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ADDITION

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

Texas State Affordable Housing Corporation

Draft 2024 Annual Action Plan Available for Public Comment

The Texas State Affordable Housing Corporation presents for public comment its Draft 2024 Annual Action Plan, which is a component of the 2024 State Low Income Housing Plan. A copy of the Draft 2024 Annual Action Plan may be found on our website - <https://www.tsahc.org/about/plans-reports>

The public comment period for the Corporation's Draft 2024 Annual Action Plan is December 20, 2023 through January 25, 2024.

Written comment may be sent to Michael Wilt by email at mwilt@tsahc.org.

TRD-202304911

David Long

President

Texas State Affordable Housing Corporation

Filed: December 19, 2023

Comptroller of Public Accounts

Certification of the Average Closing Price of Gas and Oil -- November 2023

The Comptroller of Public Accounts, administering agency for the collection of the Oil Production Tax, has determined, as required by Tax Code, §202.058, that the average taxable price of oil for reporting period November 2023 is \$54.15 per barrel for the three-month period beginning on June 1, 2023, and ending October 31, 2023. Therefore, pursuant to Tax Code, §202.058, oil produced during the month of November 2023, from a qualified low-producing oil lease, is not eligible for credit on the oil production tax imposed by Tax Code, Chapter 202.

The Comptroller of Public Accounts, administering agency for the collection of the Natural Gas Production Tax, has determined, as required by Tax Code, §201.059, that the average taxable price of gas for reporting period November 2023 is \$1.48 per mcf for the three-month period beginning on June 1, 2023, and ending October 31, 2023. Therefore, pursuant to Tax Code, §201.059, gas produced during the month of November 2023, from a qualified low-producing well, is eligible for a 100% credit on the natural gas production tax imposed by Tax Code, Chapter 201.

The Comptroller of Public Accounts, administering agency for the collection of the Franchise Tax, has determined, as required by Tax Code, §171.1011(s), that the average closing price of West Texas Intermediate crude oil for the month of November 2023 is \$77.38 per barrel. Therefore, pursuant to Tax Code, §171.1011(r), a taxable entity shall not exclude total revenue received from oil produced during the month of November 2023, from a qualified low-producing oil well.

The Comptroller of Public Accounts, administering agency for the collection of the Franchise Tax, has determined, as required by Tax Code, §171.1011(s), that the average closing price of gas for the month of November 2023 is \$3.06 per MMBtu. Therefore, pursuant to Tax Code, §171.1011(r), a taxable entity shall exclude total revenue received from

gas produced during the month of November 2023, from a qualified low-producing gas well.

Inquiries should be submitted to Jenny Burleson, Director, Tax Policy Division, P.O. Box 13528, Austin, Texas 78711-3528.

Issued in Austin, Texas, on December 18, 2023.

TRD-202304876

Jenny Burleson

Director, Tax Policy

Comptroller of Public Accounts

Filed: December 18, 2023

Office of Consumer Credit Commissioner

Notice of Rate Ceilings

The Consumer Credit Commissioner of Texas has ascertained the following rate ceilings by use of the formulas and methods described in §303.003, §303.009, §304.003 Texas Finance Code.

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 12/25/23 - 12/31/23 is 18.00% for consumer¹ credit.

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 12/25/23 - 12/31/23 is 18.00% for commercial² credit.

The postjudgment interest rate as prescribed by §304.003 for the period of 01/01/24 - 01/31/24 is 8.50%.

¹ Credit for personal, family, or household use.

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

TRD-202304935

Leslie L. Pettijohn

Commissioner

Office of Consumer Credit Commissioner

Filed: December 20, 2023

Credit Union Department

Notice of Final Action Taken

In accordance with the provisions of 7 TAC §91.103, the Credit Union Department provides notice of the final actions taken on the following applications:

Field of Membership - Approved

Gulf Credit Union (Groves) - See *Texas Register* dated on September 29, 2023.

Texans Credit Union (Richardson) - See *Texas Register* dated on September 29, 2023.

Southwest 66 Credit Union (Odessa) - See *Texas Register* dated on October 27, 2023.

TRD-202304924

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Texas Commission on Environmental Quality

Agreed Orders

The Texas Commission on Environmental Quality (TCEQ or commission) staff is providing an opportunity for written public comment on the listed Agreed Orders (AOs) in accordance with Texas Water Code (TWC), §7.075. TWC, §7.075, requires that before the commission may approve the AOs, the commission shall allow the public an opportunity to submit written comments on the proposed AOs. TWC, §7.075, requires that notice of the proposed orders and the opportunity to comment must be published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is **January 31, 2024**. TWC, §7.075, also requires that the commission promptly consider any written comments received and that the commission may withdraw or withhold approval of an AO if a comment discloses facts or considerations that indicate that consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the statutes and rules within the commission's jurisdiction or the commission's orders and permits issued in accordance with the commission's regulatory authority. Additional notice of changes to a proposed AO is not required to be published if those changes are made in response to written comments.

A copy of each proposed AO is available for public inspection at both the commission's central office, located at 12100 Park 35 Circle, Building C, 1st Floor, Austin, Texas 78753, (512) 239-2545 and at the applicable regional office listed as follows. Written comments about an AO should be sent to the enforcement coordinator designated for each AO at the commission's central office at P.O. Box 13087, Austin, Texas 78711-3087 and must be received by 5:00 p.m. on **January 31, 2024**. Written comments may also be sent by facsimile machine to the enforcement coordinator at (512) 239-2550. The commission's enforcement coordinators are available to discuss the AOs and/or the comment procedure at the listed phone numbers; however, TWC, §7.075, provides that comments on the AOs shall be submitted to the commission in writing.

(1) COMPANY: Aqua Texas, Incorporated; DOCKET NUMBER: 2021-0750-MWD-E; IDENTIFIER: RN101513653; LOCATION: Spring, Harris County; TYPE OF FACILITY: wastewater treatment facility; RULES VIOLATED: 30 TAC §305.125(1), TWC, §26.121(a)(1), and Texas Pollutant Discharge Elimination System Permit Number WQ0011314001, Effluent Limitations and Monitoring Requirements Numbers 1, 3, and 6, by failing to comply with permitted effluent limitations; PENALTY: \$30,400; ENFORCEMENT COORDINATOR: Taylor Williamson, (512) 239-2097; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(2) COMPANY: ASAA ENTERPRISES INCORPORATED dba Stop and Save; DOCKET NUMBER: 2021-1181-PST-E; IDENTIFIER: RN102858974; LOCATION: Fort Worth, Tarrant County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULES VIOLATED: 30 TAC §334.50(b)(1)(A) and TWC, §26.3475(c)(1), by failing to monitor the underground storage tanks for releases in a manner which will detect a release at a frequency of at least once every 30 days; PENALTY: \$4,500; ENFORCEMENT COORDINATOR: Mark Gamble, (512) 239-2587; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(3) COMPANY: CADDO MILLS INDUSTRIAL PARK LLC; DOCKET NUMBER: 2023-1692-WQ-E; IDENTIFIER: RN11831293; LOCATION: Caddo Mills, Hunt County; TYPE OF FACILITY: operator; RULE VIOLATED: 30 TAC §281.25(a)(4), by failing to obtain authorization to discharge stormwater associated with construction activities; PENALTY: \$875; ENFORCEMENT COORDINATOR: Shane Glantz, (325) 698-6124; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(4) COMPANY: City of Brownfield; DOCKET NUMBER: 2022-0054-MWD-E; IDENTIFIER: RN103147161; LOCATION: Brownfield, Terry County; TYPE OF FACILITY: wastewater treatment facility; RULES VIOLATED: 30 TAC §305.125(1) and TCEQ Permit Number WQ0010677001, Special Provisions Number 3, by failing to maintain and operate the treatment facility in order to achieve optimum efficiency of treatment capability; PENALTY: \$1,750; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET AMOUNT: \$1,400; ENFORCEMENT COORDINATOR: Harley Hobson, (512) 239-1337; REGIONAL OFFICE: 5012 50th Street, Suite 100, Lubbock, Texas 79414-3426, (806) 796-7092.

(5) COMPANY: DKRE Holdings, LLC; DOCKET NUMBER: 2022-0511-PWS-E; IDENTIFIER: RN110829652; LOCATION: Midland, Midland 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 ten milligrams per liter for nitrate; PENALTY: \$5,000; ENFORCEMENT COORDINATOR: Ronica Rodriguez Scott, (361) 881-6990; REGIONAL OFFICE: 9900 West IH-20, Suite 100, Midland, Texas 79706, (432) 570-1359.

(6) COMPANY: Lagasse Enterprises, LLC; DOCKET NUMBER: 2022-0650-WQ-E; IDENTIFIER: RN111239877; LOCATION: Splendora, Montgomery County; TYPE OF FACILITY: construction site; RULES VIOLATED: 30 TAC §281.25(a)(4) and 40 Code of Federal Regulations §122.26(c), by failing to obtain authorization to discharge stormwater associated with construction activities; PENALTY: \$4,500; ENFORCEMENT COORDINATOR: Kolby Farren, (512) 239-2098; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(7) COMPANY: Llano County Municipal Utility District 1; DOCKET NUMBER: 2022-0561-PWS-E; IDENTIFIER: RN101425544; LOCATION: Horseshoe Bay, Llano County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.115(f)(1) and Texas Health and Safety Code, §341.0315(c), by failing to comply with the maximum contaminant level of 0.080 milligrams per liter for total trihalomethanes, based on the locational running annual average; PENALTY: \$1,462; ENFORCEMENT COORDINATOR: Ashley Lemke, (512) 239-1118; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 339-2929.

(8) COMPANY: PETTY, DANUL; DOCKET NUMBER: 2023-1661-WQ-E; IDENTIFIER: RN111802526; LOCATION: Cleburne, Johnson County; TYPE OF FACILITY: operator; RULE VIOLATED: 30 TAC §281.25(a)(4), by failing to obtain a multi-sector general permit for stormwater discharges; PENALTY: \$875; ENFORCEMENT COORDINATOR: Madison Stringer, (512) 239-1126; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(9) COMPANY: QUAIL RIDGE OPERATING LLC; DOCKET NUMBER: 2023-1698-WR-E; IDENTIFIER: RN111831749; LOCATION: Bowie, Montague County; TYPE OF FACILITY: operator; RULES VIOLATED: TWC, §11.081 and §11.121, by failing to obtain authorization prior to appropriating any state water or beginning

construction of any work designed for the storage, taking, or diversion of water; PENALTY: \$350; ENFORCEMENT COORDINATOR: Nancy Sims, (512) 239-5053; REGIONAL OFFICE: 1977 Industrial Boulevard, Abilene, Texas 79602-7833, (325) 698-9674.

(10) COMPANY: Rincon Water Supply Corporation; DOCKET NUMBER: 2022-0567-PWS-E; IDENTIFIER: RN105670913; LOCATION: Taft, San Patricio County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.115(f)(1) and Texas Health and Safety Code, §341.0315(c), by failing to comply with the maximum contaminant level of 0.080 milligrams per liter for total trihalomethanes, based on the locational running annual average; PENALTY: \$4,500; ENFORCEMENT COORDINATOR: Ashley Lemke, (512) 239-1118; REGIONAL OFFICE: 500 North Shoreline Boulevard, Suite 500, Corpus Christi, Texas 78401, (361) 881-6900.

TRD-202304883

Gitanjali Yadav

Deputy Director, Litigation

Texas Commission on Environmental Quality

Filed: December 19, 2023



Enforcement Orders

An agreed order was adopted regarding Midland Independent School District, Docket No. 2021-1418-PST-E on December 19, 2023 assessing \$3,000 in administrative penalties with \$600 deferred. Information concerning any aspect of this order may be obtained by contacting Monica Larina, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Rick Hartcraft, Docket No. 2021-1512-AIR-E on December 19, 2023 assessing \$1,625 in administrative penalties with \$325 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 North Dallas Honey Company, L.P., Docket No. 2022-0020-WQ-E on December 19, 2023 assessing \$2,438 in administrative penalties with \$487 deferred. Information concerning any aspect of this order may be obtained by contacting Monica Larina, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding D and W, Inc., Docket No. 2022-0151-PWS-E on December 19, 2023 assessing \$4,585 in administrative penalties with \$917 deferred. Information concerning any aspect of this order may be obtained by contacting Epifanio Villarreal, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding City of Springtown, Docket No. 2022-0233-PWS-E on December 19, 2023 assessing \$1,740 in administrative penalties with \$348 deferred. Information concerning any aspect of this order may be obtained by contacting Wyatt Throm, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding City of Crystal City, Docket No. 2022-0431-PWS-E on December 19, 2023 assessing \$690 in administrative penalties with \$138 deferred. Information concerning any aspect of this order may be obtained by contacting Nick Lohret-Froio, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Halawa View Apartments Gp, Docket No. 2022-0539-PWS-E on December 19, 2023 assessing \$5,440 in administrative penalties with \$1,088 deferred. Information concerning any aspect of this order may be obtained by contacting Ronica Rodriguez-Scott, 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 GUAVA CORPORATION dba The Bee Mart, Docket No. 2022-0675-PST-E on December 19, 2023 assessing \$4,125 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Erandi Ratnayake, 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 Texas Parks and Wildlife Department, Docket No. 2022-0912-PWS-E on December 19, 2023 assessing \$188 in administrative penalties with \$37 deferred. Information concerning any aspect of this order may be obtained by contacting Miles Caston, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding NEW SM, INC. dba Dry Clean Super Center, Docket No. 2022-0945-DCL-E on December 19, 2023 assessing \$5,761 in administrative penalties with \$1,152 deferred. Information concerning any aspect of this order may be obtained by contacting Danielle Fishbeck, 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 DOUBLE DIAMOND, INC., Docket No. 2023-0046-WR-E on December 19, 2023 assessing \$4,500 in administrative penalties with \$900 deferred. Information concerning any aspect of this order may be obtained by contacting Cheryl Thompson, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding 4JC PARTNERS, LP, Docket No. 2023-0134-WQ-E on December 19, 2023 assessing \$7,500 in administrative penalties with \$1,500 deferred. Information concerning any aspect of this order may be obtained by contacting Shane Glantz, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A field citation was adopted regarding DEWALT SAND PIT COMPANY, Docket No. 2023-0148-WQ-E on December 19, 2023 assessing \$875 in administrative penalties. Information concerning any aspect of this citation may be obtained by contacting Taylor Williamson, 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 Big Sky Municipal Utility District, Docket No. 2023-0358-MWD-E on December 19, 2023 assessing \$4,800 in administrative penalties with \$960 deferred. Information concerning any aspect of this order may be obtained by contacting Monica Larina, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding J&M Pallet Recycle LLC dba Midway Truck Stop, Docket No. 2023-0951-MLM-E on December 19, 2023 assessing \$6,951 in administrative penalties with \$1,390 deferred. Information concerning any aspect of this order may be obtained by contacting Ramya Wendt, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A field citation was adopted regarding Clark Wilson Builder Gc LLC, Docket No. 2023-1310-WQ-E on December 19, 2023 assessing \$875 in administrative penalties. Information concerning any aspect of this citation may be obtained by contacting Cheryl Thompson, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

TRD-202304931

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: December 20, 2023



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

Notice mailed on December 20, 2023 Proposed Registration Application No. 40338

Application. City of Waco has applied to the Texas Commission on Environmental Quality (TCEQ) for proposed Registration No. 40338, to construct and operate a Type V municipal solid waste transfer station. The proposed facility, City of Waco Transfer Station Facility, will be located 0.1 miles north of the intersection of South University Parks Drive and Radle Road, Waco, Texas 76712 in McLennan County. The City of Waco is requesting authorization to process and transfer municipal solid waste that includes residential, commercial, construction and demolition waste, and Class 2 and Class 3 industrial non-hazardous waste. The registration application is available for viewing and copying at the Waco - McLennan County Library located at 1717 Austin Avenue, Waco, Texas 76701 and may be viewed online at <https://www.waco-texas.com/transfer-station-permitting>. The following link to an electronic map of the site or facility's general location is provided as a public courtesy and is not part of the application or notice: <https://arcg.is/1qaOLH0>. For exact location, refer to application.

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

Executive Director Action. The executive director shall, after review of an application for registration, determine if the application will be approved or denied in whole or in part. If the executive director acts on an application, the chief clerk shall mail or otherwise transmit notice of the action and an explanation of the opportunity to file a motion to overturn the executive director's decision. The chief clerk shall mail this notice to the owner and operator, the public interest counsel, to adjacent landowners as shown on the required land ownership map and

landowners list, and to other persons who timely filed public comment in response to public notice. Not all persons on the mailing list for this notice will receive the notice letter from the Office of the Chief Clerk.

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

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

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

Further information may also be obtained from City of Waco at the mailing address P.O. Box 2570, Waco, Texas 76702 or by calling Mr. Kody Petillo at (254) 750-6627.

TRD-202304934

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: December 20, 2023



Notice of Correction to Agreed Order Number 3

In the November 10, 2023, issue of the *Texas Register* (48 TexReg 6626), the Texas Commission on Environmental Quality (commission) published notice of Agreed Orders, specifically Item Number 3, for DEWALT SAND PIT COMPANY; Docket Number 2023-0148-MWD-E. The error is as submitted by the commission.

The reference to the Docket Number should be corrected to read: "2023-0148-WQ-E."

For questions concerning these errors, please contact Michael Parrish at (512) 239-2548.

TRD-202304884

Gitanjali Yadav

Deputy Director, Litigation

Texas Commission on Environmental Quality

Filed: December 19, 2023



Notice of District Petition

Notice issued December 14, 2023

TCEQ Internal Control No. D-08232023-045; Heights Evergreen Developers, Ltd., a Texas limited partnership (Petitioner) filed a petition for the creation of Royal Street Municipal Utility District (District) of Bell County with the Texas Commission on Environmental Quality (TCEQ). The petition was filed pursuant to Article XVI, § 59 of the Constitution of the State of Texas; Chapters 49 and 54 of the Texas Water Code; 30 Texas Administrative Code Chapter 293; and the procedural rules of the TCEQ. The petition states that: (1) the Petitioner holds title to a majority in value of the land to be included in the proposed District; (2) there is no lienholder on the property (3) the proposed District will contain approximately 382.370 acres of land, more or less, located within Bell County, Texas; (4) all of the land to be included within the proposed District is not located within the corporate limits or extraterritorial jurisdiction of any city. The petition further states that the proposed District will: (1) construct, maintain, and operate a waterworks system, including the purchase and sale of water, for domestic purposes; (2) construct, install, maintain, purchase, and operate facilities and improvements to provide for an adequate drainage system and to control storm waters and other harmful excesses of waters; (3) construct and convey roadway facilities and improvements; and (4) construct, install, maintain, purchase, and operate such additional facilities, systems, plants, and enterprises as shall be consistent with the purposes for which the District is created. It further states that the planned residential and commercial development of the area and the present and future inhabitants of the area will benefit from the above-referenced work, which will promote the purity and sanitary condition of the State's waters and the public health and welfare of the community. According to the petition, a preliminary investigation has been made to determine the cost of the project, and it is estimated by the Petitioner, from the information available at this time, that the cost of said project will be approximately \$8,400,000 (\$3,750,000 for water and drainage facilities and \$4,650,000 for road facilities).

INFORMATION SECTION

To view the complete issued notice, view the notice on our web site at www.tceq.texas.gov/agency/cc/pub_notice.html or call the Office of the Chief Clerk at (512) 239-3300 to obtain a copy of the complete notice. When searching the web site, type in the issued date range shown at the top of this document to obtain search results.

The TCEQ may grant a contested case hearing on the petition if a written hearing request is filed within 30 days after the newspaper publication of the notice. To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) the name of the Petitioner and the TCEQ Internal Control Number; (3) the statement "I/we request a contested case hearing"; (4) a brief description of how you would be affected by the petition in a way not common to the general public; and (5) the location of your property relative to the proposed District's boundaries. You may also submit your proposed adjustments to the petition. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below. The Executive Director may approve the petition unless a written request for a contested case hearing is filed within 30 days after the newspaper publication of this notice. If a hearing request is filed, the Executive Director will not approve the petition and will forward the petition and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting. If a contested case hearing is held, it will be a legal proceeding similar to a civil trial in state district court. Written hearing requests should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087. For information concerning

the hearing process, please contact the Public Interest Counsel, MC 103, at the same address. For additional information, individual members of the general public may contact the Districts Review Team, at (512) 239-4691. Si desea información en español, puede llamar al (512) 239-0200. General information regarding TCEQ can be found at our web site at www.tceq.texas.gov.

TRD-202304927

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: December 20, 2023



Notice of District Petition

Notice issued December 14, 2023

TCEQ Internal Control No. D-09072022-008; Bellagio 443, LLC, a Wyoming limited liability company (Petitioner), filed a petition (petition) for the creation of Kaufman County Municipal Utility District No. 15 (District) with the Texas Commission on Environmental Quality (TCEQ). The petition was filed pursuant to Article XVI, § 59 of the Constitution of the State of Texas; Chapters 49 and 54 of the Texas Water Code; 30 Texas Administrative Code Chapter 293; and the procedural rules of the TCEQ. The petition states that: (1) the Petitioner holds title to a majority in value of the land to be included in the proposed District; (2) there is one lienholder, Megatel Capital Investments, LLC, on the property to be included in the proposed District and the aforementioned entity has consented to the creation of the district; (3) the proposed District will contain approximately 445.993 acres of land located within Kaufman County, Texas; and (4) all of the land to be included within the proposed district is located wholly within the extraterritorial jurisdiction of the City of Mesquite, Texas (City). The petition further states that the work to be done by the proposed District at the present time is the construction, maintenance and operation of a waterworks system, including the purchase and sale of water, for domestic and commercial purposes; the construction, maintenance and operation of a sanitary sewer collection, treatment and disposal system, for domestic and commercial purposes; the construction, installation, maintenance, purchase and operation of drainage and roadway facilities and improvements; and the construction, installation, maintenance, purchase and operation of facilities, systems, plants and enterprises of such additional facilities as shall be consonant with the purposes for which the District is organized.

According to the petition, a preliminary investigation has been made to determine the cost of the project, and it is estimated by the Petitioner that the cost of said project will be approximately \$64,830,000 (\$56,970,000 for water, wastewater, and drainage and \$7,860,000 for roads). In accordance with Local Government Code § 42.042 and Texas Water Code § 54.016, a petition was submitted to the City, requesting the City's consent to the creation of the District. After more than 90 days passed without receiving consent, a petition was submitted to the City to provide water and sewer services to the District. The 120-day period for reaching a mutually agreeable contract as established by the Texas Water Code § 54.016(c) expired and information provided indicates that the Petitioner and the City have not executed a mutually agreeable contract for service. Pursuant to Texas Water Code § 54.016(d), failure to execute such an agreement constitutes authorization for the Petitioner to proceed to the TCEQ for inclusion of the land into the District.

INFORMATION SECTION

To view the complete issued notice, view the notice on our web site at www.tceq.texas.gov/agency/cc/pub_notice.html or call the Office of

the Chief Clerk at (512) 239-3300 to obtain a copy of the complete notice. When searching the web site, type in the issued date range shown at the top of this document to obtain search results.

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

TRD-202304928

Laurie Gharis
Chief Clerk

Texas Commission on Environmental Quality
Filed: December 20, 2023



Notice of District Petition

Notice issued December 15, 2023

TCEQ Internal Control No. D-08022023-009; Maple Grove Development, LLC, a Texas limited liability company (Petitioner), filed a petition for the creation of Waller County Municipal Utility District No. 43 (District) with the Texas Commission on Environmental Quality (TCEQ). The petition was filed pursuant to Article XVI, § 59 of the Constitution of the State of Texas; Chapters 49 and 54 of the Texas Water Code; 30 Texas Administrative Code Chapter 293; and the procedural rules of the TCEQ. The petition states that: (1) the Petitioners hold title to a majority in value of the land to be included in the proposed District; (2) there is one lienholder, Independent Bank d/b/a Independent Financial, on the property to be included in the proposed District and the lienholder consents to the creation of the proposed District; (3) the proposed District will contain approximately 257.543 acres of land located within Waller County, Texas; and (4) all of the land within the proposed district is located within the extraterritorial jurisdiction of the City of Pattison, Texas (City). By Ordinance No. 165-2023, passed, approved, and adopted on June 8, 2023, the City gave its consent to the creation of the proposed District, pursuant to Texas Water Code §54.016. The petition further states that the work to be done by the District at the present time is the purchase, design, construction, acquisition, maintenance, ownership, operation, repair, improvement

and extension of a waterworks and sanitary sewer system for residential and commercial purposes, and the construction, acquisition, improvement, extension, maintenance and operation of works, improvements, facilities, plants, equipment and appliances helpful or necessary to provide more adequate drainage for the District, and to control, abate and amend local storm waters or other harmful excesses of waters, all as more particularly described in an engineer's report filed simultaneously with the filing of this petition, to which reference is hereby made for more detailed description, and such other purchase, construction, acquisition, maintenance, ownership, operation, repair, improvement and extension of such additional facilities, including roads, parks and recreation facilities, systems, plants and enterprises as shall be consistent with all of the purposes for which the District is created (the "Project"). According to the petition, a preliminary investigation has been made to determine the cost of the project, and it is estimated by the Petitioner that the cost of said project will be approximately \$76,500,000 (\$46,250,000 for water, wastewater, and drainage, \$24,000,000 for roads and \$6,250,000 for park and recreational facilities).

INFORMATION SECTION

To view the complete issued notice, view the notice on our web site at www.tceq.texas.gov/agency/cc/pub_notice.html or call the Office of the Chief Clerk at (512) 239-3300 to obtain a copy of the complete notice. When searching the web site, type in the issued date range shown at the top of this document to obtain search results.

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

TRD-202304929

Laurie Gharis
Chief Clerk

Texas Commission on Environmental Quality
Filed: December 20, 2023



Notice of Intent to Reissue General Permit TXG500000
Authorizing the Discharge of Wastewater

The Texas Commission on Environmental Quality (TCEQ) is proposing to reissue Texas Pollutant Discharge Elimination System General Permit Number TXG500000, which authorizes the discharge of process wastewater, mine dewatering, stormwater associated with industrial activity, construction stormwater, and certain non-stormwater discharges from quarries located greater than one mile from a water body within a water quality protection area in the John Graves Scenic Riverway. The John Graves Scenic Riverway is that portion of the Brazos River Basin and its contributing watershed located downstream of the Morris Shepard Dam on the Possum Kingdom Reservoir in Palo Pinto County, Texas, and extending to the county line between Parker and Hood Counties, Texas. This general permit is authorized by Texas Water Code (TWC) Chapter 26, Subchapter M and 30 Texas Administrative Code (TAC) Chapter 311, Subchapter H. Specifically, TWC, §26.553(b) requires quarries located greater than one mile from a water body to obtain a general permit. General permits are authorized by Texas Water Code, §26.040.

The existing general permit is scheduled to expire on March 29, 2024. This notice is being published to comply with 30 TAC §205.5(d), which requires the TCEQ to propose reissuance of an existing general permit at least 90 days prior to expiration. The existing general permit will remain in effect for dischargers authorized under the general permit until the date the commission takes final action on the revised draft general permit. However, no new notices of intent will be accepted or authorizations issued under the existing general permit after March 29, 2024. TCEQ will provide the additional public notice required by 30 TAC §205.3 following the United States Environmental Protection Agency approval of the revised draft general permit.

INFORMATION. If you need more information about this general permit or the permitting process, please call the TCEQ Office of Public Assistance, toll free, at (800) 687-4040. General information about the TCEQ can be found at our website at: <http://www.tceq.texas.gov>.

Further information may also be obtained by calling the TCEQ's Water Quality Division, Stormwater Team, at (512) 239-4671.

Si desea información en español, puede llamar (800) 687-4040.

TRD-202304922

Charmaine Backens

Deputy Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: December 20, 2023



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

The Texas Commission on Environmental Quality (TCEQ or commission) staff is providing an opportunity for written public comment on the listed Agreed Orders (AOs) in accordance with Texas Water Code (TWC), §7.075. TWC, §7.075, requires that before the commission may approve the AOs, the commission shall allow the public an opportunity to submit written comments on the proposed AOs. TWC, §7.075, requires that notice of the opportunity to comment must be published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is **January 31, 2024**. TWC, §7.075, also requires that the commission promptly consider any written comments received and that the commission may withdraw or withhold approval of an AO if a comment discloses facts or considerations that indicate that consent is inappropriate, improper,

inadequate, or inconsistent with the requirements of the statutes and rules within the commission's jurisdiction or the commission's orders and permits issued in accordance with the commission's regulatory authority. Additional notice of changes to a proposed AO is not required to be published if those changes are made in response to written comments.

A copy of each proposed AO is available for public inspection at both the commission's central office, located at 12100 Park 35 Circle, Building A, 3rd Floor, Austin, Texas 78753, (512) 239-3400 and at the applicable regional office listed as follows. Written comments about an AO should be sent to the attorney designated for the AO at the commission's central office at P.O. Box 13087, MC 175, Austin, Texas 78711-3087 and must be **received by 5:00 p.m. on January 31, 2024**. The designated attorneys are available to discuss the AOs and/or the comment procedure at the listed phone numbers; however, TWC, §7.075, provides that comments on an AO shall be submitted to the commission in **writing**.

(1) COMPANY: Alfredo Valles; DOCKET NUMBER: 2022-0077-MLM-E; TCEQ ID NUMBER: RN111124418; LOCATION: intersection of South Main Street and Balcon Street, Encinal, La Salle County; TYPE OF FACILITY: unauthorized municipal solid waste (MSW) site; RULES VIOLATED: 30 TAC §330.15(c), by causing, suffering, allowing, or permitting the unauthorized disposal of MSW; and Texas Health and Safety Code, §382.085(b) and 30 TAC §111.201, by causing, suffering, allowing, or permitting outdoor burning within the State of Texas; PENALTY: \$5,822; STAFF ATTORNEY: Benjamin Pence, Litigation, MC 175, (512) 239-2157; REGIONAL OFFICE: Laredo Regional Office, 707 East Calton Road, Suite 304, Laredo, Texas 78041-3887, (956) 791-6611.

(2) COMPANY: Chaparral Property Services, LLC fka MB Chaparral, LLC; DOCKET NUMBER: 2022-0090-OSS-E; TCEQ ID NUMBER: RN104385695; LOCATION: 19801 United States Highway 83 North, Paint Rock, Concho County; TYPE OF FACILITY: On-Site Sewage Facility (OSSF); RULES VIOLATED: Texas Health and Safety Code, §366.004 and §366.051(a), 30 TAC §285.3(a) and (b)(1) and Texas Commission on Environmental Quality Agreed Order Docket Number 2019-1702-OSS-E, Ordering Provision Number 2.a.i., by failing to obtain authorization prior to constructing, altering, repairing, extending, or operating an OSSF; PENALTY: \$8,800; STAFF ATTORNEY: Taylor Pack Ellis, Litigation, MC 175, (512) 239-6860; REGIONAL OFFICE: San Angelo Regional Office, 622 South Oakes, Suite K, San Angelo, Texas 76903-7035, (325) 655-9479.

(3) COMPANY: Polasek Development, LLC; DOCKET NUMBER: 2022-0718-WQ-E; TCEQ ID NUMBER: RN110500030; LOCATION: southwest corner of Farm-to-Market Road 1750 and Nora Miller Road, Abilene, Taylor County; TYPE OF FACILITY: construction site; RULES VIOLATED: 30 TAC §305.125(1) and Texas Pollutant Discharge Elimination System (TPDES) General Permit Number TXR15005S, Part III, Section D.2., by failing to post the TCEQ site notice near the main entrance of the construction site; TWC, §26.121(a), 30 TAC §305.125(1), and TPDES General Permit Number TXR15005S, Part III, Section F.6(d), by failing to remove accumulations of sediment at a frequency that minimizes off-site impacts; and 30 TAC §305.125(1) and TPDES General Permit Number TXR15005S, Part III, Section G.1., by failing to install and maintain best management practices at the site; PENALTY: \$9,475; STAFF ATTORNEY: Marilyn Norrod, Litigation, MC 175, (512) 239-5916; REGIONAL OFFICE: Abilene Regional Office, 1977 Industrial Boulevard, Abilene, Texas 79602-7833, (325) 698-9674.

TRD-202304901

Gitanjali Yadav
Deputy Director, Litigation
Texas Commission on Environmental Quality
Filed: December 19, 2023



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

The Texas Commission on Environmental Quality (TCEQ or commission) staff is providing an opportunity for written public comment on the listed Default Order (DO). The commission staff proposes a DO when the staff has sent the Executive Director's Preliminary Report and Petition (EDPRP) to an entity outlining the alleged violations; the proposed penalty; the proposed technical requirements necessary to bring the entity back into compliance; and the entity fails to request a hearing on the matter within 20 days of its receipt of the EDPRP or requests a hearing and fails to participate at the hearing. Similar to the procedure followed with respect to Agreed Orders entered into by the executive director of the commission, in accordance with Texas Water Code (TWC), §7.075, this notice of the proposed order and the opportunity to comment is published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is **January 31, 2024**. The commission will consider any written comments received, and the commission may withdraw or withhold approval of a DO if a comment discloses facts or considerations that indicate that consent to the proposed DO is inappropriate, improper, inadequate, or inconsistent with the requirements of the statutes and rules within the commission's jurisdiction, or the commission's orders and permits issued in accordance with the commission's regulatory authority. Additional notice of changes to a proposed DO is not required to be published if those changes are made in response to written comments.

A copy of the proposed DO is available for public inspection at both the commission's central office, located at 12100 Park 35 Circle, Building A, 3rd Floor, Austin, Texas 78753, (512) 239-3400 and at the applicable regional office listed as follows. Written comments about the DO should be sent to the attorney designated for the DO at the commission's central office at P.O. Box 13087, MC 175, Austin, Texas 78711-3087 and must be **received by 5:00 p.m. on January 31, 2024**. The commission's attorney is available to discuss the DO and/or the comment procedure at the listed phone number; however, TWC, §7.075, provides that comments on the DO shall be submitted to the commission in **writing**.

(1) COMPANY: Matthew Havard; DOCKET NUMBER: 2022-0267-MSW-E; TCEQ ID NUMBER: RN111363347; LOCATION: 4207 Oakwood Drive, Lufkin, Angelina County; TYPE OF FACILITY: unauthorized municipal solid waste (MSW) disposal site; RULE VIOLATED: 30 TAC §330.15(c), by causing, suffering, allowing, or permitting the unauthorized disposal of MSW; PENALTY: \$7,875; STAFF ATTORNEY: Jennifer Peltier, Litigation, MC 175, (512) 239-0544; REGIONAL OFFICE: Beaumont Regional Office, 3870 Eastex Freeway, Beaumont, Texas 77703-1830, (409) 898-3838.

TRD-202304902

Gitanjali Yadav
Deputy Director, Litigation
Texas Commission on Environmental Quality
Filed: December 19, 2023



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

Notice mailed on December 19, 2023

Proposed Permit No. 62051

Application. Valley View Lane, LLC has applied to the Texas Commission on Environmental Quality (TCEQ) for a development permit for construction over a closed municipal solid waste landfill (Proposed Permit No. 62051). The proposed development concerns a tract of land of approximately 7.357 acres located at 1751 Valley View Lane, Farmers Branch in Dallas County, Texas. The proposed development includes an office and warehouse facility consisting of 96,849 square feet of building area with concrete drive and walk areas. The development permit application is available for viewing and copying at Farmers Branch Municipal Courthouse at 3723 Valley View Lane, Farmers Branch, Texas. The permit application may be viewed online at <https://whiteheadtexas.com/proposed-valley-view-lane-development-farmers-branch-texas/>. The following link to an electronic map of the site or facility's general location is provided as a public courtesy and is not part of the application or notice: <https://arcg.is/1mq9L10>. For exact location, refer to application.

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

Public Comment/Public Meeting. You may submit public comments or request a public meeting on this application to the Office of Chief Clerk at the address included in the information section below. TCEQ will hold a public meeting if the executive director determines that there is a significant degree of public interest in the application or if requested by a local legislator. The purpose of the public meeting is for the public to provide input for consideration by the commission, and for the applicant and the commission staff to provide information to the public. A public meeting is not a contested case hearing. The comment period shall begin on the date this notice is published and end 30 calendar days after this notice is published. The comment period shall be extended to the close of any public meeting. The executive director is not required to file a response to comments.

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

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

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

Agency Contacts and Information. All public comments, requests, and petitions must be submitted either electronically at <http://www14.tceq.texas.gov/epic/eComment/> or in writing to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC-105, P.O. Box 13087, Austin, Texas 78711-3087. Please be aware that any contact information you provide, including your name,

phone number, email address and physical address will become part of the agency's public record. For more information about this permit application or the permitting process, please call the TCEQ's Public Education Program, Toll Free, at (800) 687-4040 or visit their website at www.tceq.texas.gov/goto/pep. Si desea información en español, puede llamar al (800) 687-4040.

Further information may also be obtained from Valley View Lane, LLC at the mailing address 1700 George Bush Drive, Suite 240, College Station, Texas 77840 or by calling Mr. Grayson Hughes at (214) 208-0519.

TRD-202304933

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: December 20, 2023



Notice of Public Meeting for TPDES Permit for Municipal Wastewater New Permit No. WQ0016350001

APPLICATION AND PRELIMINARY DECISION. Aqua Texas, Inc., 1106 Clayton Lane, Suite 400W, Austin, Texas 78723, has applied to the Texas Commission on Environmental Quality (TCEQ) for new Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0016350001, to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 900,000 gallons per day. TCEQ received this application on June 5, 2023.

The facility will be located at 6397 Highway 21, near the City of San Marcos, in Hays County, Texas 78666. The treated effluent will be discharged to an unnamed tributary of Hemphill Creek, thence to Hemphill Creek, thence to Morrison Creek, thence to Lower San Marcos River in Segment No. 1808 of the Guadalupe River Basin. The unclassified receiving water uses are minimal aquatic life use for the unnamed tributary of Hemphill Creek and limited aquatic life use for Hemphill Creek. The designated uses for Segment No. 1808 are primary contact recreation, public water supply, and high aquatic life use. In accordance with 30 Texas Administrative Code §307.5 and the TCEQ's *Procedures to Implement the Texas Surface Water Quality Standards* (June 2010), an antidegradation review of the receiving waters was performed. A Tier 1 antidegradation review has preliminarily determined that existing water quality uses will not be impaired by this permit action. Numerical and narrative criteria to protect existing uses will be maintained. This review has preliminarily determined that no water bodies with exceptional, high, or intermediate aquatic life uses are present within the stream reach assessed; therefore, no Tier 2 degradation determination is required. No significant degradation of water quality is expected in water bodies with exceptional, high, or intermediate aquatic life uses downstream, and existing uses will be maintained and protected. The preliminary determination can be reexamined and may be modified if new information is received. This link to an electronic map of the site or facility's general location is provided as a public courtesy and is not part of the application or notice. For the exact location, refer to the application.

<https://gisweb.tceq.texas.gov/LocationMapper/?marker=-97.843611,29.925833&level=18>

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

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

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

The Public Meeting is to be held:

Thursday, February 8, 2024 at 7:00 p.m.

Evans Auditorium, Texas State University

627 N. LBJ Drive

San Marcos, Texas 78666

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

The permit application, Executive Director's preliminary decision, and draft permit are available for viewing and copying at Kyle Public Library, 550 Scott Street, Kyle, Texas. Further information may also be obtained from Aqua Texas, Inc. at the address stated above or by calling Mr. Michael Bevilacqua, P.E., Green Civil Design, LLC, at (512) 640-6590, extension 1003.

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

Issuance Date: December 19, 2023

TRD-202304926

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: December 20, 2023

◆ ◆ ◆
Notice of Public Meeting for Water Quality Land Application
Permit for Municipal Wastewater New Proposed Permit No.
WQ0016111001

APPLICATION. Blizexas, LLC, 258 Union Avenue, Los Gatos, California 95032, has applied to the Texas Commission on Environmental Quality (TCEQ) for a new permit, proposed TCEQ Permit No. WQ0016111001, to authorize the disposal of treated domestic wastewater at a daily average flow not to exceed 12,000 gallons per day via subsurface drip irrigation system with a minimum area of 2.75 acres of public access land. This permit will not authorize a discharge of pollutants into water in the state. TCEQ received this application on February 17, 2022.

The wastewater treatment facility and disposal site will be located approximately 0.25 mile east of the intersection of Crumley Ranch Road and Fitzhugh Road, in Hays County, Texas 78737. The wastewater treatment facility and disposal site will be located in the drainage basin of Barton Creek in Segment No. 1430 of the Colorado River Basin. This link to an electronic map of the site or facility's general location is provided as a public courtesy and not part of the application or notice. For exact location, refer to application. <https://tceq.maps.arcgis.com/apps/webappviewer/index.html?id=db5bac44afbc468bb-ddd360f8168250f&marker=-98.025555%2C30.245555&level=12>

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

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

The Public Meeting is to be held:

Monday, January 29, 2024 at 7:00 p.m.

Dripping Springs Ranch Park

1042 Event Center Drive

Dripping Springs, Texas 78620

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

3087 or electronically at www.tceq.texas.gov/goto/comment. If you need more information about the permit application or the permitting process, please call the TCEQ Public Education Program, Toll Free, at (800) 687-4040. *Si desea información en español, puede llamar (800) 687-4040.* General information about the TCEQ can be found at our web site at <https://www.tceq.texas.gov>.

The permit application, Executive Director's preliminary decision, and draft permit are available for viewing and copying at Dripping Springs Community Library, 501 Sportsplex Drive, Dripping Springs, Texas. Further information may also be obtained from Blizexas, LLC, at the address stated above or by calling Mr. Bill LeClerc at (978) 877-1798.

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

Issuance Date: December 15, 2023

TRD-202304925

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: December 20, 2023

◆ ◆ ◆
Notice of Water Quality Application

The following notices was issued on December 15, 2023:

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

INFORMATION SECTION

Cayuga Independent School District has applied for a minor amendment to the Texas Pollutant Discharge Elimination System Permit No. WQ0013574001 to authorize the replacement of the existing plant with a decrease of flow from 0.030 million gallons per day (MGD) to 0.009 MGD. The existing permit authorizes the discharge of treated domestic wastewater at a daily average flow not to exceed 30,000 gallons per day. The facility is located at 17750 North U.S. Highway 287, in Anderson County, Texas 75861.

TRD-202304930

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: December 20, 2023

◆ ◆ ◆
TCEQ Seeks Stakeholder Input on Upcoming Rulemaking
Related to the Chapter 285, On-Site Sewage Facility (OSSF)
Program

The Texas Commission on Environmental Quality (TCEQ) will conduct (in-person and virtual) stakeholder meetings across the state through March 2024, to solicit informal comments on rulemaking to amend 30 Texas Administrative Code (TAC), Chapter 285.

The rulemaking (Rule Project Number 2024-009-285-CE) implements changes made to the Texas Health and Safety Code, Chapter 366 by House Bill 4087 (88th Legislature, Regular Session, 2023), in addition to modernizing and clarifying requirements for OSSFs.

Stakeholder Meetings

Stakeholder meetings offer an opportunity for the public to provide informal comments before formal rulemaking begins.

Stakeholder meetings will occur at the dates and times below.

Tuesday January 9, 2024 at 2:00 p.m.

TCEQ Beaumont Regional Office

3870 Eastex Fwy.

Beaumont, Texas 77703

Wednesday January 17, 2024 at 10:00 a.m.

TCEQ Corpus Christi Regional Office

500 N. Shoreline Blvd., Ste. 500

Corpus Christi, Texas 78401

Tuesday February 13, 2024 at 2:00 p.m.

TCEQ Tyler Regional Office

2916 Teague Dr.

Tyler, Texas 75701

Wednesday February 21, 2024 at 2:00 p.m.

TCEQ Headquarters (Bldg. D, Room 191)

12100 Park 35 Circle

Austin, Texas 78759

Virtual Option Available (Microsoft Teams Live Event): https://teams.microsoft.com/l/meetup-join/19%3ameeting_Zm11OWNkM-mQtYwZjMi00ZTVjLWFIYTYtMDQ1OWUxMDViZWY2%40thread.v2/0?context=%7b%22id%22%3a%22871a83a4-a1ce-4b7a-8156-3bcd93a08fba%22%2c%22oid%22%3a%22e74a40ea-69d4-469d-a8ef-06f2c9ac2a80%22%2c%22isBroadcastMeeting%22%3atrue%7d

Wednesday March 6, 2024 at 1:00 p.m.

Waco Convention Center (Brazos North and South)

100 Washington Ave.

Waco, Texas 76701

If you have special communication or other accommodation needs, contact Office of Legal Services at (512) 239-1802 or call 1-800-RE-LAY-TX (TDD). Please make these requests as soon as possible.

Written Stakeholder Comments

Written stakeholder comments may be submitted using one of the following methods:

By mail:

Program Supervisor, MC 205

Texas Register/Rule Development Team - Office of Legal Services

Texas Commission on Environmental Quality

P.O. Box 13087

Austin, Texas 78711-3087

By fax: fax4808@tceq.texas.gov

Online through the TCEQ Public Comment system (<https://tceq.commentinput.com/>). File size restrictions may apply to comments submitted.

All comments should reference rule project number 2024-009-285-CE. We will review all comments we receive but will not formally respond. All written stakeholder comments must be submitted by the close of business on March 12, 2024.

For additional information on the rulemaking, please contact the Program Support and Environmental Assistance Division at (512) 239-0400 and ask to speak with OSSF Program staff about rule project number 2024-009-285-CE.

TRD-202304923

Charmaine Backens

Deputy Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: December 20, 2023

Texas Department of Insurance

Company Licensing

Application to do business in the state of Texas for Everest Security Insurance Company, a foreign fire and/or casualty company. The home office is in Warren, New Jersey.

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

TRD-202304932

Justin Beam

Chief Clerk

Texas Department of Insurance

Filed: December 20, 2023

Texas Ethics Commission

List of Delinquent Filers: PAC Semiannual July 17, 2023

Below is a list from the Texas Ethics Commission naming the filers who failed to pay the penalty fine for failure to file a required report, or filing a late report, in reference to the specified filing deadline. If you have any questions, you may contact David Guilianelli at (512) 463-5800.

Semiannual report due July 17, 2023 for Committees

Michael Shultz, Consolidated Communications PAC, Inc. - Texas, 350 S. Loop 336 W., Conroe, Texas 77304

Christopher R. Hamm, Balch Springs Professional Firefighters Association Local 3147, 216 Canyon Dr., Keller, Texas 76248

Parker T. Winn, Richardson FOP 105, 2810 Routh Creek Pkwy. #1141, Richardson, Texas 75082

Jonathan A. Lawson III, Plano Fire Fighters Committee for Effective Government, 1506 Municipal Ave., Plano, Texas 75074

Jason Thompson, Mission Business PAC, P.O. Box 2153, Universal City, Texas 78148

Amer Shakil, American United PAC, 4609 Blackshear Tr., Plano, Texas 75093

Steven J. Schultz, South Texas Associated Builders & Contractors, Inc. PAC, 814 Arion Pkwy., Ste. 204, San Antonio, Texas 78216

Michael Sabouni, Alliance PAC, 6200 Savoy Dr., Houston, Texas 77036

Sydney C. Leonard, Fort Worth Republican Women PAC, 101 Summit Ave., Ste. 300, Fort Worth, Texas 76102

Gregory D. Duepner, Galveston Firefighters Local 571, 8220 Schiro Rd, Hitchcock, Texas 77563

Ramon M. Garcia, Tarrant County Law Enforcement Association Political Action Committee, 2501 Parkview Place 305, Fort Worth, Texas 76102

Grace P. Hefner, Brown County Republican Party Executive Committee (CEC), 13900 CR 478, May, Texas 76857

Christopher V. Tyrone, Haltom City Firefighters Committee for Responsible Government, P.O. Box 37045, Haltom City, Texas, 76117

Sarah M. Dougherty, Galveston County Connects PAC, 13359 N. Hwy 183 #406-143, Austin, Texas 78750

Nicole J. Donatelli, NWISD Family First PAC, 5 Llano Dr., Trophy Club, Texas 76262

Lucy Johnson, Texas Real Estate Advocacy and Defense PAC, 11601 W Hwy 290, A101-378, Austin, Texas 78737

Asher Gillaspie, We Can Keep It, 3208 Collinsworth St., Fort Worth, Texas 76107

Taylor J. Major, Lone Star Improvement Fund, P.O. Box 871, Austin, Texas 78767

Nathan Gower Schwarz, Greenpoint Urban Living Political Association & Resident's Rights Group, 4604 S. Sugar Road #928, Edinburg, Texas 78539

Karen Y. Kirkpatrick, GMP Local Union #259, 2106 Montrose, Waco, Texas 76705

Stephanie Phillips, Justice For All PAC, 7615 Burning Hills Dr, Houston, Texas 77071

Rachel Stoerkel, Texans For Working Families, Registered Agents Inc., Austin, Texas, 78731

Steve Klein, Friends of Good Government, 404 Ball Airport Rd., Victoria, Texas 77904

William A. Lumpkin, Texas Blue Chip PAC, 2033 Southgate Blvd., Houston, Texas 77030

Phillip Smith, Beaumont Police Officers PAC, P.O. Box 3121, Beaumont, Texas 77704

Daniel R. Yeats, University Democrats PAC, 356 Bedford Ct. E., Bedford, Texas 76022

Christina A. Koob, JOLT PAC, 1709 Alleghany Dr., Ste. B, Austin, Texas 78741

Brandon Tankersley, Save Our Schools Four Points, 2900 North Quinlan Park Rd., Austin, Texas 78732

Gustavo Guerra, United Together, 2808 Granjeno Ave., Hidalgo, Texas 78557

L. Scott Mann, WOLFF PAC, P.O. Box 1468, Lubbock, Texas 79408

Brian T. Stoller, Lone Star State of Mind PAC, 9311 N. FM 620 #148, Austin, Texas 78726

Scott Salmans, Fiscal Conservative PAC, 5045 Franklin Ave., Waco, Texas 76710

Amanda Elise Salas, New Blue Texas, 512 E. Upas Ave. Apt. 3, McAllen, Texas 78501

Oscar Saenz Jr., Judson Advancement for Children Committee, 1110 Passion Flower Way, Richmond, Texas 77406

Elizabeth Lorenz, Texas Strong PAC, 200 E. Basse Road, San Antonio, Texas 78209

Jana D. Hawkins, Jefferson County Association of Deputy Sheriffs and Correction Officers PAC, P.O. Box 20012, Beaumont, Texas 77720

John B. Austin, Texans for Justice, P.O. Box 461021, San Antonio, Texas 78217

Jeanie M. Davilla, Heart Of Texas Apartment Assoc., 4201 Lake Short Dr. Ste. H, Waco, Texas 78710

Stephanie Carrillo, Bexar Democrats 2020, 905 Santa Monica, San Antonio, Texas 78201

Aaron R. Armijo, Sugar Land Professional Fire Fighters - PAC, 29014 Hauter Way, Fulshear, Texas 77441

James Cown, Rockwall Firefighters for Responsible Government, 3772 County Road, Caddo Mills, Texas 75135

Gabriel Rosales, Senate District 26 PAC, 231 Oneoak, San Antonio, Texas 78228

Cammie D. Moody, Texarkana Texas Republican Women's Club, 1825 Moores Lane, Texarkana, Texas 75503

Yvette B. Martinez, Christians for a Better Bexar County, 1230 Duke Rd., San Antonio, Texas 78264

Brian Stoller, South East Democratic Alliance, 8905 Panhandle Dr., Austin, Texas 78747

Henry Dibrell, Texans United for Education, 4203 Glade Shadow Court, Katy, Texas 77494

Art Fierro, Texas House Border Caucus, 1790 Lee Trevino Dr. Ste 307, El Paso, Texas 79936

Eddie Rodriguez, Texas Farm-to-Table Caucus, 1108 Lavaca Street, Ste. 110-292, Austin, Texas 78701

Lyle Larson, Texas Legislative Sportsman's Caucus, Inc., P.O. Box 2910, Austin, Texas 78768

Ryan Guillen, Texas Nuclear Caucus, P.O. Box 2910, Austin, Texas 78768

Zach D. Maxwell, Hood County Republican PAC, 219 Sardijs Blvd., Granbury, Texas 76049

Daniel A. Cuellar, Laredo Political Action Committee, 217 W. Village Blvd., Ste. 1, Laredo, Texas 78041

Adrian Flores Jr., Texas Pole PAC, 426 W. Craig, San Antonio, Texas 78212

Mayra Gutierrez, Rio Grande Valley Republican Women, 4900 N. 23rd St., McAllen, Texas 78504

Rachel Stoerkel, ONE Texas, Inc., 1401 Cleburne Street, Houston, Texas 77004

Richard Koetter, Roofing Contractors Association of Texas PAC Inc., 6080 S. Hulen St., Ste. 360, PMB 396, Fort Worth, Texas 76132

Becky Allen, Preferred Care Partners Political Action Committee, 5500 W. Plano Pkwy, Plano, Texas 75093

Michael J. Warner, Friends of Texas Southern University, 301 Brazos #1512, Austin, Texas 78701

Kimberly Y. Evans, Friends of Public Education 4 Frisco ISD PAC, 11625 Custer Rd #110-244, Frisco, Texas 75035

Coymelle K. Murchison, Vote For Her, 4624 Weehaven Drive, Dallas, Texas 75232

Kristen D. Johnson Eklund, A Better Grapevine, 1214 Bellaire Dr., Grapevine, Texas 76051

Michael J. Warner, A Better Texas PAC, 301 Brazos #1512, Austin, Texas 78701

Phillip W. Carpenter, A United Allen, 1702 Woodsboro Ct., Allen, Texas 75013

George A. Coats, Texas Aviation Advocacy PAC, P.O. Box 130246, The Woodlands, Texas 77393

Amer Shakil, American United PAC, 4609 Blackshear Tr., Plano, Texas 75093

Jason C. Delgado, Galveston County Conservatives, 4329 Delmar Ave., Dallas, Texas 75206

Timothy P. Hoban, GOP Mises Caucus Action PAC, Inc., 2752 Dora Ave, Tavares, Florida, 32778

Kristen Perez, Strength in Unity, 2717 Pease Dr., Forney, Texas 75126

James L. Murphy III, America First Committee, 265 E. Oakview Pl., San Antonio, Texas 78209

Chereen Fisher, Texas Professional Vacation Rental Coalition PAC, 3606 Arrowhead Dr., Austin, Texas 78731

Stephanie A. Finleon Cortez, Vote YES for LVISD Kids, 242 Ranch Country Drive, La Vernia, Texas 78121

Rodney Foster, Forward Sweetwater, Together, 11 Vista Court, Sweetwater, Texas 79556

Amy Hedtke, Vote No, Midlothian ISD, 106 Vanderbilt, Waxahachie, Texas 75165

Amy Hedtke, Vote No, Maypearl ISD, 106 Vanderbilt, Waxahachie, Texas 75165

Anthony Holm, Texans for Honesty PAC, P.O. Box 427, Austin, Texas 78767

Amy Hedtke, Vote No, Waxahachie ISD, 106 Vanderbilt, Waxahachie, Texas 75165

Lori L. Gallagher, Yes on 3 for Liberty, 201 Seward Junction Loop, Liberty Hill, Texas 78642

Amy F. Barber, Vote Yes for Crandall ISD, 1602 E. Highway 175, Crandall, Texas 75114

Amy Hedtke, Vote No, Red Oak ISD, 106 Vanderbilt, Waxahachie, Texas 75165

TRD-202304912

Aidan Shaughnessy

Program Supervisor

Texas Ethics Commission

Filed: December 19, 2023



General Land Office

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

On January 10, 1997, the State of Texas received federal approval of the Coastal Management Program (CMP) (62 *Federal Register* pp. 1439 - 1440). Under federal law, federal agency activities and actions af-

fecting the Texas coastal zone must be consistent with the CMP goals and policies identified in 31 TAC Chapter 26. Requests for federal consistency review were deemed administratively complete for the following project(s) during the period of December 4, 2023 to December 15, 2023. As required by federal law, the public is given an opportunity to comment on the consistency of proposed activities in the coastal zone undertaken or authorized by federal agencies. Pursuant to 31 TAC §§30.20(f), 30.30(h), and 30.40(e), the public comment period extends 30 days from the date published on the Texas General Land Office web site. The notice was published on the web site on Friday, December 22, 2023. The public comment period for this project will close at 5:00 p.m. on Sunday January 21, 2024.

Federal Agency Activities:

Applicant: Texas Department of Transportation-Houston District

Location: The project site is located within estuarine and freshwater wetlands adjacent to the Galveston Bay, along Interstate Highway 45 south of the Causeway Bridge to 61st Street, in Galveston, Galveston County, Texas.

Latitude and Longitude: 29.286966, -94.850772

Project Description: The applicant proposes to discharge an estimated 2,330 cubic yards of fill material into 1.45 acres of waters of the U.S. to facilitate improvements to existing Interstate Highway 45. Specifically, the project plans will include reconstructing and widening IH 45 from south of the Galveston Causeway Bridge to 61st Street and adding a direct connector from northbound 61st Street to northbound IH 45. The proposed improvement would consist of eight 12-foot-wide travel lanes (four in each direction) with 4-foot-wide inside and 12-foot-wide outside shoulders. The frontage roads would include four 11-foot-wide travel lanes (two in each direction) with a 5-foot-wide bike path and 5-foot-wide sidewalk separated from the frontage roads by a 1-foot offset. Grade separated intersections, with U-turns and turning lanes would be constructed at the following intersections: Harborside Drive, 71st Street, and 61st Street onto northbound IH 45. The proposed project would require approximately 5 acres of additional right-of-way.

The applicant proposed to mitigate for the anticipated impacts by purchasing 1 credit of palustrine scrub-shrub to offset 0.0002 acres of permanent freshwater wetland loss from the Brazoria Coastal Bottomlands Mitigation Bank. For tidal emergent wetland losses totaling 1.4018 acres, the applicant proposed to purchase functional capacity units as a suite of 1.317 Biota credits, 2.012 Botanical credits, 1.298 Physical credits, and 1.275 Chemical credits from the Gulf Coastal Plains Mitigation Bank.

Type of Application: U.S. Army Corps of Engineers permit application # SWG-2023-00744. This application will be reviewed pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act.

CMP Project No: 24-1084-F2

Applicant: U.S. Fish and Wildlife Service

Location: The project site is located in Chocolate Bay, along the shoreline of the Brazoria National Wildlife Refuge and immediately north of the Gulf Intracoastal Waterway, in Brazoria County, Texas.

Latitude and Longitude: 29.152403, -95.153641

Project Description: The applicant proposes to discharge approximately 2,595 cubic yards of graded limestone or granite material into 0.61 acre of open-bay bottom to form three breakwater segments totaling approximately 1,215 linear feet in Chocolate Bay. The breakwater segments will be positioned in a way that there will be ample space for fish passage to minimize the project impacts on near-shore fish and

invertebrate movements. The breakwater segments will tie-in to the existing hardened shoreline protection (articulated concrete blocks) on the southern end of the western shoreline of Chocolate Bay associated with an older dredge material placement area (DMPA) and the newer breakwater protecting PA1A (a Corps DMPA). The applicant is not proposing mitigation. The applicant has stated that they will be avoiding and minimizing impacts to waters of the U.S. and the environment by implementing a Shallow Water Access Plan while transporting materials and construction equipment to and from the project site. The project site consists of open-bay bottom. The applicant conducted side scan sonar surveys in addition to collecting ground truth samples and found no seagrass beds or oyster reefs within the project site.

Type of Application: U.S. Army Corps of Engineers permit application # SWG-2021-00187. This application will be reviewed pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act.

CMP Project No: 24-1089-F2

Applicant: Texas Department of Transportation-Houston District

Location: The project site is located within Chocolate Bayou and adjacent wetlands, on Farm-to-Market (FM) Road 2004 including an existing bridge structure, in Alvin, Brazoria County, Texas.

Latitude and Longitude: 29.212956, -95.206839

Project Description: The applicant proposes to discharge 66,389 cubic yards of fill material which would in turn result in 14.42 acres of permanent wetland loss, 0.12 acres (453 linear feet) of tidal stream loss, and 0.16 acres (166 linear feet) of Chocolate Bayou loss. The fill material discharged will improve and replace approximately 0.7 mile (mi) or 3,480 feet (ft) of the FM 2004 bridge at Chocolate Bayou. The proposed Project includes an improved two-lane roadway with two 12-foot-wide travel lanes in each direction, two 13-foot-wide medians, and two 10-foot-wide shoulders. The overall width of the new bridge will be approximately 92.5-foot and will also incorporate a two-foot-wide barrier within the center of the bridge. Outside the limits of Chocolate Bayou, the roadway outer edges would have open-ditch drainage features. The proposed Project will completely replace the existing FM 2004 bridge with a concrete bridge structure immediately adjacent and west of the existing alignment, as well as reconstructing the associated approaches to the bridge. Haul roads will be installed for the transportation of materials for the new bridge and the removal of materials of the existing facility. The Project also includes deconstructing and relocating the existing boat ramp to the south (downstream) of the existing bridge. A permanent sheet pile closure wall, approximately 50 ft in overall length, would be installed at the entrance of the existing basin to facilitate dewatering and backfilling. Construction of the new boat ramp would consist of installing a new boat ramp and excavating a new basin and basin entrance. The dredge material from Chocolate Bayou would be placed in USACE-managed Dredge Material Placement Areas (DMPA) located nearby the Project Area. DMPAs include PA 1, 2, 3, 4, 5, 67, and 68 located within and adjacent to Chocolate Bayou upstream and downstream from the Project Area.

The Applicant proposes to purchase 45.773 Functional Capacity Units (FCUs) to mitigate impacts to wetlands and 9,490.93 credits for impacts to streams from Corps approved mitigation banks. Note that avoidance, minimization, and compensation for impacts to Chocolate Bayou are not included in the Public Notice as impacts to Chocolate Bayou will be authorized by a USCG bridge permit and will receive authorization under an NWP 15.

Type of Application: U.S. Army Corps of Engineers permit application # SWG-2023-00667. This application will be reviewed pursuant

to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act.

CMP Project No: 24-1096-F2

Federal License and Permit Activities:

Applicant: Port of Houston Authority

Location: The project site is located the Buffalo Bayou portion of the Houston Ship Channel, along 37 wharves, the turning basin and two wharves in the Manchester area, in Houston, Harris County, Texas.

Latitude and Longitude: 29.752168, -95.289901

Project Description: The applicant proposes to amend the existing permit to: 1) add silt blade dredging as a stand alone form of dredging, 2) add the Adloy placement area as an optional dredged material placement area, and 3) add the McCarty Road, Ralston Road and Greenshadow landfills as optional areas for dredge material placement. This project is proposed within the Houston Ship Channel and no discharge of dredged material is proposed within any wetland or other special aquatic site. No compensatory mitigation is proposed.

Type of Application: U.S. Army Corps of Engineers permit application # SWG-2005-01296. This application will be reviewed pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act. Note: The consistency review for this project may be conducted by the Texas Commission on Environmental Quality as part of its certification under §401 of the Clean Water Act.

CMP Project No: 24-1094-F1

Further information on the applications listed above, including a copy of the consistency certifications or consistency determinations for inspection, may be obtained from the Texas General Land Office Public Information Officer at 1700 N. Congress Avenue, Austin, Texas 78701, or via email at pialegal@glo.texas.gov. Comments should be sent to the Texas General Land Office Coastal Management Program Coordinator at the above address or via email at federal.consistency@glo.texas.gov.

TRD-202304873

Mark Havens

Chief Clerk

General Land Office

Filed: December 18, 2023

Texas Parks and Wildlife Department

Notice of Proposed Real Estate Transactions

Acquisition of Land - Matagorda County

Approximately 1,750 Acres at Matagorda Peninsula Coastal Management Area

In a meeting on January 25, 2024, the Texas Parks and Wildlife Commission (the Commission) will consider authorizing the acquisition of approximately 1,750 acres at the Matagorda Peninsula Coastal Management Area. The public will have an opportunity to comment on the proposed transaction before the Commission takes action. The meeting will start at 9:00 a.m. at the Texas Parks and Wildlife Department (TPWD) Headquarters, 4200 Smith School Road, Austin, Texas 78744. Prior to the meeting, public comment may be submitted to Stan David, Land Conservation, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744, or by email to stan.david@tpwd.texas.gov, or via the department's website at www.tpwd.texas.gov. Visit the TPWD website at www.tpwd.texas.gov for the latest information regarding the Commission meeting.

Acquisition of Land - Briscoe County

Approximately 1,100 Acres at Caprock Canyons State Park and Trailway

In a meeting on January 25, 2024, the Texas Parks and Wildlife Commission (the Commission) will consider authorizing the acquisition of approximately 1,100 acres at Caprock Canyons State Park and Trailway. The public will have an opportunity to comment on the proposed transaction before the Commission takes action. The meeting will start at 9:00 a.m. at the Texas Parks and Wildlife Department Headquarters, 4200 Smith School Road, Austin, Texas 78744. Prior to the meeting, public comment may be submitted to Trey Vick, Land Conservation, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744, or by email to trey.vick@tpwd.texas.gov, or via the department's website at www.tpwd.texas.gov. Visit the TPWD website at www.tpwd.texas.gov for the latest information regarding the Commission meeting.

Exchange of Land - Cameron County

Acquisition of Approximately 477 Acres in Exchange for Approximately 43 Acres at Boca Chica State Park

In a meeting on January 25, 2024, the Texas Parks and Wildlife Commission (the Commission) will consider authorizing the acquisition of approximately 477 acres near the Laguna Atascosa National Wildlife Refuge Bahia Grande Unit in exchange for approximately 43 acres from Boca Chica State Park. The public will have an opportunity to comment on the proposed transaction before the Commission takes action. The meeting will start at 9:00 a.m. at the Texas Parks and Wildlife Department Headquarters, 4200 Smith School Road, Austin, Texas 78744. Prior to the meeting, public comment may be submitted to Trey Vick, Project Manager, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744, by email to trey.vick@tpwd.texas.gov, or via the department's web site at www.tpwd.texas.gov. Visit the TPWD website at www.tpwd.texas.gov for the latest information regarding the Commission meeting.

TRD-202304831

James Murphy

General Counsel

Texas Parks and Wildlife Department

Filed: December 15, 2023



Public Utility Commission of Texas

Notice of Amended Application to Amend Designation as an Eligible Telecommunications Carrier

Notice is given to the public of an amended application filed with the Public Utility Commission of Texas on December 12, 2023, to amend a designation as an eligible telecommunications carrier (ETC) in the State of Texas under 47 U.S.C. § 214(e) and 16 Texas Administrative Code §26.418.

Docket Title and Number: Application of Sage Telecom Communications LLC dba Sage Wireless to Amend its Eligible Telecommunications Carrier Designation, Docket Number 55870.

The Application: Sage Telecom Communications LLC dba Sage Wireless requests that its ETC designation be amended to expand its service area to include additional wire centers for Lifeline purposes only.

Persons who wish to file a motion to intervene or comments on the application should contact the commission no later than January 18, 2024, by mail at P.O. Box 13326, Austin, Texas 78711-3326, or by

phone at (512) 936-7120 or toll-free at (888) 782-8477. Hearing and speech-impaired individuals with text telephone (TTY) may contact the commission through Relay Texas by dialing 7-1-1. All comments should reference Docket Number 55870.

TRD-202304727

Andrea Gonzalez

Rules Coordinator

Public Utility Commission of Texas

Filed: December 13, 2023



Notice of Application to Amend a Certificate of Convenience and Necessity for a Name Change

Notice is given to the public of an application filed with the Public Utility Commission of Texas (Commission) on December 13, 2023, to amend a certificate of convenience and necessity for a name change.

Docket Style and Number: Application of Windstream Sugar Land, LLC to Amend its Certificate of Convenience and Necessity, Docket Number 55883.

The Application: Windstream Sugar Land, LLC filed an application to amend its certificate of convenience and necessity number 40077 to reflect a name change to Windstream East Texas, LLC.

Persons wishing to intervene or comment on the action sought should contact the Public Utility Commission of Texas by electronic mail at puc.texas.gov, by phone at (512) 936-7120, or toll-free at (888) 782-8477. The deadline for intervention in this proceeding is January 30, 2024. Hearing and speech-impaired individuals with text telephone (TTY) may contact the commission through Relay Texas by dialing 7-1-1. All comments should reference Docket Number 55883.

TRD-202304811

Andrea Gonzalez

Rules Coordinator

Public Utility Commission of Texas

Filed: December 15, 2023



Notice of Application to Amend a Certificate of Convenience and Necessity for a Name Change

Notice is given to the public of an application filed with the Public Utility Commission of Texas (Commission) on November 27, 2023, to amend a certificate of convenience and necessity for a name change.

Docket Style and Number: Application of Five Area Telephone Cooperative, Inc. to Amend its Certificate of Convenience and Necessity, Docket Number 55891.

The Application: Five Area Telephone Cooperative, Inc. filed an application to amend its certificate of convenience and necessity number 40030 to add its assumed name, Five Area Connect.

Persons wishing to intervene or comment on the action sought should contact the Public Utility Commission of Texas by electronic mail at puc.texas.gov, by phone at (512) 936-7120, or toll-free at (888) 782-8477. The deadline for intervention in this proceeding is January 30, 2024. Hearing and speech-impaired individuals with text telephone (TTY) may contact the commission through Relay Texas by dialing 7-1-1. All comments should reference Docket Number 55891.

TRD-202304812

Andrea Gonzalez
Rules Coordinator
Public Utility Commission of Texas
Filed: December 15, 2023



Notice of Application to Amend a Certificate of Convenience and Necessity for a Name Change

Notice is given to the public of an application filed with the Public Utility Commission of Texas (Commission) on November 27, 2023, to amend a certificate of convenience and necessity for a name change.

Docket Style and Number: Application of West Plains Communications, Inc. to Amend its Certificate of Convenience and Necessity, Docket Number 55892.

The Application: West Plains Communications, Inc. filed an application to amend its certificate of convenience and necessity number 40102 to add its assumed name, West Plains Communications.

Persons wishing to intervene or comment on the action sought should contact the Public Utility Commission of Texas by electronic mail at puc.texas.gov, by phone at (512) 936-7120, or toll-free at (888) 782-8477. The deadline for intervention in this proceeding is January 30, 2024. Hearing and speech-impaired individuals with text telephone (TTY) may contact the commission through Relay Texas by dialing 7-1-1. All comments should reference Docket Number 55892.

TRD-202304833
Andrea Gonzalez
Rules Coordinator
Public Utility Commission of Texas
Filed: December 15, 2023



Texas Racing Commission

Racetrack Application Period from 1 February 2024 - March 31, 2024 for Cameron, Galveston, and Nueces Counties

PUBLIC ANNOUNCEMENT:

The Texas Racing Commission announces the opening of a racetrack application period for a Class 2 horse racetrack licenses in Cameron, Galveston, and Nueces Counties in accordance with 16 TEXAS ADMINISTRATIVE CODE §309.3(b), from February 1, 2024 - March 31, 2024.

STATUTORY AUTHORITY.

This application period is announced as outlined in Tex. Occ. Code § 2025, which authorizes the Commission to consider racetrack applications from qualified applicants during a period approved by the Commission on December 13, 2023.

INSTRUCTIONS.

The racetrack application form is available at www.txrc.texas.gov/publications

PUBLIC COMMENTS.

All comments or questions regarding the proposed amendment may be submitted in writing within 30 days following publication of this notice in the *Texas Register*, by emailing the Texas Racing Commission at customer.service@txrc.texas.gov, or by telephone at (512) 833-6699.

TRD-202304734
Amy F. Cook
Executive Director
Texas Racing Commission
Filed: December 14, 2023



Supreme Court of Texas

Final Approval of Amendments to Texas Rule of Appellate Procedure 24

Supreme Court of Texas

Misc. Docket No. 23-9101

Final Approval of Amendments to Texas Rule of Appellate Procedure 24

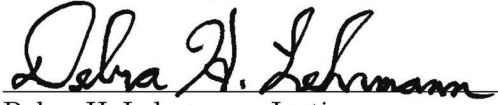
ORDERED that:

1. On August 25, 2023, in Misc. Dkt. No. 23-9062, the Court preliminarily approved amendments to Texas Rule of Appellate Procedure 24 and invited public comment.
2. Following the comment period, the Court made revisions to the rule. This Order incorporates the revisions and contains the final version of the amended rule.
3. Amended Rules 24.1(b)(2) and 24.4(d) take effect on January 1, 2024.
4. The other amendments take effect immediately and apply only to a civil action commenced on or after September 1, 2023.
5. The Clerk is directed to:
 - a. file a copy of this Order with the Secretary of State;
 - b. cause a copy of this Order to be mailed to each registered member of the State Bar of Texas by publication in the *Texas Bar Journal*;
 - c. send a copy of this Order to each elected member of the Legislature; and
 - d. submit a copy of this Order for publication in the *Texas Register*.

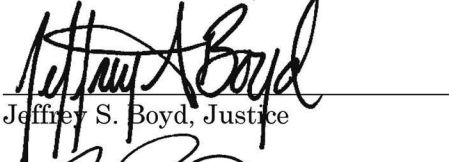
Dated: December 18, 2023.



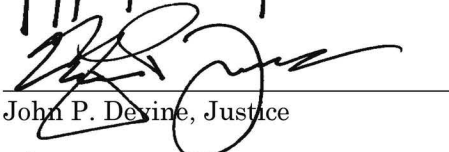
Nathan L. Hecht, Chief Justice



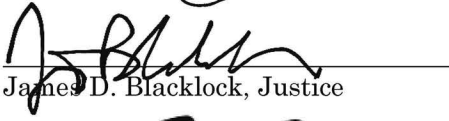
Debra H. Lehrmann, Justice




Jeffrey S. Boyd, Justice



John P. Devine, Justice



James D. Blacklock, Justice



J. Brett Busby, Justice



Jane N. Bland, Justice



Rebeca A. Huddle, Justice



Evan A. Young, Justice

TEXAS RULES OF APPELLATE PROCEDURE

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

24.1. Suspension of Enforcement

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

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

24.2. Amount of Bond, Deposit, or Security

(a) *Type of Judgment.*

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

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

- (5) For a Governmental Entity. When a judgment in favor of a governmental entity in its governmental capacity is one in which the entity has no pecuniary interest, the trial court must determine whether to suspend enforcement, with or without security, taking into account the harm that is likely to result to the judgment debtor if enforcement is not suspended, and the harm that is likely to result to others if enforcement is suspended. The appellate court may review the trial court's determination and suspend enforcement of the judgment, with or without security, or refuse to suspend the judgment. If security is required, recovery is limited to the governmental entity's actual damages resulting from suspension of the judgment.
- (b) *Lesser Amount.* The trial court must lower the amount of security required by (a) to an amount that will not cause the judgment debtor substantial economic harm if, after notice to all parties and a hearing, the court finds that posting a bond, deposit, or security in the amount required by (a) is likely to cause the judgment debtor substantial economic harm.
- (c) *Determination of Net Worth.*
 - (1) Judgment Debtor's Affidavit Required; Contents; Prima Facie Evidence. A judgment debtor who provides a bond, deposit, or security under (a)(1)(A) or (e) in an amount based on the debtor's net worth must simultaneously file with the trial court clerk an affidavit that states the debtor's net worth and states complete, detailed information concerning the debtor's assets and liabilities from which net worth can be ascertained. An affidavit that meets these requirements is prima facie evidence of the debtor's net worth for the purpose of establishing the amount of the bond, deposit, or security required to suspend enforcement of the judgment. A trial court clerk must receive and file a net-worth affidavit tendered for filing by a judgment debtor.
 - (2) Contest; Discovery. A judgment creditor may file a contest to the debtor's claimed net worth. The contest need not be sworn. The creditor may conduct reasonable discovery concerning the judgment debtor's net worth.

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

24.4. Appellate Review

- (a) *Motions; Review.* A party may seek review of the trial court's ruling by motion filed in the court of appeals with jurisdiction or potential jurisdiction over the appeal from the judgment in the case. A party may seek review of the court of appeals' ruling on the motion by petition for writ of mandamus in the Supreme Court. The appellate court may review:
- (1) the sufficiency or excessiveness of the amount of security, but when the judgment is for money, the appellate court must not modify the amount of security to exceed the limits imposed by Rule 24.2(a)(1);
 - (2) the sureties on any bond;
 - (3) the type of security;
 - (4) the determination whether to permit suspension of enforcement; and
 - (5) the trial court's exercise of discretion under Rule 24.3(a).
- (b) *Grounds of Review.* Review may be based both on conditions as they existed at the time the trial court signed an order and on changes in those conditions afterward.
- (c) *Temporary Orders.* The appellate court may issue any temporary orders necessary to preserve the parties' rights.
- (d) *Action by Appellate Court.* The motion must be heard at the earliest practicable time. The appellate court may require that the amount of a bond, deposit, or other security be increased or decreased, and that another bond, deposit, or security be provided ~~and approved by the trial court clerk.~~ The appellate court may require other changes in the trial court order. The appellate court may remand to the trial court for entry of findings of fact or for the taking of evidence.
- (e) *Effect of Ruling.* If the appellate court orders additional or other security to supersede the judgment, enforcement will be suspended for 20 days after the appellate court's order. If the judgment debtor does not comply

with the order within that period, the judgment may be enforced. When any additional bond, deposit, or security has been filed, the trial court clerk must notify the appellate court. The posting of additional security will not release the previously posted security or affect any alternative security arrangements that the judgment debtor previously made unless specifically ordered by the appellate court.

Notes and Comments

Comment to 2023 change: New Rule 24.2(e) and (f) are added to implement section 52.007 of the Texas Civil Practice and Remedies Code.

Comment to 2024 change: Rules 24.1(b)(2) and 24.4(d) are amended to provide that a bond is effective upon filing, though the bond is still subject to challenge.

Supreme Court of Texas

Misc. Docket No. 23-9100

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

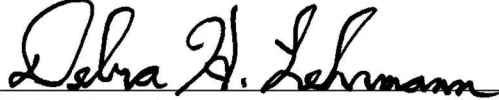
ORDERED that:

1. On August 25, 2023, in Misc. Dkt. No. 23-9067, the Court preliminarily approved amendments to Texas Rules of Disciplinary Procedure 1.06, 2.10, 2.17, 7.08, and 7.11 and invited public comment.
2. Following the comment period, the Court made revisions to the rules. This Order incorporates the revisions and contains the final version of the amended rules, effective immediately.
3. The amendments apply only to a grievance filed on or after September 1, 2023. The amendments to Rule 2.17 apply only to an application for a place on the ballot filed for an election ordered on or after September 1, 2023.
4. The Clerk is directed to:
 - a. file a copy of this Order with the Secretary of State;
 - b. cause a copy of this Order to be mailed to each registered member of the State Bar of Texas by publication in the *Texas Bar Journal*;
 - c. send a copy of this Order to each elected member of the Legislature; and
 - d. submit a copy of this Order for publication in the *Texas Register*.

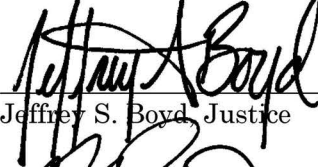
Dated: December 18, 2023.



Nathan L. Hecht, Chief Justice



Debra H. Lehrmann, Justice



Jeffrey S. Boyd, Justice



John P. Devine, Justice



James D. Blacklock, Justice



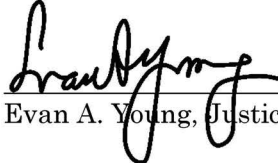
Brett Busby, Justice



Jane N. Bland, Justice



Rebeca A. Huddle, Justice



Evan A. Young, Justice

TEXAS RULES OF DISCIPLINARY PROCEDURE

1.06. Definitions:

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

G. “Complaint” means a Grievance received by the Office of the Chief Disciplinary Counsel that:

1. either on its face or upon screening or preliminary investigation, alleges Professional Misconduct or attorney Disability, or both, cognizable under these rules or the Texas Disciplinary Rules of Professional Conduct; and
2. is submitted by any of the following:
 - a. a family member of a ward in a guardianship proceeding that is the subject of the Grievance;
 - b. a family member of a decedent in a probate matter that is the subject of the Grievance;
 - c. a trustee of a trust or an executor of an estate if the matter that is the subject of the Grievance relates to the trust or estate;
 - d. the judge, prosecuting attorney, defense attorney, court staff member, or juror in the legal matter that is the subject of the Grievance;
 - e. a trustee in a bankruptcy that is the subject of the Grievance; or
 - f. any other person who has a cognizable individual interest in or connection to the legal matter or facts alleged in the Grievance.

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

T. “Inquiry” means a Grievance received by the Office of the Chief Disciplinary Counsel that, even if true, does not allege Professional Misconduct or Disability or is not submitted by a person listed in paragraph G.

FF. “Sanction” means any of the following:

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

The term “Sanction” may include the following additional ancillary requirements:

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

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

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

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

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

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

P. Decision:

1. After conducting the Evidentiary Hearing, the Evidentiary Panel shall issue a judgment within thirty days. In any Evidentiary Panel proceeding where Professional Misconduct is found to have occurred, such judgment shall include findings of fact, conclusions of law and the Sanctions to be imposed.
2. The Evidentiary Panel may:
 - a. dismiss the Disciplinary Proceeding and refer it to the voluntary mediation and dispute resolution procedure;
 - b. find that the Respondent suffers from a disability and forward that finding to the Board of Disciplinary Appeals for referral to a district disability committee pursuant to Part XII; or
 - c. find that Professional Misconduct occurred and impose Sanctions.
3. The Evidentiary Panel must impose a public sanction listed in Rule 1.06(FF)(1)-(7) against the Respondent if the Evidentiary Panel finds that the Respondent knowingly made a false declaration on an application for a place on the ballot as a candidate for the following judicial offices:
 - a. chief justice or justice of the supreme court;
 - b. presiding judge or judge of the court of criminal appeals;

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

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

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

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

Supreme Court of Texas

Misc. Docket No. 23-9106

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

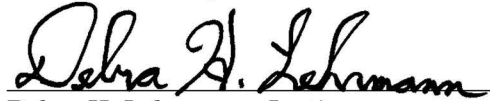
ORDERED that:

1. The Court invites public comments on proposed new Texas Rule of Appellate Procedure 34.5a and amendments to Texas Rules of Appellate Procedure 35.3 and 38.6.
2. To effectuate the Act of May 28, 2023, 88th Leg., R.S., ch. 861 (H.B. 3474, codified in TEX. CIV. PRAC. & REM. CODE § 51.018), new Rule 34.5a and the amendments to Rules 35.3 and 38.6 are effective January 1, 2024. But changes may be made in response to public comments. The Court requests public comments be submitted in writing to rulescomments@txcourts.gov by April 1.
3. New Rule 34.5a is demonstrated in clean form, and the amendments to Rules 35.3 and 38.6 are demonstrated in redline form.
4. The new rule and amendments apply only when a party files a notice of appeal on or after January 1, 2024.
5. The Clerk is directed to:
 - a. file a copy of this Order with the Secretary of State;
 - b. cause a copy of this Order to be mailed to each registered member of the State Bar of Texas by publication in the *Texas Bar Journal*;
 - c. send a copy of this Order to each elected member of the Legislature; and
 - d. submit a copy of this Order for publication in the *Texas Register*.

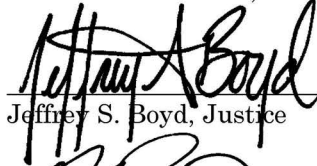
Dated: December 18, 2023.



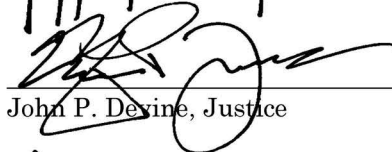
Nathan L. Hecht, Chief Justice



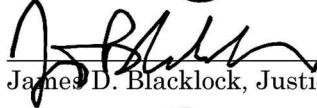
Debra H. Lehrmann, Justice



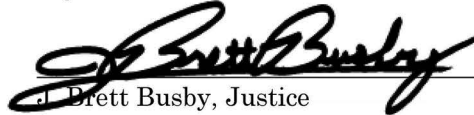
Jeffrey S. Boyd, Justice



John P. Devine, Justice



James D. Blacklock, Justice



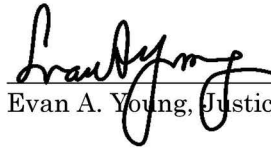
J. Brett Busby, Justice



Jane N. Bland, Justice



Rebeca A. Huddle, Justice



Evan A. Young, Justice

TEXAS RULES OF APPELLATE PROCEDURE

Rule 34. Appellate Record (Clean Version)

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

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

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

Notes and Comments

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

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

35.3. Responsibility for Filing Record

- (a) *Clerk's Record.* Except when an appendix is filed under Rule 34.5a, the trial court clerk is responsible for preparing, certifying, and timely filing the clerk's record if:

- (1) a notice of appeal has been filed, and in criminal proceedings, the trial court has certified the defendant's right of appeal, as required by Rule 25.2(d); and
- (2) the party responsible for paying for the preparation of the clerk's record has paid the clerk's fee, has made satisfactory arrangements with the clerk to pay the fee, or is entitled to appeal without paying the fee.

Rule 38. Requisites of Briefs (Redline Version)

38.6. Time to File Briefs

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

In accordance with the provisions of Texas Government Code, Chapter 2254, Texas Tech University Health Sciences Center ("TTUHSC") will be seeking Requests for Proposals to hire a consultant to provide expertise to support TTUHSC in strategically designing the administrative structure and staffing of the comprehensive inpatient and outpatient services at the Relational Health Center.

The President of Texas Tech University Health Sciences Center has made a finding of fact that the consulting services are necessary. TTUHSC does not currently have the in-house expertise to complete this project.

An award will be made to the proposer that submits the highest ranked proposal based on evaluation criteria developed by TTUHSC.

Parties interested in a copy of the Request for Proposal should visit the Texas Comptroller of Public Accounts' Electronic State Business Daily Search or contact:

Managing Director of Purchasing

Purchasing Office

Texas Tech University Health Sciences Center

3601 4th Street | STOP 6217

Lubbock, Texas 79430

Email: solicitations@ttuhsc.edu

The proposal submission deadline will be January 31, 2024, at 4:30 p.m. Central Standard Time.

TRD-202304889

John Haynes

Managing Director, Procurement Services

Texas Tech University System

Filed: December 19, 2023

