharge Zone; PENALTY: \$4,875; ENFORCEMENT COORDINATOR: Megan Crinklaw, (512) 239-1129; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(14) COMPANY: HASS ENTERPRISES, INCORPORATED dba Pay N Save; DOCKET NUMBER: 2023-1699-PST-E; IDENTIFIER: RN102399318; LOCATION: Alba, Wood County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULES VIOLATED: 30 TAC §334.50(b)(2) and TWC, §26.3475(a), by failing to provide release detection for the pressurized piping associated with the underground storage tank system; PENALTY: \$2,438; ENFORCEMENT COORDINATOR: Lauren Little, (817) 588-5888; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(15) COMPANY: JACKSON ELECTRIC COOPERATIVE, INCORPORATED; DOCKET NUMBER: 2022-1574-PWS-E; IDENTIFIER: RN105247654; LOCATION: Edna, Jackson County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.39(j)(1)(A) and Texas Health and Safety Code, §341.0351, by failing to notify the Executive Director and receive approval prior to making any significant change or addition where the change in the existing distribution system results in an increase or decrease in production, treatment, storage, or pressure maintenance; and 30 TAC §290.42(l), by failing to maintain a thorough and up-to-date plant operations manual for operator review and reference; PENALTY: \$550; ENFORCEMENT COORDINATOR: Ronica Rodriguez Scott, (361) 881-6990; REGIONAL OFFICE: 500 North Shoreline Boulevard, Suite 500, Corpus Christi, Texas 78401-0318, (361) 881-6900.

(16) COMPANY: Jones's River Bend Property Owners Association, Live Oak County, Incorporated; DOCKET NUMBER: 2023-0356-PWS-E; IDENTIFIER: RN111672994; LOCATION: George West, Live Oak County; TYPE OF FACILITY: public water supply; RULE VIOLATED: 30 TAC §290.42(b)(1) and (e)(3), by failing to provide disinfection facilities for the groundwater supply for the purpose of microbiological control and distribution protection; PENALTY: \$2,250; ENFORCEMENT COORDINATOR: Ashley Lemke, (512) 239-1118; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(17) COMPANY: Kaura Energy Incorporated dba On the Road 154; DOCKET NUMBER: 2023-0018-PST-E; IDENTIFIER: RN111161527; LOCATION: Goodrich, Polk County; TYPE OF FACILITY: convenience store; RULES VIOLATED: 30 TAC §334.72, by failing to report a suspected release to the TCEQ within 24 hours of discovery; and 30 TAC §334.74, by failing to investigate and confirm all suspected releases of regulated substances requiring reporting under 30 TAC §334.72 within 30 days; PENALTY: \$5,650; ENFORCEMENT COORDINATOR: Eunice Adegele, (512) 239-5082; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(18) COMPANY: MCKENZIE, SHAWN PATRICK; DOCKET NUMBER: 2024-0664-WOC-E; IDENTIFIER: RN111881926; LOCATION: Millersview, Concho County; TYPE OF FACILITY: operator; RULE VIOLATED: 30 TAC §30.5(a), by failing to obtain a required occupational license; PENALTY: \$175; ENFORCEMENT COORDINATOR: Epi Villarreal, (361) 881-6991; REGIONAL OFFICE: 500 North Shoreline Boulevard, Suite 500, Corpus Christi, Texas 78401-0318, (361) 881-6900.

(19) COMPANY: RIGHT-WAY SAND COMPANY; DOCKET NUMBER: 2022-0938-WQ-E; IDENTIFIER: RN107949745; LOCATION: Highlands, Harris County; TYPE OF FACILITY: aggregate production operation (APO); RULES VIOLATED: 30 TAC §281.25(a)(4) and 40 Code of Federal Regulations §122.26(c), by failing to maintain authorization to discharge stormwater associated with industrial activities; and 30 TAC §342.25(d), by failing to renew the APO registration annually as regulated activities continued; PENALTY: \$15,250; ENFORCEMENT COORDINATOR: Madison Stringer, (512) 239-1126; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(20) COMPANY: Shumard Corporation; DOCKET NUMBER: 2023-1096-WQ-E; IDENTIFIER: RN101340818; LOCATION: Haltom City, Tarrant County; TYPE OF FACILITY: fiberglass manufacturing facility; RULES VIOLATED: 30 TAC §281.25(a)(4) and 40 Code of Federal Regulations §122.26(c), by failing to maintain authorization to discharge stormwater associated with industrial activities; and TWC, §26.121(a), by failing to prevent the unauthorized discharge of waste into or adjacent to any water in the state; PENALTY: \$18,688; ENFORCEMENT COORDINATOR: Shane Glantz, (325) 698-6124; REGIONAL OFFICE: 1977 Industrial Boulevard, Abilene, Texas 79602-7833, (325) 698-9674.

(21) COMPANY: SIFUENTES, EDILBERTO; DOCKET NUMBER: 2024-0588-OSI-E; IDENTIFIER: RN107717878; LOCATION: Nacogdoches, Nacogdoches County; TYPE OF FACILITY: operator; RULE VIOLATED: 30 TAC §285.61(4), by failing to ensure that an authorization to construct has been issued prior to beginning construction of an on-site sewage facility; PENALTY: \$175; ENFORCEMENT COORDINATOR: Nancy Sims, (512) 239-5053; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(22) COMPANY: SPRING ALDINE POST NUMBER 10352, VETERANS OF FOREIGN WARS OF THE UNITED STATES; DOCKET NUMBER: 2023-1281-PWS-E; IDENTIFIER: RN101226728; LOCATION: Houston, Harris County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.106(c) and (e), by failing to collect and report the results of nitrite level sampling to the executive director (ED) for the January 1, 2020 - December 31, 2020, monitoring period; 30 TAC §290.109(d)(4)(B), formerly 290.109(c)(4)(B), by failing to collect, within 24 hours of notification of the routine distribution total coliform-positive sample on January 22, 2017, at least one raw groundwater source *Escherichia coli* (E. coli) sample from each active groundwater source in use at the time the distribution coliform-positive samples were collected; 30 TAC §290.109(d)(4)(B), by failing to collect, within 24 hours of notification of the routine distribution total coliform-positive sample on June 6, 2021, at least one raw groundwater source E. coli sample from each active groundwater source in use at the time the distribution coliform-positive samples were collected; and 30 TAC §290.118(c) and (e), by failing to collect and report the results of secondary constituents sampling to the ED for the January 1, 2019 - December 31, 2021, monitoring period; PENALTY: \$1,901; ENFORCEMENT COORDINATOR: Margaux Ordoveza, (512) 239-1128; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(23) COMPANY: The Premcor Refining Group Incorporated; DOCKET NUMBER: 2022-1354-AIR-E; IDENTIFIER: RN102584026; LOCATION: Port Arthur, Jefferson County; TYPE OF FACILITY: petroleum refinery; RULES VIOLATED: 30 TAC §§101.20(1) and (3), 116.116(a)(1), and 122.143(4), 40 Code of Federal Regulations §60.102a(f)(3), New Source Review (NSR) Permit Numbers 6825A, GHGPSDTX167M1, N65, and PSDTX49M2, General Conditions Number 1, Federal Operating Permit (FOP) Number O1498, General Terms and Conditions (GTC) and Special Terms and Conditions (STC) Number 25, and Texas Health and Safety Code (THSC), §382.085(b), by failing to comply with the representations with regard to construction plans and operation procedures in a permit application; 30 TAC §§101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), NSR Permit Numbers 6825A, GHGPSDTX167M1, N65, and PSDTX49M2, Special Conditions (SC) Number 1, FOP Number O1498, GTC and STC Number 25, and THSC, §382.085(b), by failing to prevent unauthorized emissions, and failing to comply with the maximum allowable emissions rate; and 30 TAC §§101.20(3), 116.115(c), and 122.143(4), NSR Permit Numbers 6825A, GHGPSDTX167M1, N65, and PSDTX49M2, SC Number 29.A., FOP Number O1498, GTC and STC Number 25, and THSC, §382.085(b), by failing to degas liquid sulfur to an sulfur dioxide content of 100 ppm by weight or less prior to loading into tank trucks; PENALTY: \$137,250; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET AMOUNT: \$54,900; ENFORCEMENT COORDINATOR: Desmond Martin, (512) 239-2814; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(24) COMPANY: Town of Holiday Lakes; DOCKET NUMBER: 2022-1291-PWS-E; IDENTIFIER: RN102691359; LOCATION: Holiday Lakes, Brazoria County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.46(f)(2) and (3)(A)(i)(II), (B)(iv), (D)(ii), and (E)(iv), by failing to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request; and 30 TAC §290.46(l), by failing to flush all dead-end mains at monthly intervals; PENALTY: \$275; ENFORCEMENT COORDINATOR: Ashley Lemke, (512) 239-1118; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(25) COMPANY: Two Guns Aggregate, LLC; DOCKET NUMBER: 2023-1711-WQ-E; IDENTIFIER: RN111244422; LOCATION: San Angelo, Tom Green County; TYPE OF FACILITY: concrete batch plant; RULES VIOLATED: 30 TAC §205.4(a) and TWC, §26.121(a)(1), by failing to obtain authorization to discharge wastewater and stormwater associated with industrial activity from ready-mixed concrete plants, concrete product plants, and their associated facilities; PENALTY: \$1,875; ENFORCEMENT COORDINATOR: Megan Crinklaw, (512) 239-1129; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(26) COMPANY: Undine Texas, LLC; DOCKET NUMBER: 2022-1667-PWS-E; IDENTIFIER: RN102689791; LOCATION: Oakhurst, San Jacinto County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.106(f)(3)(C) and Texas Health and Safety Code, §341.0315(c), by failing to comply with the maximum contaminant level of 0.010 milligrams per liter for arsenic based on a running annual average; PENALTY: \$2,250; ENFORCEMENT COORDINATOR: Ronica Rodriguez Scott, (361) 881-6990; REGIONAL OFFICE: 500 North Shoreline Boulevard, Suite 500, Corpus Christi, Texas 78401-0318, (361) 881-6900.

(27) COMPANY: Valley Crossing Pipeline, LLC; DOCKET NUMBER: 2024-0247-AIR-E; IDENTIFIER: RN109451393; LOCATION: Banquete, Nueces County; TYPE OF FACILITY: compressor station;

RULES VIOLATED: 30 TAC §116.615(2) and §122.143(4), Standard Permit Registration Number 144177, Federal Operating Permit Number O4069/General Operating Permit Number 512, Site-wide Requirements Number (b)(9)(E), and Texas Health and Safety Code, §382.085(b), by failing to comply with all representations with regard to construction plans, operating procedures, and maximum emission rates in any standard permit registration; PENALTY: \$69,300; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET AMOUNT: \$27,720; ENFORCEMENT COORDINATOR: Mackenzie Mehlmann, (512) 239-2572; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(28) COMPANY: West Cedar Creek Municipal Utility District; DOCKET NUMBER: 2024-0329-MWD-E; IDENTIFIER: RN101610723; LOCATION: Tool, Henderson County; TYPE OF FACILITY: wastewater treatment plant; RULES VIOLATED: 30 TAC §305.125(1), TWC, §26.121(a)(1), and Texas Pollutant Discharge Elimination System Permit Number WQ0011839001, Effluent Limitations and Monitoring Requirements Number 1, by failing to comply with permitted effluent limitations; PENALTY: \$7,125; ENFORCEMENT COORDINATOR: Taylor Williamson, (512) 239-2097; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(29) COMPANY: Willie J. Moore; DOCKET NUMBER: 2023-0778-WQ-E; IDENTIFIER: RN111459822; LOCATION: Brenham, Washington County; TYPE OF FACILITY: surface mining facility; RULES VIOLATED: 30 TAC §281.25(a)(4) and Texas Pollutant Discharge Elimination System (TPDES) General Permit Number TXR05FV61, Part III, Sections A.1 and A.3.d, by failing to maintain a complete Stormwater Pollution Prevention Plan; and 30 TAC §281.25(a)(4), TWC, §26.121(a)(1), and TPDES General Permit Number TXR05FV61, Part III, Section A.4, 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: \$4,200; ENFORCEMENT COORDINATOR: Harley Hobson, (512) 239-1337; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

TRD-202401903

Gitanjali Yadav

Deputy Director, Litigation

Texas Commission on Environmental Quality

Filed: April 30, 2024



### Cancellation of Public Meeting

The public meeting previously scheduled for May 2, 2024, regarding Gonzalez Brothers Batch Plant, LP; Proposed Registration No. 174578, has been cancelled. The public meeting will be rescheduled for a later date. Once the public meeting is scheduled, you will receive notice of the public meeting in the mail. If you have any questions, please contact Mr. Brad Patterson, Section Manager, Office of the Chief Clerk, at (512) 239-1201.

TRD-202401931

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: May 1, 2024



### Combined Notice of Public Meeting and Notice of Application and Preliminary Decision for Water Quality Land Application

Permit for Municipal Wastewater New Proposed Permit No. WQ0016363001

**APPLICATION AND PRELIMINARY DECISION.** The Village at Grape Creek, LLC, 15119 Memorial Drive, Suite 113, Houston, Texas 77079, has applied to the Texas Commission on Environmental Quality (TCEQ) for a new Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0016363001, to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 20,000 gallons per day. TCEQ received this application on July 5, 2023.

The facility will be located approximately 0.65 miles southwest of the intersection of Jenschke Lane and U.S. Highway 290, in Gillespie County, Texas 78624. The treated effluent will be discharged to an unnamed tributary, thence to Pedernales River in Segment No. 1414 of the Colorado River Basin. The unclassified receiving water use is minimal aquatic life use for the unnamed tributary. The designated uses for Segment No. 1414 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 Pedernales River, 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://gisweb.tceq.texas.gov/LocationMapper/?marker=-98.70998,30.214561&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. The permit application, Executive Director's preliminary decision, and draft permit are available for viewing and copying at Pioneer Memorial Library, 115 West Main Street, Fredericksburg, Texas.

**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.** You may submit public comments about this application. The TCEQ will hold a public meeting on this application because it was requested by local legislators.

The purpose of a public meeting is to provide the opportunity to submit comments or to ask questions about 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. 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, June 13, 2024 at 7:00 p.m.**

**Inn on Barons Creek**

**308 South Washington Street**

**Fredericksburg, Texas 78624**

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.

**OPPORTUNITY FOR A CONTESTED CASE HEARING.** After the deadline for submitting public comments, the Executive Director will consider all timely comments and prepare a response to all relevant and material or significant public comments. **Unless the application is directly referred for a contested case hearing, the response to comments will be mailed to everyone who submitted public comments and to those persons who are on the mailing list for this application. If comments are received, the mailing will also provide instructions for requesting a contested case hearing or reconsideration of the Executive Director's decision.** A contested case hearing is a legal proceeding similar to a civil trial in a state district court.

**TO REQUEST A CONTESTED CASE HEARING, YOU MUST INCLUDE THE FOLLOWING ITEMS IN YOUR REQUEST: your name, address, phone number; applicant's name and proposed permit number; the location and distance of your property/activities relative to the proposed facility; a specific description of how you would be adversely affected by the facility in a way not common to the general public; a list of all disputed issues of fact that you submit during the comment period; and the statement "[I/we] request a contested case hearing." If the request for contested case hearing is filed on behalf of a group or association, the request must designate the group's representative for receiving future correspondence; identify by name and physical address an individual member of the group who would be adversely affected by the proposed facility or activity; provide the information discussed above regarding the affected member's location and distance from the facility or activity; explain how and why the member would be affected; and explain how the interests the group seeks to protect are relevant to the group's purpose.**

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

The Commission may only grant a request for a contested case hearing on issues the requestor submitted in their timely comments that were not subsequently withdrawn. **If a hearing is granted, the subject of a hearing will be limited to disputed issues of fact or mixed questions**

**of fact and law relating to relevant and material water quality concerns submitted during the comment period.**

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

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

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

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

**AGENCY CONTACTS AND INFORMATION.** Public comments and requests must be submitted either electronically at [www.tceq.texas.gov/goto/comment](http://www.tceq.texas.gov/goto/comment), or in writing to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC 105, P.O. Box 13087, Austin, Texas 78711-3087. Any personal information you submit to the TCEQ will become part of the agency's record; this includes email addresses. For more information about this permit application or the permitting process, please call the TCEQ Public Education Program, Toll Free, at (800) 687-4040 or visit their website at [www.tceq.texas.gov/goto/pep](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 The Village at Grape Creek, LLC at the address stated above or by calling Ms. Kendall Longbotham, P.E., Water Resources Engineer, reUse Engineering, Inc., at (512) 755-9943.

Issuance Date: April 29, 2024

TRD-202401930

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: May 1, 2024



Combined Notice of Public Meeting and Notice of Receipt of Application and Intent to Obtain Water Quality Permit (NORI) and Notice of Application and Preliminary Decision for TPDES Permit for Municipal Wastewater New Proposed Permit No. WQ0016334001

**APPLICATION AND PRELIMINARY DECISION.** Harris County Municipal Utility District No. 531, 3200 Southwest Freeway, Suite

2600, Houston, Texas 77027, has applied to the Texas Commission on Environmental Quality (TCEQ) for new Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0016334001, to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 100,000 gallons per day. TCEQ received this application on April 28, 2023.

**This combined notice is being issued to update the discharge route from what was stated in the NORI, and to include the public meeting.**

The facility will be located approximately 0.5 miles southwest of the intersection of Mueschke Road and Schiel Road, in Harris County, Texas 77433. The treated effluent will be discharged via pipe to a detention pond, thence through a series of pipes to a detention pond, thence to Schiel Road storm sewer, **thence to a dry-bottom pond, thence to a ditch**, thence to Little Cypress Creek, thence to Cypress Creek in Segment No. 1009 of the San Jacinto River Basin. The unclassified receiving water uses are minimal aquatic life use for the detention ponds, the dry-bottom pond, and the ditch; and high aquatic life use for Little Cypress Creek. The designated uses for Segment No. 1009 are primary contact recreation, public water supply, and high aquatic life use. In accordance with 30 Texas Administrative Code §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 Little Cypress 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://gisweb.tceq.texas.gov/LocationMapper/?marker=-95.733,30.0089&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. The permit application, Executive Director's preliminary decision, and draft permit are available for viewing and copying at Northwest Branch Library, 11355 Regency Green Drive, Cypress, Texas.

**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.** You may submit public comments or request a public meeting about this application. The TCEQ will hold a public meeting on this application because it was requested by a local representative.

The purpose of a public meeting is to provide the opportunity to submit comments or to ask questions about 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 ap-

plication. 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, June 3, 2024 at 7:00 p.m.**

**SPJST Lodge 196 Jednota**

**17810 Huffmeister Road**

**Cypress, Texas 77429**

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.

**OPPORTUNITY FOR A CONTESTED CASE HEARING.** After the deadline for submitting public comments, the Executive Director will consider all timely comments and prepare a response to all relevant and material or significant public comments. **Unless the application is directly referred for a contested case hearing, the response to comments will be mailed to everyone who submitted public comments and to those persons who are on the mailing list for this application. If comments are received, the mailing will also provide instructions for requesting a contested case hearing or reconsideration of the Executive Director's decision.** A contested case hearing is a legal proceeding similar to a civil trial in a state district court.

**TO REQUEST A CONTESTED CASE HEARING, YOU MUST INCLUDE THE FOLLOWING ITEMS IN YOUR REQUEST: your name, address, phone number; applicant's name and proposed permit number; the location and distance of your property/activities relative to the proposed facility; a specific description of how you would be adversely affected by the facility in a way not common to the general public; a list of all disputed issues of fact that you submit during the comment period; and the statement "[I/we] request a contested case hearing." If the request for contested case hearing is filed on behalf of a group or association, the request must designate the group's representative for receiving future correspondence; identify by name and physical address an individual member of the group who would be adversely affected by the proposed facility or activity; provide the information discussed above regarding the affected member's location and distance from the facility or activity; explain how and why the member would be affected; and explain how the interests the group seeks to protect are relevant to the group's purpose.**

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

The Commission may only grant a request for a contested case hearing on issues the requestor submitted in their timely comments that were

not subsequently withdrawn. **If a hearing is granted, the subject of a hearing will be limited to disputed issues of fact or mixed questions of fact and law relating to relevant and material water quality concerns submitted during the comment period.**

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

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

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

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

**AGENCY CONTACTS AND INFORMATION.** Public comments and requests must be submitted either electronically at [www.tceq.texas.gov/goto/comment](http://www.tceq.texas.gov/goto/comment), or in writing to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC 105, P.O. Box 13087, Austin, Texas 78711-3087. Any personal information you submit to the TCEQ will become part of the agency's record; this includes email addresses. For more information about this permit application or the permitting process, please call the TCEQ Public Education Program, Toll Free, at (800) 687-4040 or visit their website at [www.tceq.texas.gov/goto/pep](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 Harris County Municipal Utility District No. 531 at the address stated above or by calling Mrs. Ashley Broughton, P.E., LJA Engineering, Inc., at (713) 380-4431.

Issuance Date: April 26, 2024

TRD-202401926

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: May 1, 2024



#### Enforcement Orders

An agreed order was adopted regarding Pulice Construction, Inc., Docket No. 2021-0543-WQ-E on April 30, 2024 assessing \$7,087 in administrative penalties with \$1,417 deferred. Information concerning any aspect of this order may be obtained by contacting Kolby Farren,

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 Charles David Thompson, Docket No. 2021-0782-MSW-E on April 30, 2024 assessing \$1,125 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Cynthia Sirois, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding City of New Summerfield, Docket No. 2021-1165-MWD-E on April 30, 2024 assessing \$5,250 in administrative penalties with \$1,050 deferred. Information concerning any aspect of this order may be obtained by contacting Samantha Smith, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding James E. Green, Docket No. 2022-0055-AIR-E on April 30, 2024 assessing \$2,250 in administrative penalties with \$450 deferred. Information concerning any aspect of this order may be obtained by contacting Desmond Martin, 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 Denali Water Solutions LLC and Fralise Farm and Ranch, LLC, Docket No. 2022-0890-SLG-E on April 30, 2024 assessing \$4,875 in administrative penalties with \$975 deferred. Information concerning any aspect of this order may be obtained by contacting Cheryl Thompson, 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 TPG Pressure, Inc. dba Forterra Pressure Pipe Grand Prairie, Docket No. 2023-0160-PST-E on April 30, 2024 assessing \$2,888 in administrative penalties with \$577 deferred. Information concerning any aspect of this order may be obtained by contacting Tiffany Chu, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Shaleah L. Hill dba Mary Mead Water System and dba Rustic Hills Water, Docket No. 2023-0870-PWS-E on April 30, 2024 assessing \$300 in administrative penalties with \$60 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 HLH DEVELOPMENT, LLC, Docket No. 2023-1140-WQ-E on April 30, 2024 assessing \$7,500 in administrative penalties with \$1,500 deferred. Information concerning any aspect of this order may be obtained by contacting Cheryl Thompson, 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 Great Western Drilling Ltd., Docket No. 2023-1467-AIR-E on April 30, 2024 assessing \$1,875 in administrative penalties with \$375 deferred. Information concerning any aspect of this order may be obtained by contacting Christina Ferrara, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

TRD-202401932

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: May 1, 2024

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

Notice mailed on May 1, 2024 Registration Application No. 40340

Application. Safety-Kleen Systems, Inc. has applied to the Texas Commission on Environmental Quality (TCEQ) for proposed Registration No. 40340, to construct and operate a municipal solid waste medical waste transfer station. The proposed facility, Safety-Kleen Systems, will be located at 2203 Tower Road Suite A, Robstown, Texas 78380, in Nueces County. The Applicant is requesting authorization to store and transfer medical waste. All medical waste brought to the site will be transferred to an authorized medical waste treatment facility. The registration application is available for viewing and copying at the Nueces County Texas Public Library- Keach Family Library at 1000 Terry Shamsie Boulevard in Robstown, Texas 78680, and may be viewed online at <https://www.safety-kleen.com/support/technical/regulatory-information>. The following link to an electronic map of the site or facility's general location is provided as a public courtesy and is not part of the application or notice: <https://arcg.is/0jLG9G>. For exact location, refer to application.

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

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

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

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

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

Agency Contacts and Information. All public comments and requests must be submitted either electronically at [www14.tceq.texas.gov/epic/eComment/](http://www14.tceq.texas.gov/epic/eComment/) or in writing to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC-105, P.O. Box 13087, Austin, Texas 78711-3087. Please be aware that any contact information you provide, including your name, phone number, email address and physical address will become part of the agency's public record. For more information about this registration application or the registration process, please call the TCEQ's Public Education Program, Toll Free, at (800) 687-4040 or visit their webpage, [www.tceq.texas.gov/goto/pep](http://www.tceq.texas.gov/goto/pep). General information regarding the TCEQ can be found on our website at [www.tceq.texas.gov/](http://www.tceq.texas.gov/). Si desea información en español, puede llamar al (800) 687-4040. Further information may also be obtained from Safety-Kleen Systems, Inc. at the mailing address 2203 Tower Road, Suite A Robstown, Texas 78380 or by calling Greg Van Stechelma at (941) 201-8176.

TRD-202401933

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: May 1, 2024

◆ ◆ ◆  
Notices Issued April 25, 2024

NOTICE OF AN AMENDMENT TO A CERTIFICATE OF ADJUDICATION

APPLICATION NO. 04-4590C

Northeast Texas Municipal Water District (Owner/District), P.O. Box 955, Hughes Springs, Texas 75656, has applied to amend Certificate of Adjudication No. 04-4590 (Certificate) to authorize the use of the bed and banks of Dragoo Creek, Tankersley Creek, and Big Cypress Creek to convey up to 6,810 acre-feet of water originating from the Monticello Winfield South Mine facility in Titus County to Lake O' the Pines for subsequent diversion and use for municipal, domestic, industrial, and recreational purposes. Water authorized to be conveyed under this amendment will provide enhanced streamflow to support riparian habitat and will subsequently be utilized to firm up the District's existing water rights authorized in the Certificate without increasing the authorized diversion amounts or rates. More information on the application and how to participate in the permitting process is given below.

The Executive Director has completed the technical review of the application and prepared a draft permit. The draft permit, if granted, would contain a special condition requiring the District to measure and record the amount of water discharged into Dragoo Creek and maintain the Development Agreement. The application, technical memoranda, and Executive Director's draft permit are available for viewing on the TCEQ web page at: [https://www.tceq.texas.gov/permitting/water\\_rights/wr-permitting/view-wr-pend-apps](https://www.tceq.texas.gov/permitting/water_rights/wr-permitting/view-wr-pend-apps) Alternatively, you may request a copy of the documents by contacting the TCEQ Office of the Chief Clerk by phone at (512) 239-3300 or by mail at TCEQ OCC, Notice Team (MC-105), P.O. Box 13087, Austin, Texas 78711.

Written public comments and requests for a public meeting should be submitted to the Office of the Chief Clerk, at the address provided in the information section below by May 28, 2024. A public meeting is intended for the taking of public comment and is not a contested case hearing. A public meeting will be held if the Executive Director determines that there is a significant degree of public interest in the application.

The TCEQ may grant a contested case hearing on this application if a written hearing request is filed by May 28, 2024. The Executive Director may approve the application unless a written request for a contested case hearing is filed by May 28, 2024.

To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) applicant's name and permit number; (3) the statement "[I/we] request a contested case hearing;" (4) a brief and specific description of how you would be affected by the application in a way not common to the general public; and (5) the location and distance of your property relative to the proposed activity. You may also submit proposed conditions for the requested permit which would satisfy your concerns. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below.

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

Written hearing requests, public comments, or requests for a public meeting should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087 or electronically at <https://www14.tceq.texas.gov/epic/eComment/> by entering ADJ 4590 in the search field. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address.

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

TRD-202401929

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: May 1, 2024



## Update to the Water Quality Management Plan (WQMP)

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

Download the draft April 2024 WQMP Update at [https://www.tceq.texas.gov/permitting/wqmp/WQmanagement\\_updates.html](https://www.tceq.texas.gov/permitting/wqmp/WQmanagement_updates.html) or view a printed copy at the TCEQ Library, Building A, 12100 Park 35 Circle, Austin, Texas.

The WQMP is developed and promulgated in accordance with the requirements of the federal Clean Water Act, Section 208. The draft update includes projected effluent limits of specific domestic dischargers, which may be useful for planning in future permit actions. The draft update may also contain service area populations for listed wastewater

treatment facilities, designated management agency information, and total maximum daily load (TMDL) revisions.

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

### Deadline

All comments must be received at the TCEQ no later than 5:00 p.m. on June 11, 2024.

### How to Submit Comments

Comments must be submitted in writing to:

Gregg Easley

Texas Commission on Environmental Quality

Water Quality Division, MC 150

P.O. Box 13087

Austin, Texas 78711-3087

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

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

TRD-202401927

Charmaine Backens

Deputy Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: May 1, 2024



## General Land Office

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

On January 10, 1997, the State of Texas received federal approval of the Coastal Management Program (CMP) (62 *Federal Register* pp. 1439 - 1440). Under federal law, federal agency activities and actions affecting the Texas coastal zone must be consistent with the CMP goals and policies identified in 31 TAC Chapter 26. Requests for federal consistency review were deemed administratively complete for the following project(s) during the period of April 8, 2024, to April 26, 2024. As required by federal law, the public is given an opportunity to comment on the consistency of proposed activities in the coastal zone undertaken or authorized by federal agencies. Pursuant to 31 TAC §§30.20(f), 30.30(h), and 30.40(e), the public comment period extends 30 days from the date published on the Texas General Land Office web site. The notice was published on the web site on Friday, May 3, 2024. The public comment period for this project will close at 5:00 p.m. on Sunday June 2, 2024.

Federal License and Permit Activities:

**Applicant:** Jefferson County

**Location:** The project site is located in Keith Lake Fish Pass between Keith Lake and the Sabine Neches Waterway, in Jefferson County, Texas.

**Latitude and Longitude:** 29.772645, -93.945731

**Project Description:** The proposed project involves a request for modifications to previously authorized Department of the Army Permit SWG-2013-00841 to facilitate repairs and enhancements to the Keith Lake Fish Pass Baffle. The total footprint of the proposed project is approximately 9.412 acres, the majority of which is below Mean High Water (MHW) level (0.69 feet). Based on collected data there are approximately 1.538 acres of open water and 6.870 acres of wetlands within the project area. The purpose of the proposed modifications is to restore optimal functionality while preserving the original dimensions of the Keith Lake Fish Pass Baffle (310-foot-long by 156-foot-wide by 13-foot-tall). Of the resources identified, approximately 4.779 acres of Palustrine Emergent (PEM) wetlands, 0.0339 acres of Palustrine Scrub Shrub (PSS) wetlands, and 1.458 acres of open water would be permanently filled during construction resulting in a permanent loss. The remaining acreages (1.764 acres PEM wetlands, 0.292 acres PSS wetlands, and 0.079 acres of open water) would be subject to temporary impacts during construction. Areas subject to temporary impacts would be restored to existing grade and sprigged with smooth cordgrass plugs on a 1.5-foot by 1.5-foot grid spacing once construction is completed. Associated activities include the total excavation of approximately 27,056 cubic yards (CY) of material to facilitate placement of bedding stone and rock riprap to desired contours/dimensions during construction of rock riprap aprons on either side of the baffle and along the southern shore of the channel. Approximately 808.24 CY of the excavated material would consist of native material from open water, approximately 25,841.96 CY of excavated material would consist of wetlands, and approximately 405.62 CY of excavated material would consist of uplands. A total of 947.41 CY of the excavated native material would be placed in open water areas as fill to create an embankment with an elevation of -2.5 and a 4:1 slope along the southern shore of the channel. The remainder of the excavated material would be hauled off-site for disposal. Additionally, the permittee proposes to place a total of 10,708.33 CY of bedding stone (2,711.11 CY in open water (1,870.76 CY below mean high water MHW), 7,895 CY in wetlands, and 102.22 CY in uplands) in a 12-inch layer in the footprint of the apron and overlay the bedding stone with a total of 28,953.33 CY of rock riprap (6,776.11 CY in open water below MHW), 21,920.56 CY in wetlands, and 256.86 CY in uplands) in a 30- to 60-inch layer (depending on location). Rock riprap will be graded on a 4:1 slope to existing ground and the rock apron will have a top elevation of +1.0.

The applicant believes that the proposed project is self-mitigating and does not require additional mitigation measures due to the significant benefits it offers to the ecological health and resilience of the Keith Lake System. The repair and improvement of the Keith Lake Fish Pass Baffle are expected to reduce salinity levels, thereby preventing or slowing wetland conversion and loss within the system. Additionally, the project would preserve and enhance hundreds of acres of wetlands within the Keith Lake System over time post-construction. Analysis conducted by Michael Rezsutek, PhD, Texas Parks and Wildlife Department Upper Coast Wetland Ecosystem Project Leader, supports this assertion by estimating that approximately 80 acres of wetlands would be preserved per year once the baffle is functioning properly. As such, the applicant contends that the overall gain from repairing the baffle would outweigh any potential wetland impacts within the project footprint, making additional or supplemental mitigation unnecessary.

**Type of Application:** U.S. Army Corps of Engineers permit application #SWG-2013-00841. This application will be reviewed pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act. Note: The consistency review for this project may be conducted by the Texas Commission on Environmental Quality as part of its certification under §401 of the Clean Water Act.

**CMP Project No:** 24-1223-F1

**Applicant:** TotalEnergies Petrochemicals & Refining USA, Inc.

**Location:** The project site is located in the Neches River, approximately 0.86 miles northwest of 6869 Rainbow Lane, in Port Arthur, Jefferson County, Texas.

**Latitude and Longitude:** 29.981261, -93.884558

**Project Description:** The applicant proposes modifications to previously authorized SWG-1995-02251. Modifications consist of a request for authorization to include dredge material placement areas 5, 8, 9, 11, 12, 17, 18, 22, 23, 24, 25 and 26. Additionally, the permittee requests a 10-year extension beyond the current permit expiration date of 16 August 2031. The permittee is not proposing any mitigation due to the nature of the proposed modifications. No new additional work or impacts to special are proposed.

**Type of Application:** U.S. Army Corps of Engineers permit application #SWG-1995-02251. This application will be reviewed pursuant to Section 10 of the Rivers and Harbors Act of 1899.

**CMP Project No:** 24-1222-F1

**Applicant:** Space Exploration Technologies, Inc

**Location:** The project site is located in wetlands adjacent to Boca Chica Bay, at the existing SpaceX Vertical Launch Facility on State Highway 4, in Boca Chica, Cameron County, Texas.

**Latitude and Longitude:** 25.996, -97.154

**Project Description:** On 4 March 2021, the Corps published a public notice for SpaceX's proposed modification to the existing permit for the continued development of the SpaceX vertical launch area with the expansion and addition of test, orbital, and landing pads, integration towers, associated infrastructure, stormwater management features and vehicle parking. The proposed expansion would have impacted 10.94 acres of mud flats, 5.94 acres of estuarine wetlands, and 0.28 acres of non-tidal wetlands. The evaluation of the proposed modification was withdrawn by the Corps on 7 March 2022 to provide SpaceX time to develop an alternatives analysis and public interest review necessary to complete the Corps evaluation.

SpaceX reinitiated the permit application on 12 February 2024 with modified project plans requesting to fill a 0.16-acre wetland to construct a second orbital launchpad which will replace the current suborbital launch pad and test stand. The remaining special aquatic sites proposed in the 2021 public notice will be avoided. The permit modification will increase the total acreage of impact from 5.14 to 5.3 acres.

SpaceX has modified the project plans included in the 4 March 2022 public notice to reduce the proposed acreage from 17.16 acres to 0.16 acres. SpaceX has reduced impacts over the lifespan of the permit but did not reduce their compensatory mitigation. The proposed acreage would bring the total authorized impact back to 5.3 acres, which is below the 5.5 acres of impacts requiring mitigation in the approved compensatory mitigation.

**Type of Application:** U.S. Army Corps of Engineers permit application #SWG-2012-00381. This application will be reviewed pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act. Note: The consistency review for this project may be conducted by the Texas Commission on Environmental Quality as part of its certification under §401 of the Clean Water Act.

**CMP Project No:** 24-1157-F1

Further information on the applications listed above, including a copy of the consistency certifications or consistency determinations for inspection, may be obtained from the Texas General Land Office Public

Information Officer at 1700 N. Congress Avenue, Austin, Texas 78701, or via email at [pialegal@glo.texas.gov](mailto:pialegal@glo.texas.gov). Comments should be sent to the Texas General Land Office Coastal Management Program Coordinator at the above address or via email at [federal.consistency@glo.texas.gov](mailto:federal.consistency@glo.texas.gov).

TRD-202401928

Mark Havens  
Chief Clerk  
General Land Office  
Filed: May 1, 2024

◆   ◆   ◆

## Texas Department of Insurance

### Company Licensing

Application to do business in the state of Texas for American Legacy Life Insurance Company, a foreign life, accident, and/or health company. The home office is in Columbus, Ohio.

Application to do business in the state of Texas for Stellar National Life Insurance Company, a foreign life, accident, and/or health company. The home office is in Phoenix, Arizona.

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-202401935

Justin Beam  
Chief Clerk  
Texas Department of Insurance  
Filed: May 1, 2024

◆   ◆   ◆

## Texas Lottery Commission

Scratch Ticket Game Number 2575 "VIP MILLIONS"

### 1.0 Name and Style of Scratch Ticket Game.

A. The name of Scratch Ticket Game No. 2575 is "VIP MILLIONS". The play style is "key number match".

#### 1.1 Price of Scratch Ticket Game.

A. The price for Scratch Ticket Game No. 2575 shall be \$20.00 per Scratch Ticket.

#### 1.2 Definitions in Scratch Ticket Game No. 2575.

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

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

C. Play Symbol - The printed data under the latex on the front of the Scratch Ticket that is used to determine eligibility for a prize. Each Play Symbol is printed in Symbol font in black ink in positive except for dual-image games. The possible black Play Symbols are: 01, 03, 04, 06, 07, 08, 09, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 2X SYMBOL, 5X SYMBOL, 10X SYMBOL, 20X SYMBOL, ARMORED CAR SYMBOL, BANK SYMBOL, BAR SYMBOL, BILL SYMBOL, CHIP SYMBOL, CROWN SYMBOL, GEM SYMBOL, KEY SYMBOL, MONEYBAG SYMBOL, MOON SYMBOL, NECKLACE SYMBOL, REGISTER SYMBOL, RING SYMBOL, STAR SYMBOL, VAULT SYMBOL, \$20.00, \$40.00, \$50.00, \$100, \$150, \$250, \$500, \$1,000, \$10,000 and \$1,000,000.

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

Figure 1: GAME NO. 2575 - 1.2D

<b>PLAY SYMBOL</b>	<b>CAPTION</b>
01	ONE
03	THR
04	FOR
06	SIX
07	SVN
08	EGT
09	NIN
11	ELV
12	TLV
13	TRN
14	FTN
15	FFN
16	SXN
17	SVT
18	ETN
19	NTN
21	TWON
22	TWTO
23	TWTH
24	TWFR
25	TWV
26	TWSX
27	TWSV
28	TWET
29	TWNI
30	TRTY
31	TRON

32	TRTO
33	TRTH
34	TRFR
35	TRFV
36	TRSX
37	TRSV
38	TRET
39	TRNI
40	FRTY
41	FRON
42	FRTO
43	FRTH
44	FRFR
45	FRFV
46	FRSX
47	FRSV
48	FRET
49	FRNI
50	FFTY
51	FFON
52	FFTO
53	FFTH
54	FFFR
55	FFFV
56	FFSX
57	FFSV
58	FFET
59	FFNI
60	SXTY

61	SXON
62	SXTO
63	SXTH
64	SXFR
65	SXFV
66	SXSX
67	SXSV
68	SXET
69	SXNI
70	SVTY
71	SVON
72	SVTO
73	SVTH
74	SVFR
75	SVFV
76	SVSX
77	SVSV
2X SYMBOL	DBL
5X SYMBOL	WINX5
10X SYMBOL	WINX10
20X SYMBOL	WINX20
ARMORED CAR SYMBOL	ARMCAR
BANK SYMBOL	BANK
BAR SYMBOL	BAR
BILL SYMBOL	BILL
CHIP SYMBOL	CHIP
CROWN SYMBOL	CROWN
GEM SYMBOL	GEM
KEY SYMBOL	KEY

MONEYBAG SYMBOL	MONEYBAG
MOON SYMBOL	MOON
NECKLACE SYMBOL	NECKLACE
REGISTER SYMBOL	REGISTER
RING SYMBOL	RING
STAR SYMBOL	STAR
VAULT SYMBOL	VAULT
\$20.00	TWY\$
\$40.00	FRTY\$
\$50.00	FFTY\$
\$100	ONHN
\$150	ONFF
\$250	TOFF
\$500	FVHN
\$1,000	ONTH
\$10,000	10TH
\$1,000,000	TPPZ

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 (2575), a seven (7) digit Pack number, and a three (3) digit Ticket number. Ticket numbers start with 001 and end with 025 within each Pack. The format will be: 2575-0000001-001.

H. Pack - A Pack of the "VIP MILLIONS" Scratch Ticket Game contains 025 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 025 while the other fold will show the back of Ticket 001 and front of 025.

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 "VIP MILLIONS" Scratch Ticket Game No. 2575.

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 "VIP MILLIONS" Scratch Ticket Game is determined once the latex on the Scratch Ticket is scratched off to expose seventy-six (76) Play Symbols. VIP MILLIONS PLAY INSTRUCTIONS: If a player matches any of the YOUR NUMBERS Play Symbols to any of the WINNING NUMBERS Play Symbols, the player wins the PRIZE for that number. If the player reveals a "2X" Play Symbol, the player wins DOUBLE the prize for that symbol. If the player reveals a "5X" Play Symbol, the player wins 5 TIMES the prize for that symbol. If the player reveals a "10X" Play Symbol, the player wins 10 TIMES the prize for that symbol. If the player reveals a "20X" Play Symbol, the player wins 20 TIMES the prize for that symbol. \$50 BONUS: If the player reveals 2 matching Play Symbols in the \$50 BONUS play area, the player wins \$50. \$100 BONUS: If the player reveals 2 matching Play Symbols in the \$100 BONUS play area, the player wins \$100. \$150 BONUS: If the player reveals 2 matching Play Symbols in the \$150 BONUS play area, the player wins \$150.

\$250 BONUS: If the player reveals 2 matching Play Symbols in the \$250 BONUS play area, the player wins \$250. \$500 BONUS: If the player reveals 2 matching Play Symbols in the \$500 BONUS play area, the player wins \$500. 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 seventy-six (76) 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 seventy-six (76) 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 seventy-six (76) Play Symbols must be exactly one of those described in Section 1.2.C of these Game Procedures;
17. Each of the seventy-six (76) Play Symbols on the Scratch Ticket must be printed in the Symbol font and must correspond precisely to the artwork on file at the Texas Lottery; the Scratch Ticket Serial Numbers must be printed in the Serial font and must correspond precisely to the artwork on file at the Texas Lottery; and the Game-Pack-Ticket Number must be printed in the Game-Pack-Ticket Number font and must correspond precisely to the artwork on file at the Texas Lottery;

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

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

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

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

#### 2.2 Programmed Game Parameters.

A. GENERAL: A Ticket can win up to thirty-five (35) times in accordance with the prize structure.

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

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

D. KEY NUMBER MATCH: Each Ticket will have six (6) different WINNING NUMBERS Play Symbols.

E. KEY NUMBER MATCH: Non-winning YOUR NUMBERS Play Symbols will all be different.

F. KEY NUMBER MATCH: Non-winning Prize Symbols will never appear more than five (5) times.

G. KEY NUMBER MATCH: The top Prize Symbol will appear on every Ticket unless restricted by other parameters, play action or prize structure.

H. KEY NUMBER MATCH: The "2X" (DBL), "5X" (WINX5), "10X" (WINX10) and "20X" (WINX20) Play Symbols will never appear in the WINNING NUMBERS, \$50 BONUS, \$100 BONUS, \$150 BONUS, \$250 BONUS or \$500 BONUS play spots.

I. KEY NUMBER MATCH: The "2X" (DBL), "5X" (WINX5), "10X" (WINX10) and "20X" (WINX20) Play Symbols will only appear on winning Tickets as dictated by the prize structure.

J. KEY NUMBER MATCH: Non-winning Prize Symbol(s) will never be the same as the winning Prize Symbol(s).

K. KEY NUMBER MATCH: No prize amount in a non-winning spot will correspond with the YOUR NUMBERS Play Symbol (i.e., 40 and \$40).

L. \$50 BONUS/\$100 BONUS/\$150 BONUS/\$250 BONUS/\$500 BONUS: Matching Bonus Play Symbols will only appear on winning Tickets as dictated by the prize structure in the \$50 BONUS, \$100 BONUS, \$150 BONUS, \$250 BONUS and \$500 BONUS play areas.

M. \$50 BONUS/\$100 BONUS/\$150 BONUS/\$250 BONUS/\$500 BONUS: A Bonus Play Symbol will not be used more than one (1) time per Ticket across the \$50 BONUS, \$100 BONUS, \$150 BONUS,

\$250 BONUS and \$500 BONUS play areas, unless used in a winning combination.

N. \$50 BONUS/\$100 BONUS/\$150 BONUS/\$250 BONUS/\$500 BONUS: The Bonus Play Symbols will never appear in the WINNING NUMBERS or YOUR NUMBERS Play Symbol spots.

O. \$50 BONUS/\$100 BONUS/\$150 BONUS/\$250 BONUS/\$500 BONUS: In the \$50 BONUS, \$100 BONUS, \$150 BONUS, \$250 BONUS and \$500 BONUS play areas non-winning Bonus Play Symbols will not be the same as winning Bonus Play Symbols.

P. \$50 BONUS/\$100 BONUS/\$150 BONUS/\$250 BONUS/\$500 BONUS: The \$50 BONUS, \$100 BONUS, \$150 BONUS, \$250 BONUS and \$500 BONUS play areas will each be played separately.

### 2.3 Procedure for Claiming Prizes.

A. To claim a "VIP MILLIONS" Scratch Ticket Game prize of \$20.00, \$40.00, \$50.00, \$100, \$150, \$250 or \$500, a claimant shall sign the back of the Scratch Ticket in the space designated on the Scratch Ticket and may present the winning Scratch Ticket to any Texas Lottery Retailer. The Texas Lottery Retailer shall verify the claim and, if valid, and upon presentation of proper identification, if appropriate, make payment of the amount due the claimant and physically void the Scratch Ticket; provided that the Texas Lottery Retailer may, but is not required, to pay a \$40.00, \$50.00, \$100, \$150, \$250 or \$500 Scratch Ticket Game. In the event the Texas Lottery Retailer cannot verify the claim, the Texas Lottery Retailer shall provide the claimant with a claim form and instruct the claimant on how to file a claim with the Texas Lottery. If the claim is validated by the Texas Lottery, a check shall be forwarded to the claimant in the amount due. In the event the claim is not validated, the claim shall be denied and the claimant shall be notified promptly. A claimant may also claim any of the above prizes under the procedure described in Section 2.3.B and Section 2.3.C of these Game Procedures.

B. To claim a "VIP MILLIONS" Scratch Ticket Game prize of \$1,000, \$10,000 or \$1,000,000, 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 "VIP MILLIONS" 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 "VIP MILLIONS" 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 "VIP MILLIONS" 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 8,040,000 Scratch Tickets in Scratch Ticket Game No. 2575. The approximate number and value of prizes in the game are as follows:

Figure 2: GAME NO. 2575 - 4.0

Prize Amount	Approximate Number of Winners*	Approximate Odds are 1 in **
\$20.00	964,800	8.33
\$40.00	241,200	33.33
\$50.00	643,200	12.50
\$100	251,250	32.00
\$150	43,550	184.62
\$250	60,300	133.33
\$500	16,281	493.83
\$1,000	268	30,000.00
\$10,000	35	229,714.29
\$1,000,000	4	2,010,000.00

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

\*\*The overall odds of winning a prize are 1 in 3.62. 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. 2575 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. 2575, 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-202401917

Bob Biard  
 General Counsel  
 Texas Lottery Commission  
 Filed: April 30, 2024

◆ ◆ ◆

**Middle Rio Grande Workforce Development Board**

Request for Proposal for Management and Operations of the Workforce Solutions Middle Rio Grande One Stop Services

The Workforce Solutions Middle Rio Grande Board (WFSMRGB) is soliciting proposals from qualified entities to operate an integrated One-stop Service Delivery System to deliver Workforce Development services in the 9 counties of the Workforce Solutions Middle Rio Grande Board area. Workforce Development services provided through the Service Delivery System include, but are not limited to, those funded and governed by the Workforce Innovation and Opportunity Act, Wagner-Peyser Employment Services, Temporary Assistance for Needy Families and Choices, Supplemental Nutrition Assistance

Program Employment and Training. Proposers will be expected to demonstrate the capability to conduct workforce service delivery for all customers groups at the current level and effectively incorporate the Workforce Solutions Middle Rio Grande Board's stated priorities. The contract resulting from this procurement will be for a period of one (1) year beginning on October 1, 2024 and ending on September 30, 2025. The contract may be renewed for an additional three (3) one-year periods at the sole discretion of the Board and based on satisfactory performance and compliance with contractual obligations.

Release Request for Proposals - April 29, 2024

Deadline for Submission - May 31, 2024 at 3:00 p.m.

Board Meeting for Selection - June 13, 2024

A copy of the RFP may be accessed at the Board's web page at [www.wfsmrg.org](http://www.wfsmrg.org) or by calling or emailing Board's Interim Executive Director at (830) 486-7507 or [rosalind.lozano@wfsmrg.org](mailto:rosalind.lozano@wfsmrg.org) and request a copy by mail.

Workforce Solutions Middle Rio Grande Board

P.O. Box 760

216 W Main Street, Ste A

Uvalde, Texas 78801

Attn: Rosie Lozano, Interim Executive Director

Questions regarding this procurement should be directed to Rosie Lozano, Interim Executive Director, at (830) 591-0141 or by email at [rosalind.lozano@wfsmrg.org](mailto:rosalind.lozano@wfsmrg.org)

TRD-202401902

Rosie Lozano

Interim Executive Director

Middle Rio Grande Workforce Development Board

Filed: April 30, 2024

◆ ◆ ◆  
**Supreme Court of Texas**

Final Approval of Texas Rule of Appellate Procedure 34.5a  
and of Amendments to Texas Rules of Appellate Procedure  
35.3 and 38.6

# Supreme Court of Texas

---

---

Misc. Docket No. 24-9022

---

---

## Final Approval of Texas Rule of Appellate Procedure 34.5a and of Amendments to Texas Rules of Appellate Procedure 35.3 and 38.6

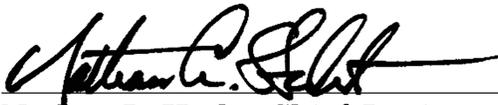
---

---

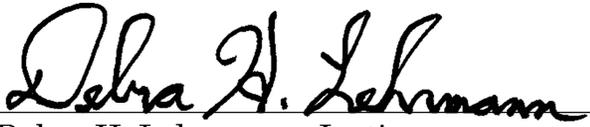
**ORDERED** that:

1. On December 18, 2023, in Misc. Dkt. No. 23-9106, the Court preliminarily approved new Texas Rule of Appellate Procedure 34.5a and amendments to Texas Rules of Appellate Procedure 35.3 and 38.6 and invited public comment.
2. Following the comment period, the Court made revisions to Rule 34.5a. This Order incorporates the revisions and contains the final version of the new and amended rules, effective immediately.
3. The new rule and amendments apply only when a party files a notice of appeal on or after January 1, 2024.
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*.

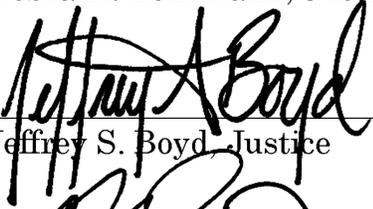
Dated: April 30, 2024.



Nathan L. Hecht, Chief Justice



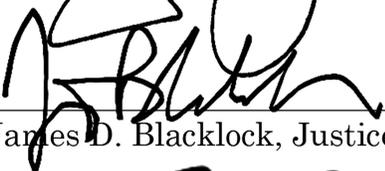
Debra H. Lehrmann, Justice



Jeffrey S. Boyd, Justice



John F. 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 34. Appellate Record (Clean Version)

\*\*\*

### 34.5a Appendix in Lieu of Clerk's Record in a Civil Case

- (a) *Notice of Election.* An appellant in a civil case may file a notice of election with the trial court and the court of appeals stating that the appellant will file an appendix that replaces the clerk's record for the appeal. The notice of election must be filed within 10 days after the date the appellant files a notice of appeal.
- (b) *Time to File Original Appendix.* The appellant filing a notice of election under (a) must file the appendix at the same time as the appellant's brief. Except by order of the court under Rule 38.6(d), the brief and appendix must be filed within 30 days—or 20 days in an accelerated appeal—after the later of:
  - (1) the date the appellant filed the notice of election under (a); or
  - (2) the date the reporter's record, if any, is filed with the court of appeals.
- (c) *Supplemental or Joint Appendices.* If the appellant files an appendix under (b), any other party may file a supplemental appendix at the same time as that party's brief. The parties may agree under Rule 6.6 to file a joint appendix.
- (d) *Court-Directed Supplement.* The court of appeals may direct the appellant to file a supplemental appendix containing items described by the court of appeals. If the appellant fails to supplement as requested, and the record fails to establish the court of appeals' jurisdiction, the court of appeals may dismiss the appeal. In cases where the court of appeals has jurisdiction, and the appellant fails to supplement as requested, the court of appeals may presume that the missing items support the trial court's judgment.
- (e) *Contents of Original Appendix.* The appendix filed under (b) must contain a copy of:
  - (1) each document required by Rule 34.5(a) for a civil case; and

- (2) any other item referenced in the appellant's brief, except as provided by (f).
- (f) *Contents of All Appendices.* When available, the contents of an appendix filed under this rule must be file-stamped. An appendix must not contain a document that was not filed with the trial court, except:
  - (1) if the document was issued by the trial court; or
  - (2) by agreement of the parties under Rule 6.6.
- (g) *Filing Requirements for All Appendices.* An appendix filed under this rule must be filed separately from any other document, and the pages must be consecutively numbered. An appendix must meet the applicable filing requirements of Rules 9.4(h), 9.8, 9.9, and section 1.1 of Appendix C to these rules. A nonconforming appendix is subject to court action under Rule 9.4(k). A conforming appendix becomes a part of the appellate record under Rule 34.1
- (h) *No Clerk's Record.* A court clerk must not prepare or file a clerk's record or assess a fee for preparing a clerk's record if a party files an appendix under this rule.

\*\*\*

### Notes and Comments

\*\*\*

Comment to 2024 Change: New Rule 34.5a is added to implement Texas Civil Practice and Remedies Code section 51.018. It allows the parties in a civil case to file appendices in lieu of a clerk's record and applies only when a party files a notice of appeal on or after January 1, 2024.

## Rule 35. Time to File Record; Responsibility for Filing Record (Redline Version)

\*\*\*

### 35.3. Responsibility for Filing Record

- (a) *Clerk's Record.* Except when an appendix is filed under Rule 34.5a, ~~The~~ trial court clerk is responsible for preparing, certifying, and timely filing the clerk's record if:
- (1) a notice of appeal has been filed, and in criminal proceedings, the trial court has certified the defendant's right of appeal, as required by Rule 25.2(d); and
  - (2) the party responsible for paying for the preparation of the clerk's record has paid the clerk's fee, has made satisfactory arrangements with the clerk to pay the fee, or is entitled to appeal without paying the fee.

\*\*\*

## Rule 38. Requisites of Briefs (Redline Version)

\*\*\*

### 38.6. Time to File Briefs

- (a) *Appellant's Filing Date.* Except in a habeas corpus or bail appeal, which is governed by Rule 31, or when an appendix is filed under Rule 34.5a, an appellant must file a brief within 30 days — 20 days in an accelerated appeal — after the later of:
- (1) the date the clerk's record was filed; or
  - (2) the date the reporter's record was filed.

\*\*\*

TRD-202401946  
Jaclyn Daumerie  
Rules Attorney  
Supreme Court of Texas  
Filed: May 1, 2024



**Texas Department of Transportation**

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

The Texas Department of Transportation and Collin County, Texas, have entered into an agreement that identifies future transportation corridors within Collin 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 Dallas District Office, 4777 East U.S. Highway 80, Mesquite, Texas 75150.