

# IN ADDITION

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

## Office of Consumer Credit Commissioner

### Notice of Rate Ceilings

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

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 09/14/20 - 09/20/20 is 18% for Consumer<sup>1</sup>/Agricultural/Commercial<sup>2</sup> credit through \$250,000.

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 09/14/20 - 09/20/20 is 18% for Commercial over \$250,000.

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

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

TRD-202003690

Leslie L. Pettijohn

Commissioner

Office of Consumer Credit Commissioner

Filed: September 8, 2020

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**Court of Criminal Appeals**

Order Amending Texas Rule of Appellate Procedure 49.3

IN THE COURT OF CRIMINAL APPEALS OF TEXAS

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Misc. Docket No. 20-013

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**ORDER AMENDING TEXAS RULE OF APPELLATE PROCEDURE 49.3**

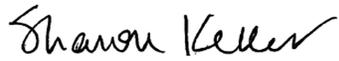
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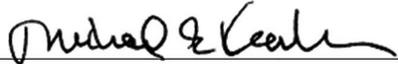
**ORDERED** that:

1. The Court approves the following amendments to Texas Rule of Appellate Procedure 49.3.
2. The amendments take effect January 1, 2021.
3. The amendments may be changed before January 1, 2021, in response to public comments. Written comments should be sent to [txccarulescomments@txcourts.gov](mailto:txccarulescomments@txcourts.gov). The Court requests that comments be sent by December 1, 2020.
3. The Clerk is directed to:
  - a. file a copy of this order with the Secretary of State;
  - b. cause a copy of this order to be mailed to each registered member of the State Bar of Texas by publication in the *Texas Bar Journal*;
  - c. send a copy of this order to each elected member of the Legislature; and
  - d. submit a copy of the order for publication in the *Texas Register*.

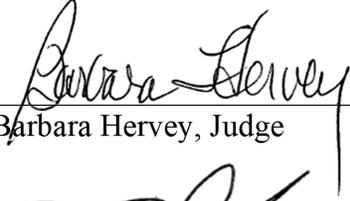
Dated: August 25, 2020.



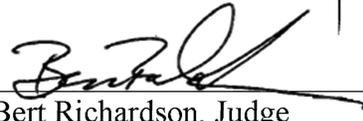
Sharon Keller, Presiding Judge



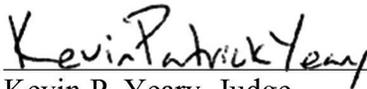
Michael Keasler, Judge



Barbara Hervey, Judge



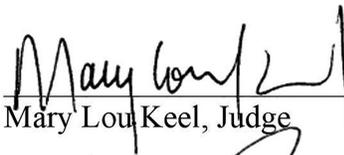
Bert Richardson, Judge



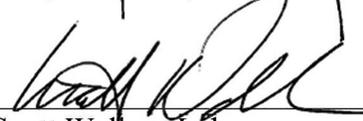
Kevin P. Yeary, Judge



David Newell, Judge



Mary Lou Keel, Judge



Scott Walker, Judge



Michelle M. Slaughter, Judge

## Rule 49. Motion for Rehearing and En Banc Reconsideration

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### 49.3. Decision on Motion

A motion for rehearing may be granted by a majority of the justices who participated in the decision of the case. ~~Otherwise, it must be denied.~~ Unless two justices who participated in the decision of the case agree on the disposition of the motion for rehearing, the chief justice of the court of appeals must assign additional justices to replace any justice who participated in the panel decision but cannot participate in deciding the motion for rehearing. If rehearing is granted, the court or panel may dispose of the case with or without rebriefing and oral argument.

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TRD-202003680  
Deana Williamson  
Clerk of the Court  
Court of Criminal Appeals  
Filed: September 4, 2020



### Texas Education Agency

Request for Applications Concerning the 2021-2023 Grow Your Own Grant Program, Cycle 4

Filing Authority. The availability of grant funds under Request for Applications (RFA) #701-21-101 is authorized by the General Appropriations Act, Article III, Rider 41, 86th Texas Legislature.

Eligible Applicants. The Texas Education Agency (TEA) is requesting applications under RFA #701-21-101 from eligible applicants, which include local educational agencies (LEAs) and fully accredited educator preparation programs. Education service centers may apply as fiscal agents. Specific eligibility of applicants depends on the Pathway chosen.

Description. The Grow Your Own Grant program is a competitive grant designed to facilitate increased entry of qualified, diverse candidates into the teaching profession, particularly in rural and small school settings. The program also aims to elevate the perception of the teaching profession through the development and facilitation of high-quality Education and Training courses at the high school level and to address challenges Texas currently faces in terms of recruiting and retaining teacher candidates. Applicants may select one or more of two pathways to achieve this goal. Pathway 1 focuses on the recruitment of future educators by offering Education and Training courses, including those offered for dual credit, to current high school students. Pathway 2 focuses on the recruitment and support of paraprofessionals, instructional aides, and long-term substitutes currently employed by the LEA to transition to certified, full-time teaching roles within the LEA. Please see the Program Guidelines for additional information about the Pathways, including eligibility, funding, and grant dates for each. The Program Guidelines will be posted on the TEA Grant Opportunities web page at <http://tea4avoswald.tea.state.tx.us/GrantOpportunities/forms/Grant-ProgramSearch.aspx>. In the "Search Options" box, select the name of the RFA from the drop-down list. Scroll down to the "Application and

Support Information" section to view and download all documents that pertain to this RFA.

Dates of Project. The 2021-2023 Grow Your Own Grant Program will be implemented primarily during the 2021-2022 through 2022-2023 school years. Applicants should plan for a starting date of no earlier than February 1, 2021, and an ending date of no later than June 30, 2023, contingent on the continued availability of funds.

Project Amount. Approximately \$1.25 million is available for funding the 2021-2023 Grow Your Own Grant Program, Cycle 4. It is anticipated that approximately 30 grants will be awarded ranging in amounts from \$11,500-\$499,000, depending on the Pathway. This project is funded 100 percent with state funds.

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

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

Applicants' Conference. A recorded webinar will be posted on the TEA Grants Opportunities page on September 28, 2020. Webinar details are included in the Program Guidelines. In the "Search Options" box, select the name of the RFA from the drop-down list. Scroll down to the "Application and Support Information" section to view and download all documents that pertain to this RFA. Questions addressed during the webinar relevant to the RFA may be emailed to the TEA contact person identified in the program guidelines of the RFA no later than September 25, 2020. These questions, along with other information, will be addressed during the webinar. The applicants' conference webinar will be available to all potential applicants and will provide general and clarifying information about the grant program and RFA.

Requesting the Application. The complete RFA will be posted on the TEA Grant Opportunities web page at <http://tea4avoswald.tea.state.tx.us/GrantOpportunities/forms/Grant-ProgramSearch.aspx> for viewing and downloading. In the "Search Options" box, select the name of the RFA from the drop-down list. Scroll down to the "Application and Support Information" section to view and download all documents that pertain to this RFA.

Further Information. In order to make sure that no prospective applicant obtains a competitive advantage because of acquisition of information unknown to other prospective applicants, any and all questions must be submitted in writing to the TEA contact persons identified in the Program Guidelines of the RFA no later than Wednesday, September 30, 2020. All questions and the written answers thereto will be posted on the TEA Grant Opportunities web page in the format of Frequently Asked Questions (FAQs) by Monday, October 5, 2020. In the "Search Options" box, select the name of the RFA from the drop-down list. Scroll down to the "Application and Support Information" section to view all documents that pertain to this RFA.

Deadline for Receipt of Applications. Applications must be received in the TEA Document Control Center by 11:59 p.m. (Central Time), Thursday, November 5, 2020, to be eligible to be considered for funding. TEA will only accept applications by email to [competitive-grants@tea.texas.gov](mailto:competitive-grants@tea.texas.gov).

Issued in Austin, Texas, on September 9, 2020.

TRD-202003696

Cristina De La Fuente-Valadez

Director, Rulemaking

Texas Education Agency

Filed: September 9, 2020



## Employees Retirement System of Texas

### Correction of Error

The Employees Retirement System of Texas published adopted amendments to 34 TAC §75.2 in the September 4, 2020, issue of the *Texas Register* (45 TexReg 6238). Due to an error by the Texas Register, a subsection of the rule was cross-referenced incorrectly. The correct text for §75.2(e) should read as follows:

(e) As a condition of receipt of an annuity under Texas Government, Chapter 615, Subchapter F, an eligible surviving spouse shall agree to annually certify the spouse's eligibility under subsection (a)(1)(B) - (D) of this section and to notify the system of any change in circumstances affecting the spouse's continued eligibility. Failure to comply with this requirement or to provide the agreed certification is a basis for suspension of annuity payments until such time as compliance occurs.

Additionally, adopted amendments to 34 TAC §85.1 in the September 4, 2020, issue of the *Texas Register* (45 TexReg 6240) contain an incorrectly-written cross reference. The correct text for §85.1(c)(25) should read as follows:

(25) Health care reimbursement plan--A separate plan, under the Code, §105, adopted by the board of trustees, and designed to provide health care expense reimbursement as described in §85.5(b) of this title.

TRD-202003694



## Texas Commission on Environmental Quality

### Agreed Orders

The Texas Commission on Environmental Quality (TCEQ, agency, or commission) staff is providing an opportunity for written public comment on the listed Agreed Orders (AOs) in accordance with Texas Water Code (TWC), §7.075. TWC, §7.075, requires that before the commission may approve the AOs, the commission shall allow the public an opportunity to submit written comments on the proposed AOs. TWC, §7.075, requires that notice of the proposed orders and the opportunity to comment must be published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is **October 19, 2020**. 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 commissions 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 commissions central office, located at 12100 Park 35 Circle, Building C, 1st Floor, Austin, Texas 78753, (512) 239-2545 and at the applicable regional office listed as follows. Written comments about an AO should be sent to the enforcement coordinator designated for each AO at the commission's central office at P.O. Box 13087, Austin, Texas 78711-3087 and must be received by 5:00 p.m. on **October 19, 2020**. 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: Barehide Ranch, Incorporated; DOCKET NUMBER: 2020-0091-PWS-E; IDENTIFIER: RN105642052; LOCATION: Poolville, Parker County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.46(n)(1), by failing to maintain at the facility accurate and up-to-date detailed as-built plans or record drawings and specifications for each treatment plant, pump station, and storage tank until the facility is decommissioned; and 30 TAC §290.46(n)(3), by failing to keep on file copies of well completion data, as defined in 30 TAC §290.41(c)(3)(A), for as long as the well remains in service; PENALTY: \$105; ENFORCEMENT COORDINATOR: Ronica Rodriguez, (361) 825-3425; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(2) COMPANY: Chevron Phillips Chemical Company LP; DOCKET NUMBER: 2020-0385-AIR-E; IDENTIFIER: RN100825249; LOCATION: Sweeny, Brazoria County; TYPE OF FACILITY: petrochemical refinery; RULES VIOLATED: 30 TAC §§101.20(3), 116.115(c), and 122.143(4), New Source Review Permit Numbers 22690 and PSDTX751M1, Special Conditions Number 1, Federal Operating Permit Number O2151, General Terms and Conditions and Special Terms and Conditions Number 25, and Texas Health and Safety Code, §382.085(b), by failing to prevent unauthorized emissions; PENALTY: \$15,000; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET AMOUNT: \$6,000; ENFORCEMENT COORDINATOR: Mackenzie Mehlmann, (512) 239-2572; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(3) COMPANY: Chevron Phillips Chemical Company LP; DOCKET NUMBER: 2019-1198-AIR-E; IDENTIFIER: RN100825249; LOCATION: Sweeny, Brazoria County; TYPE OF FACILITY: chemical manufacturing plant; RULES VIOLATED: 30 TAC §§101.20(3),

116.115(c), and 122.143(4), New Source Review Permit Numbers 22690 and PSDTX751M1, Special Conditions Number 1, Federal Operating Permit Number O2151, General Terms and Conditions and Special Terms and Conditions Numbers 1.A and 25, and Texas Health and Safety Code, §382.085(b), by failing to prevent unauthorized emissions; PENALTY: \$26,250; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET AMOUNT: \$10,500; ENFORCEMENT COORDINATOR: Mackenzie Mehlmann, (512) 239-2572; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(4) COMPANY: City of Ackerly; DOCKET NUMBER: 2020-0279-PWS-E; IDENTIFIER: RN101174985; LOCATION: Ackerly, Dawson County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.106(f)(2) and Texas Health and Safety Code, §341.031(a), by failing to comply with the acute maximum contaminant level of 10 milligrams per liter for nitrate; and 30 TAC §290.122(c)(2)(A) and (f), by failing to provide public notification and submit a copy of the public notification, accompanied with a signed Certificate of Delivery, to the executive director regarding the failure to submit a Disinfection Level Quarterly Operating Report for the first and second quarters of 2018; PENALTY: \$2,070; ENFORCEMENT COORDINATOR: Ronica Rodriguez, (361) 825-3425; REGIONAL OFFICE: 9900 West IH-20, Suite 100, Midland, Texas 79706, (432) 570-1359.

(5) COMPANY: City of Timpson; DOCKET NUMBER: 2020-0681-PWS-E; IDENTIFIER: RN101387686; LOCATION: Timpson, Shelby County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.115(e)(2), by failing to conduct an operation evaluation and submit a written operation evaluation report to the executive director within 90 days after being notified of analytical results that caused an exceedance of the operational evaluation level for total trihalomethanes (TTHM) for Stage 2 Disinfection Byproducts at Site 1 and Site 2 during the fourth quarter of 2019; and 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 milligram per liter for TTHM based on the locational running annual average; PENALTY: \$2,420; ENFORCEMENT COORDINATOR: Samantha Salas, (512) 239-1543; REGIONAL OFFICE: 3870 Eastex Freeway, Beaumont, Texas 77703-1830, (409) 898-3838.

(6) COMPANY: Commodity Recycling Solutions, LLC; DOCKET NUMBER: 2020-0591-MSW-E; IDENTIFIER: RN110928041; LOCATION: Fort Worth, Tarrant County; TYPE OF FACILITY: recycling; RULES VIOLATED: 30 TAC §328.5(b), by failing to submit a Notice of Intent prior to the commencement of recycling activities; and 30 TAC §328.5(f)(1) and (2), by failing to maintain recycling records to show compliance with the requirements for limitations on storage of recyclable materials and reasonable efforts to maintain source-separation of materials received by the facility; PENALTY: \$3,600; ENFORCEMENT COORDINATOR: Hailey Johnson, (512) 239-1756; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(7) COMPANY: DNR BUSINESS, INC dba Sunmart 121; DOCKET NUMBER: 2020-0358-PST-E; IDENTIFIER: RN102461290; LOCATION: Sealy, Austin County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULES VIOLATED: 30 TAC §334.10(b)(2), by failing to assure that all underground storage tank (UST) recordkeeping requirements are met; 30 TAC §334.50(b)(1)(A) and TWC, §26.3475(c), by failing to monitor the USTs in a manner which will detect a release at a frequency of at least once every 30 days; and 30 TAC §334.50(d)(9)(A)(v) and §334.72, by failing to report a suspected release to the agency within 24 hours of discovery; PENALTY: \$14,137; ENFORCEMENT COORDINATOR: Tyler

Smith, (512) 239-3421; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(8) COMPANY: Fatima Family Village, Incorporated dba Fatima Family Mobile Home Park, Nhieu Doan dba Fatima Family Mobile Home Park, and Thanh T. Doan dba Fatima Family Mobile Home Park; DOCKET NUMBER: 2020-0659-PWS-E; IDENTIFIER: RN101236685; LOCATION: Houston, Harris County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.41(c)(1)(F), by failing to obtain a sanitary control easement covering land within 150 feet of the facility's well; 30 TAC §290.41(c)(3)(K), by failing to seal the wellhead by a gasket or sealing compound and provide a well casing for the well that is covered with 16-mesh or finer corrosion-resistant screen, facing downward, elevated and located so as to minimize the drawing of contaminants into the well; 30 TAC §290.41(c)(3)(O), by failing to protect all well units with an intruder-resistant fence with a lockable gate or enclose the well in a locked and ventilated well house to exclude possible contamination or damage to the facilities by trespassers; 30 TAC §290.43(e), by failing to ensure that all potable water storage tanks and pressure maintenance facilities are installed in a lockable building that is designed to prevent intruder access or enclosed by an intruder-resistant fence with lockable gates; 30 TAC §290.45(b)(1)(E)(i) and Texas Health and Safety Code, §341.0315(c), by failing to provide a well capacity of 1.0 gallons per minute per connection; 30 TAC §290.46(m), by failing to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment; 30 TAC §290.46(n)(1), by failing to maintain at the facility accurate and up-to-date detailed as-built plans or record drawings and specifications for each treatment plant, pump station, and storage tank until the facility is decommissioned; 30 TAC §290.46(n)(2), by failing to make available an up-to-date map of the distribution system so that valves and mains can be easily located during emergencies; and 30 TAC §290.46(n)(3), by failing to keep on file copies of well completion data as defined in 30 TAC §290.41(c)(3)(A) for as long as the well remains in service; PENALTY: \$1,330; ENFORCEMENT COORDINATOR: Marla Waters, (512) 239-4712; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(9) COMPANY: GULF COAST CHRISTIAN YOUTH CAMP, INCORPORATED; DOCKET NUMBER: 2020-0663-PWS-E; IDENTIFIER: RN101176014; LOCATION: Alleyton, Colorado County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.106(e), by failing to provide the results of nitrate sampling to the executive director for the January 1, 2019 - December 31, 2019, monitoring period; and 30 TAC §290.118(c), by failing to collect secondary constituents samples for the January 1, 2014 - December 31, 2014, monitoring period; PENALTY: \$332; ENFORCEMENT COORDINATOR: Amanda Conner, (512) 239-2521; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(10) COMPANY: JEANNIE MART INVESTMENT INC dba J Mart; DOCKET NUMBER: 2020-0735-PST-E; IDENTIFIER: RN101867109; LOCATION: Seguin, Guadalupe County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULES VIOLATED: 30 TAC §334.49(c)(4)(C) and TWC, §26.3475(d), by failing to have the corrosion protection system inspected and tested for operability and adequacy of protection at a frequency of at least once every three years; and 30 TAC §334.50(b)(1)(A) and (2) and TWC, §26.3475(c)(1) and (a), by failing to monitor the underground storage tanks (USTs) in a manner which will detect a release at a frequency of at least once every 30 days, and failing to provide release detection for the pressurized piping associated with the UST system; PENALTY: \$8,297; ENFORCEMENT COORDINATOR: Courtney Atkins, (512)

534-6862; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, (210) 490-3096.

(11) COMPANY: Lake Livingston Water Supply Corporation; DOCKET NUMBER: 2020-0597-PWS-E; IDENTIFIER: RN105711907; LOCATION: Trinity, Polk County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.41(e)(2)(C), by failing to establish a restricted zone of 200 feet radius from the raw water intake works prohibiting all recreational activities and trespassing, designated with signs recounting these restrictions that are visible from all parts of the restricted area; 30 TAC §290.42(d)(2)(E), by failing to provide an air gap for the filter-to-waste connection with a height of at least twice the diameter of the water supply outlet above the ground surface; 30 TAC §290.42(f)(1)(E)(ii)(I), by failing to provide adequate containment for all liquid chemical storage tanks; 30 TAC §290.45(b)(2)(A) and Texas Health and Safety Code (THSC), §341.0315(c), by failing to provide a raw water pump capacity of 0.6 gallons per minute (gpm) per connection with the largest pump out of service; 30 TAC §290.45(b)(2)(B) and THSC, §341.0315(c), by failing to provide a treatment plant capacity of 0.6 gpm per connection under normal rated design flow; 30 TAC §290.45(b)(2)(C) and THSC, §341.0315(c), by failing to provide a transfer pump capacity of 0.6 gpm per connection with the largest pump out of service; 30 TAC §290.45(b)(2)(F) and THSC, §341.0315(c), by failing to provide Pressure Plane Number 1 with two or more service pumps having a total capacity of 2.0 gpm per connection or that have a total capacity of at least 1,000 gpm and the ability to meet peak hourly demands with the largest pump out of service, whichever is less; 30 TAC §290.45(b)(2)(G) and THSC, §341.0315(c), by failing to provide Pressure Plane Number 1 with an elevated storage capacity of 100 gallons per connection or a pressure tank capacity of 20 gallons per connection; 30 TAC §290.46(f)(2) and (3)(B)(iii), (v) and (ix), (C)(iii), and (D)(ii), by failing to maintain water works operation and maintenance records and make them readily available for review by the executive director (ED) upon request; 30 TAC §290.46(q)(1), by failing to issue a boil water notice to the customers of the facility using the prescribed format in 30 TAC §290.47(c)(1) by using one or more of the Tier 1 delivery methods as described in 30 TAC §290.122(a)(2); and 30 TAC §290.118(a) and (b), by failing to meet the maximum secondary constituent level of greater than 7.0 standard units for pH or receive written approval from the ED to use the water source for public drinking water; PENALTY: \$6,966; ENFORCEMENT COORDINATOR: Epifanio Villarreal, (361) 825-3421; REGIONAL OFFICE: 3870 Eastex Freeway, Beaumont, Texas 77703-1830, (409) 898-3838.

(12) COMPANY: LALINDA LLC dba Shell Quick Stop; DOCKET NUMBER: 2020-0363-PST-E; IDENTIFIER: RN101532620; LOCATION: Cedar Hill, Dallas County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULES VIOLATED: 30 TAC §334.10(b)(2), by failing to maintain underground storage tank (UST) records and make them immediately available for inspection upon request by agency personnel; 30 TAC §334.49(a)(1) and TWC, §26.3475(d), by failing to provide corrosion protection for the UST system; and 30 TAC §334.50(b)(2) and TWC, §26.3475(a), by failing to provide release detection for the pressurized piping associated with the UST system; PENALTY: \$15,297; ENFORCEMENT COORDINATOR: Tyler Smith, (512) 239-3421; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(13) COMPANY: Liberty Tire Recycling, LLC; DOCKET NUMBER: 2019-0608-MSW-E; IDENTIFIER: RN104370275; LOCATION: San Antonio, Bexar County; TYPE OF FACILITY: scrap tire facility; RULES VIOLATED: 30 TAC §328.61(b)(1), by failing to maintain the limit of the pile of whole used or scrap tires on the ground to cover an area no greater than 8,000 square feet; 30 TAC §328.61(c),

by failing to designate and maintain a 40-foot wide, all-weather fire lane, encircling outdoor tire piles consisting of scrap tires or tire pieces between buildings, and failing to keep open at all times and maintained free of rubbish, equipment, tires, or other materials; and 30 TAC §37.3011 and §328.71(b), by failing to demonstrate financial assurance for closure, post closure, and corrective action for the facility; PENALTY: \$11,805; ENFORCEMENT COORDINATOR: John Fennell, (512) 239-2616; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, (210) 490-3096.

(14) COMPANY: Phillips 66 Company; DOCKET NUMBER: 2020-0730-AIR-E; IDENTIFIER: RN102495884; LOCATION: Borger, Hutchinson County; TYPE OF FACILITY: petroleum refinery; RULES VIOLATED: 30 TAC §§101.20(3), 111.111(a)(4)(A), 116.115(c), 116.715(a), and 122.143(4), Flexible Permit Numbers 9868A and PSDTX102M7, Special Conditions Numbers 1 and 24, Federal Operating Permit Number O1440, General Terms and Conditions and Special Terms and Conditions Number 17, and Texas Health and Safety Code, §382.085(b), by failing to prevent unauthorized emissions; PENALTY: \$19,688; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET AMOUNT: \$7,875; ENFORCEMENT COORDINATOR: Yuliya Dunaway, (210) 403-4077; REGIONAL OFFICE: 3918 Canyon Drive, Amarillo, Texas 79109-4933, (806) 353-9251.

(15) COMPANY: Rural Bardwell Water Supply Corporation; DOCKET NUMBER: 2020-0605-PWS-E; IDENTIFIER: RN101196590; LOCATION: Bardwell, Ellis County; TYPE OF FACILITY: public water supply; RULE VIOLATED: 30 TAC §290.46(q)(1), by failing to issue a boil water notice to the customers of the facility within 24 hours of a water outage using one or more of the Tier 1 delivery methods as described in 30 TAC §290.122(a)(2); PENALTY: \$825; ENFORCEMENT COORDINATOR: Julianne Dewar, (817) 588-5861; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(16) COMPANY: Shagufta LLC dba Price Super Store 2; DOCKET NUMBER: 2020-0646-PST-E; IDENTIFIER: RN103036265; LOCATION: Frankston, Henderson County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULES VIOLATED: 30 TAC §334.50(b)(1)(A) and TWC, §26.3475(c)(1), by failing to monitor the underground storage tanks for releases in a manner which will detect a release at a frequency of at least once every 30 days; PENALTY: \$3,750; ENFORCEMENT COORDINATOR: Amanda Conner, (512) 239-2521; REGIONAL OFFICE: 2916 Teague Drive, Tyler, Texas 75701-3734, (903) 535-5100.

(17) COMPANY: SNG, INCORPORATED dba Bell Express; DOCKET NUMBER: 2020-0539-PST-E; IDENTIFIER: RN101446870; LOCATION: San Antonio, Bexar County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULES VIOLATED: 30 TAC §334.49(a)(1) and TWC, §26.3475(d), by failing to provide corrosion protection for the underground storage tank (UST) system; and 30 TAC §334.50(b)(1)(A) and (2) and TWC, §26.3475(a) and (c)(1), by failing to monitor the UST for releases at a frequency of at least once every 30 days, and failing to provide release detection for the pressurized piping associated with the UST system; PENALTY: \$4,999; ENFORCEMENT COORDINATOR: John Fennell, (512) 239-2616; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, (210) 490-3096.

(18) COMPANY: Sulphur River Gathering LLC; DOCKET NUMBER: 2020-0566-AIR-E; IDENTIFIER: RN100223783; LOCATION: Pittsburg, Camp County; TYPE OF FACILITY: natural gas plant; RULES VIOLATED: 30 TAC §101.201(a)(1)(B) and Texas Health and Safety Code (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; 30 TAC §101.201(c) 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; and 30 TAC §116.115(c), New Source Review Permit Number 8986, Special Conditions Number 1, and THSC, §382.085(b), by failing to prevent unauthorized emissions; PENALTY: \$11,900; ENFORCEMENT COORDINATOR: Johnnie Wu, (512) 239-2524; REGIONAL OFFICE: 2916 Teague Drive, Tyler, Texas 75701-3734, (903) 535-5100.

(19) COMPANY: UNITED PETROLEUM TRANSPORTS, INC; DOCKET NUMBER: 2020-0082-PST-E; IDENTIFIER: RN100847581; LOCATION: San Antonio, Bexar County; TYPE OF FACILITY: common carrier; RULES VIOLATED: 30 TAC §334.5(b)(1)(A) and TWC, §26.3467(d), by failing to obtain a valid, current TCEQ delivery certificate before depositing a regulated substance into an underground storage tank system; PENALTY: \$3,000; ENFORCEMENT COORDINATOR: Tyler Smith, (512) 239-3421; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, (210) 490-3096.

(20) COMPANY: VILLAGE FARMS, L.P.; DOCKET NUMBER: 2020-0413-PWS-E; IDENTIFIER: RN100818087; LOCATION: Fort Davis, Jeff Davis County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.39(j) and Texas Health and Safety Code (THSC), §341.0351, by failing to notify the executive director (ED) and receive approval prior to making any significant change or addition to the system's production, treatment, storage, pressure maintenance, or distribution facilities; 30 TAC §290.41(c)(3)(K), by failing to ensure that wellheads and pump bases are sealed by a gasket or sealing compound and properly vented with a well casing vent that is covered with a 16-mesh or finer corrosion-resistant screen, facing downward, elevated, and located so as to minimize the drawing of contaminants into the well; 30 TAC §290.42(l), by failing to compile and maintain a thorough and up-to-date plant operations manual for operator review and reference; 30 TAC §290.44(h)(1)(A), by failing to ensure additional protection was provided at all residences or establishments where an actual or potential contamination exists in the form of a backflow prevention assembly, as identified in 30 TAC §290.47(f); 30 TAC §290.46(e)(4)(A), by failing to use a water works operator who holds an applicable, valid license issued by the ED; 30 TAC §290.46(f)(2) and (3)(A)(i)(III), by failing to maintain water works operation and maintenance records and make them readily available for review by the ED upon request; and 30 TAC §290.46(s)(2)(C)(i), by failing to verify the accuracy of the manual disinfectant residual analyzers at least once every 90 days using chlorine solutions of known concentrations; PENALTY: \$3,194; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET AMOUNT: \$1,278; ENFORCEMENT COORDINATOR: Julianne Dewar, (817) 588-5861; REGIONAL OFFICE: 401 East Franklin Avenue, Suite 560, El Paso, Texas 79901-1212, (915) 834-4949.

TRD-202003684  
Charmaine Backens  
Director, Litigation Division  
Texas Commission on Environmental Quality  
Filed: September 8, 2020



#### Correction of Error

In the September 4, 2020, issue of the *Texas Register* (45 TexReg 6262), the Texas Commission on Environmental Quality (commission) published a Notice of Request for Public Comment and Notice of a Public Meeting on Two Draft Total Maximum Daily Loads for Indicator Bacteria in Corpus Christ Bays Beaches, Cole Park and Ropes Park.

The notice incorrectly listed the end of comment period as midnight September 29, 2020 when it should be midnight October 6, 2020. The error is as submitted by the commission.

On page 6262, the eighth paragraph of the notice, third sentence, should be corrected to read as, "All comments must be received at TCEQ by midnight on October 6, 2020 and should reference Two Total Maximum Daily Loads for Indicator Bacteria in Corpus Christi Bay Beaches, Cole Park and Ropes Park."

For questions concerning this error, please contact Gwen Ricco at (512) 239-2678.

TRD-202003645  
Patricia Duron  
Program Supervisor, Texas Register Rule Development Team  
Texas Commission on Environmental Quality  
Filed: September 4, 2020



#### Enforcement Orders

An agreed order was adopted regarding GO GREEN & RECYCLE, LLC, Docket No. 2017-1707-MLM-E on September 9, 2020 assessing \$16,480 in administrative penalties with \$15,280 deferred. Information concerning any aspect of this order may be obtained by contacting Clayton Smith, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An order was adopted regarding John S. Jones dba John's Tire & Wheels and dba John's Tire Shop, Docket No. 2018-0057-MSW-E on September 9, 2020 assessing \$15,408 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Tracy Chandler, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A default order was adopted regarding WELLS LANDING PROPERTY OWNERS ASSOCIATION, Docket No. 2018-0964-MSW-E on September 9, 2020 assessing \$1,250 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Clayton Smith, 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 Liberty Tire Recycling, LLC, Docket No. 2018-1461-IHW-E on September 9, 2020 assessing \$36,307 in administrative penalties with \$7,261 deferred. Information concerning any aspect of this order may be obtained by contacting John Fennell, 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 CEMENTOS READY-MIX LLC, Docket No. 2019-0246-AIR-E on September 9, 2020 assessing \$8,250 in administrative penalties with \$1,650 deferred. Information concerning any aspect of this order may be obtained by contacting Richard Garza, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Scout Energy Management LLC, Docket No. 2019-0519-AIR-E on September 9, 2020 assessing \$75,387 in administrative penalties with \$15,077 deferred. Information concerning any aspect of this order may be obtained by contacting Richard Garza, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding the Texas Department of Transportation, Docket No. 2019-0645-MWD-E on September 9, 2020 assessing \$7,626 in administrative penalties with \$1,525 deferred. Information concerning any aspect of this order may be obtained by contacting Caleb Olson, 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 PERMIAN LODGING MIDLAND LLC, Docket No. 2019-1122-PWS-E on September 9, 2020 assessing \$172 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Ryan Byer, 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 I.P. "SARGE" BELL MEMORIAL POST NO. 3377 VETERANS OF FOREIGN WARS OF THE UNITED STATES, AUSTIN, TEXAS, Docket No. 2019-1258-PWS-E on September 9, 2020 assessing \$408 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Samantha Salas, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding the City of Fairfield, Docket No. 2019-1337-MWD-E on September 9, 2020 assessing \$41,284 in administrative penalties with \$8,256 deferred. Information concerning any aspect of this order may be obtained by contacting Alejandro Laje, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Crystal Clear Special Utility District, Docket No. 2019-1453-PWS-E on September 9, 2020 assessing \$810 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Marla Waters, 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 Superior Silica Sands LLC, Docket No. 2019-1672-AIR-E on September 9, 2020 assessing \$20,500 in administrative penalties with \$4,100 deferred. Information concerning any aspect of this order may be obtained by contacting Richard Garza, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding OXY USA WTP LP, Docket No. 2019-1725-AIR-E on September 9, 2020 assessing \$121,875 in administrative penalties with \$24,375 deferred. Information concerning any aspect of this order may be obtained by contacting Richard Garza, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding SAM RAYBURN WATER, INC., Docket No. 2019-1731-PWS-E on September 9, 2020 assessing \$1,885 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Julianne Dewar, 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 Rohm And Haas Chemicals LLC, Docket No. 2019-1760-AIR-E on September 9, 2020 assessing \$31,942 in administrative penalties with \$6,388 deferred. Information concerning any aspect of this order may be obtained by contacting Margarita Dennis, 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 Richmond Signature Homes, LLC., Docket No. 2019-1774-WQ-E on September 9, 2020 assess-

ing \$7,826 in administrative penalties with \$1,565 deferred. Information concerning any aspect of this order may be obtained by contacting Caleb Olson, 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 JBS Live Pork, LLC, Docket No. 2020-0022-PWS-E on September 9, 2020 assessing \$1,800 in administrative penalties with \$1,800 deferred. Information concerning any aspect of this order may be obtained by contacting Samantha Salas, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding JACKSON WATER SUPPLY CORPORATION, Docket No. 2020-0098-PWS-E on September 9, 2020 assessing \$3,267 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Samantha Duncan, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding the City of Junction, Docket No. 2020-0102-MWD-E on September 9, 2020 assessing \$16,187 in administrative penalties with \$3,237 deferred. Information concerning any aspect of this order may be obtained by contacting Stephanie Frederick, 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 Oro Resources, LLC, Docket No. 2020-0157-AIR-E on September 9, 2020 assessing \$1,188 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Danielle Porras, 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 US Ecology Texas, Inc., Docket No. 2020-0169-AIR-E on September 9, 2020 assessing \$23,388 in administrative penalties with \$4,677 deferred. Information concerning any aspect of this order may be obtained by contacting Amanda Diaz, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Monarch Utilities I L.P., Docket No. 2020-0246-PWS-E on September 9, 2020 assessing \$3,450 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Jée Willis, 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 MILITARY HIGHWAY WATER SUPPLY CORPORATION, Docket No. 2020-0259-MWD-E on September 9, 2020 assessing \$9,500 in administrative penalties with \$1,900 deferred. Information concerning any aspect of this order may be obtained by contacting Stephanie Frederick, 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 Equistar Chemicals, LP, Docket No. 2020-0263-AIR-E on September 9, 2020 assessing \$13,125 in administrative penalties with \$2,625 deferred. Information concerning any aspect of this order may be obtained by contacting Toni Red, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding D.R Horton - Texas, Ltd., Docket No. 2020-0295-WQ-E on September 9, 2020 assessing \$45,000 in administrative penalties. Information concerning any

aspect of this order may be obtained by contacting Alejandro Laje, 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 VAPIWALLA & SON'S INC. dba Right Choice Food Mart 8, Docket No. 2020-0326-PST-E on September 9, 2020 assessing \$7,813 in administrative penalties with \$1,562 deferred. Information concerning any aspect of this order may be obtained by contacting Hailey Johnson, 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 SilverBow Resources Operating, LLC, Docket No. 2020-0342-AIR-E on September 9, 2020 assessing \$9,375 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Yuliya Dunaway, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

TRD-202003698

Bridget C. Bohac

Chief Clerk

Texas Commission on Environmental Quality

Filed: September 9, 2020



### Enforcement Orders

An agreed order was adopted regarding Larry Hollis, Docket No. 2019-0494-PST-E on September 8, 2020, assessing \$5,372 in administrative penalties with \$4,172 deferred. Information concerning any aspect of this order may be obtained by contacting Christopher Mullins, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

TRD-202003699

Bridget C. Bohac

Chief Clerk

Texas Commission on Environmental Quality

Filed: September 9, 2020



### Notice of Water Rights Application

Notice issued August 28, 2020

APPLICATION NO. 13683; Brazos River Exploration, LLC (Applicant), 2727 Allen Parkway, Suite 1850, Houston, Texas 77019, has applied for a Temporary Water Use Permit to authorize the diversion and use of not to exceed 23 acre-feet of water within a period of five months from a point on Clear Fork Brazos River, Brazos River Basin for mining purposes in Stephens County. More information on the application and how to participate in the permitting process is given below. The application and partial fees were received on March 3, 2020. Additional information and fees were received on April 30 and June 1, 2020. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on June 12, 2020. The Executive Director has completed the technical review of the application and prepared a draft temporary water use permit. The temporary draft permit, if granted, would include special conditions, including, but not limited to stream flow restrictions. The application, technical memoranda, and Executive Director's draft temporary permit are available for viewing on the TCEQ web page at: [www.tceq.texas.gov/permitting/water\\_rights/wr-permitting/wr-apps-pub-notice](http://www.tceq.texas.gov/permitting/water_rights/wr-permitting/wr-apps-pub-notice). 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 September 15, 2020.

APPLICATION NO. 13605; Cheniere Land Holdings, LLC (Applicant), 700 Milam Street, Suite 1900, Houston, Texas 77002-2806, has applied for a Water Use Permit to divert and use not to exceed 15,000 acre-feet of water per year from a diversion segment on Corpus Christi Bay, San Antonio-Nueces Coastal Basin for industrial purposes in San Patricio County and to store the diverted water in an off-channel reservoir complex. The application and fees were received on April 3, 2019. Additional information was received on June 17, 2019. The application was declared administratively complete and filed with the Office of the Chief Clerk on June 20, 2019. The Executive Director has completed the technical review of the application and prepared a draft permit. The draft permit, if granted, would include special conditions, including, but not limited to, the installation of measuring devices for diversions. The application, technical memoranda, and Executive Director's draft permit are available for viewing on the TCEQ web page at: [www.tceq.texas.gov/permitting/water\\_rights/wr-permitting/wr-apps-pub-notice](http://www.tceq.texas.gov/permitting/water_rights/wr-permitting/wr-apps-pub-notice). 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 Chief Clerk, at the address provided in the information section below, within 30 days of the date of newspaper publication of the notice.

To view the complete issued notice, view the notice on our web site at [www.tceq.texas.gov/agency/cc/pub\\_notice.html](http://www.tceq.texas.gov/agency/cc/pub_notice.html) or call the Office of the Chief Clerk at (512) 239-3300 to obtain a copy of the complete notice. When searching the web site, type in the issued date range shown at the top of this document to obtain search results. A public meeting is intended for the taking of public comment, and is not a contested case hearing. The Executive Director can consider approval of an application unless a written request for a contested case hearing is filed. 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; and (4) a brief and specific description of how you would be affected by the application in a way not common to the general public. You may also submit any proposed conditions to the requested application which would satisfy your concerns.

Requests for a contested case hearing must be submitted in writing to the TCEQ 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 requested permit and may 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. 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.

TRD-202003692

Bridget C. Bohac  
Chief Clerk  
Texas Commission on Environmental Quality  
Filed: September 8, 2020



## Notice of Water Rights Application

Notice issued September 4, 2020

APPLICATION NO. 13674; Select Energy Services, LLC, 1000 Central Parkway North, Suite 270, San Antonio, Texas, 78232, seeks a temporary water use permit to divert and use not to exceed 387 acre-feet of water within a period of three years from a point on the San Antonio River, San Antonio River Basin, for mining purposes in Karnes County. More information on the application and how to participate in the permitting process is given below. The application and fees were received on January 21, 2020. Additional information and fees were received on April 6, 2020. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on April 14, 2020. The Executive Director completed the technical review of the application and prepared a draft permit. The draft permit, if granted, would include special conditions including, but not limited to, streamflow restrictions and installation of a measuring device for diversions. The application, technical memoranda, and Executive Director's draft permit are available for viewing on the TCEQ web page at: [www.tceq.texas.gov/permitting/water\\_rights/wr-permitting/wr-apps-pub-notice](http://www.tceq.texas.gov/permitting/water_rights/wr-permitting/wr-apps-pub-notice). 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 Chief Clerk, at the address provided in the information section below, by September 22, 2020.

APPLICATION NO. 13673; Select Energy Services, LLC, 1000 Central Parkway North, Suite 270, San Antonio, Texas, 78232, seeks a temporary water use permit to divert and use not to exceed 387 acre-feet of water within a period of three years from a point on the Guadalupe River, Guadalupe River Basin, for mining purposes in DeWitt County. More information on the application and how to participate in the permitting process is given below. The application and fees were received on January 21, 2020. Additional information and fees were received on March 19, 2020. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on March 31, 2020. The Executive Director completed the technical review of the application and prepared a draft permit. The draft permit, if granted, would include special conditions including, but not limited to, streamflow restrictions and installation of a measuring device for diversions. The application, technical memoranda, and Executive Director's draft permit are available for viewing on the TCEQ web page at: [www.tceq.texas.gov/permitting/water\\_rights/wr-permitting/wr-apps-pub-notice](http://www.tceq.texas.gov/permitting/water_rights/wr-permitting/wr-apps-pub-notice). 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 Chief Clerk, at the address provided in the information section below, by September 22, 2020. 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 September 22, 2020.

To view the complete issued notice, view the notice on our web site at [www.tceq.texas.gov/agency/cc/pub\\_notice.html](http://www.tceq.texas.gov/agency/cc/pub_notice.html) or call the Office of the Chief Clerk at (512) 239-3300 to obtain a copy of the complete notice. When searching the web site, type in the issued date range shown at the top of this document to obtain search results. A public meeting is intended for the taking of public comment, and is not a contested case hearing. The Executive Director can consider approval of an application unless a written request for a contested case hearing is filed. 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; and (4) a brief and specific description of how you would be affected by the application in a way not common to the general public. You may also submit any proposed conditions to the requested application which would satisfy your concerns.

Requests for a contested case hearing must be submitted in writing to the TCEQ 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 requested permit and may 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. 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.

TRD-202003693

Bridget C. Bohac  
Chief Clerk  
Texas Commission on Environmental Quality  
Filed: September 8, 2020



## Department of State Health Services

### Notice of Objection

Notice of Objection to the Drug Enforcement Administration's interim final rule amending the regulatory controls over marihuana, tetrahydrocannabinols, and other marihuana-related constituents in the Controlled Substances Act.

On August 21, 2020, the Acting Administrator of the Drug Enforcement Administration (DEA) issued an interim final rule making four conforming changes to DEA's existing scheduling regulations. The interim final rule was published in the *Federal Register*, Volume 85, Number 163, pages 51639-51645 and was effective August 21, 2020. Pursuant to Section 481.034(g), as amended by the 75th legislature, of the Texas Controlled Substances Act, Health and Safety Code, Chapter 481, the commissioner may object during the 30-day period beginning on the day after the date of publication in the *Federal Register* of a final order designating a substance as controlled or deleting a substance from the schedules.

The interim final rule modifies 21 CFR 1308.11(d)(31) by adding language stating that the definition of "Tetrahydrocannabinols" does not include "any material, compound, mixture or preparation that falls within the definition of hemp set forth in 7 U.S.C 1639o." The commissioner objects to this modification.

The interim final rule modifies 21 CFR 1308.11(d)(58) by stating that the definition of "Marihuana Extract" is limited to extracts "containing greater than 0.3 percent delta-9-tetrahydrocannabinol on a dry weight basis." The commissioner objects to this modification.

In the capacity as Commissioner of the Texas Department of State Health Services, John Hellerstedt, M.D., does hereby object to the modifications of the two definitions to the extent that the definitions allow for the presence or addition of tetrahydrocannabinols aside from the presence of delta-9-tetrahydrocannabinol. Multiple tetrahydrocannabinol isomers and variants may have pharmacological or psychoactive properties.

In accordance with Section 481.034(g), a public hearing to receive comments on the proposal will be scheduled after publication in the *Texas Register*. The meeting date will be posted on the Schedules of Controlled Substances website (<https://dshs.texas.gov/drugs/controlled-substances.aspx>). Please contact Karen Tannert at (512) 231-5747 or [karen.tannert@dshs.texas.gov](mailto:karen.tannert@dshs.texas.gov), if you have questions.

TRD-202003702  
Barbara L. Klein  
General Counsel  
Department of State Health Services  
Filed: September 9, 2020

◆ ◆ ◆  
**Texas Department of Insurance**

**Company Licensing**

Application to do business in the state of Texas for ManhattanLife of America Insurance Company, a foreign life, accident and/or health company. The home office is in Little Rock, Arkansas.

Application for National Lloyds Insurance Company, a domestic fire and/or casualty company, to change its name to National Summit Insurance Company. The home office is in Dallas, Texas.

Any objections must be filed with the Texas Department of Insurance, within twenty (20) calendar days from the date of the *Texas Register* publication, addressed to the attention of Robert Rudnai, 333 Guadalupe Street, MC 103-CL, Austin, Texas 78701.

TRD-202003697

James Person  
General Counsel  
Texas Department of Insurance  
Filed: September 9, 2020

◆ ◆ ◆  
**Texas Lottery Commission**

Scratch Ticket Game Number 2248 "\$250,000 50X CASHWORD"

1.0 Name and Style of Scratch Ticket Game.

A. The name of Scratch Ticket Game No. 2248 is "\$250,000 50X CASHWORD". The play style is "crossword".

1.1 Price of Scratch Ticket Game.

A. The price for Scratch Ticket Game No. 2248 shall be \$10.00 per Scratch Ticket.

1.2 Definitions in Scratch Ticket Game No. 2248.

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: A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z, BLACKENED SQUARE SYMBOL, 2X SYMBOL, 3X SYMBOL, 5X SYMBOL, 10X SYMBOL and 50X SYMBOL.

D. Play Symbol Caption - The printed material appearing below each Play Symbol which explains the Play Symbol. One caption appears under each Play Symbol and is printed in caption font in black ink in positive. Crossword and Bingo style games do not typically have Play Symbol Captions. The Play Symbol Caption which corresponds with and verifies each Play Symbol is as follows:

Figure 1: GAME NO. 2248 - 1.2D

PLAY SYMBOL	CAPTION
A	
B	
C	
D	
E	
F	
G	
H	
I	
J	
K	
L	
M	
N	
O	
P	
Q	
R	
S	
T	
U	
V	
W	
X	
Y	
Z	
<b>BLACKENED SQUARE SYMBOL</b>	
2X SYMBOL	WINX2
3X SYMBOL	WINX3
5X SYMBOL	WINX5
10X SYMBOL	WINX10
50X SYMBOL	WINX50

E. Serial Number - A unique 13 (thirteen) 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 24 (twenty-four) 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 14 (fourteen) digit number consisting of the four (4) digit game number (2248), a seven (7) digit Pack number, and a three (3) digit Ticket number. Ticket numbers start

with 001 and end with 050 within each Pack. The format will be: 2248-0000001-001.

H. Pack - A Pack of "\$250,000 50X CASHWORD" Scratch Ticket Game contains 050 Tickets, packed in plastic shrink-wrapping and fan-folded in pages of one (1). The back of Ticket 001 will be shown on the front of the Pack; the back of Ticket 050 will be revealed on the back of the Pack. All Packs will be tightly shrink-wrapped. There will be no breaks between the Tickets in a Pack.

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 "\$250,000 50X CASHWORD" Scratch Ticket Game No. 2248.

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. Each Scratch Ticket contains exactly 313 (three hundred thirteen) Play Symbols. A prize winner in the "\$250,000 50X CASHWORD" Scratch Ticket Game is determined once the latex on the Scratch Ticket is completely scratched off to expose all of the YOUR 20 LETTERS Play Symbols. The player then scratches all the letters found in GAME 1, GAME 2 and GAME 3 that exactly match the YOUR 20 LETTERS Play Symbols. If the player has scratched at least 2 complete WORDS within a GAME, the player wins the prize found in the corresponding PRIZE LEGEND. WORDS revealed in one GAME cannot be combined with WORDS revealed in another GAME. Each GAME is played separately. Only one prize paid per GAME. Only letters within the same GAME that are matched with the YOUR 20 LETTERS Play Symbols can be used to form a complete WORD. In each GAME, every lettered square within an unbroken horizontal (left to right) or vertical (top to bottom) sequence must be matched with the YOUR 20 LETTERS Play Symbols to be considered a complete WORD. Words revealed in a diagonal sequence are not considered valid WORDS. Words within WORDS are not eligible for a prize. Words that are spelled from right to left or bottom to top are not eligible for a prize. A complete WORD must contain at least three letters. GAME 1 and GAME 2 can win by revealing 2 to 11 complete WORDS on each GAME. GAME 3 can win by revealing 2 to 9 complete WORDS. MULTIPLIER: The player must scratch the 2 MULTIPLIER SYMBOLS. If the player reveals 2 matching MULTIPLIER SYMBOLS, the player multiplies the total prize won in GAMES 1, 2 and 3 by the multiplier and wins that amount. For example: If the player reveals 2 "10X" MULTIPLIER SYMBOLS, the player will multiply the total prize won by 10 TIMES. 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 313 (three hundred thirteen) 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; Crossword and Bingo games do not typically have Play Symbol Captions;

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 313 (three hundred thirteen) 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 313 (three hundred thirteen) Play Symbols must be exactly one of those described in Section 1.2.C of these Game Procedures;

17. Each of the 313 (three hundred thirteen) Play Symbols on the Scratch Ticket must be printed in the Symbol font and must correspond precisely to the artwork on file at the Texas Lottery; the Scratch Ticket Serial Numbers must be printed in the Serial font and must correspond precisely to the artwork on file at the Texas Lottery; and the Game-Pack-Ticket Number must be printed in the Game-Pack-Ticket Number font and must correspond precisely to the artwork on file at the Texas Lottery;

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

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

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

C. Any Scratch Ticket not passing all of the validation requirements is void and ineligible for any prize and shall not be paid. However, the Executive Director may, solely at the Executive Director's discretion, refund the retail sales price of the Scratch Ticket. In the event a defective Scratch Ticket is purchased, the only responsibility or liability

of the Texas Lottery shall be to replace the defective Scratch Ticket with another unplayed Scratch Ticket in that Scratch Ticket Game (or a Scratch Ticket of equivalent sales price from any other current Texas Lottery Scratch Ticket Game) or refund the retail sales price of the Scratch Ticket, solely at the Executive Director's discretion.

## 2.2 Programmed Game Parameters.

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

B. GENERAL: There is no correlation between any exposed data on a Ticket and its status as a winner or non-winner.

C. CROSSWORD GAMES: Each grid from GAME 1 and GAME 2 will contain exactly the same number of letters.

D. CROSSWORD GAMES: Each grid from GAME 1 and GAME 2 will contain exactly the same number of words.

E. CROSSWORD GAMES: No matching words on a Ticket.

F. CROSSWORD GAMES: All words used will be from the TEXAS APPROVED WORD LIST CASHWORD/CROSSWORD v 2.0, dated January 31, 2019.

G. CROSSWORD GAMES: All words will contain a minimum of three (3) letters.

H. CROSSWORD GAMES: All words will contain a maximum of nine (9) letters.

I. CROSSWORD GAMES: There will be a minimum of three (3) vowels in the YOUR 20 LETTERS play area. Vowels are considered to be A, E, I, O, U.

J. CROSSWORD GAMES: No consonant will appear more than nine (9) times, and no vowel will appear more than fourteen (14) times in GAME 1 and GAME 2.

K. CROSSWORD GAMES: No consonant will appear more than seven (7) times, and no vowel will appear more than ten (10) times in GAME 3.

L. CROSSWORD GAMES: No matching Play Symbols in the YOUR 20 LETTERS play area.

M. CROSSWORD GAMES: At least fifteen (15) of the letters in the YOUR 20 LETTERS play area will open at least one (1) letter in GAME 1 (11x11), GAME 2 (11x11) and GAME 3 (7x7) crossword grids combinations.

N. CROSSWORD GAMES: The presence or absence of any letter or combination of letters in the YOUR 20 LETTERS play area will not be indicative of a winning or Non-Winning Ticket.

O. CROSSWORD GAMES: Words from the TEXAS REJECTED WORD LIST v.2.3, dated December 4, 2017, will not appear horizontally in the YOUR 20 LETTERS play area when read left to right or right to left.

P. CROSSWORD GAMES: On Non-Winning Tickets, there will be one (1) completed word in GAME 1 and one (1) completed word in GAME 2.

Q. CROSSWORD GAMES: There will be a random distribution of all Play Symbols on the Ticket, unless restricted by other parameters, play action or prize structure.

R. CROSSWORD GAMES: GAME 1 and GAME 2 will have no more than eleven (11) complete words per grid.

S. CROSSWORD GAMES: GAME 3 will have no more than nine (9) complete words.

T. CROSSWORD GAMES: A Ticket can only win one (1) time per GAME and a total of up to three (3) times per Ticket in accordance with the approved prize structure.

U. CROSSWORD GAMES: Each Ticket in a Pack will have unique GAMES.

V. MULTIPLIER: Two (2) matching MULTIPLIER SYMBOLS Play Symbols of "2X" (WINX2), "3X" (WINX3), "5X" (WINX5), "10X" (WINX10) or "50X" (WINX50) will only appear on winning Tickets, as dictated by the prize structure.

W. MULTIPLIER: Tickets that do not win in the "MULTIPLIER" play area will display two (2) different MULTIPLIER SYMBOLS Play Symbols.

## 2.3 Procedure for Claiming Prizes.

A. To claim a "\$250,000 50X CASHWORD" Scratch Ticket Game prize of \$10.00, \$20.00, \$30.00, \$50.00, \$80.00, \$100, \$200 or \$500, a claimant shall sign the back of the Scratch Ticket in the space designated on the Scratch Ticket and present the winning Scratch Ticket to any Texas Lottery Retailer. The Texas Lottery Retailer shall verify the claim and, if valid, and upon presentation of proper identification, if appropriate, make payment of the amount due the claimant and physically void the Scratch Ticket; provided that the Texas Lottery Retailer may, but is not required, to pay a \$30.00, \$50.00, \$80.00, \$100, \$200 or \$500 Scratch Ticket Game Prize. 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 "\$250,000 50X CASHWORD" Scratch Ticket Game prize of \$1,000, \$10,000 or \$250,000, the claimant must sign the winning Scratch Ticket and 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 "\$250,000 50X CASHWORD" 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 "\$250,000 50X CASHWORD" 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 "\$250,000 50X CASHWORD" 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 Game 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 Ticket Prizes. There will be approximately 21,000,000 Scratch Tickets in Scratch Ticket Game No. 2248. The approximate number and value of prizes in the game are as follows:

Figure 2: GAME NO. 2248 - 4.0

Prize Amount	Approximate Number of Winners*	Approximate Odds are 1 in **
\$10	2,310,000	9.09
\$20	1,470,000	14.29
\$30	1,470,000	14.29
\$50	437,500	48.00
\$80	78,750	266.67
\$100	118,125	177.78
\$200	18,375	1,142.86
\$500	3,500	6,000.00
\$1,000	2,100	10,000.00
\$10,000	36	583,333.33
\$250,000	9	2,333,333.33

\*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 3.55. 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. 2248 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 Game 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. 2248, 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-202003689  
 Bob Biard  
 General Counsel  
 Texas Lottery Commission  
 Filed: September 8, 2020

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**Supreme Court of Texas**

Order Amending Texas Rule of Appellate Procedure 49.3 (Joint Order, Court of Criminal Appeals Misc. Docket No. 20-013)

IN THE SUPREME COURT OF TEXAS

=====  
Misc. Docket No. 20-9105  
=====

=====  
**ORDER AMENDING TEXAS RULE OF APPELLATE PROCEDURE 49.3**  
=====

**ORDERED** that:

1. The Court approves the following amendments to Texas Rule of Appellate Procedure 49.3.
2. The amendments take effect January 1, 2021.
3. The amendments may be changed before January 1, 2021, in response to public comments. Written comments should be sent to [rulescomments@txcourts.gov](mailto:rulescomments@txcourts.gov). The Court requests that comments be sent by December 1, 2020.
3. The Clerk is directed to:
  - a. file a copy of this order with the Secretary of State;
  - b. cause a copy of this order to be mailed to each registered member of the State Bar of Texas by publication in the *Texas Bar Journal*;
  - c. send a copy of this order to each elected member of the Legislature; and
  - d. submit a copy of the order for publication in the *Texas Register*.

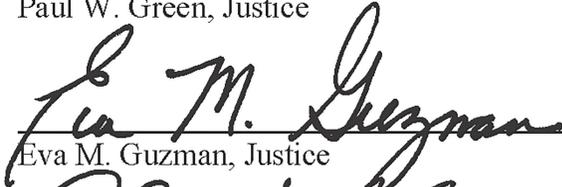
Dated: August 21, 2020.



Nathan L. Hecht, Chief Justice



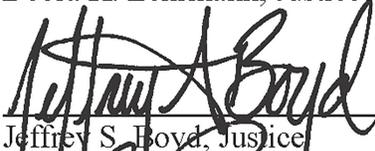
Paul W. Green, Justice



Eva M. Guzman, Justice



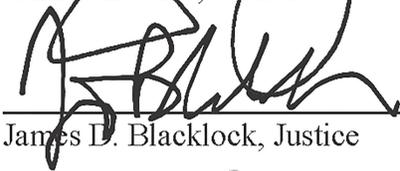
Debra H. Lehrmann, Justice



Jeffrey S. Boyd, Justice



John P. Devine, Justice



James D. Blacklock, Justice



J. Brett Busby, Justice



Jane N. Bland, Justice

## Rule 49. Motion for Rehearing and En Banc Reconsideration

\* \* \*

### 49.3. Decision on Motion

A motion for rehearing may be granted by a majority of the justices who participated in the decision of the case. ~~Otherwise, it must be denied.~~ Unless two justices who participated in the decision of the case agree on the disposition of the motion for rehearing, the chief justice of the court of appeals must assign additional justices to replace any justice who participated in the panel decision but cannot participate in deciding the motion for rehearing. If rehearing is granted, the court or panel may dispose of the case with or without rebriefing and oral argument.

\* \* \*

TRD-202003644  
Jaclyn Daumerie  
Rules Attorney  
Supreme Court of Texas  
Filed: September 4, 2020



### Texas Department of Transportation

#### Addendum to Request for Qualifications

Pursuant to the authority granted under Transportation Code, Chapter 223, Subchapter F (enabling legislation), the Texas Department of Transportation (department), may enter into, in each state fiscal biennium, up to six design-build contracts for the design, construction, expansion, extension, related capital maintenance, rehabilitation, alteration, or repair of a highway project with a construction cost estimate of \$150 million or more. The enabling legislation authorizes private involvement in design-build projects and provides a process for the department to solicit proposals for such projects. Transportation Code §223.245 prescribes requirements for issuance of a request for qualifications (RFQ). The Texas Transportation Commission (commission) adopted Texas Administrative Code, Title 43, Chapter 9, Subchapter I, relating to design-build contracts (the rules). The enabling legislation, as well as the rules, govern the submission and processing of qualifications statements (QSs), and provide for the issuance of an RFQ that sets forth the basic criteria for qualifications, experience, technical competence, and ability to develop a proposed project and such other information the department considers relevant or necessary.

The department previously issued an RFQ to design, construct, and potentially maintain Segment 3 of the North Houston Highway Improvement Project in Harris County, Texas, originally consisting of (1) several non-tolled improvements along I-10 and I-69 from the existing I-45 interchange with I-10 to the existing I-45 interchange with I-69; (2) the construction of certain connectors; (3) depressing and widening I-69 from the SH 288 interchange to I-10; (4) reconstructing certain interchanges; (5) realigning I-45 away from the Pierce Elevated; and (6) reconstructing SH 288 from south of I-69 to the I-45 interchange. This RFQ was published in the December 13, 2019, issue of the *Texas Register* (44 TexReg 7777).

The department has determined to issue an addendum to the RFQ to modify the scope of work and to begin again the submission of QSs. In the addendum, the department has modified the scope of work to include the design, construction and maintenance of the I-69/SH 288 Interchange in downtown Houston, consisting of: (1) reconstructing the interchange including the direct connectors to and from I-69 and SH 288; (2) reconstructing the SH 288 general purpose lanes from Wheeler Street to I-69 including ramping modifications to and from the existing SH 288 managed lanes; (3) reconstructing and widening the depressed I-69 and SH 288 general purpose lanes from Alameda Drive to McGowen; (4) reconstructing cross street bridges over I-69 at Alabama, Elgin, Tuam, and McGowen Streets; (5) constructing frontage roads along SH 288 north of Cleburne; (6) reconstructing Hamilton Street and Chartres Street within the corridor; and (7) constructing a new pump station at the southwest corner of the I-45/I-69 interchange (the NHHIP I-69/SH 288 Interchange Design-Build Project, referred to as the Project).

The Project has an estimated design-build cost of approximately \$450 million.

Through this notice, the department is seeking QSs from teams interested in entering into a design-build contract and, potentially, a capital maintenance contract. The department intends to evaluate any QS received in response to the RFQ (including all addenda) and may request submission of detailed proposals, potentially leading to the negotiation, award, and execution of a design-build contract, and potentially, a capital maintenance contract. The department will accept for consideration any QS received in accordance with the enabling legislation, the rules, and the RFQ, on or before the deadline in this notice. The department anticipates issuing the addendum to the RFQ, receiving and evaluating the QSs, developing a shortlist of proposing entities or consortia, and issuing a request for proposals (RFP) to the shortlisted entities. After review and a best value evaluation of the responses to the RFP, the department may negotiate and enter into a design-build contract and potentially, a capital maintenance contract, for the Project.

**RFQ Evaluation Criteria.** QSs will be evaluated by the department for shortlisting purposes using the following general criteria: project qualifications and experience, statement of technical approach, and safety qualifications. The specific criteria under the foregoing cate-

gories will be identified in the RFQ (including all addenda), as will the relative weighting of the criteria.

**Release of RFQ and Due Date.** The department currently anticipates that the addendum to the RFQ will be available on September 18, 2020. Copies of the addendum to the RFQ will be available at the following website:

<http://www.txdot.gov/inside-txdot/division/debt/strategic-projects/alternative-delivery/nhhp-seg3/rfq.html>.

QSs will be due by 12:00 p.m. (noon) CST on January 7, 2021, at the address specified in the addendum to the RFQ.

TRD-202003695

Becky Blewett

Deputy General Counsel

Texas Department of Transportation

Filed: September 9, 2020



## Texas Water Development Board

Applications June - July 2020

Pursuant to Texas Water Code §6.195, the Texas Water Development Board provides notice of the following applications:

Project ID #62894, a request from City of Bridge City, 260 Rachal Avenue, Bridge City, Texas 77611, received on June 9, 2020, for \$2,000,000 in financial assistance from the Drinking Water State Revolving Fund, for the installation of a new water well located at the Sunnyside Water Tank.

Project ID #62895, a request from Parker County SUD, 500 Brock Spur, Millsap, Texas 76066-3543, received on June 23, 2020, for \$33,290,000 in financial assistance from the Drinking Water State Revolving Fund, for improvements to storage, transfer pumping, transmission and distribution to maintain compliance with TCEQ distribution system criteria as the District's system continues to grow.

Project ID #73890, a request from Willow Park, 516 House Road, Willow Park, Texas 76087, received on June 24, 2020, for \$17,000,000 in financial assistance from the Clean Water State Revolving Fund, to build a new wastewater treatment facility.

Project ID #73889, a request from the City of Houston, P.O. Box 1562, Houston, Texas 77251-1562, received on June 25, 2020, for 325,000,000 in financial assistance from the Clean Water State Revolving Fund, to provide the rehabilitation and replacement of the existing wastewater collection systems citywide.

Project ID #21788, a request from Ransom Canyon, 24 Lee Kitchens Drive, Ransom Canyon, Texas 79366-2200, received on June 25, 2020, for \$4,700,000 in financial assistance from the Texas Water Development Fund for a new wastewater treatment facility and water system improvements.

Project ID #73891, a request from the City of Madisonville, 210 West Cottonwood, Madisonville, Texas 77864-1504, received on July 8, 2020, for \$3,965,000 in financial assistance from the Clean Water State Revolving Fund, for sanitary sewer system improvements.

Project ID #62897, a request from the City of Sweetwater, 200 East 4th Street, Sweetwater, Texas, 79556-0450, received on July 16, 2020, for \$3,100,000 in financial assistance from the Drinking Water State Revolving Fund to make improvements in the water system by replacing existing membranes at the water treatment plant, replacing existing raw water pumps and replacing existing water lines.

Project ID #73892, a request from the City of Sweetwater, 200 East 4th Street, Sweetwater, Texas, 79556-0450, received on July 17, 2020, for \$2,400,000 in financial assistance from the Clean Water State Revolving Fund for replacement of aging equipment within the wastewater treatment plant and improvements to deteriorated collection system components including the replacement of manholes and collection lines in various parts of the system.

Project ID #62898, a request from Greater Texoma Utility Authority on behalf of Lake Kiowa Special Utility District, 5100 Airport Drive, Denison, Texas 75020-8448, received on July 21, 2020, for \$5,470,000 in financial assistance from Drinking Water State Revolving Fund, for a water line replacement project.

Project ID #62900, a request from Greater Texoma Utility Authority on behalf of the City of Van Alstyne, 5100 Airport Drive, Denison, Texas 75020-8448, received on July 30, 2020, for \$4,000,000 in financial assistance from the Drinking Water State Revolving Fund, for an elevated storage tank and water system improvements project.

Project ID #62899, a request from Greater Texoma Utility Authority on behalf of Gober Municipal Utility District, 5100 Airport Drive, Denison, Texas 75020-8448, received on July 31, 2020, for \$830,000 in financial assistance from the Drinking Water State Revolving Fund for a water system improvement project.

TRD-202003629

Ashley Harden

General Counsel

Texas Water Development Board

Filed: September 3, 2020



### IUP Public Review and Comment

The Texas Water Development Board (TWDB) is holding a period of public review and comment before approval and adoption of the draft State Fiscal Year (SFY) 2021 State Revolving Fund (SRF) Intended Use Plans (IUPs). These documents are available online:

- Draft SFY 2021 Clean Water SRF IUP ([http://www.twdb.texas.gov/financial/programs/CWSRF/doc/SFY2021/Draft\\_SFY2021\\_CWSRF\\_IUP.pdf](http://www.twdb.texas.gov/financial/programs/CWSRF/doc/SFY2021/Draft_SFY2021_CWSRF_IUP.pdf))

- 2021 Clean Water Project Rating Report ([http://www.twdb.texas.gov/financial/programs/CWSRF/doc/SFY2021/CWSRF\\_SFY2021\\_PIFRatingReport.pdf](http://www.twdb.texas.gov/financial/programs/CWSRF/doc/SFY2021/CWSRF_SFY2021_PIFRatingReport.pdf))

- Draft SFY 2021 Drinking Water SRF IUP ([http://www.twdb.texas.gov/financial/programs/DWSRF/doc/SFY2021/Draft\\_SFY2021\\_DWSRF\\_IUP.pdf](http://www.twdb.texas.gov/financial/programs/DWSRF/doc/SFY2021/Draft_SFY2021_DWSRF_IUP.pdf))

- 2021 Drinking Water Project Rating Report ([http://www.twdb.texas.gov/financial/programs/DWSRF/doc/SFY2021/DWSRF\\_SFY2021\\_PIFRatingReport.pdf](http://www.twdb.texas.gov/financial/programs/DWSRF/doc/SFY2021/DWSRF_SFY2021_PIFRatingReport.pdf))

The period of public review and comment begins **September 4, 2020**, and ends at **5:00 p.m. on October 5, 2020**. If you wish to present comments concerning the Draft SFY 2021 SRF IUPs to the TWDB, you have three options:

1. Email comments to the following electronic mail address: [iupcomments@twdb.texas.gov](mailto:iupcomments@twdb.texas.gov)

2. Submit written comments to the following postal mail address:

Mr. Mark Wyatt

Director, Program Administration and Reporting

Texas Water Development Board

P.O. Box 13231  
Austin, Texas 78711

3. Attend a virtual public hearing. Details on attending the virtual public hearing will be posted on the TWDB website at <http://www.twdb.texas.gov/financial/index.asp>.

Comments will be addressed and the IUPs will be presented to the Board for approval. After the anticipated approval and adoption, letters inviting the submission of applications will be mailed to eligible entities on the Initial Invited Project Lists.

Should you have any questions, please feel free to contact the following staff members:

Clean Water SRF Contact

Issa McDaniel at (512) 463-1706 or [Issa.McDaniel@twdb.texas.gov](mailto:Issa.McDaniel@twdb.texas.gov)

Drinking Water SRF Contact

Caaren Skrobarczyk at (512) 475-1128 or [Caaren.Skrobarczyk@twdb.texas.gov](mailto:Caaren.Skrobarczyk@twdb.texas.gov)

TRD-202003691

Ashley Harden

General Counsel

Texas Water Development Board

Filed: September 8, 2020

