

# IN ADDITION

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

## Texas Department of Agriculture

### 2016 Establishing Nutrition Education Grant Program Request for Applications

The Texas Department of Agriculture (TDA) is accepting applications for the **Establishing the 3E's Grant Program (E3E)** from organizations that are in good standing with the Texas Comptroller's Office and TDA to incorporate nutrition education into their programs for children.

The Texas Department of Agriculture (TDA) is authorized by §12.0027 of the Texas Agriculture Code and §38.026 of the Education Code to administer the 3E's Grant Program (3E's) to promote better health and nutrition programs and prevent obesity among children in this state. Additionally, through §33.028 of the Texas Human Resources Code, the Texas legislature has appropriated funding to TDA to provide grants for organizations that are in good standing with the Texas Comptroller of Public Accounts and TDA to incorporate nutrition education into programs for children. The objective of the program is to increase awareness of the importance of good nutrition, especially for children, and to encourage children's health and well-being through education, exercise and eating right. TDA's 3E's Grant Program consists of two program categories:

1. **Establishing the 3E's Grant Program (E3E)** - a program that incentivizes nutrition education programs in any childcare institution or community organization; and
2. **Expanding the 3E's Grant Program (X3E)** - a program that rewards nutrition education programs in public schools only.

#### Eligibility

To be eligible for E3E funds, an applying organization must be in good standing with TDA and must:

1. Be an organization that:
  - a. participates in early childhood education, including:
    - i. the CACFP (Child and Adult Care Food Program) as administered by TDA;
    - ii. a Head Start Program, as defined in 42 USC 9801 et seq., and 45 CFR Parts 1301-1311; or
    - iii. another early childhood education program; and
  - b. certifies that it will use awarded funds to provide nutrition education to children between the ages of three and five years old; or
2. Be a community or faith-based initiative that:
  - a. provides recreational, social, volunteer, leadership, mentoring, or developmental programs; and
  - b. certifies that it will use awarded funds to provide nutrition education to children younger than 19 years of age.

**No prior E3E grantee can apply. If an organization has received E3E funds in the past, it is ineligible to apply for future rounds.**

#### Funding Parameters

Selected projects will receive funding on a cost reimbursement basis. Funds will not be advanced to grantees. Selected applicants must have the financial capacity to pay all costs up-front.

Awards are subject to the availability of funds. If no funds are appropriated or collected for this program, applicants will be informed accordingly.

Applicants may seek up to \$7,500 per site for expenses related to implementation of the nutrition education program proposed in the application. CACFP Sponsor Organizations that have more than one site or location should submit a single, combined application. The maximum award to any selected grantee shall not exceed \$7,500 per location or \$25,000, whichever is less. Other restrictions or funding limitations may also be considered during the award process.

#### Application Requirements and Deadline

Application and information can be downloaded from TDA's website at: [www.texasagriculture.gov](http://www.texasagriculture.gov) under the Grants & Services Tab.

One complete application packet, including the project narrative and signed application, must be **received by TDA before close of business (5:00 p.m. CT) on Thursday, April 14, 2016**. It is the applicant's responsibility to ensure the timely delivery of all required materials.

For questions regarding submission of the proposal and/or TDA requirements, please contact TDA's Grants Office, at (512) 463-6616, or by email at [Grants@TexasAgriculture.gov](mailto:Grants@TexasAgriculture.gov).

Texas Public Information Act. Once submitted, all applications shall be deemed to be the property of the TDA and are subject to the Texas Public Information Act, Texas Government Code, Chapter 552.

TRD-201601115

Jessica Escobar

Assistant General Counsel

Texas Department of Agriculture

Filed: March 7, 2016

## Office of the Attorney General

Texas Water Code and Texas Health and Safety Code  
Settlement Notice

Notice is hereby given by the State of Texas of the following proposed resolution of an environmental enforcement lawsuit under the Texas Water Code and the Texas Health and Safety Code. Before the State may settle a judicial enforcement action under the Texas Water Code, the State shall permit the public to comment in writing on the proposed judgment. The Attorney General will consider any written comments and may withdraw or withhold consent to the proposed judgment if the comments disclose facts or considerations that include that the consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the Texas Water Code and the Texas Health and Safety Code.

Case Title and Court: *State of Texas v. South Houston Community Development Corporation, Inc., Aldine Community Care Center, Inc. and Jesse Dunn*; Cause No. D-1-GN-14-004932, in the 126th Judicial District Court, Travis County, Texas.

Nature of the Defendants' Operations: Defendants are current and former owners/operators of an assisted living facility that includes a public water system and wastewater treatment facility, in Houston, Texas. The TCEQ entered a default administrative order against the defendants in 2011 for violations of Texas regulations concerning the safe operation of the water system and wastewater treatment facility. Investigations of the facilities in 2013 and 2014 revealed that violations continued at both facilities. Since the State filed this lawsuit, the defendant has relocated the tenants served by the failing facilities.

Proposed Agreed Judgment: The Agreed Final Judgment and Permanent Injunction orders Defendants to operate the water system in compliance with state regulations and properly shutdown the wastewater treatment facility. The Agreed Final Judgment and Permanent Injunction also awards the State of Texas civil penalties of \$175,000 and \$8,700 in attorney's fees.

For a complete description of the proposed settlement, the complete proposed Agreed Final Judgment and Permanent Injunction should be reviewed. Requests for copies of the judgment, and written comments on the proposed settlement, should be directed to Amy E. Davis, Assistant Attorney General, Office of the Attorney General, P.O. Box 12548, Austin, Texas 78711-2548, (512) 463-2012, facsimile (512) 320-0911. Written comments must be received within 30 days of publication of this notice to be considered.

TRD-201601188  
Amanda Crawford  
General Counsel  
Office of the Attorney General  
Filed: March 9, 2016

◆ ◆ ◆  
**Comptroller of Public Accounts**

**Certification of the Average Closing Price of Gas and Oil -  
February 2016**

The Comptroller of Public Accounts, administering agency for the collection of the Crude Oil Production Tax, has determined, as required by Tax Code, §202.058, that the average taxable price of crude oil for reporting period February 2016 is \$28.48 per barrel for the three-month period beginning on November 1, 2015, and ending January 31, 2016. Therefore, pursuant to Tax Code, §202.058, crude oil produced during

the month of February 2016 from a qualified low-producing oil lease is eligible for a 25% credit on the crude 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 February 2016 is \$1.34 per mcf for the three-month period beginning on November 1, 2015, and ending January 31, 2016. Therefore, pursuant to Tax Code, §201.059, gas produced during the month of February 2016 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 February 2016 is \$30.77 per barrel. Therefore, pursuant to Tax Code, §171.1011(r), a taxable entity shall exclude total revenue received from oil produced during the month of February 2016 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 February 2016 is \$1.93 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 February 2016 from a qualified low-producing gas well.

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

TRD-201601158  
Don Neal  
Chief Deputy General Counsel  
Comptroller of Public Accounts  
Filed: March 8, 2016

◆ ◆ ◆  
**Local Sales Tax Rate Changes Effective April 2016**

The 1/4 percent city sales and use tax for Municipal Street Maintenance and Repair as permitted under Chapter 327 of the Texas Tax Code will be abolished, effective March 31, 2016, in the city listed below.

<u>CITY NAME</u>	<u>LOCAL CODE</u>	<u>LOCAL RATE</u>	<u>TOTAL RATE</u>
Streetman (Freestone Co)	2081048	.012500	.075000
Streetman (Navarro Co)	2081048	.015000	.080000

The City sales and use tax will be increased to 1 1/2 percent effective April 1, 2016 in the City listed below.

<u>CITY NAME</u>	<u>LOCAL CODE</u>	<u>LOCAL RATE</u>	<u>TOTAL RATE</u>
Newcastle (Young Co)	2252032	.020000	.082500

An additional 1/2 percent city sales and use tax for improving and promoting economic and industrial development as permitted under Chapter 504 of the Texas Local Government code, Type A Corporations (4A) will become effective April 1, 2016 in the city listed below.

<u>CITY NAME</u>	<u>LOCAL CODE</u>	<u>LOCAL RATE</u>	<u>TOTAL RATE</u>
Cleburne (Johnson Co)	2126027	.020000	.082500

An additional 1/4 percent city sales and use tax for improving and promoting economic and industrial development as permitted under Chapter 505 of the Texas Local Government code, Type B Corporations (4B) will become effective April 1, 2016 in the city listed below.

<u>CITY NAME</u>	<u>LOCAL CODE</u>	<u>LOCAL RATE</u>	<u>TOTAL RATE</u>
Lone Oak (Hunt Co)	2116083	.020000	.082500

The additional 1/2% (4A) and 1/2% (4B) city sales and use taxes for improving and promoting economic and industrial development as permitted under Chapters 504 (Type A Corporations) and 505 (Type B Corporations) of the Texas Local Government Code, will each be reduced to 3/8 percent effective March 31, 2016 and an additional 1/4 percent city sales and use tax for Municipal Street Maintenance and Repair as permitted under Chapter 327 of the Texas Tax Code will become effective April 1, 2016 in the city listed below. There will be no change in the local rate or total rate.

<u>CITY NAME</u>	<u>LOCAL CODE</u>	<u>LOCAL RATE</u>	<u>TOTAL RATE</u>
Grandview (Johnson Co)	2126018	.020000	.082500

The additional 1/2 percent sales and use tax for improving and promoting economic and industrial development as permitted under Chapter 504 of the Texas Local Government Code, Type A Corporations (4A) will be abolished effective March 31, 2016 and the adoption of an additional 1/2 percent as permitted under Chapter 505 of the Texas Local Government Code Type B Corporations (4B) will become effective April 1, 2016 in the city listed below. There will be no change in the local rate or total rate.

<u>CITY NAME</u>	<u>LOCAL CODE</u>	<u>LOCAL RATE</u>	<u>TOTAL RATE</u>
South Padre Island (Cameron Co)	2031101	.020000	.082500

A one percent special purpose district sales and use tax will become effective April 1, 2016 in the special purpose districts listed below.

<u>SPD NAME</u>	<u>LOCAL CODE</u>	<u>NEW RATE</u>	<u>TOTAL RATE</u>
Blanco County Emergency Services District No. 1	5016529	.010000	SEE NOTE 1
Blanco County Emergency Services District No. 2	5016538	.010000	SEE NOTE 2
Copper Canyon Crime Control and Prevention District	5061685	.010000	SEE NOTE 3
Harris County Emergency Services District No. 47	5101945	.010000	SEE NOTE 4
Williamson Co Emergency Services District No. 4	5246567	.010000	SEE NOTE 5

A 1 1/2 percent special purpose district sales and use tax will become effective April 1, 2016 in the special purpose districts listed below.

<u>SPD NAME</u>	<u>LOCAL CODE</u>	<u>NEW RATE</u>	<u>TOTAL RATE</u>
Medina Co Emergency Services District No. 1	5163511	.015000	SEE NOTE 6
Medina Co Emergency Services District No. 6	5163520	.015000	SEE NOTE 7
Palo Pinto Co Emergency Services District No. 2	5182509	.015000	SEE NOTE 8

A two percent special purpose district sales and use tax will become effective April 1, 2016 in the special purpose districts listed below.

<u>SPD NAME</u>	<u>LOCAL CODE</u>	<u>NEW RATE</u>	<u>TOTAL RATE</u>
Burnet Co Emergency Services District No. 9	5027553	.020000	SEE NOTE 9
Generation Park Management District	5101936	.020000	SEE NOTE 10
Hardin Co Emergency Services District No. 6	5100517	.020000	SEE NOTE 11

NOTE 1: The Blanco County Emergency Services District No. 1 is located in the northern portion of Blanco County, which has a county sales and use tax. The district partially overlaps territory in the Blanco County North Library District, which has a special purpose district sales and use tax. The district excludes, for sales tax purposes, any area within the cities of Johnson City or Round Mountain. The unincorporated areas of Blanco County in ZIP Codes 78620, 78635, 78636, 78654, 78663, 78669 and 78671 are partially located within the Blanco County Emergency Services District No. 1. Contact the district representative at 713-703-0364 for additional boundary information.

NOTE 2: The Blanco County Emergency Services District No. 2 is located in the southern portion of Blanco County, which has a county sales and use tax. The district partially overlaps territory in the Blanco County South Library District, which has a special purpose district sales and use tax. The district excludes, for sales tax purposes, any area within the city of Blanco. The unincorporated areas of Blanco County in ZIP Codes 78027, 78070, 78606, 78620, 78636, 78671 and 78676 are partially located within the Blanco County Emergency Services District No. 2. Contact the district representative at 512-750-5286 for additional boundary information.

NOTE 3: The boundaries for the Copper Canyon Crime Control and Prevention District are the same as the boundaries for the city of Copper Canyon.

NOTE 4: The Harris County Emergency Services District No. 47 is located in the western portion of

Harris County. The district's boundaries for the imposition of sales and use tax exclude areas of the district which are responsible for collecting and remitting sales and use tax to the city of Houston due to a strategic partnership agreement between a utility district and the city. The district is located within the Houston MTA, which has a transit sales and use tax. The unincorporated areas of Harris County in ZIP Codes 77084, 77449 and 77491 are partially located in the Harris County Emergency Services District No. 47. Contact the district representative at 281-304-1230 for additional boundary information.

NOTE 5: The Williamson County Emergency Services District No. 4 is located in the western portion of Williamson County. The Liberty Hill Public Library District, which has a special purpose district sales and use tax, is located within the district. The district excludes, for sales tax purposes, any area in the city of Liberty Hill. The unincorporated area of Williamson County in ZIP Codes 76527, 78605, 78628, 78633, 78641 and 78642 are partially located in the Williamson County Emergency Services District No. 4. Contact the district representative at 512-515-5165 for additional boundary information.

NOTE 6: The Medina County Emergency Services District No. 1 is located in the eastern portion of Medina County, which has a county sales and use tax. The district excludes, for sales tax purposes, any area in the cities of Castroville or La Coste. The unincorporated areas of Medina County in ZIP Codes 78009, 78039, 78056 and 78066 are partially located within the Medina County Emergency Services District No. 1. Contact the district representative at 830-931-3358 for additional boundary information.

NOTE 7: The Medina County Emergency Services District No. 6 is located in the central portion of Medina County, which has a county sales and use tax. The district excludes, for sales tax purposes, any area in the city of Hondo. The unincorporated areas of Medina County in ZIP Codes 78003, 78016, 78056, 78057, 78850, 78861, 78883 and 78886 are partially located within the Medina County Emergency Services District No. 6. Contact the district representative at 830-931-3358 for additional boundary information.

NOTE 8: The Palo Pinto County Emergency Services District No. 2 is located in the southeastern portion of Palo Pinto County, which has a county sales and use tax. The unincorporated area of Palo Pinto County in ZIP Codes 76066, 76067, 76453, 76462, 76472 and 76484 are partially located within the Palo Pinto County Emergency Services District No. 2. Contact the district representative at 903-826-3478 for additional boundary information.

NOTE 9: The Burnet County Emergency Services District No. 9 is located in the southeastern portion of Burnet County. The unincorporated areas of Burnet County in ZIP Code 78669 are partially located within the Burnet County Emergency Services District No. 9. Contact the district representative at 512-565-8388 for additional boundary information.

NOTE 10: The Generation Park Management District is located in the northeastern portion of Harris County. The district does not include any area within the city of Houston, the Houston MTA or the boundaries of the Harris County Emergency Services Districts 2 and 60. ZIP Code 77044 is partially located in the Generation Park Management District. Contact the district representative at 713-623-4531 for additional boundary information.

NOTE 11: The Hardin County Emergency Services District No. 6 is located in the northeast portion of Hardin County. The district excludes, for sales tax purposes, any area within the city of Silsbee. The unincorporated areas of Hardin County in ZIP Code 77656 are partially located within the Hardin County Emergency Services District No. 6. Contact the district representative at 409-656-7948 for additional boundary information.

TRD-201601117  
Don Neal  
Chief Deputy General Counsel  
Comptroller of Public Accounts  
Filed: March 7, 2016



#### Notice of Contract Award

Pursuant to Chapters 403, 2155 and 2156 of the Texas Government Code, the Texas Comptroller of Public Accounts ("Comptroller") announces the award of the following contract as a result of Request for Proposals for Management and Regulatory Services for the Texas Conservation Plan for the Dunes Sagebrush Lizard ("RFP 218d"):

BIO-WEST, Inc., 1812 Central Commerce Court, Round Rock, Texas 78664. The total maximum amount of the contract is \$786,456.00. The term of the contract is March 2, 2016 through August 31, 2017, with two (2) optional one year renewal periods.

The notice of issuance was published in the February 12, 2016, issue of *Texas Register* (41 TexReg 1144).

TRD-201601122  
Laurie Velasco  
Assistant General Counsel, Contracts  
Comptroller of Public Accounts  
Filed: March 7, 2016



#### Notice of Request for Proposals

Pursuant to Chapter 2254, Subchapter B, Texas Government Code, and Chapter 54, Subchapters F, G and H, Texas Education Code, the Texas Comptroller of Public Accounts ("Comptroller") on behalf of the Texas Prepaid Higher Education Tuition Board ("Board") announces its Request for Proposals No. 216a ("RFP") for the purpose of obtaining investment consulting services for the Board. The selected consultant ("Consultant") will advise and assist the Board and Comptroller in administering all of the Board's investment activities related to the Texas Tomorrow Funds ("Funds") and the Texas Achieving a Better Life ("ABLE") Program. The Funds include the Texas Tomorrow Fund (Prepaid Program), the Texas College Savings Plan and Lonestar 529 Plan, the Texas Tuition Promise Fund, and the Texas Save and Match Program. Comptroller, as Chair and Executive Director of the Board, is issuing this RFP on behalf of the Board so that the Board may move forward with retaining the necessary investment consultant. Comptroller and the Board reserve the right to award more than one contract under the RFP. If approved by the Board, the Consultant will be expected to begin performance of the contract on or about August 1, 2016, or as soon thereafter as practical.

Contact: Parties interested in submitting a proposal should contact Jason C. Frizzell, Assistant General Counsel, Contracts, Comptroller of Public Accounts, in the Issuing Office at: 111 E. 17th St., Room 201, Austin, Texas 78774, (512) 305-8673. The RFP will be available electronically on the *Electronic State Business Daily* ("ESBD") at: <http://esbd.cpa.state.tx.us> after 10:00 a.m. Central Time ("CT") on Friday, March 18, 2016.

Questions: All questions regarding the RFP must be received in the Issuing Office no later than 2:00 p.m. CT on Monday, March 28, 2016. Prospective proposers are encouraged to fax or e-mail Questions to (512) 463-3669 or [contracts@cpa.texas.gov](mailto:contracts@cpa.texas.gov) to ensure timely receipt. On or about Friday, April 1, 2016, the Comptroller expects to post re-

sponses to questions on the ESBD. *Questions received after the deadline will not be considered. Respondents shall be solely responsible for verifying timely receipt of Questions in the Issuing Office.*

Closing Date: Proposals must be delivered in the Issuing Office to the attention of the Assistant General Counsel no later than 2:00 p.m. CT, on Friday, April 15, 2016. *Late Proposals will not be considered under any circumstances. Respondents shall be solely responsible for ensuring timely receipt of Proposals in the Issuing Office.*

Evaluation criteria: Proposals will be evaluated under the evaluation criteria outlined in the RFP. Comptroller and the Board each reserve the right to accept or reject any or all proposals submitted. Comptroller and the Board are not obligated to execute a contract on the basis of this notice or the distribution of any RFP. Comptroller and the Board shall not pay for any costs incurred by any entity in responding to this Notice or to the RFP.

The anticipated schedule of events pertaining to this solicitation is as follows: Issuance of RFP - March 18, 2016, after 10:00 a.m. CT; Questions Due - March 28, 2016, 2:00 p.m. CT; Official Responses to Questions posted - April 1, 2016; Proposals Due - April 15, 2016, 2:00 p.m. CT; Contract Execution - August 1, 2016, or as soon thereafter as practical; Commencement of Work - September 1, 2016. Comptroller reserves the right, in its sole discretion, to change the dates listed for the anticipated schedule of events. Any amendment to this solicitation will be posted on the ESBD as a RFP Addendum. It is the responsibility of interested parties to periodically check the ESBD for updates to the RFP prior to submitting a proposal.

TRD-201601182  
Jason C. Frizzell  
Assistant General Counsel, Contracts  
Comptroller of Public Accounts  
Filed: March 9, 2016



## Office of Consumer Credit Commissioner

### Notice of Rate Ceilings

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

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 03/14/16 - 03/20/16 is 18% for Consumer<sup>1</sup>/Agricultural/Commercial<sup>2</sup> credit through \$250,000.

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 03/14/16 - 03/20/16 is 18% for Commercial over \$250,000.

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

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

TRD-201601162  
Leslie L. Pettijohn  
Commissioner  
Office of Consumer Credit Commissioner  
Filed: March 8, 2016



## Court of Criminal Appeals

In the Court of Criminal Appeals of Texas

Misc. Docket No. 15-006

**ORDER ADOPTING AMENDMENTS TO TEXAS RULES OF APPELLATE PROCEDURE 73.4 and 79.2 and TEXAS RULE OF EVIDENCE 615**

**ORDERED** that:

1. Pursuant to section 22.108 of the Texas Government Code, the Court of Criminal Appeals amends Rules of Appellate Procedure 73.4 and 79.2 and Texas Rule of Evidence 615, effective January 1, 2016.

2. These rules may be changed in response to public comments received before January 31, 2016. Any interested party may submit written comments directed to Abel Acosta, Clerk of the Court, at [abel.acosta@txcourts.gov](mailto:abel.acosta@txcourts.gov).

3. The Clerk is directed to:

- a. file a copy of this order with the Secretary of State;
- b. cause a copy of this order to be mailed to each registered member of the State Bar of Texas by publication in the *Texas Bar Journal*;
- c. send a copy of this order to each elected member of the Legislature; and
- d. submit a copy of the order for publication in the *Texas Register*.

Dated: December 7, 2015.

\_\_\_\_\_  
Sharon Keller, Presiding Judge

\_\_\_\_\_  
Lawrence E. Meyers, Judge

\_\_\_\_\_  
Cheryl Johnson, Judge

\_\_\_\_\_  
Michael Keasler, Judge

\_\_\_\_\_  
Barbara Hervey, Judge

\_\_\_\_\_  
Elsa Alcalá, Judge

\_\_\_\_\_  
Bert Richardson, Judge

\_\_\_\_\_  
Kevin P. Yeary, Judge

\_\_\_\_\_  
David Newell, Judge

**Texas Rules of Appellate Procedure**

**73.4. Filing and Transmission of Habeas Record**

\* \* \*

(b) In addition to the duties set out in Article 11.07, the clerk shall do the following:

(1) If the convicting court enters an order designating issues, the clerk shall immediately transmit to the Court of Criminal Appeals a copy of that order and proof of the date the district attorney received the habeas application.

(2) When any pleadings, objections, motions, affidavits, exhibits, proposed or entered findings of fact and conclusions of law, or other orders

are filed or made a part of the record, the district clerk shall immediately send a copy to all parties in the case. A party has ten days from the date he receives the trial court's findings of facts and conclusions of law to file objections, but the trial court may, nevertheless, order the district clerk to transmit the record to the Court of Criminal Appeals before the expiration of the ten days.

\* \* \*

(5) On the 181st day from the date of receipt of the application by the State of a postconviction application for writ of habeas corpus under Article 11.07, the district clerk shall forward the writ record to this Court unless the district court has received an extension of time from the Court of Criminal Appeals pursuant to Rule 73.5.

**79.2. Contents**

(a) The motion must briefly and distinctly state the grounds and arguments relied on for rehearing.

(b) A motion for rehearing an order that grants discretionary review may not be filed.

(c) A motion for rehearing an order that refuses a petition for discretionary review may be grounded only on substantial intervening circumstances or on other significant circumstances which are specified in the motion. Counsel must certify that the motion is so grounded and that the motion is made in good faith and not for delay.

(d) A motion for rehearing an order that denies habeas corpus relief or dismisses a habeas corpus application under Code of Criminal Procedure, articles 11.07 or 11.071, may not be filed. The Court may on its own initiative reconsider the case.

**Texas Rules of Evidence**

**Rule 615. Producing a Witness's Statement in Criminal Cases**

**(a) Motion to Produce.** After a witness other than the defendant testifies on direct examination, the court, on motion of a party who did not call the witness, must order an attorney for the state or the defendant and the defendant's attorney to produce, for the examination and use of the moving party, any statement of the witness that:

- (1) is in their possession;
- (2) relates to the subject matter of the witness's testimony; and
- (3) has not previously been produced.

**(b) Producing the Entire Statement.** If the entire statement relates to the subject matter of the witness's testimony, the court must order that the statement be delivered to the moving party.

**(c) Producing a Redacted Statement.** If the party who called the witness claims that the statement contains information that does not relate to the subject matter of the witness's testimony, the court must inspect the statement in camera. After excising any unrelated portions, the court must order delivery of the redacted statement to the moving party. If a party objects to an excision, the court must preserve the entire statement with the excised portion indicated, under seal, as part of the record.

**(d) Recess to Examine a Statement.** If the court orders production of a witness's statement, the court, on request, must recess the proceedings to allow the moving party time to examine the statement and prepare for its use.

**(e) Sanction for Failure to Produce or Deliver a Statement.** If the party who called the witness disobeys an order to produce or deliver a statement, the court must strike the witness's testimony from the record. If an attorney for the state disobeys the order, the court must declare a mistrial if justice so requires.

**(f) "Statement" Defined.** As used in this rule, a witness's "statement" means:

**(1)** a written statement that the witness makes and signs, or otherwise adopts or approves;

**(2)** a substantially verbatim, contemporaneously recorded recital of the witness's oral statement that is contained in any recording or any transcription of a recording; or

**(3)** the witness's statement to a grand jury, however taken or recorded, or a transcription of such a statement.

**Comment to 2015 Amendment:** The Michael Morton Act, codified at Texas Code of Criminal Procedure art. 39.14, affords defendants substantial pre-trial discovery, requiring the state, upon request from the defendant, to produce and permit the defendant to inspect and copy various items, including witness statements. In many instances, therefore, art. 39.14 eliminates the need, after the witness testifies on direct examination, for a defendant to request, and the court to order, production of a witness's statement.

But art. 39.14 does not entirely eliminate the need for in-trial discovery of witness statements. Art. 39.14 does not extend equivalent discovery rights to the prosecution, and so prosecutors will still need to use Rule 615 to obtain witness statements of defense witnesses. Moreover, some defendants may fail to exercise their discovery rights under art. 39.14 and so may wish to obtain a witness statement under Rule 615. In addition, the Michael Morton Act applies only to the prosecution of offenses committed after December 31, 2013. Defendants on trial for offenses committed before then have no right to pre-trial discovery of the witness statements of prosecution witnesses.

Consequently, Rule 615(a) has been amended to account for the changed pre-trial discovery regime introduced by the Michael Morton Act. If a party's adversary has already produced a witness's statement--whether through formal discovery under art. 39.14 or through more informal means--Rule 615(a) no longer gives a party the right to obtain, after the witness testifies on direct examination, a court order for production of the witness's statement. But if a party's adversary has not already produced a witness's statement, the party may still use Rule 615(a) to request and obtain a court order requiring production of the witness's statement after the witness finishes testifying on direct examination.

TRD-201601100

Abel Acosta

Clerk

Court of Criminal Appeals

Filed: March 4, 2016

## Texas Education Agency

Notice of Correction: Request for Prekindergarten Progress Monitoring Instruments Submissions

Filing Date. March 9, 2016

Filing Authority. Texas Education Code, §29.169(c)

The Texas Education Agency (TEA) published Request for Prekindergarten Progress Monitoring Instruments Submissions in the February 5, 2016, issue of the *Texas Register* (41 TexReg 999).

The TEA is amending the deadline for receipt of submissions. The new deadline is March 25, 2016.

TRD-201601185

Cristina De La Fuente-Valadez

Director, Rulemaking

Texas Education Agency

Filed: March 9, 2016

## Texas Commission on Environmental Quality

### Agreed Orders

The Texas Commission on Environmental Quality (TCEQ, agency, or commission) staff is providing an opportunity for written public comment on the listed Agreed Orders (AOs) in accordance with Texas Water Code (TWC), §7.075. TWC, §7.075 requires that before the commission may approve the AOs, the commission shall allow the public an opportunity to submit written comments on the proposed AOs. TWC, §7.075 requires that notice of the proposed orders and the opportunity to comment must be published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is April 18, 2016. 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 April 18, 2016. Written comments may also be sent by facsimile machine to the enforcement coordinator at (512) 239-2550. The commission 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: American Truck Source, LLC.; DOCKET NUMBER: 2015-1653-AIR-E; IDENTIFIER: RN108734856; LOCATION: Liberty Hill, Williamson County; TYPE OF FACILITY: commercial motor vehicle sales facility; RULES VIOLATED: 30 TAC §114.20(c)(1) and Texas Health and Safety Code (THSC), §382.085(b), by failing to ensure a motor vehicle is equipped with either the emissions control systems or devices that were originally a part of the motor vehicle or motor vehicle engine, or an alternate emissions control system or device, prior to selling the motor vehicle; and 30 TAC §114.20(c)(3) and THSC, §382.085(b), by failing to have a notice of the prohibitions and requirements of 30 TAC §114.20 displayed at a commercial motor vehicle sales facility in a conspicuous and prominent location; PENALTY: \$2,216; ENFORCEMENT COORDINATOR: Jessica Schildwachter, (512) 239-2617; REGIONAL OFFICE: 12100 Park 35 Circle, Building A, Austin, Texas 78711-3087, (512) 339-2929.

(2) COMPANY: Billy Causey; DOCKET NUMBER: 2015-1403-PST-E; IDENTIFIER: RN108153131; LOCATION: Greenville, Hunt County; TYPE OF FACILITY: property with inactive underground storage tanks (USTs); RULES VIOLATED: 30 TAC §334.7(a)(1), by failing to register with the commission, on authorized agency forms, USTs in existence on or after September 1, 1987; and 30 TAC

§334.47(a)(2), by failing to permanently remove from service, no later than 60 days after the prescribed upgrade implementation date, a UST system for which any applicable component of the system is not brought into timely compliance with the upgrade requirements; PENALTY: \$9,187; ENFORCEMENT COORDINATOR: Tiffany Maurer, (512) 239-2696; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(3) COMPANY: BNSF Railway Company; DOCKET NUMBER: 2016-0051-AIR-E; IDENTIFIER: RN102806668; LOCATION: Temple, Bell County; TYPE OF FACILITY: rail line; RULES VIOLATED: 30 TAC §114.312(a) and Texas Health and Safety Code, §382.085(b), by failing to store, transfer, dispense, and hold diesel fuel in any stationary tank, reservoir, or other container that may ultimately be used to power a diesel fueled compression-ignition internal combustion engine in the affected counties that did not meet the Low Emissions Diesel fuel standards; PENALTY: \$3,250; ENFORCEMENT COORDINATOR: Rajesh Acharya, (512) 239-0577; REGIONAL OFFICE: 6801 Sanger Avenue, Suite 2500, Waco, Texas 76710-7826, (254) 751-0335.

(4) COMPANY: CAL FARLEY'S BOYS RANCH; DOCKET NUMBER: 2015-1339-MWD-E; IDENTIFIER: RN101720548; LOCATION: Channing, Oldham County; TYPE OF FACILITY: wastewater treatment plant; RULES VIOLATED: 30 TAC §305.125(1) and TCEQ Permit Number WQ0014750001, Monitoring and Reporting Requirements Number 5, by failing to ensure that all flow measuring or recording devices are calibrated by a trained person at plant start-up and as often thereafter as necessary to ensure accuracy, but not less often than annually; and 30 TAC §305.125(1), TWC, §26.121(a)(1), TCEQ Permit Number WQ0014750001, Effluent Limitations and Monitoring Requirements A, by failing to comply with permitted effluent limits; PENALTY: \$2,438; ENFORCEMENT COORDINATOR: Had Darling, (512) 239-2520; REGIONAL OFFICE: 3918 Canyon Drive, Amarillo, Texas 79109-4933, (806) 353-9251.

(5) COMPANY: City of Crystal City; DOCKET NUMBER: 2015-1498-MSW-E; IDENTIFIER: RN102327863; LOCATION: Crystal City, Zavala County; TYPE OF FACILITY: landfill; RULES VIOLATED: 30 TAC §330.131 and Municipal Solid Waste (MSW) Permit Number 1308B, Site Operating Plan (SOP) Section 4.3.1, by failing to control public access by means of artificial barriers, natural barriers or a combination of both; 30 TAC §330.139 and MSW Permit Number 1308B, SOP Section 4.3.5, by failing to maintain and operate the working face of the landfill to control windblown waste; 30 TAC §330.133(c) and MSW Permit Number 1308B, SOP Sections 4.3.21 and 4.3.22, by failing to prevent the unloading and acceptance of prohibited waste; 30 TAC §330.127(5)(A) and (C) and MSW Permit Number 1308B, SOP Sections 4.5.1 and 4.5.5, by failing to conduct random inspections of incoming loads including inspection of compactor vehicles to detect prohibited waste and train facility personnel to recognize prohibited waste; 30 TAC §330.143(a), (b)(2), (3), and (8) and MSW Permit Number 1308B, SOP Section Number 4.3.7, by failing to maintain the visibility of all required landfill markers and the benchmark, place facility boundary markers at each corner of the facility and along each boundary line at intervals no greater than 300 feet, and to have a permanent benchmark in an area of the facility that is set in concrete; 30 TAC §330.165(f) and (g) and §330.463(a)(1) and MSW Permit Number 1308B, Closure Plan, Section 1, Post-Closure Care Plan, Section 5, SOP Section 4.3.18, by failing to maintain the landfill final cover in accordance with the site closure plan and repair erosion gullies and wash-out areas within five days of detection; 30 TAC §330.165(h) and MSW Permit Number 1308B, SOP Section 4.3.18, by failing to keep a landfill cover application record on site readily available for inspection which specifies the date cover was accomplished, how it was accomplished, and the last area covered; 30

TAC §330.127(5)(B) and MSW Permit Number 1308B, SOP Section 4.5.3, by failing to keep records of each inspection conducted to detect prohibited waste; 30 TAC §328.59(a) and §328.60(a), by failing to obtain a scrap tire storage site registration for the facility prior to storing more than 500 used or scrap tires on the ground or 2,000 used or scrap tires in trailers, or in enclosed or lockable containers; and 30 TAC §330.673, Texas Health and Safety Code, §361.013(a), and TWC, §5.702, by failing to pay outstanding MSW landfilling fees for TCEQ Financial Account Number 0708404 and associated late fees for fiscal year 2015; PENALTY: \$20,675; Supplemental Environmental Project offset amount of \$16,540; ENFORCEMENT COORDINATOR: Thomas Greimel, (512) 239-5690; REGIONAL OFFICE: 707 East Calton Road, Suite 304, Laredo, Texas 78041-3887, (956) 791-6611.

(6) COMPANY: City of Dell City; DOCKET NUMBER: 2015-0956-MWD-E; IDENTIFIER: RN102844032; LOCATION: Dell City, Hudspeth County; TYPE OF FACILITY: wastewater treatment facility; RULES VIOLATED: 30 TAC §305.125(1) and (5) and TCEQ Permit Number WQ0014256001, Operational Requirements Number 1, by failing to ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained; PENALTY: \$1,562; Supplemental Environmental Project offset amount of \$1,250; ENFORCEMENT COORDINATOR: Christopher Bost, (512) 239-4575; REGIONAL OFFICE: 401 East Franklin Avenue, Suite 560, El Paso, Texas 79901-1206, (915) 834-4949.

(7) COMPANY: City of Port Arthur; DOCKET NUMBER: 2014-1787-PWS-E; IDENTIFIER: RN101391043; LOCATION: Port Arthur, Jefferson County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.46(q)(1) and (2), by failing to issue a boil water notification to customers of the facility within 24 hours of inadequate chlorine residuals in the distribution system being recorded using the prescribed notification format as specified in 30 TAC §290.47(e); 30 TAC §290.46(n)(2), by failing to provide an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies; 30 TAC §290.44(c), by failing to ensure all water lines within the distribution system are a minimum diameter of two inches; and 30 TAC §290.46(d)(2)(B) and §290.110(b)(4) and Texas Health and Safety Code, §341.0315(c), by failing to maintain a disinfectant residual of at least 0.5 milligrams per liter of total chlorine throughout the distribution system at all times; PENALTY: \$533; ENFORCEMENT COORDINATOR: Katy Montgomery, (210) 403-4016; REGIONAL OFFICE: 3870 Eastex Freeway, Beaumont, Texas 77703-1892, (409) 898-3838.

(8) COMPANY: City of Rising Star; DOCKET NUMBER: 2015-1851-PWS-E; IDENTIFIER: RN101205573; LOCATION: Rising Star, Eastland County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.109(f)(3) and §290.122(b)(2)(A) and (f) and Texas Health and Safety Code, §341.0315(c), by failing to comply with the maximum contaminant level (MCL) for microbial contaminants during the month of August 2015 and failing to provide public notification and submit a copy of the notification to the executive director (ED) regarding the failure to comply with the MCL for microbial contaminants during the month of August 2015; 30 TAC §290.110(e)(4)(A) and (f)(3) and §290.122(c)(2)(A) and (f), by failing to submit a Disinfectant Level Quarterly Operating Report (DLQOR) to the executive director each quarter by the tenth day of the month following the end of the quarter for the first and second quarters of 2015 and failed to provide public notification and submit a copy of the notification to the ED regarding the failure to submit a DLQOR for the first quarter of 2015; 30 TAC §290.117(c)(2)(B) and (i)(1), by failing to collect annual lead and copper tap samples at the required five sample sites, have the samples analyzed at an approved laboratory and submit the results to the ED for the 2014 and 2015 monitoring periods; and 30 TAC §290.117(i)(6) and (j), by failing

to mail consumer notification of lead tap water monitoring results to persons served at the locations that were sampled and failing to submit to the TCEQ a copy of the consumer notification and certification that the consumer notification has been distributed to the persons served at the locations in a manner consistent with TCEQ requirements for the January 1, 2013 - December 31, 2013 monitoring period; PENALTY: \$810; ENFORCEMENT COORDINATOR: Jim Fisher, (512) 239-2537; REGIONAL OFFICE: 1977 Industrial Boulevard, Abilene, Texas 79602-7833, (325) 698-9674.

(9) COMPANY: City of Royse City; DOCKET NUMBER: 2015-1463-PWS-E; IDENTIFIER: RN101391696; LOCATION: Royse City, Rockwall County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.46(d)(2)(B) and §290.110(b)(4) and Texas Health and Safety Code, §341.0315(c), by failing to maintain a minimum disinfectant residual of 0.5 milligrams per liter total chlorine throughout the distribution system at all times; PENALTY: \$300; ENFORCEMENT COORDINATOR: Jim Fisher, (512) 239-2537; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(10) COMPANY: City of San Marcos; DOCKET NUMBER: 2015-1605-MWD-E; IDENTIFIER: RN100838648; LOCATION: San Marcos, Hays County; TYPE OF FACILITY: wastewater treatment facility; RULES VIOLATED: TWC, §26.121(a)(1), and 30 TAC §305.125(1), and Texas Pollutant Discharge Elimination System Permit Number WQ0010273002, Effluent Limitations and Monitoring Requirements Number 1, by failing to comply with permitted effluent limits; PENALTY: \$9,000; Supplemental Environmental Project offset amount of \$7,200; ENFORCEMENT COORDINATOR: Ronica Rodriguez, (512) 239-2601; REGIONAL OFFICE: 12100 Park 35 Circle, Building A, Austin, Texas 78711-3087, (512) 339-2929.

(11) COMPANY: CSFM INCORPORATED dba Chestnut Star Food Mart; DOCKET NUMBER: 2015-1697-PST-E; IDENTIFIER: RN101492999; LOCATION: Bastrop, Bastrop County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULES VIOLATED: 30 TAC §334.50(b)(1)(A) and (2) and TWC, §26.3475(a) and (c)(1), by failing to monitor the underground storage tanks (USTs) for releases at a frequency of at least once every month and failing to provide release detection for the pressurized piping associated with the UST system; PENALTY: \$3,505; ENFORCEMENT COORDINATOR: James Baldwin, (512) 239-1337; REGIONAL OFFICE: 12100 Park 35 Circle, Building A, Austin, Texas 78711-3087, (512) 339-2929.

(12) COMPANY: David Hover and DAK Property Management, Incorporated; DOCKET NUMBER: 2015-1683-PWS-E; IDENTIFIER: RN106300932; LOCATION: Elmendorf, Wilson County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.46(f)(2) and (3)(B)(iii), by failing to maintain water works operation and maintenance records and make them readily available for review by the executive director upon request; 30 TAC §290.46(m)(1)(A), by failing to inspect the facility's ground storage tank annually; 30 TAC §290.46(m)(1)(B), by failing to inspect the facility's two pressure tanks annually; 30 TAC §290.46(e)(4)(A), by failing to operate the facility under the direct supervision of a licensed water works operator who holds a Class D or higher license; 30 TAC §290.43(e), by failing to ensure that the facility's potable water storage tank and pressure maintenance facilities are installed in a lockable building that is designed to prevent intruder access or enclosed by an intruder-resistant fence with lockable gates; 30 TAC §290.45(b)(1)(C)(i) and Texas Health and Safety Code (THSC), §341.0315(c), by failing to provide a well capacity of 0.6 gallons per minute (gpm) per connection; 30 TAC §290.45(b)(1)(C)(iv) and THSC, §341.0315(c), by failing to provide an elevated storage

capacity of 100 gallons per connection or a pressure tank capacity of 20 gallons per connection; 30 TAC §290.45(b)(1)(C)(iii) and THSC, §341.0315(c), by failing to provide two or more pumps having a total capacity of 2.0 gpm per connection at each pump station or pressure plane; and 30 TAC §290.45(b)(1)(C)(ii) and THSC, §341.0315(c), by failing to provide a total storage capacity of 200 gallons per connection; PENALTY: \$2,291; ENFORCEMENT COORDINATOR: Michaelle Garza, (210) 403-4076; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, (210) 490-3096.

(13) COMPANY: E. I. du Pont de Nemours and Company; DOCKET NUMBER: 2015-1753-AIR-E; IDENTIFIER: RN100542711; LOCATION: Orange, Orange County; TYPE OF FACILITY: petrochemical plant; RULES VIOLATED: 30 TAC §116.115(c) and §122.143(4), Texas Health and Safety Code, §382.085(b), Federal Operating Permit Number O2074, Special Terms and Conditions Number 13, and New Source Review Permit Number 914, Special Conditions Number 1, by failing to prevent unauthorized emissions; PENALTY: \$7,500; Supplemental Environmental Project offset amount of \$3,000; ENFORCEMENT COORDINATOR: Jessica Schildwachter, (512) 239-2617; REGIONAL OFFICE: 3870 Eastex Freeway, Beaumont, Texas 77703-1892, (409) 898-3838.

(14) COMPANY: German N. Vega dba G and C Convenience Store; DOCKET NUMBER: 2015-1789-PST-E; IDENTIFIER: RN101685238; LOCATION: Roma, Starr County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULES VIOLATED: 30 TAC §334.602(a), by failing to identify and designate for the underground storage tank (UST) facility at least one named individual for each class of operator - Class A, Class B, and Class C; and 30 TAC §334.50(b)(1)(A) and (2) and TWC, §26.3475(a) and (c)(1), by failing to monitor the USTs for releases at a frequency of at least once every month, and failing to provide release detection for the pressurized piping associated with the UST system; PENALTY: \$5,818; ENFORCEMENT COORDINATOR: James Baldwin, (512) 239-1337; REGIONAL OFFICE: 1804 West Jefferson Avenue, Harlingen, Texas 78550-5247, (956) 425-6010.

(15) COMPANY: INVISTA S.a r.l.; DOCKET NUMBER: 2015-1467-AIR-E; IDENTIFIER: RN104392626; LOCATION: Orange, Orange County; TYPE OF FACILITY: industrial/organic chemicals manufacturing plant; RULES VIOLATED: 30 TAC §§101.20(2), 113.620, 116.115(c), and 122.143(4), 40 Code of Federal Regulations (CFR) §63.1209(d)(2), Texas Health and Safety Code (THSC), §382.085(b), Federal Operating Permit (FOP) Number O1898, Special Terms and Conditions (STC) Numbers 1A and 20, and New Source Review Permit (NSR) Number 1387, Special Conditions (SC) Number 9, by failing to conduct Absolute Calibration Audits for the Continuous Emissions Monitoring Systems; 30 TAC §§101.20(2), 113.620, 116.115(c), and 122.143(4), 40 CFR §§63.10(e)(3) and 63.1211(a), THSC, §382.085(b), FOP Number O1898, STC Numbers 1A and 20, and NSR Permit Number 1387, SC Number 8B, by failing to submit a timely, accurate, and complete periodic report for the January 1, 2013 - June 30, 2013 reporting period; and 30 TAC §§122.143(4) and 122.145(2)(A), THSC §382.085(b), and FOP Number O1898, General Terms and Conditions, by failing to report all instances of deviations; PENALTY: \$25,438; Supplemental Environmental Project offset amount of \$10,175; ENFORCEMENT COORDINATOR: Eduardo Heras, (512) 239-2422; REGIONAL OFFICE: 3870 Eastex Freeway, Beaumont, Texas 77703-1892, (409) 898-3838.

(16) COMPANY: Johannes Koster and Deborah Michelle Koster dba Koster Dairy Farm; DOCKET NUMBER: 2016-0034-AGR-E; IDENTIFIER: RN101528081; LOCATION: Comanche, Comanche County; TYPE OF FACILITY: concentrated animal feeding operation; RULES

VIOLATED: 30 TAC §305.125(1) and Texas Pollutant Discharge Elimination System Permit Number WQ0003159000, Part VIII.B.4., Reporting and Notifications, by failing to orally notify the appropriate TCEQ regional office within one hour of the discovery of a discharge during a chronic or catastrophic rainfall event; PENALTY: \$1,130; ENFORCEMENT COORDINATOR: Larry Butler, (512) 239-2543; REGIONAL OFFICE: 580 D West Lingleville Road, Stephenville, Texas 76401 (254) 965-9200.

(17) COMPANY: Ray French Land Company, Limited; DOCKET NUMBER: 2016-0285-WQ-E; IDENTIFIER: RN108965203; LOCATION: Weatherford, Parker County; TYPE OF FACILITY: construction site; RULE VIOLATED: 30 TAC §281.25(a)(4), by failing to obtain a Construction General Permit; PENALTY: \$875; ENFORCEMENT COORDINATOR: Jill Russell, (512) 239-4564; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(18) COMPANY: Shell Chemical LP; DOCKET NUMBER: 2015-1636-AIR-E; IDENTIFIER: RN100211879; LOCATION: Deer Park, Harris County; TYPE OF FACILITY: petroleum chemical plant; RULES VIOLATED: 30 TAC §§101.20(3), 115.722(c)(1), 116.115(c), and 122.143(4), Texas Health and Safety Code, §382.085(b), Federal Operating Permit Number O1668, Special Terms and Conditions Number 22, and New Source Review Permit Numbers 3219 and PSDTX974, Special Conditions Number 1, by failing to prevent unauthorized emissions and exceeding the highly reactive volatile organic compound emission rate of 1,200 pounds per one-hour block period; PENALTY: \$50,000; Supplemental Environmental Project offset amount of \$25,000; ENFORCEMENT COORDINATOR: Rajesh Acharya, (512) 239-0577; REGIONAL OFFICE: 5425 Polk Avenue, Suite H, Houston, Texas 77023-1486, (713) 767-3500.

(19) COMPANY: Stripes LLC dba Stripes 1509; DOCKET NUMBER: 2015-1507-MLM-E; IDENTIFIER: RN102921574; LOCATION: San Marcos, Hays County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULES VIOLATED: 30 TAC §213.4(j)(5), by failing to obtain approval for a modification of a previously approved underground storage tank (UST) facility plan prior to beginning a regulated activity over the Edwards Aquifer Transition Zone; 30 TAC §213.5(d)(1), by failing to provide a functioning continuous monitoring leak detection system that is capable of immediately alerting of possible leakages; 30 TAC §334.49(a)(4) and (d)(1)(B) and TWC, §26.3475(d), by failing to ensure that any metal components of a UST system which is protected from corrosion by one of the electrical isolation methods remains electrically isolated by periodically inspecting and testing the metal component; 30 TAC §334.75(b), by failing to contain and immediately clean up a spill of any petroleum product from a UST system that is less than 25 gallons; and 30 TAC §334.72(3) and (4), by failing to report a suspected release to the TCEQ within 24 hours of the discovery; PENALTY: \$23,761; ENFORCEMENT COORDINATOR: Holly Kneisley, (817) 588-5856; REGIONAL OFFICE: 12100 Park 35 Circle, Building A, Austin, Texas 78711-3087, (512) 339-2929.

(20) COMPANY: THE CONSOLIDATED WATER SUPPLY CORPORATION; DOCKET NUMBER: 2015-1736-PWS-E; IDENTIFIER: RN101281632; LOCATION: Latexo, Houston County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.115(f)(1) and Texas Health and Safety Code (THSC), §341.0315(c), by failing to comply with the maximum contaminant level (MCL) of 0.060 milligrams per liter (mg/L) for haloacetic acids, based on the locational running annual average; and 30 TAC §290.115(f)(1) and §290.122(b)(2)(A) and (f) and THSC, §341.0315(c), by failing to comply with the MCL of 0.080 mg/L for total trihalomethanes, based on the locational running annual average; PENALTY: \$345; ENFORCEMENT COORDINATOR: Ryan Byer,

(512) 239-2571; REGIONAL OFFICE: 3870 Eastex Freeway, Beaumont, Texas 77703-1892, (409) 898-3838.

(21) COMPANY: THE CONSOLIDATED WATER SUPPLY CORPORATION; DOCKET NUMBER: 2016-0050-PWS-E; IDENTIFIER: RN101442416; LOCATION: Latexo, Houston 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: \$345; ENFORCEMENT COORDINATOR: Ryan Byer, (512) 239-2571; REGIONAL OFFICE: 3870 Eastex Freeway, Beaumont, Texas 77703-1892, (409) 898-3838.

(22) COMPANY: Town of Anthony; DOCKET NUMBER: 2015-1847-MWD-E; IDENTIFIER: RN102805603; LOCATION: Anthony, El Paso County; TYPE OF FACILITY: wastewater treatment facility; RULES VIOLATED: TWC, §26.121(a)(1) and 30 TAC §305.65 and §305.125(2), by failing to maintain authorization for the discharge of wastewater into or adjacent to any water in the state; PENALTY: \$6,250; ENFORCEMENT COORDINATOR: Steven Van Landingham, (512) 239-5717; REGIONAL OFFICE: 401 East Franklin Avenue, Suite 560, El Paso, Texas 79901-1206, (915) 834-4949.

(23) COMPANY: TRI-COUNTY POINT PROPERTY OWNERS ASSOCIATION; DOCKET NUMBER: 2015-0761-MWD-E; IDENTIFIER: RN103015053; LOCATION: near Palacios, Jackson County; TYPE OF FACILITY: wastewater treatment facility; RULES VIOLATED: 30 TAC §§305.42(a), 305.65 and 305.125(2), and TWC, §26.121(a)(1), by failing to maintain authorization for the discharge of wastewater into or adjacent to any water in the state; and TWC, §26.121(a)(1), by failing to prevent the unauthorized discharge of wastewater into or adjacent to any water in the state; PENALTY: \$8,562; ENFORCEMENT COORDINATOR: Jason Fraley, (512) 239-2552; REGIONAL OFFICE: 6300 Ocean Drive, Suite 1200, Corpus Christi, Texas 78412-5503, (361) 825-3100.

(24) COMPANY: Williamson Travis Counties Municipal Utility District 1; DOCKET NUMBER: 2015-1796-WQ-E; IDENTIFIER: RN105624159; LOCATION: Austin, Williamson and Travis Counties; TYPE OF FACILITY: small separate storm sewer system; RULES VIOLATED: 30 TAC §305.125(1) and Texas Pollutant Discharge Elimination System (TPDES) General Permit Number TXR040377, Part IV, Section B(2), by failing to submit a concise annual report to the executive director within 90 days of the end of a reporting year; and 30 TAC §305.125(1) and TPDES General Permit Number TXR040377, Part III, Section B(1), by failing to meet measurable goals identified in the Stormwater Management Program for Minimum Control Measures Number 1, Public Education, Outreach, and Involvement; PENALTY: \$3,375; ENFORCEMENT COORDINATOR: Austin Henck, (512) 239-6155; REGIONAL OFFICE: 12100 Park 35 Circle, Building A, Austin, Texas 78711-3087, (512) 339-2929.

TRD-201601159

Kathleen C. Decker

Director, Litigation Division

Texas Commission on Environmental Quality

Filed: March 8, 2016



#### Enforcement Orders

An agreed order was entered regarding Blattner Energy, Inc., Docket No. 2015-0242-MSW-E on March 1, 2016 assessing \$1,250 in administrative penalties with \$250 deferred.

Information concerning any aspect of this order may be obtained by contacting Margarita Dennis, Enforcement Coordinator at (817) 588-5892, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding OLD TYMER ENTERPRISES, INC., Docket No. 2015-0373-PST-E on March 1, 2016 assessing \$7,125 in administrative penalties with \$1,425 deferred.

Information concerning any aspect of this order may be obtained by contacting Catherine Grutsch, Enforcement Coordinator at (512) 239-2607, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding City of Normangee, Docket No. 2015-1060-PWS-E on March 1, 2016 assessing \$1,610 in administrative penalties with \$322 deferred.

Information concerning any aspect of this order may be obtained by contacting Epifanio Villareal, Enforcement Coordinator at (361) 825-3425, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding RAYWOOD WATER SUPPLY CORPORATION, Docket No. 2015-1109-PWS-E on March 1, 2016 assessing \$1,438 in administrative penalties with \$287 deferred.

Information concerning any aspect of this order may be obtained by contacting Michaelle Garza, Enforcement Coordinator at (210) 403-4076, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding SHORT TRIP, LLC dba Short Trip Food Mart, Docket No. 2015-1230-PST-E on March 1, 2016 assessing \$2,098 in administrative penalties with \$419 deferred.

Information concerning any aspect of this order may be obtained by contacting Steven Van Landingham, Enforcement Coordinator at (512) 239-5717, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Jack Gandesbery dba Good Samaritan Park, Docket No. 2015-1333-PWS-E on March 1, 2016 assessing \$400 in administrative penalties with \$80 deferred.

Information concerning any aspect of this order may be obtained by contacting Jim Fisher, Enforcement Coordinator at (512) 239-2537, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding NIGTON-WAKEFIELD WATER SUPPLY CORPORATION, Docket No. 2015-1338-PWS-E on March 1, 2016 assessing \$75 in administrative penalties with \$15 deferred.

Information concerning any aspect of this order may be obtained by contacting Jim Fisher, Enforcement Coordinator at (512) 239-2537, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding FAIRPLAY WATER SUPPLY CORPORATION, Docket No. 2015-1360-PWS-E on March 1, 2016 assessing \$345 in administrative penalties with \$69 deferred.

Information concerning any aspect of this order may be obtained by contacting Christopher Bost, Enforcement Coordinator at (512) 239-4575, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Fikes Wholesale, Inc. dba Food Fast 1020, Docket No. 2015-1373-PST-E on March 1, 2016 assessing \$3,375 in administrative penalties with \$675 deferred.

Information concerning any aspect of this order may be obtained by contacting James Baldwin, Enforcement Coordinator at (512) 239-1337, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Springlake-Earth Independent School District, Docket No. 2015-1414-PWS-E on March 1, 2016 assessing \$233 in administrative penalties with \$46 deferred.

Information concerning any aspect of this order may be obtained by contacting Jason Fraley, Enforcement Coordinator at (512) 239-2552, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding The Premcor Refining Group Inc., Docket No. 2015-1423-AIR-E on March 1, 2016 assessing \$7,500 in administrative penalties with \$1,500 deferred.

Information concerning any aspect of this order may be obtained by contacting Eduardo Heras, Enforcement Coordinator at (512) 239-2422, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding City of Newton, Docket No. 2015-1427-MLM-E on March 1, 2016 assessing \$1,864 in administrative penalties with \$372 deferred.

Information concerning any aspect of this order may be obtained by contacting Ryan Byer, Enforcement Coordinator at (512) 239-2571, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding SAM RAYBURN WATER, INC., Docket No. 2015-1504-PWS-E on March 1, 2016 assessing \$286 in administrative penalties with \$57 deferred.

Information concerning any aspect of this order may be obtained by contacting Austin Henck, Enforcement Coordinator at (512) 239-6155, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Solvay Specialty Polymers USA, L.L.C., Docket No. 2015-1541-AIR-E on March 1, 2016 assessing \$1,250 in administrative penalties with \$250 deferred.

Information concerning any aspect of this order may be obtained by contacting Carol McGrath, Enforcement Coordinator at (210) 403-4063, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Millen Oil Company, Inc., Docket No. 2015-1555-PST-E on March 1, 2016 assessing \$4,606 in administrative penalties with \$921 deferred.

Information concerning any aspect of this order may be obtained by contacting John Fennell, Enforcement Coordinator at (512) 239-2616, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding City of Tyler, Docket No. 2015-1614-PWS-E on March 1, 2016 assessing \$113 in administrative penalties with \$22 deferred.

Information concerning any aspect of this order may be obtained by contacting Yuliya Dunaway, Enforcement Coordinator at (210) 403-4077, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Thomas A. Money, Docket No. 2015-1652-LII-E on March 1, 2016 assessing \$675 in administrative penalties with \$135 deferred.

Information concerning any aspect of this order may be obtained by contacting Rajesh Acharya, Enforcement Coordinator at (512) 239-0577, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding MAHESH INVESTMENTS-LAKE FORK, L.L.C., Docket No. 2014-0792-MWD-E on March 3, 2016 assessing \$13,000 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Cheryl Thompson, Enforcement Coordinator at (817) 588-5886, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding LULING O&G LLC ("LOG") and Delton Bishop ("Bishop"), Docket No. 2014-1030-MLM-E on March 3, 2016 assessing \$22,500 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Tracy Chandler, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Burlington Resources Oil & Gas Company LP, Docket No. 2014-1101-AIR-E on March 3, 2016 assessing \$25,537 in administrative penalties with \$5,107 deferred.

Information concerning any aspect of this order may be obtained by contacting Rajesh Acharya, Enforcement Coordinator at (512) 239-0577, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding City of Seminole, Docket No. 2014-1313-PWS-E on March 3, 2016 assessing \$1,500 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Jim Fisher, Enforcement Coordinator at (512) 239-2537, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding BC Humble Enterprises, LLC, Docket No. 2014-1464-MWD-E on March 3, 2016 assessing \$17,916 in administrative penalties with \$3,583 deferred.

Information concerning any aspect of this order may be obtained by contacting Austin Henck, Enforcement Coordinator at (512) 239-6155, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Quarters, LLC, Docket No. 2014-1498-MWD-E on March 3, 2016 assessing \$34,675 in administrative penalties with \$6,935 deferred.

Information concerning any aspect of this order may be obtained by contacting Jill Russell, Enforcement Coordinator at (512) 239-4564, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Brad Callaghan dba Callaghan Enterprises, Docket No. 2014-1705-IHW-E on March 3, 2016 assessing \$27,500 in administrative penalties with \$5,500 deferred.

Information concerning any aspect of this order may be obtained by contacting Thomas Greimel, Enforcement Coordinator at (512) 239-5690, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Harris County Municipal Utility District No. 150, Docket No. 2015-0172-MWD-E on March 3, 2016 assessing \$12,375 in administrative penalties with \$2,475 deferred.

Information concerning any aspect of this order may be obtained by contacting Christopher Bost, Enforcement Coordinator at (512) 239-4575, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding 3400 LLC dba Millenium Mart 3400, Docket No. 2015-0238-PST-E on March 3, 2016 assessing \$13,629 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Amanda Patel, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Gulf Coast Waste Disposal Authority, Docket No. 2015-0509-AIR-E on March 3, 2016 assessing \$15,310 in administrative penalties with \$3,062 deferred.

Information concerning any aspect of this order may be obtained by contacting David Carney, Enforcement Coordinator at (512) 239-2583, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding The Premcor Refining Group Inc., Docket No. 2015-0594-AIR-E on March 3, 2016 assessing \$46,876 in administrative penalties with \$9,375 deferred.

Information concerning any aspect of this order may be obtained by contacting David Carney, Enforcement Coordinator at (512) 239-2583, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding City of Socorro, Docket No. 2015-0746-WQ-E on March 3, 2016 assessing \$14,250 in administrative penalties with \$2,850 deferred.

Information concerning any aspect of this order may be obtained by contacting Austin Henck, Enforcement Coordinator at (512) 239-6155, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Shell Oil Company, Docket No. 2015-0748-AIR-E on March 3, 2016 assessing \$25,000 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Farhaudd Abbaszadeh, Enforcement Coordinator at (512) 239-0779, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Vopak Terminal Deer Park Inc., Docket No. 2015-0815-AIR-E on March 3, 2016 assessing \$27,000 in administrative penalties with \$5,400 deferred.

Information concerning any aspect of this order may be obtained by contacting Raime Hayes-Falero, Enforcement Coordinator at (713) 767-3567, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Exxon Mobil Corporation, Docket No. 2015-0828-AIR-E on March 3, 2016 assessing \$7,975 in administrative penalties with \$1,595 deferred.

Information concerning any aspect of this order may be obtained by contacting Eduardo Heras, Enforcement Coordinator at (512) 239-2422, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Town of Hickory Creek, Docket No. 2015-0889-WQ-E on March 3, 2016 assessing \$7,700 in administrative penalties with \$1,540 deferred.

Information concerning any aspect of this order may be obtained by contacting Jill Russell, Enforcement Coordinator at (512) 239-4564, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Shell Chemical LP, Docket No. 2015-0905-AIR-E on March 3, 2016 assessing \$59,067 in administrative penalties with \$11,813 deferred.

Information concerning any aspect of this order may be obtained by contacting Jessica Schildwachter, Enforcement Coordinator at (512) 239-2617, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding RCF Investments, Inc. dba The Brock Junction, Docket No. 2015-0978-PST-E on March 3, 2016 assessing \$13,629 in administrative penalties with \$2,725 deferred.

Information concerning any aspect of this order may be obtained by contacting Margarita Dennis, Enforcement Coordinator at (817) 588-5892, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Western Refining Retail, LLC dba Howdy's 304, Docket No. 2015-0991-PST-E on March 3, 2016 assessing \$11,905 in administrative penalties with \$2,381 deferred.

Information concerning any aspect of this order may be obtained by contacting John Fennell, Enforcement Coordinator at (512) 239-2616, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding City of Gladewater, Docket No. 2015-0992-MWD-E on March 3, 2016 assessing \$28,575 in administrative penalties with \$5,715 deferred.

Information concerning any aspect of this order may be obtained by contacting Austin Henck, Enforcement Coordinator at (512) 239-6155, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Sunoco Pipeline L.P., Docket No. 2015-1002-AIR-E on March 3, 2016 assessing \$9,225 in administrative penalties with \$1,845 deferred.

Information concerning any aspect of this order may be obtained by contacting David Carney, Enforcement Coordinator at (512) 239-2583, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Regency Field Services LLC, Docket No. 2015-1014-AIR-E on March 3, 2016 assessing \$9,890 in administrative penalties with \$1,978 deferred.

Information concerning any aspect of this order may be obtained by contacting Raime Hayes-Falero, Enforcement Coordinator at (713) 767-3567, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A default order was entered regarding Eli Rodriguez dba Rodriguez Tire Shop, Docket No. 2015-1022-MSW-E on March 3, 2016 assessing \$1,312 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Audrey Liter, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding William Donald Smith, Docket No. 2015-1061-MWD-E on March 3, 2016 assessing \$9,375 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Alejandro Laje, Enforcement Coordinator at (512) 239-2547, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding City of Bastrop, Docket No. 2015-1064-PWS-E on March 3, 2016 assessing \$345 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Ryan Byer, Enforcement Coordinator at (512) 239-2571, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding SAYKOT ENTERPRISES INC. dba South Hills Fina, Docket No. 2015-1071-PST-E on March 3, 2016 assessing \$12,355 in administrative penalties with \$2,471 deferred.

Information concerning any aspect of this order may be obtained by contacting Danielle Porras, Enforcement Coordinator at (713) 767-3682, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding City of Bay City, Docket No. 2015-1073-MWD-E on March 3, 2016 assessing \$5,625 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Cheryl Thompson, Enforcement Coordinator at (817) 588-5886, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding FL Rich Gas Services, LP, Docket No. 2015-1075-AIR-E on March 3, 2016 assessing \$28,501 in administrative penalties with \$5,700 deferred.

Information concerning any aspect of this order may be obtained by contacting Carol McGrath, Enforcement Coordinator at (210) 403-4063, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Adrian Lizalde, Docket No. 2015-1077-WQ-E on March 3, 2016 assessing \$8,751 in administrative penalties with \$1,750 deferred.

Information concerning any aspect of this order may be obtained by contacting Farhaud Abbaszadeh, Enforcement Coordinator at (512) 239-0779, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding WTR Real Estate Holdings, L.C. dba Heartland House, Docket No. 2015-1082-PWS-E on March 3, 2016 assessing \$585 in administrative penalties with \$585 deferred.

Information concerning any aspect of this order may be obtained by contacting Michaelle Garza, Enforcement Coordinator at (210) 403-4076, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding BASF TOTAL Petrochemicals LLC, Docket No. 2015-1086-AIR-E on March 3, 2016 assessing \$32,813 in administrative penalties with \$6,562 deferred.

Information concerning any aspect of this order may be obtained by contacting Kingsley Coppinger, Enforcement Coordinator at (512) 239-6581, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Union Oil Company of California, Docket No. 2015-1087-AIR-E on March 3, 2016 assessing \$11,025 in administrative penalties with \$2,205 deferred.

Information concerning any aspect of this order may be obtained by contacting Raime Hayes-Falero, Enforcement Coordinator at (713) 767-3567, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding TX LFG Energy, LP, Docket No. 2015-1127-AIR-E on March 3, 2016 assessing \$24,938 in administrative penalties with \$4,987 deferred.

Information concerning any aspect of this order may be obtained by contacting Rajesh Acharya, Enforcement Coordinator at (512) 239-0577, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Angeesth, LLC dba Union Bower Chevron, Docket No. 2015-1196-PST-E on March 3, 2016 assessing \$9,129 in administrative penalties with \$1,825 deferred.

Information concerning any aspect of this order may be obtained by contacting John Fennell, Enforcement Coordinator at (512) 239-2616, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding SEEMA ENTERPRISES INC. dba N P Food Mart, Docket No. 2015-1212-PST-E on March 3, 2016 assessing \$9,000 in administrative penalties with \$1,800 deferred.

Information concerning any aspect of this order may be obtained by contacting John Fennell, Enforcement Coordinator at (512) 239-2616, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding J. F. PRESLEY OIL COMPANY, Docket No. 2015-1258-PST-E on March 3, 2016 assessing \$15,860 in administrative penalties with \$3,172 deferred.

Information concerning any aspect of this order may be obtained by contacting Tiffany Maurer, Enforcement Coordinator at (512) 239-2696, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding TPC Group LLC, Docket No. 2015-1261-AIR-E on March 3, 2016 assessing \$15,600 in administrative penalties with \$3,120 deferred.

Information concerning any aspect of this order may be obtained by contacting Jennifer Nguyen, Enforcement Coordinator at (512) 239-6160, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding City of Lewisville, Docket No. 2015-1371-WQ-E on March 3, 2016 assessing \$7,500 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Jill Russell, Enforcement Coordinator at (512) 239-4564, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

TRD-201601178  
Bridget C. Bohac  
Chief Clerk  
Texas Commission on Environmental Quality  
Filed: March 9, 2016



### Notice of Hearing

FORMOSA UTILITY VENTURE, LTD.  
AND FORMOSA PLASTICS CORPORATION, TEXAS

SOAH Docket No. 582-16-2608

TCEQ Docket No. 2015-1528-IWD

TPDES Permit No. WQ0002436000

### APPLICATION.

Formosa Utility Venture, Ltd. and Formosa Plastics Corporation, Texas, P.O. Box 700, Point Comfort, Texas 77978-0700, which operates the Point Comfort Plant, a plastics and organic and inorganic chemicals manufacturing facility, has applied to the Texas Commission on Environmental Quality (TCEQ) for a major amendment to TPDES Permit No. WQ0002436000 to establish minimum analytical levels for oil & grease, biochemical oxygen demand (5-day), free available chlorine, and titanium; reduce Lavaca Bay monitoring from quarterly each year to quarterly triannually based on 15 years of no impacts; increase the temperature limit at Outfall 001 from 95° F to 100° F; authorize the discharge of non-process area storm water, hydrostatic test water, fire water, non-contact steam condensate, non-contact wash water, potable water, air conditioner unit condensate, and ash truck wash water on an intermittent and flow variable basis via Outfall 013; increase the effluent limitations for total copper at Outfall 001; increase the effluent limitations for chloroform at Outfall 101 (proposed Outfall SUM); authorize the discharge of fire water via Outfalls 001, 101, and 201; create a summation outfall (designated as Outfall SUM) to regulate the effluents monitored via internal Outfalls 101 and 201; and authorize the discharge of fire water, potable water, and air conditioner unit condensate via Outfalls 001, 101, 201, 002, 003, 004, 005, 006, 007, 008, 009, 010, 011, and 012.

The current permit authorizes the discharge of remediated groundwater and treated previously monitored effluents (via Outfalls 101 and 201) at a daily average flow not to exceed 9,700,000 gallons per day via Outfall 001; treated process wastewater, equipment/facility washdown, storm water, and utility wastewaters at a daily average flow not to exceed 4,400,000 gallons per day via Outfall 101; treated and combined Ion Exchange Membrane (IEM) wastewater streams, utility wastewaters, equipment/facility washdown, storm water, and water treatment wastewaters on a continuous and flow variable basis via Outfall 201; non-process area storm water, hydrostatic test water, fire water, non-contact steam condensate, and noncontact wash water on an intermittent and flow variable basis via Outfalls 002, 003, 004, and 005; and non-process area storm water, hydrostatic test water, fire water, non-contact steam condensate, and non-contact wash water on an intermittent and flow variable basis via Outfalls 006, 007, 008, 009, 010, 011, and 012. The application was submitted to the TCEQ on February 2, 2010.

The facility is located at 201 Formosa Drive, one-mile north of the intersection of State Highway 35 and Farm-to-Market Road 1593, northeast of the City of Point Comfort, Calhoun County, Texas 77978. The effluent is discharged via Outfall 001, through a pipeline to Lavaca Bay/Chocolate Bay; via Outfall 011 from the Dock Tank Farm to a ditch, thence to a drainage pipe directing the flow to Point Comfort turning basin, thence to Lavaca Bay/Chocolate Bay in Segment 2453 of the Bays and Estuaries; via Outfalls 002, 003, 004, and 012 to unnamed ditches, thence to Cox Lake, thence to Cox Bay; via Outfalls 005, 006, 007, 008, 009, and 010 to Cox Lake, thence to Cox Bay; and via Outfall 013 directly to Cox Bay, in Segment No. 2454 of the Bays and Estuaries. The unclassified receiving waters have no significant aquatic life use for the unnamed ditches and high aquatic life use for Cox Lake. The designated uses for Segments 2453 and 2454 are exceptional aquatic life use, contact recreation, and oyster waters.

In accordance with 30 Texas Administrative Code (TAC) §307.5 and the TCEQ implementation procedures (January 2003) for the Texas Surface Water Quality Standards, an antidegradation review of the re-

ceiving waters was performed. A Tier 1 antidegradation review has preliminarily determined that existing water quality uses will not be impaired by this permit action. Numerical and narrative criteria to protect existing uses will be maintained. A Tier 2 review has preliminarily determined that no significant degradation of water quality is expected in Cox Lake, which has been identified as having high aquatic life use, or in Cox Bay or Lavaca Bay/Chocolate Bay which have been identified as having exceptional aquatic life use. The current Texas Surface Water Quality Standards should be used to determine copper limits for this facility. Existing uses will be maintained and protected. The preliminary determination can be reexamined and may be modified if new information is received.

The TCEQ Executive Director has reviewed this action for consistency with the Texas Coastal Management Program (CMP) goals and policies in accordance with the regulations of the General Land Office, and has determined that the action is consistent with the applicable CMP goals and policies.

The TCEQ Executive Director has prepared a draft permit which, if approved, would establish the conditions under which the facility must operate. The Executive Director has made a preliminary decision that this permit, if issued, meets all statutory and regulatory requirements. The permit application, Executive Director's preliminary decision, and draft permit are available for viewing and copying at the Point Comfort Branch Library, 1 Lamar Street, Point Comfort, Texas and the Jackson County Public Library, 411 North Wells Street, Edna, Texas. As a public courtesy, we have provided the following Web page to an online map of the site or the facility's general location. The online map is not part of the application or the notice: <http://www.tceq.texas.gov/assets/public/hb610/index.html?lat=28.6888&lng=-96.5472&zoom=13&type=r>. For the exact location, refer to the application.

#### CONTESTED CASE HEARING.

The State Office of Administrative Hearings (SOAH) will conduct a formal contested case hearing at:

10:00 a.m. - April 4, 2016

William P. Clements Building

300 West 15th Street, 4th Floor

Austin, Texas 78701

The contested case hearing will be a legal proceeding similar to a civil trial in state district court. The hearing will address the disputed issues of fact identified in the TCEQ order concerning this application issued on January 29, 2016. In addition to these issues, the judge may consider additional issues if certain factors are met.

The hearing will be conducted in accordance with Chapter 2001, Texas Government Code; Chapter 26, Texas Water Code; and the procedural rules of the TCEQ and SOAH, including 30 TAC Chapter 80 and 1 TAC Chapter 155. The hearing will be held unless all timely hearing requests have been withdrawn or denied.

To request to be a party, you must attend the hearing and show you would be adversely affected by the application in a way not common to members of the general public. Any person may attend the hearing and request to be a party. Only persons named as parties may participate at the hearing.

#### INFORMATION.

If you need more information about the hearing process for this application, please call the Public Education Program, toll free, at (800) 687 4040. General information about the TCEQ can be found at our web site at <http://www.tceq.texas.gov/>.

Further information may also be obtained from Formosa Utility Venture, Ltd. And Formosa Plastics Corporation, Texas at the address stated above or by calling Mr. Joe Henry at (361) 987-8070.

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

Issued: February 25, 2016

TRD-201601163

Bridget C. Bohac

Chief Clerk

Texas Commission on Environmental Quality

Filed: March 8, 2016



#### Notice of Public Hearing

on Assessment of Administrative Penalties and Requiring Certain Actions of Mitesh C-Store, Inc. d/b/a Lake Country Food Mart

SOAH Docket No. 582-16-2671

TCEQ Docket No. 2015-0866-PST-E

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

**10:00 a.m. - March 24, 2016**

**William P. Clements Building**

**300 West 15th Street, 4th Floor**

**Austin, Texas 78701**

The purpose of the hearing will be to consider the Executive Director's Preliminary Report and Petition mailed December 9, 2015 concerning assessing administrative penalties against and requiring certain actions of MITESH C-STORE, INC. d/b/a Lake Country Food Mart, for violations in Trinity County, Texas, of: Tex. Water Code §26.3475(a), (c)(1), and (d), 30 Tex. Admin. Code §§334.7(d)(3), 334.49(a) and (c)(2)(C), 334.50(b)(1)(a) and (b)(2), 334.54(b)(2), (c)(1) and (2), and (e)(2), and TCEQ Agreed Order Docket No. 2013-0007-PST-E, Ordering Provision No. 2.a.

The hearing will allow MITESH C-STORE, INC. d/b/a Lake Country Food Mart, the Executive Director, and the Commission's Public Interest Counsel to present evidence on whether a violation has occurred, whether an administrative penalty should be assessed, and the amount of such penalty, if any. The first convened session of the hearing will be to establish jurisdiction, afford MITESH C-STORE, INC. d/b/a Lake Country Food Mart, the Executive Director of the Commission, and the Commission's Public Interest Counsel an opportunity to negotiate and to establish a discovery and procedural schedule for an evidentiary hearing. Unless agreed to by all parties in attendance at the preliminary hearing, an evidentiary hearing will not be held on the date of this preliminary hearing. **Upon failure of MITESH C-STORE, INC. d/b/a Lake Country Food Mart to appear at the preliminary hearing or evidentiary hearing, the factual allegations in the notice will be deemed admitted as true, and the relief sought in the notice of hearing may be granted by default. The specific allegations included in the notice are those set forth in the Executive Director's Preliminary Report and Petition, attached hereto and incorporated herein for all purposes.**

MITESH C-STORE, INC. d/b/a Lake Country Food Mart, the Executive Director of the Commission, and the Commission's Public Interest Counsel are the only designated parties to this proceeding.

Legal Authority: Tex. Water Code §7.054 and Tex. Water Code chs. 7 and 26 and 30 Tex. Admin. Code chs. 70 and 334; Tex. Water Code §7.058, and the Rules of Procedure of the Texas Commission on Environmental Quality and the State Office of Administrative Hearings, including 30 Tex. Admin. Code §§70.108 and 70.109 and ch. 80, and 1 Tex. Admin. Code ch. 155.

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

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

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

Issued: February 26, 2016

TRD-201601161

Bridget C. Bohac

Chief Clerk

Texas Commission on Environmental Quality

Filed: March 8, 2016



### Notice of Public Hearing

on Assessment of Administrative Penalties and Requiring Certain Actions of Harrison County

SOAH Docket No. 582-16-2617

TCEQ Docket No. 2015-1297-PST-E

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

10:00 a.m. - March 31, 2016

William P. Clements Building

300 West 15th Street, 4th Floor

Austin, Texas 78701

The purpose of the hearing will be to consider the Executive Director's Preliminary Report and Petition mailed December 28, 2015 concerning assessing administrative penalties against and requiring certain actions of Harrison County, for violations in Harrison County, Texas, of: Tex. Water Code §26.3475(a) and 30 Tex. Admin. Code §334.50(b)(2).

The hearing will allow Harrison County, the Executive Director, and the Commission's Public Interest Counsel to present evidence on whether a violation has occurred, whether an administrative penalty should be assessed, and the amount of such penalty, if any. The first convened session of the hearing will be to establish jurisdiction, afford Harrison County, the Executive Director of the Commission, and the Commission's Public Interest Counsel an opportunity to negotiate and to establish a discovery and procedural schedule for an evidentiary hearing. Unless agreed to by all parties in attendance at the preliminary hearing, an evidentiary hearing will not be held on the date of this preliminary hearing. Upon failure of **Harrison County** to appear at the preliminary hearing or evidentiary hearing, the factual allegations in the notice will be deemed admitted as true, and the relief sought in the notice of hearing may be granted by default. The specific allegations included in the notice are those set forth in the Executive Director's **Preliminary** Report and Petition, attached hereto and incorporated herein for all purposes. Harrison County, the Executive Director of the Commission, and the Commission's Public Interest Counsel are the only designated parties to this proceeding.

Legal Authority: Tex. Water Code §7.054 and chs. 7 and 26 and 30 Tex. Admin. Code chs. 70 and 334; Tex. Water Code §7.058, and the Rules of Procedure of the Texas Commission on Environmental Quality and the State Office of Administrative Hearings, including 30 Tex. Admin. Code §70.108 and §70.109 and ch. 80, and 1 Tex. Admin. Code ch. 155.

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

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

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

Issued: February 29, 2016

TRD-201601165

Bridget C. Bohac

Chief Clerk

Texas Commission on Environmental Quality

Filed: March 8, 2016



### Notice of Public Hearing

on Assessment of Administrative Penalties and Requiring Certain Actions of Webb County

SOAH Docket No. 582-16-2616

TCEQ Docket No. 2015-1428-MLM-E

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

10:00 a.m. - April 7, 2016

William P. Clements Building  
300 West 15th Street, 4th Floor  
Austin, Texas 78701

The purpose of the hearing will be to consider the Executive Director's Preliminary Report and Petition mailed November 19, 2015 concerning assessing administrative penalties against and requiring certain actions of Webb County, for violations in Webb County, Texas, of: Tex. Admin. Code §§290.42(d)(2)(C) and (d)(11)(B)(ii); 290.45(b)(2)(A), (b)(2)(F) and (b)(2)(G); 290.46(d)(2)(B), (e)(6)(C), (m), (s)(1); 290.110(b)(4); 290.111(c)(3)(B)(i), (d)(2)(A), (e)(3)(C), (e)(5)(C)(iii), and (h); 290.115(f)(1); 290.271(b); 290.274(a) and (c); 312.142(a); and TCEQ Agreed Order Docket No. 2013-2014-MLM-E, Ordering Provision Nos. 3.a.iii., 3.b.vi., 3.b.viii., 3.b.xvi., 3.d.i., 3.d.ii., 3.d.vi., 3.f.i., 3.f.ii., and 3.f.iv.

The hearing will allow Webb County, the Executive Director, and the Commission's Public Interest Counsel to present evidence on whether a violation has occurred, whether an administrative penalty should be assessed, and the amount of such penalty, if any. The first convened session of the hearing will be to establish jurisdiction, afford Webb County, the Executive Director of the Commission, and the Commission's Public Interest Counsel an opportunity to negotiate and to establish a discovery and procedural schedule for an evidentiary hearing. Unless agreed to by all parties in attendance at the preliminary hearing, an evidentiary hearing will not be held on the date of this preliminary hearing. Upon failure of **Webb County** to appear at the preliminary hearing or evidentiary hearing, the factual allegations in the notice will be deemed admitted as true, and the relief sought in the notice of hearing may be granted by default. The specific allegations included in the notice are those set forth in the Executive Director's **Preliminary Report and Petition**, attached hereto and incorporated herein for all purposes. Webb County, the Executive Director of the Commission, and the Commission's Public Interest Counsel are the only designated parties to this proceeding.

Legal Authority: Tex. Water Code §7.054 and chs. 7 and 26, Tex. Health and Safety Code chs. 341 and 361, and 30 Tex. Admin. Code chs. 70, 290 and 312; Tex. Water Code §7.058, and the Rules of Procedure of the Texas Commission on Environmental Quality and the State Office of Administrative Hearings, including 30 Tex. Admin. Code §70.108 and §70.109 and ch. 80, and 1 Tex. Admin. Code ch. 155.

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

Any document filed prior to the hearing must be filed with TCEQ's Office of the Chief Clerk and SOAH. Documents filed with the Office of the Chief Clerk may be filed electronically at <http://www.tceq.texas.gov/goto/eFilings> or sent to the following address: TCEQ Office of the Chief Clerk, Mail Code 105, P.O. Box 13087, Austin, Texas 78711-3087. Documents filed with SOAH may be filed via fax at (512) 322-2061 or sent to the following address: SOAH, 300 West 15th Street, Suite 504, Austin, Texas 78701. When

contacting the Commission or SOAH regarding this matter, reference the SOAH docket number given at the top of this notice.

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

Issued: March 7, 2016

TRD-201601166  
Bridget C. Bohac  
Chief Clerk  
Texas Commission on Environmental Quality  
Filed: March 8, 2016



### Notice of Public Hearing

on Assessment of Administrative Penalties and Requiring Certain Actions of Superior Lubricants Transport, Inc. d/b/a Superior Transport  
SOAH Docket No. 582-16-3011

TCEQ Docket No. 2015-1056-PST-E

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

10:00 a.m. - April 7, 2016

William P. Clements Building  
300 West 15th Street, 4th Floor  
Austin, Texas 78701

The purpose of the hearing will be to consider the Executive Director's Preliminary Report and Petition mailed October 30, 2015 concerning assessing administrative penalties against and requiring certain actions of SUPERIOR LUBRICANTS TRANSPORT, INC. d/b/a Superior Transport, for violations in Tarrant County, Texas, of: Tex. Water Code §26.3467(d) and 30 Tex. Admin. Code §334.5(b)(1)(A).

The hearing will allow SUPERIOR LUBRICANTS TRANSPORT, INC. d/b/a Superior Transport, the Executive Director, and the Commission's Public Interest Counsel to present evidence on whether a violation has occurred, whether an administrative penalty should be assessed, and the amount of such penalty, if any. The first convened session of the hearing will be to establish jurisdiction, afford SUPERIOR LUBRICANTS TRANSPORT, INC. d/b/a Superior Transport, the Executive Director of the Commission, and the Commission's Public Interest Counsel an opportunity to negotiate and to establish a discovery and procedural schedule for an evidentiary hearing. Unless agreed to by all parties in attendance at the preliminary hearing, an evidentiary hearing will not be held on the date of this preliminary hearing. **Upon failure of SUPERIOR LUBRICANTS TRANSPORT, INC. d/b/a Superior Transport to appear at the preliminary hearing or evidentiary hearing, the factual allegations in the notice will be deemed admitted as true, and the relief sought in the notice of hearing may be granted by default. The specific allegations included in the notice are those set forth in the Executive Director's Preliminary Report and Petition, attached hereto and incorporated herein for all purposes.** SUPERIOR LUBRICANTS TRANSPORT, INC. d/b/a Superior Transport, the Executive Director of the Commission, and the Commission's Public Interest Counsel are the only designated parties to this proceeding.

Legal Authority: Tex. Water Code §7.054 and chs. 7 and 26 and 30 Tex. Admin. Code chs. 70 and 334; Tex. Water Code §7.058, and

the Rules of Procedure of the Texas Commission on Environmental Quality and the State Office of Administrative Hearings, including 30 Tex. Admin. Code §§70.108 and 70.109 and ch. 80, and 1 Tex. Admin. Code ch. 155.

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

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

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

Issued: March 9, 2016

TRD-201601179

Bridget C. Bohac

Chief Clerk

Texas Commission on Environmental Quality

Filed: March 9, 2016



#### Notice of Public Hearings on Proposed Revisions to 30 TAC Chapter 114 and to the State Implementation Plan and on Proposed Revisions to Texas Emissions Reduction Plan Guidelines

The Texas Commission on Environmental Quality (commission or TCEQ) will conduct public hearings to receive testimony regarding proposed revisions to 30 Texas Administrative Code (TAC) Chapter 114, Control of Air Pollution From Motor Vehicles, §114.680 and §114.682; and corresponding revisions to the state implementation plan (SIP) under the requirements of Texas Health and Safety Code, §382.017; Texas Government Code, Chapter 2001, Subchapter B; and 40 Code of Federal Regulations §51.102 of the United States Environmental Protection Agency concerning SIPs.

The commission will also receive testimony regarding proposed revisions to the guidelines for the Drayage Truck Incentive Program (DTIP) and the Diesel Emissions Reduction Incentive (DERI) Program, entitled *Texas Emissions Reduction Plan: Guidelines for the Drayage Truck Incentive Program (RG-524)* and *Texas Emissions Reduction Plan: Guidelines for Emissions Reduction Incentive Grants (RG-388)*.

The proposed rulemaking would amend several criteria pertaining to the DTIP. Corresponding revisions to the DTIP guidelines are proposed to make the guidelines consistent with the proposed rule changes. The proposed rulemaking and guideline revisions would add other cargo handling equipment to the list of equipment eligible for replacement under the DTIP and would remove the requirement that a drayage truck being purchased must have a day cab only. The definition of a seaport in the DTIP rules and guidelines would be amended to include publically

and privately owned property within a ship channel security district established under Texas Water Code, Chapter 68.

Additional changes are proposed to the DERI Program and DTIP guidelines, in addition to the changes to make the DTIP guidelines consistent with the proposed rule changes. The guidelines for both programs would be revised to remove the authorization for the executive director to allow an engine replaced under the DERI Program or the DTIP to be sent to a remanufacturing facility in lieu of destruction. The DTIP guideline revisions would also remove the requirement that, in order to be eligible for replacement or purchase, a non-road yard truck must have an engine rated at greater than 125 horsepower.

The commission will hold public hearings on the proposed rulemaking and the proposed revisions to the guidelines in Austin on April 12, 2016, at 10:00 a.m. in Building E, Room 201S, at the commission's central office located at 12100 Park 35 Circle, and in Houston on April 14, 2016, at 6:00 p.m. in Conference Room B, 2nd floor, at the Houston-Galveston Area Council located at 3555 Timmons Lane. The hearings will be structured for the receipt of oral or written comments by interested persons. Individuals may present oral statements when called upon in order of registration. Open discussion will not be permitted during the hearing; however, commission staff members will be available to discuss the proposals 30 minutes prior to the hearing. Persons who have special communication or other accommodation needs who are planning to attend the hearing should contact Sandy Wong, Office of Legal Services, at (512) 239-1802. Requests should be made as far in advance as possible.

Written comments on the proposed rulemaking may be submitted to Derek Baxter, MC 205, Office of Legal Services, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087 or faxed to (512) 239-4808. Electronic comments may be submitted at: <http://www1.tceq.texas.gov/rules/ecomments/>. File size restrictions may apply to comments being submitted via the eComments system. Comments on the proposed rulemaking should reference Rule Project Number 2016-004-114-AI.

Comments on the guideline revisions may be included with comments on the proposed rulemaking or may be submitted separately. Separate electronic comments pertaining solely to the guideline revisions should reference Non-Rule Project Number 2016-011-OTH-NR and may be submitted at: <http://www1.tceq.texas.gov/rules/ecomments/>. Separate written comments pertaining solely to the guideline revisions may be submitted to Steve Dayton, MC 204, Implementation Grants Section, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087 or faxed to (512) 239-0077.

The comment period closes on April 18, 2016. Copies of the proposed rulemaking can be obtained from the commission's website at [http://www.tceq.texas.gov/nav/rules/propose\\_adopt.html](http://www.tceq.texas.gov/nav/rules/propose_adopt.html). Copies of the proposed revisions to the guidelines can be obtained from the commission's TERP program website at <http://www.terpgrants.org>. For further information, please contact Steve Dayton of the Implementation Grants Section at (512) 239-6824.

TRD-201601108

Robert Martinez

Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: March 4, 2016



#### Notice of Receipt of Application and Intent to Obtain a New Municipal Solid Waste Permit Major Amendment Proposed Permit Number 2240B

APPLICATION. Waste Corporation of Texas, L.P., 1330 Post Oak Boulevard, Houston, Harris County, Texas 77056, has applied to the Texas Commission on Environmental Quality (TCEQ) for a major amendment to the permit for the Ralston Road Landfill to authorize a change of the final exterior side slopes from 4H:1V to 3H:1V and a vertical height increase. The facility is a Type IV municipal solid waste landfill facility located at 6632 John Ralston Road, Houston, Harris County, Texas 77049. The TCEQ received this application on January 7, 2016. The permit application is available for viewing and copying at the Houston Public Library, Lakewood Neighborhood Branch, 8815 Feland Street, Houston, Harris County, Texas 77028, and may be viewed online at [www.scsengineers.com/state](http://www.scsengineers.com/state). The following webpage which provides 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: <http://www.tceq.texas.gov/assets/public/hb610/index.html?lat=29.822275&lng=-95.2238&zoon=13&type=r>. For exact location, refer to application.

ADDITIONAL NOTICE. TCEQ's Executive Director has determined the application is administratively complete and will conduct a technical review of the application. After technical review of the application is complete, the Executive Director may prepare a draft permit and will issue a preliminary decision on the application. Notice of the Application and Preliminary Decision will be published and mailed to those who are on the county-wide mailing list and to those who are on the mailing list for this application. That notice will contain the deadline for submitting public comments.

PUBLIC COMMENT/PUBLIC MEETING. You may submit public comments or request a public meeting on this application. The purpose of a public meeting is to provide the opportunity to submit comments or to ask questions about the application. TCEQ will hold a public meeting if the Executive Director determines that there is a significant degree of public interest in the application or if requested by a local legislator. A public meeting is not a contested case hearing.

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

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

explain how the interests the group seeks to protect are relevant to the group's purpose.

Following the close of all applicable comment and request periods, if any requests for reconsideration or for a contested case hearing have been received, the Executive Director will forward the application and such requests to the TCEQ Commissioners for their consideration at a scheduled Commission meeting. The Commission may only grant a request for a contested case hearing on issues the requestor submitted in their timely comments that were not subsequently withdrawn.

If a hearing is granted, the subject of a hearing will be limited to disputed issues of fact or mixed questions of fact and law that are relevant and material to the Commission's decision on the application submitted during the comment period.

MAILING LIST. If you submit public comments, a request for a contested case hearing or a reconsideration of the Executive Director's decision, you will be added to the mailing list for this 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 [www.tceq.texas.gov/about/comments.html](http://www.tceq.texas.gov/about/comments.html) or in writing to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC-105, P.O. Box 13087, Austin, Texas 78711-3087. If you choose to communicate with the TCEQ electronically, please be aware that your email address, like your physical mailing 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. Si desea información en español, puede llamar al (800) 687-4040. Further information may also be obtained from Waste Corporation of Texas, L.P. - Ralston Road Landfill at the address stated above or by calling Mr. Marcos Elizondo, Waste Corporation of Texas, L.P. at (979) 246-2865.

TRD-201601177  
Bridget C. Bohac  
Chief Clerk  
Texas Commission on Environmental Quality  
Filed: March 9, 2016

◆ ◆ ◆  
**General Land Office**

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

On January 10, 1997, the State of Texas received federal approval of the Coastal Management Program (CMP) (62 Federal Register pp. 1439-1440). Under federal law, federal agency activities and actions affecting the Texas coastal zone must be consistent with the CMP goals and policies identified in 31 TAC Chapter 501. Requests for federal consistency review were deemed administratively complete for the following project(s) during the period of January 11, 2016 through March 7, 2016. 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 §§506.25, 506.32, and 506.41, 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, March 11, 2016. The public comment period for this project will close at 5:00 p.m. on Monday, April 11, 2016.

**FEDERAL AGENCY ACTIONS:**

**Applicant:** Brazoria County, Texas

**Location:** The dredging portion of the proposed project begins in West Bay, approximately 1.9 miles north of the intersection of Bluewater Highway and San Luis Pass. Dredging will continue to the southwest, and then toward the southeast through San Luis Pass, ending near the intersection of San Luis Pass and the Gulf of Mexico. Dredged material will be placed on Follets Island Beach, centered approximately 1.6 miles southwest of the intersection of Bluewater Highway and San Luis Pass, in Brazoria County, Texas. The project can be located on the U.S.G.S. quadrangle maps titled: CHRISTMAS POINT, Texas and SAN LUIS PASS, Texas.

**LATITUDE & LONGITUDE (NAD 83):**

- Dredging Start: Latitude: 29.109236 North; Longitude: 95.129048 West

- Dredging End: Latitude: 29.083341 North; Longitude: 95.118374 West

- Material placement: Latitude: 29.055410 North; Longitude: 95.141869 West

**Project Description:** The applicant proposes to hydraulically dredge approximately 376,200 cubic yards of sand material from West Bay and San Luis Pass for the purpose of beach nourishment on the north end of Follets Island. The dredged area will be approximately 12,000 feet in length and 160 feet in width at the bottom cut, with 6(H):1(V) side slopes. The dredged area would be excavated to -9 feet NAVD 88. The dredged material will be pumped via pipe to a 96-acre nearshore beach nourishment area just seaward of the Follets Island Beach. The 400-foot by 4,800-foot crest of the dredged material placement would be at -0.5-foot NAVD 88 with 30(H):1(V) side slopes.

**CMP Project No:** 16-1193-F1

**Type of Application:** U.S. Army Corps of Engineers (USACE) permit application #SWG-2015-00306. 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 under §401 of the Clean Water Act (33 U.S.C.A. §1344).**

**Applicant:** Texas City Terminal Railway Company

**Location:** The project site is located in the Texas City Turning Basin, within the Port of Texas City, adjacent to Dock 41, and the Industrial Canal, at 2201 Dock Road, in Texas City, Galveston County, Texas. The project can be located on the U.S.G.S. quadrangle map titled: VIRGINIA POINT, Texas.

**LATITUDE & LONGITUDE (NAD 83):**

Latitude: 29.36450° North; Longitude: 94.89140° West

**Project Description:** The applicant proposes to amend the existing dredging permit by adding the following components: expansion of dredging area and depth; performing work, including demolition of existing structures; installation of a sheet pile bulkhead; construction of a dock and appurtenances; mooring berthing dolphins; and performing other activities in uplands. Specifically, the proposed project includes the following components:

- Demolish existing structures over waters of the U.S. including various buildings, paved areas, and fencing; an existing 320-foot dock; three dry docks; and 920-linear-foot existing bulkhead;

- Construct 1,193 linear feet of dock, including the maximum extent of mooring dolphins;

- Excavate approximately 431,000 cubic yards from 2.2 acres of upland area and convert to open water;

- Dredging of a 9.2 acres berthing area to 47 feet below mean low tide (MLT). Dimensions of the currently authorized dredge area for Dock 42 would be extended by 8.9 acres;

- Dredging in waters of the U.S. will be accomplished by hydraulic cutter suction dredge or mechanical dredge;

- The dredged material is proposed to be disposed of at Shoal Point Terminal Dredge Material Placement Areas (DMPA) including Cell C, PA 5, PA 6, and/or Cell A;

- Maintenance dredging: Based on average shoaling rates of dredge areas in the vicinity, and with similar configuration, the annual maintenance volume is estimated to be 12,800 cubic yards of dredge material. The Shoal Point Terminal DMPA's have been authorized for placement under the previous permit authorization;

- Installation of 645 linear feet of steel sheet pile bulkhead along the proposed shoreline. No material is proposed for backfill along this bulkhead.

**CMP Project No:** 16-1190-F1

**Type of Application:** U.S. Army Corps of Engineers (USACE) permit application #SWG-2013-00042. 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.

**Applicant:** D.R. Horton - Texas LTD

**Location:** The project site is located in Clear Lake, at 2621 Veranda Falls, in League City, Galveston County, Texas. The project can be located on the U.S.G.S. quadrangle map entitled: LEAGUE CITY, Texas.

**LATITUDE & LONGITUDE (NAD 83):**

Latitude: 29.5522° North; Longitude: 95.06674° West

**Project Description:** The applicant proposes to construct a marina; to extend the length of a previously authorized pier; to dredge; and to beneficially use the dredge material by creating a living shoreline. Specifically, the following activities are proposed:

Structures to be constructed:

- Marina - 14,824 square feet of area to be impacted;

- Walkway - Extend the length of a previously authorized 6-foot-wide by 100-foot-long walkway by 1,800 square feet to construct an 8-foot-wide by 300-foot-long walkway;

- Pavilion - An 80-foot-wide by 32-foot-long covered pavilion at end of the walkway;

- Docks - Two 8-foot-wide by 192-foot-long docks, with 48 slips;

- 48 Finger piers - 4-foot-wide by 31-foot-long;

- West Pier - 8-foot-wide by 80-foot-long walkway and 40-foot by 20-foot deck.

Dredging:

- Approximately 7,750 cubic yards from 1.72 acres, within a 300-foot by 250-foot area, to a depth of 6 feet below existing bottom (NAVD 88 vertical datum);

- Expected maintenance dredging is 700 cubic yards of material per year. The reserve capacity in the marsh is 8,943 cubic yards and anticipated that the project will allow for 10 years of maintenance dredging material. All calculated dredging quantities include a 10% over-dredge factor.

Fill placed:

- Wave barrier - 206 linear feet to protect living shoreline;
- Geotextile tubes - 5,440 cubic yards of dredge material will be placed into 2,186 linear feet;
- Living shoreline - 13,380 cubic yards of material will be placed into 2.07 acres of waters of the U.S. and planted during the creation of a marsh.

**CMP Project No:** 16-1196-F1

**Type of Application:** U.S. Army Corps of Engineers (USACE) permit application #SWG-2013-00582. 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.

Pursuant to §306(d)(14) of the Coastal Zone Management Act of 1972 (16 U.S.C.A. §§1451-1464), as amended, interested parties are invited to submit comments on whether a proposed action or activity is or is not consistent with the Texas Coastal Management Program goals and policies and whether the action should be referred to the Land Commissioner for review.

Further information on the applications listed above, including a copy of the consistency certifications or consistency determinations for inspection, may be obtained from Mr. Ray Newby, P.O. Box 12873, Austin, Texas 78711-2873 or via email at [federal.consistency@glo.texas.gov](mailto:federal.consistency@glo.texas.gov). Comments should be sent to Mr. Newby at the above address or by email.

TRD-201601171

Anne L. Idsal

Chief Clerk/Deputy Land Commissioner

General Land Office

Filed: March 8, 2016



## Notice of Funds Availability - Texas Coastal Management Program

The General Land Office and the Coastal Coordination Advisory Committee (CCAC) file this Notice of Funds Availability to announce the availability of §306/§306A federal grant funds under the Texas Coastal Management Program (CMP). The purpose of the CMP is to improve the management of the state's coastal resources and ensure the long-term ecological and economic productivity of the coast.

A federal award to the state of approximately \$2 million in §306/§306A funding is expected in October 2017. The General Land Office, which oversees the implementation of the CMP with the advice of the CCAC, will pass through approximately 90% of the available §306/§306A funds to eligible entities to support projects that implement and/or advance the CMP goals and policies.

### Eligible Applicants

The following entities are eligible to receive grants under the CMP.

1. Incorporated cities within the coastal zone boundary
2. County governments within the coastal zone boundary
3. Texas state agencies

4. Texas public colleges/universities

5. Subdivisions of the state with jurisdiction in the coastal zone (e.g., navigation districts, port authorities, river authorities, and Soil and Water Conservation Districts with jurisdiction in the coastal zone)

6. Councils of governments and other regional governmental entities within the coastal zone boundary

7. The Galveston Bay Estuary Program

8. The Coastal Bend Bays and Estuaries Program

9. Nonprofit organizations located in Texas that are nominated by an eligible entity in categories 1-8 above. (A nomination may take the form of a resolution or letter from a responsible official of an entity in categories 1-8. The nominating entity is not expected to financially or administratively contribute to the management and implementation of the proposed project.)

### Funding Categories

The General Land Office and the CCAC will accept applications for projects that address any of the following funding categories. The categories are not listed in order of preference.

1. Coastal Natural Hazards Response

2. Critical Areas Enhancement

3. Public Access

4. Water Sediment Quantity and Quality Improvements

5. Waterfront Revitalization and Ecotourism Development

6. Permit Streamlining/Assistance, Governmental Coordination and Local Government Planning Assistance

The General Land Office will hold three grant workshops to provide information on the grant program and allow potential applicants the opportunity to discuss specific project ideas with staff. Applicants are not required to attend a workshop, but attendance is strongly encouraged for first-time and/or inexperienced applicants who are unfamiliar with the CMP application process.

Port Isabel - May 11, 2016, at 9:30 a.m.

Artisan at Port Isabel

106 Port Road, Clubhouse

Corpus Christi - May 18, 2016, at 9:30 a.m.

Texas A&M University - Natural Resources Center

6300 Ocean Drive, Room 1003

Galveston - May 25, 2016, at 9:30 a.m.

Galveston County Courthouse

722 Moody Avenue, Workshop Room

The requirements to receive federal grant funds are outlined in the CMP Cycle #22 Grant Guidance and Application Packet, which is available for download at <http://www.glo.texas.gov/coast/grant-projects/funding/>.

In order to submit pre-proposals or final applications, applicants must register to receive a user ID and password.

Pre-proposals and final applications must be submitted electronically. Facsimiles or hard copies will not be accepted.

The deadline to submit pre-proposals is Wednesday, June 15, 2016, by 5:00 p.m. Submission of a pre-proposal is optional but strongly recommended for first-time and/or inexperienced applicants who are un-

familiar with the CMP application process, applicants who have an idea for a new and/or innovative project, or applicants who are uncertain if a project is eligible under this grant program. Written comments will only be provided to applicants who submit pre-proposals by June 15, 2016, by 5:00 p.m. The deadline to submit final grant applications is Wednesday, September 21, 2016, by 5:00 p.m.

TRD-201601172  
Anne L. Idsal  
Chief Clerk/Deputy Land Commissioner  
General Land Office  
Filed: March 8, 2016

◆ ◆ ◆

## Texas Health and Human Services Commission

### Public Notice: Amendments to Texas State Plan for Medical Assistance

The Texas Health and Human Services Commission announces its intent to submit amendments to the Texas State Plan for Medical Assistance, under Title XIX of the Social Security Act.

The purpose of the amendments is to update the fee schedules in the current state plan by adjusting or implementing fees for the following:

- Clinical Diagnostic Laboratory Services
- Durable Medical Equipment, Prosthetics, Orthotics, and Supplies;
- Early and Periodic Screening, Diagnosis, and Treatment Services (EPSDT);
- Family Planning;
- Hearing Services;
- Home Health Services;
- Physicians and Other Practitioners; and
- Vision Services.

The proposed amendments are effective April 1, 2016.

The proposed amendments are estimated to result in an aggregate cost of \$2,476,930 for the remainder of federal fiscal year (FFY) 2016, consisting of \$1,415,070 in federal funds and \$1,061,860 in state general revenue. For FFY 2017, the estimated cost is \$5,175,700, consisting of \$2,907,708 in federal funds and \$2,267,992 in state general revenue. For FFY 2018, the estimated cost is \$5,425,081, consisting of \$3,047,811 in federal funds and \$2,377,270 in state general revenue.

**Rate Hearing.** A rate hearing was held on February 18, 2016, at 1:30 p.m. in Austin, Texas, and information about the proposed rate changes (including methodology and justification) and the hearing can be found in the January 22, 2016, issue of the *Texas Register* at pages 701-704 at <http://www.sos.state.tx.us/texreg/index.shtml>.

**Copy of Proposed Amendment.** Interested parties may obtain a free copy of the proposed amendments or additional information about the amendments by contacting J.R. Top, State Plan Coordinator, by mail at the Health and Human Services Commission, P.O. Box 13247, Mail Code H-600, Austin, Texas 78711; by telephone at (512) 462-6397; by facsimile at (512) 730-7472; or by email at [jr.top@hhsc.state.tx.us](mailto:jr.top@hhsc.state.tx.us). Copies of the proposed amendments will be available for review at the

local county offices of the Texas Department of Aging and Disability Services.

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

**U.S. Mail:** Texas Health and Human Services Commission, Attention: Rate Analysis, Mail Code H-400, P.O. Box 149030, Austin, Texas 78714-9030

**Overnight mail, special delivery mail, or hand delivery:** Texas Health and Human Services Commission, Attention: Rate Analysis, Mail Code H-400, Brown-Heatly Building, 4900 North Lamar, Austin, Texas 78751. Phone number for package delivery: 512-730-7401

**Fax:** Attention: Rate Analysis at 512-730-7475

**Email:** [RADAcuteCare@hhsc.state.tx.us](mailto:RADAcuteCare@hhsc.state.tx.us)

TRD-201601170  
Karen Ray  
Chief Counsel  
Texas Health and Human Services Commission  
Filed: March 8, 2016

◆ ◆ ◆

## Public Notice: SPA 16-0005 Medicaid Eligibility Marriage Policy

The Texas Health and Human Services Commission announces its intent to submit transmittal number 16-0005 to the Texas State Plan for Medical Assistance, under Title XIX of the Social Security Act.

In accordance with federal guidance following the U.S. Supreme Court ruling in *Obergefell v. Hodges* on June 26, 2015, the proposed state plan amendment removes the Medicaid State Plan pages outlining HHSC's eligibility policy relating to recognition of marriage. The proposed amendment is effective April 1, 2016.

The proposed amendment is estimated to have no fiscal impact, as the change is aligning the state plan with current agency policy.

To obtain copies of the proposed amendment, interested parties may contact J.R. Top, State Plan Coordinator, by mail at the Health and Human Services Commission, PO Box 13247, Mail Code H-600, Austin, Texas 78711; by telephone at (512) 462-6397; by facsimile at (512) 730-7472; or by e-mail at [jr.top@hhsc.state.tx.us](mailto:jr.top@hhsc.state.tx.us). Copies of the proposal will also be made available for public review at the local offices of the Texas Department of Aging and Disability Services.

TRD-201601164  
Karen Ray  
Chief Counsel  
Texas Health and Human Services Commission  
Filed: March 8, 2016

◆ ◆ ◆

## Department of State Health Services

### Licensing Actions for Radioactive Materials

LICENSING ACTIONS FOR RADIOACTIVE MATERIALS

During the second half of January, 2016, the Department of State Health Services (Department) has taken actions regarding Licenses for the possession and use of radioactive materials as listed in the tables (in alphabetical order by location). The subheading “Location” indicates the city in which the radioactive material may be possessed and/or used. The location listing “Throughout TX [Texas]” indicates that the radioactive material may be used on a temporary basis at locations throughout the state.

In issuing new licenses and amending and renewing existing licenses, the Department’s Radiation Safety Licensing Branch has determined that the applicant has complied with the licensing requirements in Title 25 Texas Administrative Code (TAC), Chapter 289, for the noted action. In granting termination of licenses, the Department has determined that the licensee has complied with the applicable decommissioning requirements of 25 TAC, Chapter 289.

This notice affords the opportunity for a hearing on written request, within 30 days of the date of publication of this notice, of a person affected by the Department’s action. A person affected is defined as a person who demonstrates that the person has suffered or will suffer actual injury or economic damage and, if the person is not a local government, is (a) a resident of a county, or a county adjacent to the county, in which radioactive material is or will be located, or (b) doing business or has a legal interest in land in the county or adjacent county. 25 TAC §289.205(b)(15); Health and Safety Code §401.003(15). A person affected may request a hearing as prescribed in 25 TAC §289.205(c) by writing Richard A. Ratliff, Radiation Program Officer, Department of State Health Services, Radiation Material Licensing – MC 2835, PO Box 149347, Austin, Texas 78714-9347. For information call (512) 834-6688.

NEW LICENSES ISSUED:

Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amendment Number	Date of Action
Bryan	Central Texas Heart Center P.L.L.C.	L06769	Bryan	00	01/26/16
San Antonio	BTDI JV L.L.P. dba Sendero Imaging Main	L06768	San Antonio	00	01/27/16

AMENDMENTS TO EXISTING LICENSES ISSUED:

Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amendment Number	Date of Action
Austin	Arise Health care System L.L.C. dba Arise Austin Medical Center	L06621	Austin	02	01/22/16
Bedford	Mid-Cities Cardiac Care Center P.L.L.C.	L06641	Bedford	04	01/20/16
Corpus Christi	Radiology & Imaging of South Texas L.L.P. dba Alameda Imaging Center	L05182	Corpus Christi	45	01/26/16
Dallas	IBA Molecular North America Inc. dba IBA Molecular	L06174	Dallas	17	01/25/16
El Paso	Isomedix Operations Inc. dba Steris Isomedix Services	L04268	El Paso	21	01/28/16
El Paso	El Paso Cardiology Associates P.A.	L05162	El Paso	13	01/27/16
Fort Worth	University of North Texas Health Science Center Fort Worth	L02518	Fort Worth	46	01/20/16
Fort Worth	Physicians Surgical Center of Fort Worth L.L.P.	L05863	Fort Worth	08	01/20/16
Freeport	The Dow Chemical Company	L00451	Freeport	98	01/29/16
Freeport	BASF Corporation	L01021	Freeport	62	01/26/16
Harlingen	VHS Harlingen Hospital Company L.L.C. dba Valley Baptist Medical Center Harlingen	L06499	Harlingen	12	01/20/16
Houston	Memorial Hermann Health System dba Memorial Hermann Southwest Hospital	L00439	Houston	209	01/21/16
Houston	The University of Texas M.D. Anderson Cancer Center	L00466	Houston	163	01/26/16
Houston	American Diagnostic Tech. L.L.C.	L05514	Houston	113	01/20/16

AMENDMENTS TO EXISTING LICENSES ISSUED (continued):

Houston	Methodist Health Centers dba Houston Methodist West Hospital	L06358	Houston	08	01/21/16
Houston	The Methodist Hospital Research Institute dba Houston Methodist Research Institute	L06383	Houston	10	01/28/16
La Porte	E. I. Dupont De Nemours & Company	L00314	La Porte	94	01/25/16
McKinney	Cancer Center Associates dba Rena Tarbet Cancer Center	L05952	McKinney	11	01/20/16
N. Richland Hills	Columbia North Hills Hospital Subsidiary L.P. dba North Hills Hospital	L02271	N. Richland Hills	77	01/21/16
Plano	Texas Health Presbyterian Hospital Plano	L04467	Plano	71	01/21/16
Plano	Texas Health Resources dba Heart First	L06480	Plano	10	01/25/16
Plano	Truradiation Partners Plano L.L.C.	L06617	Plano	06	01/21/16
San Antonio	Methodist Healthcare System of San Antonio Ltd., L.L.P.	L00594	San Antonio	347	01/22/16
San Antonio	Medical and Radiation Physics Inc.	L01417	San Antonio	36	01/20/16
San Antonio	Arias & Associates Inc.	L04964	San Antonio	46	01/28/16
San Antonio	Heart Consultants	L06678	San Antonio	01	01/20/16
Sherman	Texas Oncology P.A. dba North Texas PET Imaging	L05502	Sherman	18	01/27/16
Sweeny	Phillips 66 Company	L06524	Sweeny	05	01/21/16
Texas City	Marathon Petroleum Company L.L.C.	L04431	Texas City	33	01/27/16
The Woodlands	Woodlands Heart and Vascular Institute P.A.	L06302	The Woodlands	03	01/20/16
Throughout TX	RWLS L.L.C. dba Renegade Services	L06307	Andrews	33	01/28/16
Throughout TX	Archer Wireline L.L.C.	L06620	Fort Worth	08	01/21/16
Throughout TX	Archer Wireline L.L.C.	L06620	Fort Worth	09	01/26/16
Throughout TX	Radiographic Specialists Inc.	L02742	Houston	66	01/28/16
Throughout TX	HVJ Associates Inc.	L03813	Houston	54	01/22/16
Throughout TX	Element Materials Technology Houston Inc.	L06451	Houston	04	01/26/16
Throughout TX	C&J Spec Rent Services Inc. dba Casedhole Solutions	L06662	Houston	03	01/20/16
Throughout TX	UT Quality Inc.	L06698	Houston	04	01/26/16
Throughout TX	Signum Instruments Inc.	L06738	Houston	02	01/28/16
Throughout TX	Industrial Nuclear Company Inc.	L04508	La Porte	28	01/27/16
Throughout TX	Stronghold Inspection Ltd.	L06695	La Porte	02	01/22/16
Throughout TX	Castle Engineering & Testing L.L.C.	L06143	Laredo	05	01/20/16
Throughout TX	Castle Engineering & Testing L.L.C.	L06143	Laredo	06	01/28/16
Throughout TX	Permian Nondestructive Testing Inc.	L06001	Midland	19	01/22/16
Throughout TX	Dynasty Wireline Services L.L.C.	L06753	Midland	01	01/20/16
Throughout TX	J. Z. Russell Industries Inc.	L06459	Nederland	09	01/26/16
Throughout TX	Advanced Inspection Technologies L.L.C.	L06608	Spring	04	01/21/16
Throughout TX	Schlumberger Technology Corporation	L01833	Sugar Land	197	01/28/16

RENEWAL OF LICENSES ISSUED:

Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amendment Number	Date of Action
Borger	WRB Refining L.P.	L02480	Borger	61	01/28/16
Pittsburg	East Texas Medical Center Pittsburg	L03106	Pittsburg	32	01/22/16
Round Rock	Columbia/St. David's Healthcare System L.P. dba Medical Center of Round Rock	L03469	Round Rock	51	01/26/16

TERMINATIONS OF LICENSES ISSUED:

Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amendment Number	Date of Action
Bryan	Central Texas Heart Center P.A.	L05960	Bryan	03	01/27/16
San Antonio	ACD-SA Ltd. dba Sendero Imaging and Treatment Center	L05567	San Antonio	23	01/27/16
Throughout TX	Element Materials Technology St. Paul Inc.	L06711	Houston	01	01/20/16

TRD-201601083  
 Lisa Hernandez  
 General Counsel  
 Department of State Health Services  
 Filed: March 2, 2016

◆ ◆ ◆  
 Licensing Actions for Radioactive Materials

## LICENSING ACTIONS FOR RADIOACTIVE MATERIALS

During the first half of February, 2016, the Department of State Health Services (Department) has taken actions regarding Licenses for the possession and use of radioactive materials as listed in the tables (in alphabetical order by location). The subheading "Location" indicates the city in which the radioactive material may be possessed and/or used. The location listing "Throughout TX [Texas]" indicates that the radioactive material may be used on a temporary basis at locations throughout the state.

In issuing new licenses and amending and renewing existing licenses, the Department's Radiation Safety Licensing Branch has determined that the applicant has complied with the licensing requirements in Title 25 Texas Administrative Code (TAC), Chapter 289, for the noted action. In granting termination of licenses, the Department has determined that the licensee has complied with the applicable decommissioning requirements of 25 TAC, Chapter 289.

This notice affords the opportunity for a hearing on written request, within 30 days of the date of publication of this notice, of a person affected by the Department's action. A person affected is defined as a person who demonstrates that the person has suffered or will suffer actual injury or economic damage and, if the person is not a local government, is (a) a resident of a county, or a county adjacent to the county, in which radioactive material is or will be located, or (b) doing business or has a legal interest in land in the county or adjacent county. 25 TAC §289.205(b)(15); Health and Safety Code §401.003(15). A person affected may request a hearing as prescribed in 25 TAC §289.205(c) by writing Richard A. Ratliff, Radiation Program Officer, Department of State Health Services, Radiation Material Licensing – MC 2835, PO Box 149347, Austin, Texas 78714-9347. For information call (512) 834-6688.

### NEW LICENSES ISSUED:

Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amendment Number	Date of Action
Throughout TX	Positron Corp.	L06770	Houston	00	02/01/16

### AMENDMENTS TO EXISTING LICENSES ISSUED:

Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amendment Number	Date of Action
Austin	St. Davids Healthcare Partnership L.P., L.L.P. dba St. Davids South Austin Medical Center	L03273	Austin	102	02/04/16
Bishop	Ticono Polymers Inc.	L02441	Bishop	56	02/11/16
Borger	Chevron Phillips Chemical Company L.P.	L05181	Borger	25	02/11/16
Cedar Park	Cedar Park Health System L.P. dba Cedar Park Regional Medical Center	L06140	Cedar Park	14	02/09/16
Cleburne	Roc Service Company L.L.C.	L06758	Cleburne	01	02/04/16
Dallas	Peloton Therapeutics Inc.	L06490	Dallas	05	02/11/16
Dallas	Dallas Medical Center L.L.C.	L06584	Dallas	05	02/12/16
Dallas	Truradiation Partners North Dallas L.L.C. dba Northpoint Cancer Center	L06645	Dallas	04	02/12/16
Edinburg	Sunshine Medical Services	L06742	Edinburg	02	02/11/16
Harlingen	Harlingen Medical Center	L05587	Harlingen	08	02/10/16
Houston	Memorial Hermann Health System dba Memorial Hermann Sugar Land Hospital	L03457	Houston	54	02/05/16
Houston	Houston Cyclotron Partners L.P. dba Cyclotope	L05585	Houston	28	02/01/16
Houston	NIS Holdings Inc. dba Nuclear Imaging Services	L05775	Houston	100	02/11/16
Houston	Methodist Health Centers dba Houston Methodist Willowbrook Hospital	L06670	Houston	02	02/10/16
Killeen	George S. Rebecca M.D., F.A.C.C. dba Texas Cardiovascular Medicine	L05099	Killeen	16	02/11/16
Livingston	Memorial Hospital of Polk County dba Memorial Medical Center Livingston	L05552	Livingston	17	02/03/16

Lubbock	Neutron Lab L.L.C. dba Texas Compounding Services	L06588	Lubbock	01	02/02/16
Lufkin	Memorial Health System dba Chi St. Lukes Health Memorial	L01346	Lufkin	95	02/01/16
Lufkin	Piney Woods Healthcare System L.P. dba Woodland Heights Medical Center	L01842	Lufkin	65	02/12/16
Pasadena	CHCA Bayshore L.P. dba Bayshore Medical Center	L00153	Pasadena	102	02/04/16
Pasadena	MEMC Pasadena Inc.	L05129	Pasadena	16	02/03/16
San Antonio	BHS Physicians Network Inc. dba Heart & Vascular Institute of Texas	L06750	San Antonio	01	02/04/16
Stephenville	Tarleton State University	L05612	Stephenville	08	02/01/16
Sugar Land	Methodist Sugar Land Hospital Cancer Center	L06232	Sugar Land	08	02/09/16
Sugar Land	Schlumberger Technology Corporation	L06303	Sugar Land	05	02/10/16
Sugar Land	TMH Physician Associates P.L.L.C. dba Methodist Diagnostic Cardiology Houston	L06527	Sugar Land	02	02/01/16
Temple	Scott & White Memorial Hospital dba Scott & White Medical Center – Temple	L00331	Temple	102	02/09/16
Temple	Scott & White Memorial Hospital dba Baylor Scott & White McLane Childrens Hospital	L00666	Temple	55	02/09/16
Texas City	Ineos Styrolution America L.L.C.	L00354	Texas City	42	02/08/16
Texas City	Marathon Petroleum Company L.L.C.	L04431	Texas City	34	02/03/16
Throughout TX	Texas Health Presbyterian Hospital Dallas	L01586	Dallas	104	02/09/16
Throughout TX	Fugro Consultants Inc.	L03461	Dallas	30	02/04/16
Throughout TX	Professional Service Industries Inc.	L04940	Dallas	20	02/05/16
Throughout TX	AMEC Foster Wheeler Environment & Infrastructure Inc.	L03622	El Paso	33	02/04/16
Throughout TX	Archer Wireline L.L.C.	L06620	Fort Worth	10	02/08/16
Throughout TX	Oceaneering International Inc.	L04463	Houston	85	02/05/16
Throughout TX	US Steel Tubular Products Inc.	L06604	Houston	01	02/02/16
Throughout TX	Versa Integrity Group Inc.	L06669	Houston	07	02/02/16
Throughout TX	Code Compliance Inspection L.L.C.	L06703	La Porte	04	02/04/16
Throughout TX	Permian Nondestructive Testing Inc.	L06001	Midland	20	02/02/16
Throughout TX	Team Industrial Services Inc.	L00087	Pasadena	234	02/05/16
Throughout TX	Petrochem Inspection Services Inc. dba TUV SUD America Chemical Oil and Gas	L04460	Pasadena	124	02/11/16
Tyler	East Texas Medical Center	L00977	Tyler	162	02/01/16

RENEWAL OF LICENSES ISSUED:

Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amendment Number	Date of Action
Amarillo	Cardinal Health 414 L.L.C. dba Cardinal Health Nuclear Pharmacy Svcs.	L03398	Amarillo	44	02/03/16
Corpus Christi	Equistar Chemicals L.P. Corpus Christi Plant	L02447	Corpus Christi	26	02/03/16
Throughout TX	Integrity Testing & Inspection Inc. dba ITxI Labs Inc.	L06027	El Paso	11	02/02/16
Throughout TX	The University of Texas Health Science Center at Houston	L02774	Houston	73	02/03/16
Throughout TX	Russell T. Gully dba SKG Engineering	L05918	San Angelo	06	02/04/16
Throughout TX	Ruiz Testing Services Inc.	L04948	San Antonio	20	02/02/16

TERMINATIONS OF LICENSES ISSUED:

Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amendment Number	Date of Action
Throughout TX	Perryton	L05634	Perryton	07	02/11/16

TRD-201601084  
 Lisa Hernandez  
 General Counsel  
 Department of State Health Services  
 Filed: March 2, 2016

◆ ◆ ◆

**Texas Department of Housing and Community Affairs**

Request for Qualifications

The Texas Department of Housing and Community Affairs has posted a Request for Qualifications (RFQ) #332-RFQ16-1002 for *Low Income Housing Tax Credit Counsel*. If you are interested in providing a response to this RFQ, please view the Request for Qualifications posting on the Electronic State Business Daily (ESBD). The website for the ESBD is: <http://esbd.cpa.state.tx.us/> and you can search by the proposal number listed above.

TRD-201601160  
 Timothy K. Irvine  
 Executive Director  
 Texas Department of Housing and Community Affairs  
 Filed: March 8, 2016

◆ ◆ ◆

**Texas Department of Insurance**

Company Licensing

Application for MTL INSURANCE COMPANY to change its name to MUTUAL TRUST LIFE INSURANCE COMPANY, A PAN-AMERICAN LIFE INSURANCE GROUP STOCK COMPANY, a foreign life, accident and/or health company. The home office is in Oak Brook, Illinois.

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 Jeff Hunt, 333 Guadalupe Street, MC 305-2C, Austin, Texas 78701.

TRD-201601184  
 Norma Garcia  
 General Counsel  
 Texas Department of Insurance  
 Filed: March 9, 2016

◆ ◆ ◆

**Revised Workers' Compensation Classification Relativities**

The commissioner of insurance considered workers' compensation classification relativities to replace those adopted under Commissioner's Order No. 3848, dated March 5, 2015.

The commissioner held a hearing on staff's proposed revised classification relativities under Docket No. 2784 on December 16, 2015, in Room 100 of the William P. Hobby Jr. State Office Building, 333

Guadalupe Street in Austin, Texas. TDI published notice of staff's proposed revised classification relativities and of the hearing on November 30, 2015, on the Secretary of State's website as an open meeting. TDI also provided notice on the TDI website and by electronic news. At the hearing, staff explained the recommended revisions.

A copy of the full text of the notice and Exhibit A, the proposed revised classification relativities, has been on file with the TDI chief clerk since November 24, 2015. Comments on the proposed revised classification relativities were due by 5:00 p.m., central time, on January 4, 2016. TDI received one comment.

The commenter asserted that the proposed 10 percent reduction was insufficient, and concluded that the loss costs and relativities could easily be reduced by 20 percent. The commenter stated that the 2014 combined ratio of 84 percent indicates an astronomical level of profitability; the National Council on Compensation Insurance (NCCI) selected conservative loss trends when developing its loss cost reductions; and the loss ratio for workers' compensation insurance has not exceeded 48 percent since 2010.

The commissioner considered the comment and found that staff's proposed 10 percent reduction to the overall relativities is reasonable. TDI and NCCI have responded appropriately to the decreasing combined ratios and loss ratios by reducing the relativities and the loss costs in each of the last two years. Also, TDI staff's analysis of the loss trends selected by NCCI shows that the selections were reasonable. Finally, reducing the relativities by 10 percent, but not more, balances recognition of the continued improvement in loss experience with the possibility of rate shock or overcorrection, either of which could result in future rate increases.

After considering the proposed revised classification relativities, the commissioner adopts the following findings of fact and conclusions of law.

**FINDINGS OF FACT**

1. The current classification relativities, which were effective on July 1, 2015, are based on experience data reflecting workers' compensation experience from policies with effective dates from 2007 through 2011.
2. The proposed revised classification relativities are based on experience data reflecting workers' compensation experience from policies with effective dates from 2008 through 2012.

*Methodology*

3. Staff used the same methodology as in previous years to calculate the revised classification relativities.
4. Staff's analysis used the five most recent policy years' loss experience from the Workers' Compensation Statistical Plan data, which is summarized by and obtained from NCCI, TDI's statistical agent. Staff reviewed NCCI's data for reasonableness and consistency.
5. Staff developed a revenue-neutral set of relativities in relation to the current relativities, and limited the change to +/-25 percent for any one class in order to minimize possible rate shock due to any large indicated changes in the relativities. Staff then multiplied the revenue-neutral set of relativities by an adjustment factor of 0.9.

6. This adjustment will decrease the classification relativities by an average of 10 percent overall. With this overall reduction, the change for any given classification will range from -32.5 percent to 12.5 percent of the current classification relativities.

7. Staff estimated the accident year combined ratio for 2014 to be approximately 84 percent, which is four points below last year's ratio of 88 percent. This ratio has decreased each year since 2011, when it reached a high of 96 percent.

8. NCCI's overall average decrease to the loss cost level effective July 1, 2015, was 10.9 percent. Further, NCCI has proposed a 9.9 percent decrease in the overall average loss cost level effective July 1, 2016.

9. Findings of Fact 7 and 8 demonstrate that the workers' compensation market is profitable. As a result, staff determined that it is reasonable to reduce the average level of the current classification relativities by 10 percent overall, as presented at the hearing.

#### *Effective Date*

10. TDI staff requested that the proposed revised classification relativities be available for adoption by insurers immediately, but that their use be mandatory for all policies with effective dates on or after July 1, 2016, unless the insurer files an alternative classification rate basis.

#### **CONCLUSIONS OF LAW**

1. The commissioner has jurisdiction over this matter under Insurance Code §2053.051. Section 2053.051 requires TDI to determine hazards by class and establish classification relativities applicable to the payroll in each classification for workers' compensation insurance. It further provides that the classification system must be revised at least once every five years.

2. Adopting the revised classification relativities in Exhibit A is reasonable and is consistent with Texas workers' compensation statutes and rules.

The commissioner adopts the revised classification relativities in Exhibit A for policies with effective dates on or after July 1, 2016. Exhibit A is incorporated by reference into this order. Insurers may use the revised classification relativities immediately. However, the revised classification relativities must be used for all policies with effective dates on or after July 1, 2016, unless the insurer files an alternative classification rate basis.

**EXHIBIT A**

TEXAS WORKERS' COMPENSATION RELATIVITIES  
 AVAILABLE FOR IMMEDIATE USE  
 MANDATORY EFFECTIVE DATE 7/1/2016

<b>Class</b>	<b>Relativity</b>	<b>Class</b>	<b>Relativity</b>
0005	4.02	2288	6.62
0008	5.35	2361	1.22
0011	10.53	2380	1.76
0016	9.10	2501	6.64
0034	5.35	2503	1.05
0035	5.32	2532	1.76
0037	7.37	2534	2.84
0042	5.68	2560	5.83
0059	'a'	2576	5.28
0065	'a'	2578	6.72
0066	'a'	2581	7.79
0067	'a'	2583	3.29
0079	4.44	2587	4.47
0083	7.54	2670	14.68
0106	9.91	2683	4.68
0113	6.08	2688	6.76
0401	20.98	2702	24.38
0913	'a'	2705	12.60
0923	'a'	2710	9.74
1165	'a'	2719	10.04
1321	2.48	2731	5.46
1438	5.99	2790	4.09
1463	17.73	2802	6.54
1472	6.47	2835	4.87
1701	7.77	2881	5.01
1747	2.71	2923	2.00
1803	4.32	3004	4.29
1924	5.07	3022	4.97
2003	6.63	3027	1.47
2014	7.71	3028	5.63
2040	3.71	3040	6.64
2041	3.13	3041	5.21
2068	5.59	3042	2.59
2081	5.49	3064	6.33
2095	6.70	3066	5.00
2105	5.46	3081	4.59
2111	9.13	3082	9.59
2114	7.47	3085	4.33
2121	3.05	3110	6.18
2157	6.14	3111	4.86
2172	1.42	3113	4.29
2211	18.52	3114	4.08
2220	3.80	3126	3.17
2260	3.46	3131	2.63
2286	2.98	3132	3.95

**EXHIBIT A**

TEXAS WORKERS' COMPENSATION RELATIVITIES  
 AVAILABLE FOR IMMEDIATE USE  
 MANDATORY EFFECTIVE DATE 7/1/2016

<b>Class</b>	<b>Relativity</b>	<b>Class</b>	<b>Relativity</b>
3146	4.18	4038	6.08
3179	3.19	4045	5.74
3220	3.14	4062	4.20
3223	3.66	4101	6.69
3224	6.55	4112	0.73
3227	6.66	4114	3.29
3255	5.92	4130	7.98
3257	6.53	4150	1.34
3300	9.14	4206	6.14
3316	1.37	4207	1.08
3331	6.64	4239	2.62
3365	5.19	4243	6.21
3372	4.74	4244	3.56
3383	1.44	4250	2.71
3507	3.95	4273	2.61
3548	3.03	4279	4.51
3574	1.03	4282	1.55
3620	4.83	4283	3.11
3629	2.45	4299	2.88
3632	4.30	4304	6.23
3639	7.14	4307	3.06
3642	4.34	4351	0.95
3643	3.56	4360	6.00
3647	2.82	4361	3.44
3648	3.48	4362	1.05
3681	1.30	4410	5.57
3685	1.57	4417	4.85
3719	2.53	4420	10.11
3724	4.42	4431	5.24
3726	4.51	4432	2.96
3805	1.27	4439	1.90
3807	6.55	4452	3.72
3808	6.30	4459	3.10
3821	7.16	4470	3.84
3822	4.38	4484	4.26
3823	6.04	4511	1.13
3824	4.97	4519	4.42
3830	2.99	4558	2.68
3865	5.96	4568	5.78
3881	7.88	4583	5.86
4000	5.26	4611	1.45
4021	8.35	4635	2.71
4024	2.94	4653	5.26
4034	8.27	4665	12.82
4036	3.14	4670	8.40

**EXHIBIT A**

TEXAS WORKERS' COMPENSATION RELATIVITIES  
 AVAILABLE FOR IMMEDIATE USE  
 MANDATORY EFFECTIVE DATE 7/1/2016

<b>Class</b>	<b>Relativity</b>	<b>Class</b>	<b>Relativity</b>
4692	0.86	5183	5.01
4693	2.07	5190	5.22
4703	4.57	5191	1.32
4712	3.01	5192	4.47
4716	5.13	5200	5.89
4717	5.78	5203	12.19
4720	3.35	5213	6.21
4740	1.17	5220	5.80
4743	2.30	5348	3.39
4751	1.71	5403	7.40
4766	'a'	5437	5.96
4777	'a'	5443	3.64
4800	'a'	5462	8.61
4801	'a'	5474	5.35
4802	'a'	5479	6.94
4803	'a'	5491	2.75
4804	'a'	5506	9.68
4805	'a'	5536	4.50
4806	'a'	5538	11.72
4807	'a'	5551	14.40
4808	'a'	5606	1.17
4809	'a'	5701	5.61
4810	'a'	6003	7.00
4811	'a'	6045	4.31
4812	'a'	6202	11.14
4813	'a'	6203	1.87
4814	'a'	6204	10.03
4815	'a'	6205	'a'
4816	'a'	6206	4.74
4817	'a'	6213	3.59
4818	'a'	6216	7.61
4819	'a'	6219	6.55
4820	'a'	6229	3.82
4821	'a'	6233	3.48
4822	'a'	6237	3.57
4823	'a'	6238	12.80
4902	4.51	6306	10.16
4923	1.64	6319	6.21
5022	9.76	6400	6.87
5040	14.76	6504	4.45
5041	9.63	6823	6.85
5057	5.33	6824	10.68
5070	14.33	6843	11.70
5102	6.16	6872	9.89
5160	3.35	6874	22.56

**EXHIBIT A**

TEXAS WORKERS' COMPENSATION RELATIVITIES  
 AVAILABLE FOR IMMEDIATE USE  
 MANDATORY EFFECTIVE DATE 7/1/2016

<b>Class</b>	<b>Relativity</b>	<b>Class</b>	<b>Relativity</b>
7016	3.94	8033	4.65
7024	4.33	8034	6.04
7046	5.84	8039	3.63
7047	6.74	8044	6.91
7098	6.49	8045	0.67
7099	10.00	8047	1.14
7133	5.71	8058	4.01
7134	6.34	8102	8.88
7135	9.76	8106	7.54
7219	10.60	8107	4.41
7230	14.58	8113	6.63
7309	21.61	8209	8.15
7313	7.40	8215	5.04
7317	6.25	8227	4.08
7327	4.96	8231	10.77
7350	20.65	8234	8.04
7360	6.83	8264	7.95
7380	7.04	8265	9.75
7382	9.07	8288	8.07
7390	7.22	8292	6.10
7405	3.33	8293	14.98
7418	5.26	8295	5.56
7421	1.14	8304	11.28
7422	3.78	8350	10.85
7423	7.15	8385	5.22
7502	2.13	8387	3.13
7515	1.83	8391	3.46
7520	4.57	8601	0.41
7538	14.03	8606	3.03
7539	1.55	8607	2.62
7580	3.53	8709	3.56
7590	7.78	8726	1.31
7600	4.62	8742	0.40
7602	7.71	8748	0.65
7610	0.57	8752	4.24
7704	5.59	8754	1.47
7720	3.66	8755	0.46
7855	5.94	8803	0.14
8002	3.72	8809	0.29
8006	4.41	8810	0.23
8008	2.28	8820	0.18
8013	1.03	8828	3.83
8017	2.72	8829	4.87
8018	5.24	8831	2.06
8032	5.19	8832	0.46

**EXHIBIT A**

TEXAS WORKERS' COMPENSATION RELATIVITIES  
 AVAILABLE FOR IMMEDIATE USE  
 MANDATORY EFFECTIVE DATE 7/1/2016

<b>Class</b>	<b>Relativity</b>	<b>Class</b>	<b>Relativity</b>
8833	1.08		
8837	'a'		
8838	0.87		
8858	0.41		
8868	0.88		
8901	0.26		
9014	5.05		
9015	4.70		
9016	5.26		
9019	4.22		
9032	6.75		
9033	4.80		
9040	5.11		
9052	4.26		
9058	2.85		
9060	3.03		
9061	1.85		
9063	1.75		
9079	2.25		
9080	1.98		
9089	1.27		
9093	2.09		
9101	5.59		
9102	4.89		
9154	3.19		
9156	2.61		
9170	28.56		
9178	13.31		
9179	13.82		
9182	4.10		
9186	14.62		
9220	11.80		
9402	8.58		
9501	3.75		
9522	7.12		
9529	5.22		
9552	10.88		
9586	1.38		
9600	2.24		
9620	1.65		
9984	'a'		
9985	'a'		

TRD-201601154  
Norma Garcia  
General Counsel  
Texas Department of Insurance  
Filed: March 7, 2016

◆       ◆       ◆

## Texas Lottery Commission

### Scratch Ticket Game Number 1755 "Easy Money"

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

A. The name of Scratch Ticket Game No. 1755 is "EASY MONEY".  
The play style is "key number match".

#### 1.1 Price of Scratch Ticket Game.

A. The price for Scratch Ticket Game No. 1755 shall be \$5.00 per Ticket.

#### 1.2 Definitions in Scratch Ticket Game No. 1755.

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

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

C. Play Symbol - The printed data under the latex on the front of the Scratch Ticket that is used to determine eligibility for a prize. Each Play Symbol is printed in Symbol font in black ink in positive except for dual-image games. The possible black Play Symbols are: 01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, BILL SYMBOL, MONEY BAG SYMBOL, \$5.00, \$10.00, \$15.00, \$20.00, \$40.00, \$50.00, \$100, \$500, \$1,000 and \$100,000.

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

Figure 1: GAME NO. 1755 - 1.2D

<b>PLAY SYMBOL</b>	<b>CAPTION</b>
01	ONE
02	TWO
03	THR
04	FOR
05	FIV
06	SIX
07	SVN
08	EGT
09	NIN
10	TEN
11	ELV
12	TLV
13	TRN
14	FTN
15	FFN
16	SXN
17	SVT
18	ETN
19	NTN
20	TWY
21	TWON
22	TWTO
23	TWTH
24	TWFR
25	TWV
26	TWSX
27	TWSV
28	TWET
29	TWNI
30	TRTY
31	TRON
32	TRTO
33	TRTH
34	TRFR
35	TRV
36	TRSX
37	TRSV
38	TRET
39	TRNI
40	FRTY
<b>BILL SYMBOL</b>	<b>WIN</b>
<b>MONEY BAG SYMBOL</b>	<b>TPL</b>
\$5.00	FIVE\$
\$10.00	TEN\$
\$15.00	FIFTN
\$20.00	TWENTY
\$40.00	FORTY
\$50.00	FIFTY
\$100	ONE HUN
\$500	FIV HUN
\$1,000	ONE THOU
\$100,000	100THOU

E. Serial Number - A unique 13 (thirteen) digit number appearing under the latex scratch-off covering on the front of the Scratch Ticket. The Serial Number is for validation purposes and cannot be used to play the game. The format will be: 0000000000000.

F. Low-Tier Prize - A prize of \$5.00, \$10.00, \$15.00 or \$20.00.

G. Mid-Tier Prize - A prize of \$50.00, \$100 or \$500.

H. High-Tier Prize - A prize of \$1,000 or \$100,000.

I. Bar Code - A 24 (twenty-four) character interleaved two (2) of five (5) Bar Code which will include a four (4) digit game ID, the seven (7) digit Pack number, the three (3) digit Scratch Ticket number and the ten (10) digit Validation Number. The Bar Code appears on the back of the Scratch Ticket.

J. Pack-Scratch Ticket Number - A 14 (fourteen) digit number consisting of the four (4) digit game number (1755), a seven (7) digit Pack number, and a three (3) digit Scratch Ticket number. Scratch Ticket numbers start with 001 and end with 075 within each Pack. The format will be: 1755-0000001-001.

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

L. Non-Winning Scratch Ticket - A Scratch Ticket which is not programmed to be a winning Scratch Ticket or a Scratch Ticket that does not meet all of the requirements of these Game Procedures, the State Lottery Act (Texas Government Code, Chapter 466), and applicable rules adopted by the Texas Lottery pursuant to the State Lottery Act and referenced in 16 TAC Chapter 401.

M. Scratch Ticket Game, Scratch Ticket or Ticket - Texas Lottery "EASY MONEY" Scratch Ticket Game No. 1755.

2.0 Determination of Prize Winners. The determination of prize winners is subject to the general Scratch Ticket validation requirements set forth in Texas Lottery Rule §401.302, Instant Game Rules, these Game Procedures, and the requirements set out on the back of each Scratch Ticket. A prize winner in the "EASY MONEY" Scratch Ticket Game is determined once the latex on the Scratch Ticket is scratched off to expose 55 (fifty-five) Play Symbols. If a player matches any of YOUR NUMBERS Play Symbols to the EASY NUMBER Play Symbol in the same GAME, the player wins the prize for that number. If a player reveals a "Bill" Play Symbol, the player wins the prize for that symbol instantly. If a player reveals a "Money Bag" Play Symbol, the player wins TRIPLE the prize for that symbol. No portion of the Display Printing nor any extraneous matter whatsoever shall be usable or playable as a part of the Scratch Ticket.

2.1 Scratch Ticket Validation Requirements.

A. To be a valid Scratch Ticket, all of the following requirements must be met:

1. Exactly 55 (fifty-five) Play Symbols must appear under the Latex Overprint on the front portion of the Scratch Ticket;
2. Each of the Play Symbols must have a Play Symbol Caption underneath, unless specified, and each Play Symbol must agree with its Play Symbol Caption;
3. Each of the Play Symbols must be present in its entirety and be fully legible;
4. Each of the Play Symbols must be printed in black ink except for dual image games;

5. The Scratch Ticket shall be intact;

6. The Serial Number, Retailer Validation Code and Pack-Scratch Ticket Number must be present in their entirety and be fully legible;

7. The Serial Number must correspond, using the Texas Lottery's codes, to the Play Symbols on the Scratch Ticket;

8. The Scratch Ticket must not have a hole punched through it, be mutilated, altered, unreadable, reconstituted or tampered with in any manner;

9. The Scratch Ticket must not be counterfeit in whole or in part;

10. The Scratch Ticket must have been issued by the Texas Lottery in an authorized manner;

11. The Scratch Ticket must not have been stolen, nor appear on any list of omitted Scratch Tickets or non-activated Scratch Tickets on file at the Texas Lottery;

12. The Play Symbols, Serial Number, Retailer Validation Code and Pack-Scratch Ticket Number must be right side up and not reversed in any manner;

13. The Scratch Ticket must be complete and not miscut and have exactly 55 (fifty-five) Play Symbols under the Latex Overprint on the front portion of the Scratch Ticket, exactly one Serial Number, exactly one Retailer Validation Code, and exactly one Pack-Scratch Ticket Number on the Scratch Ticket;

14. The Serial Number of an apparent winning Scratch Ticket shall correspond with the Texas Lottery's Serial Numbers for winning Scratch Tickets, and a Scratch Ticket with that Serial Number shall not have been paid previously;

15. The Scratch Ticket must not be blank or partially blank, misregistered, defective or printed or produced in error;

16. Each of the 55 (fifty-five) Play Symbols must be exactly one of those described in Section 1.2.C of these Game Procedures;

17. Each of the 55 (fifty-five) Play Symbols on the Scratch Ticket must be printed in the Symbol font and must correspond precisely to the artwork on file at the Texas Lottery; the Scratch Ticket Serial Numbers must be printed in the Serial font and must correspond precisely to the artwork on file at the Texas Lottery; and the Pack-Scratch Ticket Number must be printed in the Pack-Scratch Ticket Number font and must correspond precisely to the artwork on file at the Texas Lottery;

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

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

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

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

## 2.2 Programmed Game Parameters.

- A. A Ticket can win up to twenty-five (25) times in accordance with the approved prize structure.
- B. Adjacent Non-Winning Tickets within a Pack will not have matching Play Symbol and Prize Symbol patterns. Two (2) Tickets have matching Play Symbol and Prize Symbol patterns if they have the same Play Symbols and Prize Symbols in the same spots.
- C. The top Prize Symbol will appear on every Ticket unless restricted by other parameters, play action or prize structure.
- D. Each Ticket will have five (5) different "EASY NUMBER" Play Symbols.
- E. Non-winning "YOUR NUMBERS" Play Symbols will all be different within a GAME.
- F. No "YOUR NUMBERS" Play Symbol will match an "EASY NUMBER" Play Symbol in a different GAME.
- G. Non-winning Prize Symbols will never appear more than four (4) times.
- H. The "BILL" (WIN) and "MONEY BAG" (TPL) Play Symbols will never appear in the "EASY NUMBER" Play Symbol spots.
- I. The "MONEY BAG" (TPL) Play Symbol will only appear as dictated by the prize structure to win triple the prize.
- J. Non-winning Prize Symbols will never be the same as the winning Prize Symbol(s).
- K. No prize amount in a non-winning spot will correspond with the "YOUR NUMBERS" Play Symbol (i.e., 10 and \$10).

## 2.3 Procedure for Claiming Prizes.

- A. To claim a "EASY MONEY" Scratch Ticket Game prize of \$5.00, \$10.00, \$15.00, \$20.00, \$50.00, \$100 or \$500, a claimant shall sign the back of the Scratch Ticket in the space designated on the Scratch Ticket and present the winning Scratch Ticket to any Texas Lottery Retailer. The Texas Lottery Retailer shall verify the claim and, if valid, and upon presentation of proper identification, if appropriate, make payment of the amount due the claimant and physically void the Scratch Ticket; provided that the Texas Lottery Retailer may, but is not required, to pay a \$50.00, \$100 or \$500 Scratch Ticket Game. In the event the Texas Lottery Retailer cannot verify the claim, the Texas Lottery Retailer shall provide the claimant with a claim form and instruct the claimant on how to file a claim with the Texas Lottery. If the claim is validated by the Texas Lottery, a check shall be forwarded to the claimant in the amount due. In the event the claim is not validated, the claim shall be denied and the claimant shall be notified promptly. A claimant may also claim any of the above prizes under the procedure described in Section 2.3.B and Section 2.3.C of these Game Procedures.
- B. To claim a "EASY MONEY" Scratch Ticket Game prize of \$1,000 or \$100,000, the claimant must sign the winning Scratch Ticket and present it at one of the Texas Lottery's Claim Centers. If the claim is validated by the Texas Lottery, payment will be made to the bearer of the validated winning Scratch Ticket for that prize upon presentation of proper identification. When paying a prize of \$600 or more, the Texas Lottery shall file the appropriate income reporting form with the Internal Revenue Service (IRS) and shall withhold federal income tax at a rate set by the IRS if required. In the event that the claim is not validated by the Texas Lottery, the claim shall be denied and the claimant shall be notified promptly.
- C. As an alternative method of claiming a "EASY MONEY" Scratch Ticket Game prize, the claimant must sign the winning Scratch Ticket, thoroughly complete a claim form, and mail both to: Texas Lottery

Commission, P.O. Box 16600, Austin, Texas 78761-6600. The Texas Lottery is not responsible for Scratch Tickets lost in the mail. In the event that the claim is not validated by the Texas Lottery, the claim shall be denied and the claimant shall be notified promptly.

D. Prior to payment by the Texas Lottery of any prize, the Texas Lottery shall deduct:

- 1. A sufficient amount from the winnings of a prize winner who has been finally determined to be:
  - a. delinquent in the payment of a tax or other money to a state agency and that delinquency is reported to the Comptroller under Government Code §403.055;
  - b. in default on a loan made under Chapter 52, Education Code; or
  - c. in default on a loan guaranteed under Chapter 57, Education Code; and
- 2. delinquent child support payments from the winnings of a prize winner in the amount of the delinquency as determined by a court or a Title IV-D agency under Chapter 231, Family Code.

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

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

- A. if a dispute occurs, or it appears likely that a dispute may occur, regarding the prize;
- B. if there is any question regarding the identity of the claimant;
- C. if there is any question regarding the validity of the Scratch Ticket presented for payment; or
- D. if the claim is subject to any deduction from the payment otherwise due, as described in Section 2.3.D of these Game Procedures. No liability for interest for any delay shall accrue to the benefit of the claimant pending payment of the claim.

2.5 Payment of Prizes to Persons Under 18. If a person under the age of 18 years is entitled to a cash prize under \$600 from the "EASY MONEY" Scratch Ticket Game, the Texas Lottery shall deliver to an adult member of the minor's family or the minor's guardian a check or warrant in the amount of the prize payable to the order of the minor.

2.6 If a person under the age of 18 years is entitled to a cash prize of \$600 or more from the "EASY MONEY" Scratch Ticket Game, the Texas Lottery shall deposit the amount of the prize in a custodial bank account, with an adult member of the minor's family or the minor's guardian serving as custodian for the minor.

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

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

3.0 Scratch Ticket Ownership.

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

Executive Director will require that one of those players whose name appears thereon be designated by such players to receive payment.

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

4.0 Number and Value of Scratch Ticket Prizes. There will be approximately 7,080,000 Scratch Tickets in Scratch Ticket Game No. 1755. The approximate number and value of prizes in the game are as follows:

Figure 2: GAME NO. 1755 - 4.0

Prize Amount	Approximate Number of Winners*	Approximate Odds are 1 in **
\$5	944,000	7.50
\$10	660,800	10.71
\$15	188,800	37.50
\$20	188,800	37.50
\$50	70,800	100.00
\$100	14,750	480.00
\$500	1,121	6,315.79
\$1,000	160	44,250.00
\$100,000	4	1,770,000.00

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

\*\*The overall odds of winning a prize are 1 in 3.42. The individual odds of winning for a particular prize level may vary based on sales, distribution, testing, and number of prizes claimed.

A. The actual number of Scratch Tickets in the game may be increased or decreased at the sole discretion of the Texas Lottery Commission.

5.0 End of the Scratch Ticket Game. The Executive Director may, at any time, announce a closing date (end date) for the Scratch Ticket Game No. 1755 without advance notice, at which point no further Scratch Tickets in that game may be sold. The determination of the closing date and reasons for closing will be made in accordance with the Scratch Ticket closing procedures and the Instant Game Rules. See 16 TAC §401.302(j).

6.0 Governing Law. In purchasing a Scratch Ticket, the player agrees to comply with, and abide by, these Game Procedures for Scratch Ticket Game No. 1755, the State Lottery Act (Texas Government Code, Chapter 466), applicable rules adopted by the Texas Lottery pursuant to the State Lottery Act and referenced in 16 TAC Chapter 401, and all final decisions of the Executive Director.

TRD-201601168  
 Bob Biard  
 General Counsel  
 Texas Lottery Commission  
 Filed: March 8, 2016



Scratch Ticket Game Number 1803 "Hit \$200,000"

1.0 Name and Style of Scratch Ticket Game.

A. The name of Scratch Ticket Game No. 1803 is "HIT \$200,000". The play style is "key number match".

1.1 Price of Scratch Ticket Game.

A. The price for Scratch Ticket Game No. 1803 shall be \$5.00 per Ticket.

1.2 Definitions in Scratch Ticket Game No. 1803.

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

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

C. Play Symbol - The printed data under the latex on the front of the Scratch Ticket that is used to determine eligibility for a prize. Each Play Symbol is printed in Symbol font in black ink in positive except for dual-image games. The possible black Play Symbols are: 01, 02, 03, 04, 06, 07, 08, 09, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24, 26, 27, 28, 29, 30, 31, 32, 33, 34, 36, 37, 38, 39, 40, 5X SYMBOL, HIT SYMBOL, \$5.00, \$10.00, \$20.00, \$25.00, \$50.00, \$100, \$250, \$500, \$1,000, \$20,000 and \$200,000.

D. Play Symbol Caption - The printed material appearing below each Play Symbol which explains the Play Symbol. One caption appears

under each Play Symbol and is printed in caption font in black ink in positive. The Play Symbol Caption which corresponds with and verifies each Play Symbol is as follows:

Figure 1: GAME NO. 1803 - 1.2D

<b>PLAY SYMBOL</b>	<b>CAPTION</b>
01	ONE
02	TWO
03	THR
04	FOR
06	SIX
07	SVN
08	EGT
09	NIN
10	TEN
11	ELV
12	TLV
13	TRN
14	FTN
16	SXN
17	SVT
18	ETN
19	NTN
20	TWY
21	TWON
22	TWTO
23	TWTH
24	TWFR
26	TWSX
27	TWSV
28	TWET
29	TWNI
30	TRTY
31	TRON
32	TRTO
33	TRTH
34	TRFR
36	TRSX
37	TRSV
38	TRET
39	TRNI
40	FRTY
5X SYMBOL	WINX5
HIT SYMBOL	WIN \$50
\$5.00	FIV\$
\$10.00	TEN\$
\$20.00	TWY\$
\$25.00	TWV\$
\$50.00	FFTY\$
\$100	ONHN\$
\$250	TOFF
\$500	FVHN
\$1,000	ONTH
\$20,000	20TH
\$200,000	200TH

E. Serial Number - A unique 13 (thirteen) digit number appearing under the latex scratch-off covering on the front of the Scratch Ticket. The Serial Number is for validation purposes and cannot be used to play the game. The format will be: 0000000000000.

F. Low-Tier Prize - A prize of \$5.00 or \$10.00.

G. Mid-Tier Prize - A prize of \$25.00, \$50.00, \$100, \$250 or \$500.

H. High-Tier Prize - A prize of \$1,000, \$20,000 or \$200,000.

I. Bar Code - A 24 (twenty-four) character interleaved two (2) of five (5) Bar Code which will include a four (4) digit game ID, the seven (7) digit Pack number, the three (3) digit Scratch Ticket number and the ten (10) digit Validation Number. The Bar Code appears on the back of the Scratch Ticket.

J. Pack-Scratch Ticket Number - A 14 (fourteen) digit number consisting of the four (4) digit game number (1803), a seven (7) digit Pack number, and a three (3) digit Scratch Ticket number. Scratch Ticket numbers start with 001 and end with 075 within each Pack. The format will be: 1803-0000001-001.

K. Pack - A Pack of the "HIT \$200,000" Scratch Ticket Game contains 075 Tickets, packed in plastic shrink-wrapping and fanfolded in pages of one (1). The Packs will alternate. One will show the front of Ticket 001 and back of 075 while the other fold will show the back of Ticket 001 and front of 075.

L. Non-Winning Scratch Ticket - A Scratch Ticket which is not programmed to be a winning Scratch Ticket or a Scratch Ticket that does not meet all of the requirements of these Game Procedures, the State Lottery Act (Texas Government Code, Chapter 466), and applicable rules adopted by the Texas Lottery pursuant to the State Lottery Act and referenced in 16 TAC Chapter 401.

M. Scratch Ticket Game, Scratch Ticket or Ticket - Texas Lottery "HIT \$200,000" Scratch Ticket Game No. 1803.

2.0 Determination of Prize Winners. The determination of prize winners is subject to the general Scratch Ticket validation requirements set forth in Texas Lottery Rule §401.302, Instant Game Rules, these Game Procedures, and the requirements set out on the back of each Scratch Ticket. A prize winner in the "HIT \$200,000" Scratch Ticket Game is determined once the latex on the Scratch Ticket is scratched off to expose 45 (forty-five) Play Symbols. If a player matches any of YOUR NUMBERS Play Symbols to any of the WINNING NUMBERS Play Symbols, the player wins the prize for that number. If a player reveals a "5X" Play Symbol, the player wins 5 TIMES the prize for that symbol. If a player reveals a "HIT" Play Symbol, the player wins \$50 instantly! No portion of the Display Printing nor any extraneous matter whatsoever shall be usable or playable as a part of the Scratch Ticket.

2.1 Scratch Ticket Validation Requirements.

A. To be a valid Scratch Ticket, all of the following requirements must be met:

1. Exactly 45 (forty-five) Play Symbols must appear under the Latex Overprint on the front portion of the Scratch Ticket;
2. Each of the Play Symbols must have a Play Symbol Caption underneath, unless specified, and each Play Symbol must agree with its Play Symbol Caption;
3. Each of the Play Symbols must be present in its entirety and be fully legible;
4. Each of the Play Symbols must be printed in black ink except for dual image games;
5. The Scratch Ticket shall be intact;

6. The Serial Number, Retailer Validation Code and Pack-Scratch Ticket Number must be present in their entirety and be fully legible;

7. The Serial Number must correspond, using the Texas Lottery's codes, to the Play Symbols on the Scratch Ticket;

8. The Scratch Ticket must not have a hole punched through it, be mutilated, altered, unreadable, reconstituted or tampered with in any manner;

9. The Scratch Ticket must not be counterfeit in whole or in part;

10. The Scratch Ticket must have been issued by the Texas Lottery in an authorized manner;

11. The Scratch Ticket must not have been stolen, nor appear on any list of omitted Scratch Tickets or non-activated Scratch Tickets on file at the Texas Lottery;

12. The Play Symbols, Serial Number, Retailer Validation Code and Pack-Scratch Ticket Number must be right side up and not reversed in any manner;

13. The Scratch Ticket must be complete and not miscut and have exactly 45 (forty-five) Play Symbols under the Latex Overprint on the front portion of the Scratch Ticket, exactly one Serial Number, exactly one Retailer Validation Code, and exactly one Pack-Scratch Ticket Number on the Scratch Ticket;

14. The Serial Number of an apparent winning Scratch Ticket shall correspond with the Texas Lottery's Serial Numbers for winning Scratch Tickets, and a Scratch Ticket with that Serial Number shall not have been paid previously;

15. The Scratch Ticket must not be blank or partially blank, misregistered, defective or printed or produced in error;

16. Each of the 45 (forty-five) Play Symbols must be exactly one of those described in Section 1.2.C of these Game Procedures;

17. Each of the 45 (forty-five) Play Symbols on the Scratch Ticket must be printed in the Symbol font and must correspond precisely to the artwork on file at the Texas Lottery; the Scratch Ticket Serial Numbers must be printed in the Serial font and must correspond precisely to the artwork on file at the Texas Lottery; and the Pack-Scratch Ticket Number must be printed in the Pack-Scratch Ticket Number font and must correspond precisely to the artwork on file at the Texas Lottery;

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

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

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

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

2.2 Programmed Game Parameters.

A. Consecutive Non-Winning Tickets in a Pack will not have matching play data, spot for spot.

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

C. No matching non-winning YOUR NUMBERS Play Symbols on a Ticket.

D. The "HIT" (WIN \$50) Play Symbol will only appear as dictated by the prize structure and will only appear with the \$50 Prize Symbol.

E. No matching WINNING NUMBERS Play Symbols on a Ticket.

F. The "5X" (WINX5) Play Symbol will only appear as dictated by the prize structure.

G. No more than three (3) matching non-winning Prize Symbols on a Ticket.

H. A non-winning Prize Symbol will never be the same as a winning Prize Symbol.

I. No prize amount in a non-winning spot will correspond with the YOUR NUMBERS Play Symbol (i.e., 10 and \$10).

### 2.3 Procedure for Claiming Prizes.

A. To claim a "HIT \$200,000" Scratch Ticket Game prize of \$5.00, \$10.00, \$25.00, \$50.00, \$100, \$250 or \$500, a claimant shall sign the back of the Scratch Ticket in the space designated on the Scratch Ticket and present the winning Scratch Ticket to any Texas Lottery Retailer. The Texas Lottery Retailer shall verify the claim and, if valid, and upon presentation of proper identification, if appropriate, make payment of the amount due the claimant and physically void the Scratch Ticket; provided that the Texas Lottery Retailer may, but is not required, to pay a \$25.00, \$50.00, \$100, \$250 or \$500 Scratch Ticket Game. In the event the Texas Lottery Retailer cannot verify the claim, the Texas Lottery Retailer shall provide the claimant with a claim form and instruct the claimant on how to file a claim with the Texas Lottery. If the claim is validated by the Texas Lottery, a check shall be forwarded to the claimant in the amount due. In the event the claim is not validated, the claim shall be denied and the claimant shall be notified promptly. A claimant may also claim any of the above prizes under the procedure described in Section 2.3.B and Section 2.3.C of these Game Procedures.

B. To claim a "HIT \$200,000" Scratch Ticket Game prize of \$1,000, \$20,000 or \$200,000, the claimant must sign the winning Scratch Ticket and present it at one of the Texas Lottery's Claim Centers. If the claim is validated by the Texas Lottery, payment will be made to the bearer of the validated winning Scratch Ticket for that prize upon presentation of proper identification. When paying a prize of \$600 or more, the Texas Lottery shall file the appropriate income reporting form with the Internal Revenue Service (IRS) and shall withhold federal income tax at a rate set by the IRS if required. In the event that the claim is not validated by the Texas Lottery, the claim shall be denied and the claimant shall be notified promptly.

C. As an alternative method of claiming a "HIT \$200,000" Scratch Ticket Game prize, the claimant must sign the winning Scratch Ticket, thoroughly complete a claim form, and mail both to: Texas Lottery Commission, P.O. Box 16600, Austin, Texas 78761-6600. The Texas Lottery is not responsible for Scratch Tickets lost in the mail. In the event that the claim is not validated by the Texas Lottery, the claim shall be denied and the claimant shall be notified promptly.

D. Prior to payment by the Texas Lottery of any prize, the Texas Lottery shall deduct:

1. A sufficient amount from the winnings of a prize winner who has been finally determined to be:

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

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

c. in default on a loan guaranteed under Chapter 57, Education Code; and

2. delinquent child support payments from the winnings of a prize winner in the amount of the delinquency as determined by a court or a Title IV-D agency under Chapter 231, Family Code.

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

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

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

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

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

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

2.5 Payment of Prizes to Persons Under 18. If a person under the age of 18 years is entitled to a cash prize under \$600 from the "HIT \$200,000" Scratch Ticket Game, the Texas Lottery shall deliver to an adult member of the minor's family or the minor's guardian a check or warrant in the amount of the prize payable to the order of the minor.

2.6 If a person under the age of 18 years is entitled to a cash prize of \$600 or more from the "HIT \$200,000" Scratch Ticket Game, the Texas Lottery shall deposit the amount of the prize in a custodial bank account, with an adult member of the minor's family or the minor's guardian serving as custodian for the minor.

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

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

### 3.0 Scratch Ticket Ownership.

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

more than one name appears on the back of the Scratch Ticket, the Executive Director will require that one of those players whose name appears thereon be designated by such players to receive payment.

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

4.0 Number and Value of Scratch Ticket Prizes. There will be approximately 15,000,000 Scratch Tickets in Scratch Ticket Game No. 1803. The approximate number and value of prizes in the game are as follows:

Figure 2: GAME NO. 1803 - 4.0

Prize Amount	Approximate Number of Winners*	Approximate Odds are 1 in **
\$5	1,700,000	8.82
\$10	1,500,000	10.00
\$25	190,000	78.95
\$50	215,250	69.69
\$100	18,500	810.81
\$250	8,000	1,875.00
\$500	1,875	8,000.00
\$1,000	1,000	15,000.00
\$20,000	240	62,500.00
\$200,000	7	2,142,857.14

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

\*\*The overall odds of winning a prize are 1 in 4.13. The individual odds of winning for a particular prize level may vary based on sales, distribution, testing, and number of prizes claimed.

A. The actual number of Scratch Tickets in the game may be increased or decreased at the sole discretion of the Texas Lottery Commission.

5.0 End of the Scratch Ticket Game. The Executive Director may, at any time, announce a closing date (end date) for the Scratch Ticket Game No. 1803 without advance notice, at which point no further Scratch Tickets in that game may be sold. The determination of the closing date and reasons for closing will be made in accordance with the Scratch Ticket closing procedures and the Instant Game Rules. See 16 TAC §401.302(j).

6.0 Governing Law. In purchasing a Scratch Ticket, the player agrees to comply with, and abide by, these Game Procedures for Scratch Ticket Game No. 1803, the State Lottery Act (Texas Government Code, Chapter 466), applicable rules adopted by the Texas Lottery pursuant to the State Lottery Act and referenced in 16 TAC Chapter 401, and all final decisions of the Executive Director.

TRD-201601169  
 Bob Biard  
 General Counsel  
 Texas Lottery Commission  
 Filed: March 8, 2016

and/or equipment in the goods movement sector in the Dallas-Fort Worth (DFW) region to partner in anticipation of submitting a grant application to the US Environmental Protection Agency (EPA) under the Clean Diesel Funding Assistance Program Fiscal Year 2016 Request for Proposals. If awarded, this project will reduce emissions from existing diesel vehicles or equipment in use in the goods movement sector. Eligible activities may include vehicle or equipment replacement, engine repower or upgrade, installation of idle reduction technology, or other eligible activities as defined by EPA in the Request for Proposals. Subject to cost per ton evaluation, projects located at the following locations will receive priority consideration: rail yards, freight terminals, intermodal facilities, distribution centers, and warehousing centers, and airport cargo facilities. Eligible projects may receive federal funds ranging from 25 percent to 60 percent of project cost, depending on project type. Selected partners will be responsible for: following all applicable federal procurement guidelines; meeting cost-share requirements; and granting appropriate security interest to NCTCOG for all grant funded vehicles and/or equipment. NCTCOG may consider applications received in response to this solicitation for future funding opportunities or programs. More information and application materials for this Call for Partners can be obtained online at [www.nctcog.org/aqfunding](http://www.nctcog.org/aqfunding).

Application materials must be received no later than 5:00 p.m., CDT, on Friday, April 15, 2016, to Lori Clark, Principal Air Quality Planner, North Central Texas Council of Governments, 616 Six Flags Drive, Arlington, Texas 76011.

◆ ◆ ◆

## North Central Texas Council of Governments

### Request for Potential Grant Partners

The North Central Texas Council of Governments (NCTCOG) is soliciting commitments from entities that operate diesel vehicles

NCTCOG encourages participation by disadvantaged business enterprises and does not discriminate on the basis of age, race, color, religion, sex, national origin, or disability.

TRD-201601180

R. Michael Eastland

Executive Director

North Central Texas Council of Governments

Filed: March 9, 2016



## Public Utility Commission of Texas

### Notice of Application for Sale, Transfer, or Merger

Notice is given to the public of an application filed with the Public Utility Commission of Texas (Commission) on March 1, 2016, pursuant to the Public Utility Regulatory Act, Texas Utilities Code Ann. §39.154 and §39.158.

Docket Style and Number: Application of Gunsight Mountain Holdings, LLC (Gunsight Holdings) for Approval Pursuant to §39.158 of the Public Utility Regulatory Act, Docket Number 45673.

The Application: Gunsight Holdings filed an application for approval of the issuance of passive equity interests in Gunsight Holdings to EFS Renewable Holdings, LLC (Investor). Gunsight Holdings is the owner of 100% of the equity interests in Gunsight Mountain Wind Energy, LLC, which is developing a 120 MW wind powered electricity generation project located in Howard County (the project). The project will be interconnected to the Electric Reliability Council of Texas (ERCOT) through facilities owned by Oncor Electric Delivery Company LLC. The total combined generation ownership of Gunsight Holdings, Investor, and their respective affiliates exceeds one percent of the total electricity offered for sale in ERCOT.

Persons who wish to intervene in the proceeding or comment upon the action sought should contact the Public Utility Commission of Texas as soon as possible as an intervention deadline will be imposed. A comment or request to intervene should be mailed to P.O. Box 13326, Austin, Texas 78711-3326. Further information may also be obtained by calling the Commission's Office of Customer Protection at (512) 936-7120 or (888) 782-8477. Hearing and speech-impaired individuals with text telephones (TTY) may contact the commission through Relay Texas by dialing 7-1-1. All correspondence should refer to Docket Number 45673.

TRD-201601097

Adriana Gonzales

Rules Coordinator

Public Utility Commission of Texas

Filed: March 4, 2016



### Notice of Application for Sale, Transfer, or Merger

Notice is given to the public of an application filed with the Public Utility Commission of Texas (commission) on March 2, 2016, pursuant to the Texas Water Code.

Docket Style and Number: Application of Post Oak Hill Water Supply Corporation and HDU Services, LLC for Sale, Transfer, or Merger of Facilities and Certificate Rights in Burleson County; Docket Number 45684.

The Application: Post Oak Hill Water Supply Corporation (Post Oak Hill) and HDU Services, LLC (HDU Services) filed an application for sale, transfer, or merger of facilities and certificate rights in Burleson

County. Post Oak Hill and HDU Services seek approval for HDU Services to acquire all of the water system assets of Post Oak Hill held under water Certificate of Convenience and Necessity No. 12686.

Persons who wish to intervene in the proceeding or comment upon the action sought should contact the commission as soon as possible as an intervention deadline will be imposed. A comment or request to intervene should be mailed to Public Utility Commission of Texas, P.O. Box 13326, Austin, Texas 78711-3326. Further information may also be obtained by calling the commission's Office of Customer Protection at (512) 936-7120 or (888) 782-8477. Hearing and speech-impaired individuals with text telephones (TTY) may contact the commission through Relay Texas by dialing 7-1-1. All correspondence should refer to Docket Number 45684.

TRD-201601181

Adriana Gonzales

Rules Coordinator

Public Utility Commission of Texas

Filed: March 9, 2016



### Notice of Application for Transfer Pursuant to Public Utility Regulatory Act §37.154

Notice is given to the public of an application filed with the Public Utility Commission of Texas on February 26, 2016, pursuant to the Public Utility Regulatory Act, Tex. Util. Code Ann. §§11.001 - 66.016 (West 2007 & Supp. 2015) (PURA).

Docket Style and Number: Joint Application of Rayburn Country Electric Cooperative, Inc. and Trinity Valley Electric Cooperative, Inc. to Transfer Certificate Rights and Facilities in Van Zandt and Henderson Counties, Docket Number 45531.

The Application: The joint application seeks approval to transfer the portion of Trinity Valley Electric Cooperative's certificate of convenience and necessity (CCN) rights associated with three existing transmission line segments and two retired substation sites that are being purchased by Rayburn County Electric Cooperative. All the electric facilities being acquired by Rayburn are operated in the Southwest Power Pool. Trinity Valley holds CCN No. 30094 and Rayburn holds CCN No. 30188.

Persons who wish to intervene in the proceeding or comment upon the action sought should contact the Public Utility Commission of Texas as soon as possible as an intervention deadline will be established. A comment or request to intervene should be mailed to P.O. Box 13326, Austin, Texas 78711-3326. Further information may also be obtained by calling the commission's Office of Customer Protection at (512) 936-7120 or (888) 782-8477. Hearing and speech-impaired individuals with text telephones (TTY) may contact the commission through Relay Texas by dialing 7-1-1. All correspondence should refer to Docket Number 45531.

TRD-201601094

Adriana Gonzales

Rules Coordinator

Public Utility Commission of Texas

Filed: March 3, 2016



### Notice of Application to Amend a Service Provider Certificate of Operating Authority

On March 1, 2016, Telecommunication Properties, Inc. and TPI/Ex-tenet Holdings, LLC. filed an application with the Public Utility Com-

mission of Texas (commission) to amend service provider certificate of operating authority (SPCOA) Number 60913. Applicants request approval of a change in ownership/control.

Docket Style and Number: Application of Telecommunication Properties, Inc. and TPI/ExteNet Holdings, LLC to amend a Service Provider Certificate of Operating Authority, Docket Number 45683.

Persons wishing to comment on the action sought should contact the Public Utility Commission of Texas by mail at P.O. Box 13326, Austin, Texas 78711-3326 or by phone at (512) 936-7120 or toll-free at 1-888-782-8477 no later than March 25, 2016. Hearing and speech-impaired individuals with text telephones (TTY) may contact the commission through Relay Texas by dialing 7-1-1. All comments should reference Docket Number 45683.

TRD-201601096  
Adriana Gonzales  
Rules Coordinator  
Public Utility Commission of Texas  
Filed: March 4, 2016



#### Notice of Application to Amend a Service Provider Certificate of Operating Authority

On March 3, 2016, Pathway Com-Tel, Inc. filed an application with the Public Utility Commission of Texas (commission) to amend service provider certificate of operating authority Number 60128. Applicant requests a change in certificated service area.

Docket Style and Number: Application of Pathway Com-Tel, Inc. to Amend a Service Provider Certificate of Operating Authority, Docket Number 45690.

Persons wishing to comment on the action sought should contact the commission by mail at P.O. Box 13326, Austin, Texas 78711-3326 or by phone at (512) 936-7120 or toll-free at 1-888-782-8477 no later than March 25, 2016. Hearing and speech-impaired individuals with text telephones (TTY) may contact the commission through Relay Texas by dialing 7-1-1. All comments should reference Docket Number 45690.

TRD-201601156  
Adriana Gonzales  
Rules Coordinator  
Public Utility Commission of Texas  
Filed: March 7, 2016



#### Notice of Application to Relinquish a Service Provider Certificate of Operating Authority

On February 25, 2016, EdgeConneX Fiber Texas, LLC filed an application with the Public Utility Commission of Texas to relinquish its Service Provider Certificate of Operating Authority (SPCOA) Number 60948.

Style and Docket Number: Application of EdgeConneX Fiber Texas, LLC to Relinquish its Service Provider Certificate of Operating Authority, Docket Number 45658.

Application: EdgeConneX Fiber Texas, LLC seeks to relinquish its service provider certificate of operating authority because no customers were ever served in the State of Texas.

Persons wishing to comment on the action sought should contact the Public Utility Commission of Texas by mail at P.O. Box 13326, Austin, Texas 78711-3326 or by phone at (512) 936-7120 or toll-free at 1-888-

782-8477 no later than March 16, 2016. 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 45658.

TRD-201601093  
Adriana Gonzales  
Rules Coordinator  
Public Utility Commission of Texas  
Filed: March 3, 2016



#### Notice of Filing to Withdraw Services Pursuant 16 TAC §26.208(h)

Notice is given to the public of an application filed with the Public Utility Commission of Texas (commission) to withdraw services pursuant to 16 Texas Administrative Code §26.208(h) (TAC).

Docket Title and Number: Application of Guadalupe Valley Telephone Cooperative, Inc. to Withdraw Services Pursuant to 16 Tex. Admin. Code §26.208(h) - Docket Number 45680.

The Application: On March 1, 2016, pursuant to 16 TAC §26.208(h), Guadalupe Valley Telephone Cooperative, Inc. filed an application with the Commission to withdraw certain operator services from the Long Distance Message Telecommunications Service Tariff. Guadalupe Valley proposes to discontinue the following services: Line Status Verification and Busy Line Interrupt. The proceeding was docketed and suspended on March 3, 2016, to allow adequate time for review and intervention.

Information on the application may be obtained by contacting the Public Utility Commission of Texas 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 telephones (TTY) may contact the commission through Relay Texas by dialing 7-1-1. All inquiries should reference Docket Number 45680.

TRD-201601095  
Adriana Gonzales  
Rules Coordinator  
Public Utility Commission of Texas  
Filed: March 3, 2016



#### Notice of Intent to Implement a Minor Rate Change Pursuant to 16 TAC §26.171

##### **TARIFF CONTROL NO. 45696**

Notice is given to the public of an application filed with the Public Utility Commission of Texas (commission) on March 4, 2016, to implement a minor rate change pursuant to 16 Texas Administrative Code §26.171.

Tariff Control Title and Number: Notice of West Plains Telecommunications, Inc. for Approval of a Minor Rate Change Pursuant to 16 Tex. Admin. Code §26.171 and PURA Section 53, Subchapter G, Tariff Control Number 45696.

The Application: West Plains Telecommunications, Inc. filed an application with the commission to increase Directory Assistance charges for direct-dialed and operator-assisted calls for all exchanges. West Plains proposed an effective date of March 15, 2016. The estimated revenue increase to be recognized by the West Plains is \$946 in gross annual intrastate revenues. West Plains has 3,289 access lines (residence and business).

If the commission receives a complaint(s) relating to this application signed by 5% of the affected local service customers to which this application applies by March 31, 2016, the application will be docketed. The 5% limitation will be calculated based upon the total number of customers of record as of the calendar month preceding the commission's receipt of the complaint(s).

Persons wishing to comment on this application should contact the Public Utility Commission of Texas by March 31, 2016. Requests to intervene should be filed with the commission's Filing Clerk at P.O. Box 13326, Austin, Texas 78711-3326 or you may call the commission at (512) 936-7120 or toll-free 1-800-735-2989. Hearing and speech-impaired individuals with text telephones (TTY) may contact the commission through Relay Texas by dialing 7-1-1. All correspondence should refer to Tariff Control Number 45696.

TRD-201601174  
Adriana Gonzales  
Rules Coordinator  
Public Utility Commission of Texas  
Filed: March 8, 2016



Notice of Intent to Implement a Minor Rate Change Pursuant to 16 TAC §26.171

**TARIFF CONTROL NO. 45697**

Notice is given to the public of an application filed with the Public Utility Commission of Texas (commission) on March 4, 2016, to implement a minor rate change pursuant to 16 Texas Administrative Code §26.171.

Tariff Control Title and Number: Notice of Five Area Telephone Cooperative, Inc. for Approval of a Minor Rate Change Pursuant to 16 Tex. Admin. Code §26.171 and PURA Section 53, Subchapter G, Tariff Control Number 45697.

The Application: Five Area Telephone Cooperative, Inc. filed an application with the commission to increase Directory Assistance charges for direct-dialed and operator-assisted calls for all exchanges. Five Area Telephone proposed an effective date of March 15, 2016. The estimated revenue increase to be recognized by Five Area Telephone is \$368 in gross annual intrastate revenues. Five Area Telephone has 819 access lines (residence and business) in service.

If the commission receives a complaint(s) relating to this application signed by 5% of the affected local service customers to which this application applies by March 31, 2016, the application will be docketed. The 5% limitation will be calculated based upon the total number of customers of record as of the calendar month preceding the commission's receipt of the complaint(s).

Persons wishing to comment on this application should contact the Public Utility Commission of Texas by March 31, 2016. Requests to intervene should be filed with the commission's Filing Clerk at P.O. Box 13326, Austin, Texas 78711-3326 or you may call the commission at (512) 936-7120 or toll-free 1-800-735-2989. Hearing and speech-impaired individuals with text telephones (TTY) may contact the commission through Relay Texas by dialing 7-1-1. All correspondence should refer to Tariff Control Number 45697.

TRD-201601175  
Adriana Gonzales  
Rules Coordinator  
Public Utility Commission of Texas  
Filed: March 8, 2016



Notice of Intent to Serve Decertified Area

Notice is given to the public of the filing with the Public Utility Commission of Texas (commission) on March 1, 2016, of notice of intent to serve approximately 86 acres of land in Guadalupe County.

Docket Style and Number: Zipp Road Utility Company LLC's Notice of Intent to Provide Sewer Service to Area Decertified from Guadalupe-Blanco River Authority in Guadalupe County, Docket No. 45679.

The Application: Pursuant to 16 Tex. Admin. Code §24.113(i), Zipp Road Utility Company, LLC filed with the commission notice of its intent to serve approximately 86 acres of land in Guadalupe County that was decertified from Guadalupe-Blanco River Authority sewer Certificate of Convenience and Necessity (CCN) Number 20892. The approximately 86 acres of land at issue were decertified pursuant to Tex. Water Code §13.254(a-5) (TWC). Pursuant to TWC §13.254(a-the commission may require an award of compensation to a decertified retail public utility that is the subject of a petition filed under TWC §13.254(a-5) and TWC §13.254(e) provides that the monetary amount of compensation, if any, shall be determined at the time another retail public utility seeks to provide service in the previously decertified area and before service is actually provided. Further, the commission is required to ensure that the monetary amount of compensation is determined not later than the 90th calendar day after the date on which a retail public utility notifies the commission of its intent to provide service to the decertified area.

Persons wishing to comment should contact the commission 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 telephones (TTY) may contact the commission through Relay Texas by dialing 7-1-1. All comments should reference Docket No. 45679.

TRD-201601167  
Adriana Gonzales  
Rules Coordinator  
Public Utility Commission of Texas  
Filed: March 8, 2016



Notice of Petition for Amendment to Certificate of Convenience and Necessity by Expedited Release

Notice is given to the public of the filing with the Public Utility Commission of Texas (commission) on March 2, 2016, of a petition to amend a certificate of convenience and necessity (CCN) by expedited release in Hays County, Texas.

Docket Style and Number: Petition of Hays Consolidated Independent School District to Amend Sweetwater Utility LLC's Certificate of Convenience and Necessity in Hays County by Expedited Release, Docket No. 45687.

The Petition: Hays Consolidated Independent School District filed with the commission a petition for expedited release from Sweetwater Utility LLC's sewer CCN No. 20887 pursuant to Texas Water Code §13.254(a-5) and 16 Texas Administrative Code §24.113(r).

Persons wishing to comment on the action sought should contact the commission no later than April 1, 2016, 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 telephones (TTY) may contact the commission through Relay Texas by dialing 7-1-1. All comments should reference Docket No. 45687.

TRD-201601155  
Adriana Gonzales  
Rules Coordinator  
Public Utility Commission of Texas  
Filed: March 7, 2016



#### Notice of Workshop and Request for Comments on Rule Amendments to Chapter 24

Public Utility Commission (commission) Staff is drafting a proposed rule to update and streamline 16 Texas Administrative Code §24.21 (TAC) (relating to Form and Filing of Tariffs). The changes focus primarily on minor tariff changes, pass-through clauses, and surcharges for water and sewer utilities. A strawman with proposed amendments to 16 TAC §24.21 has been filed with the commission's Central Records under Project No. 45112 for review by interested parties.

This strawman is offered for public review and comment. Commission staff will hold a workshop regarding this rulemaking at 9:30 a.m. on Wednesday, March 30, 2016. The workshop will be conducted in the Commissioners' Hearing Room, located on the 7th floor of the William B. Travis Building, 1701 N. Congress Avenue, Austin, Texas 78711. The commission requests comments generally on the costs and benefits of the draft proposed rules. Interested parties are invited to provide comments on the draft proposed rules at the workshop and to submit written comments by filing 16 copies of such comments with Central Records no later than 3:00 p.m. on Tuesday, April 19, 2016. Interested parties are invited to file reply comments by filing 16 copies of such responses with Central Records no later than 3:00 p.m. on Tuesday, April 26, 2016. All comments should reference Project No. 45112 and should be limited to 20 pages.

Questions concerning this project or this notice should be referred to Christina Switzer, Legal Division, at [Christina.Switzer@puc.texas.gov](mailto:Christina.Switzer@puc.texas.gov) or (512) 936-7216. Hearing and speech-impaired individuals with text telephones (TTY) may contact the commission through Relay Texas by dialing 7-1-1.

TRD-201601186  
Adriana Gonzales  
Rules Coordinator  
Public Utility Commission of Texas  
Filed: March 9, 2016



#### Notice Requesting Comments on Amendments to Chapter 22

Public Utility Commission (commission) Staff is drafting proposed rules to further address the application of the commission's procedural rules to proceedings involving water and sewer utilities. The proposed rules also contain limited modifications to reflect changes to the commission's procedural practices, the commission's internal organizational structure, the Texas Administrative Procedure Act, and the commission's filing technology. A strawman with proposed amendments to the chapter 22 procedural rules has been filed with the commission's Central Records under Project No. 45116 for review by interested parties.

This strawman is offered for public review and comment. The Commission requests comments generally on the costs and benefits of the

draft proposed rules. Interested parties are invited to submit written comments on the draft proposed rules that have been filed in Central Records under Project No. 45116 by filing 16 copies of such comments with Central Records no later than 3:00 p.m. on Friday, April 18, 2016. Interested parties are invited to file reply comments by filing 16 copies of such responses with Central Records no later than 3:00 p.m. on Friday, April 25, 2016. All comments should reference Project No. 45116 and should be limited to 20 pages.

Questions concerning this project or this notice should be referred to Kennedy Meier, Legal Division, at [Kennedy.Meier@puc.texas.gov](mailto:Kennedy.Meier@puc.texas.gov) or (512) 936-7265. Hearing and speech-impaired individuals with text telephones (TTY) may contact the commission through Relay Texas by dialing 7-1-1.

TRD-201601183  
Adriana Gonzales  
Rules Coordinator  
Public Utility Commission of Texas  
Filed: March 9, 2016



### Texas Water Development Board

#### Notice for 2017 State Water Plan

#### Notice of Public Hearing, Public Comment Period, and Intent to Adopt

The Texas Water Development Board (Board) will conduct a public hearing beginning at 6:00 p.m. on April 18, 2016, in Room 170 of the Stephen F. Austin Building, 1700 North Congress Avenue, Austin, Texas to receive public comments on the *Draft* 2017 State Water Plan, including the 2017 Interactive State Water Plan website, in accordance with Texas Water Code §16.051 and 31 Texas Administrative Code §358.4(a). Interested persons are encouraged to attend the hearing and to present relevant and material comments concerning the 2017 State Water Plan. In addition, persons may provide written comments on or before 5:00 p.m. April 25, 2016, to Connie Sanders, Office of General Counsel, Texas Water Development Board, P.O. Box 13231, Austin, Texas 78711-3231 or by e-mail to [PUBLIC-COMMENT@twdb.texas.gov](mailto:PUBLIC-COMMENT@twdb.texas.gov).

Copies of the *Draft* 2017 State Water Plan are available for inspection in Room 640M of the Stephen F. Austin Building, Texas Water Development Board, 1700 North Congress Avenue, Austin, Texas 78701, (512) 463-7847. A copy of the *Draft* 2017 State Water Plan and a link to the 2017 Interactive State Water Plan website are also available on the Board's website at <http://www.twdb.texas.gov>. After consideration of comments submitted in accordance with this notice, the Board will consider adopting the 2017 State Water Plan at a Texas Water Development Board meeting to be noticed separately.

TRD-201601098  
Les Trobman  
General Counsel  
Texas Water Development Board  
Filed: March 4, 2016

