

# 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.

## Comptroller of Public Accounts

### Notice of Contract Award

Notice of Award: The Texas Comptroller of Public Accounts ("Comptroller"), State Energy Conservation Office announces the award of seven (7) contracts as a result of Request for Applications (RFA) No. AF-G1-2015 for rebates to transition bus fleets to alternative fuels under the Comptroller's Alternative Fuels Initiative School Bus Rebate Program.

Seven (7) contracts were awarded as follows:

Aransas County Independent School District, 1700 Omhundo Street, Rockport, Texas 78381. The total amount of the rebate is not to exceed \$16,000.00. The term of the contract is April 5, 2016 to August 31, 2016.

Dickinson Independent School District, 2218 FM 517 East, Dickinson, Texas 77539. The total amount of the loan is not to exceed \$16,000.00. The term of the contract is February 16, 2016 to August 31, 2016.

Houston Independent School District (primary), 4400 West 18th Street, Houston, Texas 77092. The total amount of the rebate is not to exceed \$80,000.00. The term of the contract is May 9, 2016 to August 31, 2016.

Houston Independent School District (secondary), 4400 West 18th Street, Houston, Texas 77092. The total amount of the rebate is not to exceed \$80,000.00. The term of the loan is May 9, 2016 to August 31, 2016.

Northside Independent School District (primary), 5900 Evers Road, San Antonio, Texas 78238. The total amount of the rebate is not to exceed \$80,000.00. The term of the contract is March 9, 2016 to August 31, 2016.

Northside Independent School District (secondary), 5900 Evers Road, San Antonio, Texas 78238. The total amount of the rebate is not to exceed \$80,000.00. The term of the contract is March 9, 2016 to August 31, 2016.

Prosper Independent School District, 605 E. 7th Street, Prosper, Texas 75078. The total amount of the rebate is not to exceed \$80,000.00. The term of the contract is April 15, 2016, to August 31, 2016.

The notice of request for applications was published in the September 25, 2015, issue of the *Texas Register* (40 TexReg 6768).

TRD-201602320

Joseph Madden

Assistant General Counsel, Contracts

Comptroller of Public Accounts

Filed: May 12, 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. 216b ("RFP") for the purpose of obtaining bank loan investment management services for the Board. The selected contractor ("Contractor") will advise and assist the Board and Comptroller in administering all of the Board's investment activities related to a Bank Loan Mandate for the Texas Tomorrow Funds® ("Funds") and the Texas Achieving a Better Life ("ABLE") Program. The Funds include the Texas Guaranteed Tuition Plan (original prepaid tuition plan), the Texas College Savings Plan® and LoneStar 529 Plan® (college savings plans), the Texas Tuition Promise Fund® (newest prepaid tuition plan), collectively known as the Texas Tomorrow Funds; the Texas Save and Match Program (tuition matching program); and the Texas ABLE<sup>SM</sup> Program (savings program for persons with disabilities). 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 contractor. Comptroller and the Board reserve the right to award more than one contract under the RFP. If approved by the Board, Contractor will be expected to begin performance of the contract on or about September 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 was made 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, May 20, 2016.

Questions: All Questions regarding the RFP must be received in the Issuing Office no later than 2:00 p.m. CT on Friday, May 27, 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, June 3, 2016, the Comptroller expects to post responses 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, June 17, 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--May 20, 2016, after 10:00 a.m. CT; Questions Due--May 27, 2016, 2:00 p.m. CT; Official Responses to Questions posted--June 3, 2016; Proposals Due--June 17, 2016, 2:00 p.m. CT; Contract Execution--August 19, 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 ESD as a RFP Addendum. It is the responsibility of interested parties to periodically check the ESD for updates to the RFP prior to submitting a proposal.

TRD-201602449  
Jason C. Frizzell  
Assistant General Counsel, Contracts  
Comptroller of Public Accounts  
Filed: May 18, 2016

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**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 05/23/16 - 05/29/16 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 05/23/16 - 05/29/16 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-201602401  
Leslie L. Pettijohn  
Commissioner  
Office of Consumer Credit Commissioner  
Filed: May 17, 2016

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**Credit Union Department**

**Notice of Final Action Taken**

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

Application to Expand Field of Membership - Approved

Centex Citizens Credit Union, Mexia, Texas - See *Texas Register* issue dated June 27, 2014.

TRD-201602442  
Harold E. Feeney  
Commissioner  
Credit Union Department  
Filed: May 18, 2016

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**East Texas Council of Governments**

**Request for Proposals - Broadband Plan**

The East Texas Council of Governments (ETCOG) is soliciting for qualified candidates to submit their methodology and costs to assist an ETCOG team comprised of staff, county representatives, and legal in the development of a strategic broadband plan for our region.

The Request for Proposals bid packet is available online at [www.etcog.org](http://www.etcog.org). Deadline for bid submission is Wednesday, June 8, 2016.

TRD-201602327  
Lindsay Vanderbilt  
Director of Communications  
East Texas Council of Governments  
Filed: May 12, 2016

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**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 June 27, 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 June 27, 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: Angel Luis Alfaro; DOCKET NUMBER: 2015-1192-IHW-E; IDENTIFIER: RN108301516; LOCATIONS: McKinney and Princeton, Collin County; TYPE OF FACILITY: unauthorized transportation and disposal site; RULE VIOLATED: 30 TAC §335.4, by failing to dispose of industrial solid waste and hazardous waste at an authorized site; PENALTY: \$18,750; ENFORCEMENT COORDINATOR: Margarita Dennis, (817) 588-5892; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(2) COMPANY: Barry Matthews; DOCKET NUMBER: 2016-0238-OSS-E; IDENTIFIER: RN108369679; LOCATION: Mertzon, Irion County; TYPE OF FACILITY: on-site sewage facility (OSSF); RULES VIOLATED: Texas Health and Safety Code, §366.004 and §366.051(a) and 30 TAC §285.3(a), by failing to obtain authorization prior to constructing, altering, repairing, extending, or operating an OSSF; PENALTY: \$262; ENFORCEMENT COORDINATOR: Larry Butler, (512) 239-2543; REGIONAL OFFICE: 622 South Oakes, Suite K, San Angelo, Texas 76903-7035, (325) 655-9479.

(3) COMPANY: Canutillo Independent School District; DOCKET NUMBER: 2016-0241-MWD-E; IDENTIFIER: RN101702280; LOCATION: Vinton, El Paso County; TYPE OF FACILITY: wastewater treatment facility; RULES VIOLATED: TWC, §26.121(a)(1) and

30 TAC §§305.42(a), 305.65, and 305.125(2), by failing to maintain authorization to discharge wastewater into or adjacent to any water in the state; PENALTY: \$9,000; ENFORCEMENT COORDINATOR: James Boyle, (512) 239-2527; REGIONAL OFFICE: 401 East Franklin Avenue, Suite 560, El Paso, Texas 79901-1206, (915) 834-4949.

(4) COMPANY: City of Beeville; DOCKET NUMBER: 2016-0068-MLM-E; IDENTIFIER: RN101419133; LOCATION: Beeville, Bee County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.41(e)(2)(C), by failing to establish a restricted zone of 200 feet radius from the raw water intake works prohibiting all recreational activities and trespassing, designated with signs recounting these restrictions; 30 TAC §290.42(f)(1)(C), by failing to provide all chemical bulk storage facilities and day tanks with a device that indicates the amount of chemical remaining in the facility or tank; 30 TAC §290.42(f)(1)(E)(ii), by failing to provide adequate containment facilities for all liquid chemical storage tanks; 30 TAC §290.42(d)(13), by failing to identify the influent, effluent, waste backwash, and chemical feed lines by the use of labels or various colors of paint; 30 TAC §290.42(d)(11)(F), by failing to design filters to ensure adequate cleaning during the backwash cycle; 30 TAC §290.42(e)(4)(A), by failing to provide a self-contained breathing apparatus or supplied air respirator that meets Occupation Safety and Health Administration standards and is readily accessible outside the chlorination room; 30 TAC §290.42(1), by failing to compile and maintain a thorough and up-to-date plant operations manual for operator review and reference; 30 TAC §290.43(c)(3), by failing to maintain the facility's storage tanks in strict accordance with current American Water Works Association standards with a discharge opening cover that closes automatically and fits tightly with no gap over 1/16 inch; 30 TAC §290.44(d)(6), by failing to provide all dead-end mains with acceptable flush valves and discharge piping; 30 TAC §290.46(m), by failing to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment; 30 TAC §290.46(m)(1)(A), by failing to inspect the facility's twelve ground storage tanks and four elevated storage tanks annually; 30 TAC §290.46(m)(1)(B), by failing to inspect the facility's pressure tank annually; 30 TAC §290.46(e), by failing to operate the production, treatment, and distribution facilities at the public water system at all times under the direct supervision of a water works operator who holds an applicable, valid license issued by the executive director (ED); 30 TAC §290.46(f)(2), (3)(A)(i)(I), and (B)(iv), by failing to maintain water works operation and maintenance records and make them readily available for review by the ED upon request; 30 TAC §290.46(t), by failing to post a legible sign at the facility's production, treatment, and storage facilities that contains the name of the facility and emergency telephone numbers where a responsible official can be contacted; 30 TAC §290.46(m)(6), by failing to maintain all pumps, motors, valves, and other mechanical devices in good working condition; 30 TAC §290.111(h), by failing to properly complete the Surface Water Monthly Operating Reports submitted to the commission; 30 TAC §290.119(b)(7), by failing to use an acceptable analytical method for disinfectant analyses; 30 TAC §290.46(z), by failing to create a nitrification action plan for systems distributing chloraminated water; 30 TAC §290.46(s)(2)(B)(iii), by failing to calibrate on-line turbidimeters with primary standards at least once every 90 days; 30 TAC §290.46(s)(2)(A)(i) by failing to calibrate benchtop pH meters according to manufacturers specifications at least once each day; and 30 TAC §330.15(a)(1) by failing to not cause, suffer, allow or permit the unauthorized disposal of dried water treatment sludge on the ground at the southeast corner of the water treatment plant property; PENALTY: \$25,779; ENFORCEMENT COORDINATOR: Michaelle Garza, (210) 403-4076; REGIONAL

OFFICE: 6300 Ocean Drive, Suite 1200, Corpus Christi, Texas 78412-5503, (361) 825-3100.

(5) COMPANY: City of Kingsville; DOCKET NUMBER: 2016-0021-MWD-E; IDENTIFIER: RN101612877; LOCATION: Kingsville, Kleberg County; TYPE OF FACILITY: wastewater treatment facility; RULES VIOLATED: 30 TAC §305.125(1), TWC, §26.121(a)(1), and Texas Pollutant Discharge Elimination System Permit Number WQ0010696004, Effluent Limitations and Monitoring Requirements Numbers 1 and 6, by failing to comply with permitted effluent limitations; PENALTY: \$24,438; Supplemental Environmental Project offset amount of \$24,438; ENFORCEMENT COORDINATOR: Melissa Castro, (512) 239-0855; REGIONAL OFFICE: 6300 Ocean Drive, Suite 1200, Corpus Christi, Texas 78412-5503, (361) 825-3100.

(6) COMPANY: City of Laredo; DOCKET NUMBER: 2015-1842-PWS-E; IDENTIFIER: RN101391001; LOCATION: Laredo, Webb County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.115(f)(1) 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) of 0.080 milligrams per liter for total trihalomethanes (TTHM), based on the locational running annual average and failing to timely provide public notification and submit a copy of the public notification to the executive director (ED) regarding the failure to comply with the MCL for TTHM for the second quarter of 2015; and 30 TAC §290.122(c)(2)(A) and (f), by failing to provide public notification and submit a copy of the public notification to the ED regarding the failure to conduct routine coliform monitoring for the month of September 2011; PENALTY: \$840; ENFORCEMENT COORDINATOR: Jim Fisher, (512) 239-2537; REGIONAL OFFICE: 707 East Calton Road, Suite 304, Laredo, Texas 78041-3887, (956) 791-6611.

(7) COMPANY: Dennis G. Rabroker dba Rabroker Dirt; DOCKET NUMBER: 2015-1005-WQ-E; IDENTIFIER: RN108132523; LOCATION: Belton, Bell County; TYPE OF FACILITY: aggregate production operation (APO); RULES VIOLATED: 30 TAC §342.25(b), by failing to register the site as an APO no later than 10 business days before the beginning date of regulated activities; and 30 TAC §281.25(a)(4) and 40 Code of Federal Regulations §122.26(c), by failing to obtain authorization to discharge stormwater associated with industrial activities under Texas Pollutant Discharge Elimination System General Permit Number TXR050000; PENALTY: \$8,451; ENFORCEMENT COORDINATOR: Farhaud Abbaszadeh, (512) 239-0779; REGIONAL OFFICE: 6801 Sanger Avenue, Suite 2500, Waco, Texas 76710-7826, (254) 751-0335.

(8) COMPANY: EMCAD Water and Wastewater, LLC; DOCKET NUMBER: 2016-0341-MWD-E; IDENTIFIER: RN102287109; LOCATION: Burleson, Tarrant County; TYPE OF FACILITY: wastewater treatment facility; RULES VIOLATED: TWC, §26.121(a)(1), 30 TAC §305.125(1) and (17), and Texas Pollutant Discharge Elimination System (TPDES) Permit Number WQ0013518001, Effluent Limitations and Monitoring Requirements Number 1, by failing to comply with permitted effluent limitations and by failing to timely submit discharge monitoring reports at the intervals specified in the permit; PENALTY: \$9,112; ENFORCEMENT COORDINATOR: Sandra Douglas, (512) 239-2549; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(9) COMPANY: Girl Scouts of Texas Oklahoma Plains, Incorporated; DOCKET NUMBER: 2016-0120-PWS-E; IDENTIFIER: RN101239234; LOCATION: Crosbyton, Crosby County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.109(f)(3) and Texas Health and Safety Code, §341.0315(c), by failing to comply with the maximum contaminant level for to-

tal coliform during the month of December 2015; and 30 TAC §290.122(c)(2)(A) and (f), by failing to provide public notification and submit a copy of the public notification to the executive director regarding the failure to collect routine coliform monitoring samples; PENALTY: \$315; ENFORCEMENT COORDINATOR: Eduardo Heras, (512) 239-2422; REGIONAL OFFICE: 5012 50th Street, Suite 100, Lubbock, Texas 79414-3421, (806) 796-7092.

(10) COMPANY: HANDY PLACE, INCORPORATED dba Handy Place; DOCKET NUMBER: 2016-0446-PST-E; IDENTIFIER: RN101565380; LOCATION: Weatherford, Parker County; TYPE OF FACILITY: underground storage tank system and convenience store with retail sales of gasoline; RULES VIOLATED: 30 TAC §115.221 and Texas Health and Safety Code, §382.085(b), by failing to install an approved Stage I vapor recovery system; PENALTY: \$7,125; ENFORCEMENT COORDINATOR: Jessica Bland, (512) 239-4967; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(11) COMPANY: Kendall County; DOCKET NUMBER: 2016-0480-WQ-E; IDENTIFIER: RN108799388; LOCATION: Boerne, Kendall 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: 14250 Judson Road, San Antonio, Texas 78233-4480, (210) 490-3096.

(12) COMPANY: Kids Shoppe International, LLC dba Pony's Express Mart; DOCKET NUMBER: 2016-0330-PST-E; IDENTIFIER: RN103051934; LOCATION: Spurger, Tyler County; TYPE OF FACILITY: convenience store with retail sales of gasoline and diesel fuel; RULES VIOLATED: 30 TAC §334.602(a) and §334.603(b), by failing to identify and designate for the underground storage tank facility at least one named individual for each class of operator - Class A, Class B, and Class C, and failing to maintain a current and correct list of trained Class C operators; PENALTY: \$875; ENFORCEMENT COORDINATOR: James Baldwin, (512) 239-1337; REGIONAL OFFICE: 3870 Eastex Freeway, Beaumont, Texas 77703-1892, (409) 898-3838.

(13) COMPANY: Lee Oak Grove Incorporated dba Lee Oak Grove Food Mart; DOCKET NUMBER: 2015-1724-PST-E; IDENTIFIER: RN103145751; LOCATION: Fort Worth, Tarrant County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULE VIOLATED: 30 TAC §334.72, by failing to report a suspected release to the TCEQ within 24 hours of discovery, and by failing to investigate a suspected release of a regulated substance within 30 days of discovery; PENALTY: \$16,714; ENFORCEMENT COORDINATOR: Jessica Bland, (512) 239-4967; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(14) COMPANY: Leonor I. Saavedra dba Lacarr Paint and Body; DOCKET NUMBER: 2016-0016-AIR-E; IDENTIFIER: RN105375828; LOCATION: Laredo, Webb County; TYPE OF FACILITY: auto body paint shop; RULES VIOLATED: 30 TAC §106.436(11) and Texas Health and Safety Code (THSC), §382.085(b), by failing to comply with the spray area stack height requirements; and 30 TAC §106.436(7) and THSC, §382.085(b), by failing to equip the spray area with a filter or filter system with a particulate matter control efficiency of at least 90%; PENALTY: \$2,625; ENFORCEMENT COORDINATOR: Raime Hayes-Falero, (713) 767-3567; REGIONAL OFFICE: 707 East Calton Road, Suite 304, Laredo, Texas 78041-3887, (956) 791-6611.

(15) COMPANY: LILBERT-LOONEYVILLE WATER SUPPLY CORPORATION; DOCKET NUMBER: 2016-0182-PWS-E; IDENTIFIER: RN101187433; LOCATION: Lilbert, Nacogdoches County;

TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.39(j) and Texas Health and Safety Code, §341.0351, by failing to notify the executive director (ED) prior to making any significant change or addition to the system's production, treatment, storage, pressure maintenance, or distribution facilities; 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 §290.46(f)(2), (3)(A)(iii), (B)(ii) and (iv), and (E)(iv), by failing to properly maintain water works operation and maintenance records and make them available for review to the ED during the investigation; and 30 TAC §290.42(e)(3)(A), by failing to provide disinfection equipment which has a capacity of at least 50% greater than the highest expected dosage to be applied at any time; PENALTY: \$230; ENFORCEMENT COORDINATOR: Yuliya Dunaway, (210) 403-4077; REGIONAL OFFICE: 3870 Eastex Freeway, Beaumont, Texas 77703-1892, (409) 898-3838.

(16) COMPANY: MARUTI INTERNATIONAL, L.L.C. dba TS Holiday Market; DOCKET NUMBER: 2016-0168-PST-E; IDENTIFIER: RN101829240; LOCATION: Rosenberg, Fort Bend County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULES VIOLATED: 30 TAC §115.241(b)(3), by failing to perform and complete all of the decommissioning activities as applicable for the particular Stage II vapor recovery system equipment installed at the station; and 30 TAC §334.50(b)(1)(A) and TWC, §26.3475(c)(1), by failing to monitor the underground storage tanks for releases at a frequency of at least once every month; PENALTY: \$3,975; ENFORCEMENT COORDINATOR: Tiffany Maurer, (512) 239-2696; REGIONAL OFFICE: 5425 Polk Avenue, Suite H, Houston, Texas 77023-1486, (713) 767-3500.

(17) COMPANY: North Texas Municipal Water District; DOCKET NUMBER: 2016-0067-MWD-E; IDENTIFIER: RN102342144; LOCATION: Plano, Collin County; TYPE OF FACILITY: wastewater treatment plant; RULES VIOLATED: TWC, §26.121(a)(1), 30 TAC §305.125(1), and Texas Pollutant Discharge Elimination System Permit Number WQ0010363001, Permit Conditions Number 2.g, by failing to prevent an unauthorized discharge of wastewater from the collection system into or adjacent to water in the state; PENALTY: \$7,425; Supplemental Environmental Project offset amount of \$7,425; ENFORCEMENT COORDINATOR: Claudia Corrales, (512) 239-4935; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(18) COMPANY: PATTON VILLAGE WATER COMPANY, INCORPORATED; DOCKET NUMBER: 2016-0119-PWS-E; IDENTIFIER: RN101194793; LOCATION: New Caney, Montgomery County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.41(c)(1)(F), by failing to obtain a sanitary control easement that covers the land within 150 feet of the facility's well; 30 TAC §290.45(b)(1)(A)(i) and Texas Health and Safety Code, §341.0315(c), by failing to provide a well capacity of 1.5 gallons per minute per connection; and 30 TAC §290.46(s)(1), by failing to calibrate the facility's well meter at least once every three years; PENALTY: \$381; ENFORCEMENT COORDINATOR: Yuliya Dunaway, (210) 403-4077; REGIONAL OFFICE: 5425 Polk Avenue, Suite H, Houston, Texas 77023-1486, (713) 767-3500.

(19) COMPANY: Pioneer Natural Resources USA, Incorporated; DOCKET NUMBER: 2015-1623-AIR-E; IDENTIFIER: RN100229525; LOCATION: Fritch, Hutchinson County; TYPE OF FACILITY: natural gas compressor station; RULES VIOLATED: 30 TAC §101.201(b)(1)(G) and Texas Health and Safety Code (THSC), §382.085(b), by failing to include the compound descriptive type of all individually listed compounds or mixtures of air contaminants from an emissions event in the final record; and 30 TAC §106.6(c), Permit by

Rule Registration Number 132635, and THSC, §382.085(b), by failing to prevent unauthorized emissions; PENALTY: \$3,038; Supplemental Environmental Project offset amount of \$1,215; ENFORCEMENT COORDINATOR: Kingsley Coppinger, (512) 239-6581; REGIONAL OFFICE: 3918 Canyon, Drive, Amarillo, Texas 79109-4933, (806) 353-9251.

(20) COMPANY: San Miguel Electric Cooperative, Incorporated; DOCKET NUMBER: 2015-1640-IWD-E; IDENTIFIER: RN102342961; LOCATION: Christine, Atascosa County; TYPE OF FACILITY: lignite-fired steam electric generating power plant; RULES VIOLATED: TWC, §26.121(a)(1), 30 TAC §305.125(1), and Texas Pollutant Discharge Elimination System (TPDES) Permit Number WQ0002601000, Permit Conditions Number 2.g and Other Requirements Numbers 3, 7 and 13(b), by failing to prevent an unauthorized discharge of industrial wastewater into or adjacent to any water in the state; TWC, §26.121(a)(1), 30 TAC §305.125(1) and (5), and TPDES Permit Number WQ0002601000, Operational Requirements Number 1, by failing to properly operate and maintain the facility and all of its systems of collection, treatment, and disposal; TWC, §26.121(a)(1), 30 TAC §305.125(1) and (4), and TPDES Permit Number WQ0002601000, Other Requirements Number 3 and Permit Conditions Number 2.g, by failing to take all reasonable steps to minimize or prevent any discharge, sludge use, disposal, or other permit violation which has a reasonable likelihood of adversely affecting human health or the environment; and 30 TAC §305.125(1) and (9)(A) and TPDES Permit Number WQ0002601000, Monitoring Requirements Number 7.a, by failing to notify the TCEQ Regional Office, orally or by facsimile transmission, within 24 hours of becoming aware of any noncompliance which may endanger human health or safety, or the environment; PENALTY: \$26,564; ENFORCEMENT COORDINATOR: Larry Butler, (512) 239-2543; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, (210) 490-3096.

(21) COMPANY: THE CONSOLIDATED WATER SUPPLY CORPORATION; DOCKET NUMBER: 2016-0280-PWS-E; IDENTIFIER: RN102684966; LOCATION: Crockett, 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: \$351; ENFORCEMENT COORDINATOR: James Baldwin, (512) 239-1337; REGIONAL OFFICE: 3870 Eastex Freeway, Beaumont, Texas 77703-1892, (409) 898-3838.

(22) COMPANY: Wal-Mart Stores Texas, LLC dba Walmart Neighborhood Market 3043; DOCKET NUMBER: 2016-0108-PST-E; IDENTIFIER: RN107338931; LOCATION: Fort Worth, Tarrant County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULES VIOLATED: 30 TAC §334.72, by failing to report a suspected release to the TCEQ within 24 hours of discovery; and 30 TAC §334.74, by failing to investigate a suspected release of a regulated substance within 30 days of discovery; PENALTY: \$15,482; ENFORCEMENT COORDINATOR: Margarita Dennis, (817) 588-5892; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(23) COMPANY: Wilks Construction Company, LLC; DOCKET NUMBER: 2015-1572-WQ-E; IDENTIFIER: RN107923120; LOCATION: Sealy, Colorado County; TYPE OF FACILITY: construction site; RULES VIOLATED: 30 TAC §281.25(a)(4) and Texas Pollutant Discharge Elimination System (TPDES) General Permit Number TXR150015145, Part III. Section F. Contents of Stormwater Pollution Prevention Plan (SWP3), by failing to maintain a complete and accurate SWP3; TWC, §26.121(a)(2) and TPDES General Permit Number

TXR150015145, Part VII. Standard Permit Conditions Number 8, by failing to take all reasonable steps to minimize or prevent any discharge; and TPDES General Permit Number TXR150015145, Part II. Section E.6. Notice of Change (NOC), by failing to submit a NOC; PENALTY: \$3,625; ENFORCEMENT COORDINATOR: Cheryl Thompson, (817) 588-5886; REGIONAL OFFICE: 5425 Polk Avenue, Suite H, Houston, Texas 77023-1486, (713) 767-3500.

TRD-201602391

Kathleen C. Decker

Director, Litigation Division

Texas Commission on Environmental Quality

Filed: May 17, 2016



#### Enforcement Orders

An agreed order was adopted regarding City of Port Arthur, Docket No. 2014-1787-PWS-E on May 17, 2016 assessing \$533 in administrative penalties with \$106 deferred.

Information concerning any aspect of this order may be obtained by contacting Katy Montgomery, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding SOUTH CENTRAL WATER COMPANY, Docket No. 2015-0964-MWD-E on May 17, 2016 assessing \$4,768 in administrative penalties with \$953 deferred.

Information concerning any aspect of this order may be obtained by contacting Ronica Rodriguez, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Shell Oil Company, Docket No. 2015-1215-AIR-E on May 17, 2016 assessing \$7,500 in administrative penalties with \$1,500 deferred.

Information concerning any aspect of this order may be obtained by contacting Carol McGrath, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Galveston Bay Energy, LLC, Docket No. 2015-1273-AIR-E on May 17, 2016 assessing \$3,750 in administrative penalties with \$750 deferred.

Information concerning any aspect of this order may be obtained by contacting Raime Hayes-Falero, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding City of Rollingwood, Docket No. 2015-1397-WQ-E on May 17, 2016 assessing \$200 in administrative penalties with \$40 deferred.

Information concerning any aspect of this order may be obtained by contacting Christopher Bost, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Clean Harbors Deer Park, LLC, Docket No. 2015-1422-IHW-E on May 17, 2016 assessing \$5,213 in administrative penalties with \$1,042 deferred.

Information concerning any aspect of this order may be obtained by contacting Keith Frank, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding EnLink North Texas Gathering, LP, Docket No. 2015-1429-AIR-E on May 17, 2016 assessing \$3,880 in administrative penalties with \$776 deferred.

Information concerning any aspect of this order may be obtained by contacting Carol McGrath, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Cardinal Meadows Improvement District, Docket No. 2015-1456-PWS-E on May 17, 2016 assessing \$172 in administrative penalties with \$172 deferred.

Information concerning any aspect of this order may be obtained by contacting Abigail Lindsey, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding WE Hereford, LLC, Docket No. 2015-1522-AIR-E on May 17, 2016 assessing \$1,350 in administrative penalties with \$270 deferred.

Information concerning any aspect of this order may be obtained by contacting Kingsley Coppinger, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Total Petrochemicals and Refining USA, Inc., Docket No. 2015-1530-AIR-E on May 17, 2016 assessing \$7,500 in administrative penalties with \$1,500 deferred.

Information concerning any aspect of this order may be obtained by contacting Jennifer Nguyen, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding GB Biosciences Corporation, Docket No. 2015-1553-AIR-E on May 17, 2016 assessing \$4,275 in administrative penalties with \$855 deferred.

Information concerning any aspect of this order may be obtained by contacting Amancio R. Gutierrez, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding HILLCROFT GROCERS, L.L.C., Docket No. 2015-1556-PST-E on May 17, 2016 assessing \$6,375 in administrative penalties with \$1,275 deferred.

Information concerning any aspect of this order may be obtained by contacting John Fennell, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding City of Whiteface, Docket No. 2015-1557-MSW-E on May 17, 2016 assessing \$3,375 in administrative penalties with \$675 deferred.

Information concerning any aspect of this order may be obtained by contacting Holly Kneisley, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Tri-Star Sheldon, Inc. dba Cheers One Stop N More, Docket No. 2015-1586-PST-E on May 17, 2016 assessing \$4,629 in administrative penalties with \$925 deferred.

Information concerning any aspect of this order may be obtained by contacting Tiffany Maurer, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Cornerstone Organization, LLC, Docket No. 2015-1600-AIR-E on May 17, 2016 assessing \$938 in administrative penalties with \$187 deferred.

Information concerning any aspect of this order may be obtained by contacting Carol McGrath, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding United Telephone Company of Texas, Inc., Docket No. 2015-1602-PST-E on May 17, 2016 assessing \$6,685 in administrative penalties with \$1,337 deferred.

Information concerning any aspect of this order may be obtained by contacting Margarita Dennis, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding KWIKIE GROCERY, INC. dba Kwikie 2, Docket No. 2015-1615-PST-E on May 17, 2016 assessing \$3,034 in administrative penalties with \$606 deferred.

Information concerning any aspect of this order may be obtained by contacting Rebecca Boyett, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Tubb Quarry, LLC, Docket No. 2015-1634-AIR-E on May 17, 2016 assessing \$938 in administrative penalties with \$187 deferred.

Information concerning any aspect of this order may be obtained by contacting Kingsley Coppinger, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Eagle Railcar Services, L.P., Docket No. 2015-1635-AIR-E on May 17, 2016 assessing \$5,438 in administrative penalties with \$1,087 deferred.

Information concerning any aspect of this order may be obtained by contacting David Carney, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding American Truck Source, LLC., Docket No. 2015-1653-AIR-E on May 17, 2016 assessing \$2,216 in administrative penalties with \$443 deferred.

Information concerning any aspect of this order may be obtained by contacting Eduardo Heras, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Aqua Operations, Inc., Docket No. 2015-1658-WOC-E on May 17, 2016 assessing \$678 in administrative penalties with \$135 deferred.

Information concerning any aspect of this order may be obtained by contacting Jessica Bland, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Nerro Supply, LLC dba Bayridge Subdivision Water System, Docket No. 2015-1662-PWS-E on May 17, 2016 assessing \$175 in administrative penalties with \$35 deferred.

Information concerning any aspect of this order may be obtained by contacting Jim Fisher, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding David Hover and DAK Property Management, Inc., Docket No. 2015-1683-PWS-E on May 17, 2016 assessing \$2,291 in administrative penalties with \$458 deferred.

Information concerning any aspect of this order may be obtained by contacting Michaelle Garza, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Ryan R. Mounger, Docket No. 2015-1705-LII-E on May 17, 2016 assessing \$262 in administrative penalties with \$52 deferred.

Information concerning any aspect of this order may be obtained by contacting Kingsley Coppinger, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding SNAPPY'S EXPRESS MART, INC., Docket No. 2015-1710-PST-E on May 17, 2016 assessing \$6,574 in administrative penalties with \$1,314 deferred.

Information concerning any aspect of this order may be obtained by contacting Abigail Lindsey, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Key Energy Services, LLC, Docket No. 2015-1731-PWS-E on May 17, 2016 assessing \$807 in administrative penalties with \$161 deferred.

Information concerning any aspect of this order may be obtained by contacting Steven Hall, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding THE CONSOLIDATED WATER SUPPLY CORPORATION, Docket No. 2015-1736-PWS-E on May 17, 2016 assessing \$345 in administrative penalties with \$69 deferred.

Information concerning any aspect of this order may be obtained by contacting Ryan Byer, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Chuck Bell Water Systems, LLC dba Crowley II Acre Subdivision, Docket No. 2015-1758-PWS-E on May 17, 2016 assessing \$305 in administrative penalties with \$61 deferred.

Information concerning any aspect of this order may be obtained by contacting Epifanio Villareal, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding L & S Mart Inc. dba C & G Grocery, Docket No. 2015-1764-PST-E on May 17, 2016 assessing \$3,504 in administrative penalties with \$700 deferred.

Information concerning any aspect of this order may be obtained by contacting Huan Nguyen, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Chester Gipson dba 84 WEST WATER SUPPLY CORPORATION, Betty Rife dba 84 WEST WATER SUPPLY CORPORATION, Kenny Jackson dba 84 WEST WATER SUPPLY CORPORATION, and Mattie Smith dba 84 WEST WATER SUPPLY CORPORATION, Docket No. 2015-1788-PWS-E on

May 17, 2016 assessing \$257 in administrative penalties with \$51 deferred.

Information concerning any aspect of this order may be obtained by contacting Sarah Kim, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Tom Van Nguyen dba Lisa's Food Mart 3, Docket No. 2015-1814-PST-E on May 17, 2016 assessing \$5,625 in administrative penalties with \$1,125 deferred.

Information concerning any aspect of this order may be obtained by contacting John Fennell, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding City of Mertzon, Docket No. 2015-1840-MSW-E on May 17, 2016 assessing \$1,312 in administrative penalties with \$262 deferred.

Information concerning any aspect of this order may be obtained by contacting Holly Kneisley, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Landmark Residential Development, Ltd., Docket No. 2015-1850-WQ-E on May 17, 2016 assessing \$1,000 in administrative penalties with \$200 deferred.

Information concerning any aspect of this order may be obtained by contacting Austin Henck, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding City of Rising Star, Docket No. 2015-1851-PWS-E on May 17, 2016 assessing \$810 in administrative penalties with \$162 deferred.

Information concerning any aspect of this order may be obtained by contacting Jim Fisher, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding City of Big Wells, Docket No. 2015-1853-PWS-E on May 17, 2016 assessing \$150 in administrative penalties with \$30 deferred.

Information concerning any aspect of this order may be obtained by contacting Jim Fisher, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Johannes Koster and Deborah Michelle Koster dba Koster Dairy Farm, Docket No. 2016-0034-AGR-E on May 17, 2016 assessing \$1,130 in administrative penalties with \$226 deferred.

Information concerning any aspect of this order may be obtained by contacting Larry Butler, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A field citation was adopted regarding J.B. Homes, Inc., Docket No. 2016-0392-WQ-E on May 17, 2016 assessing \$875 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Jill Russell, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A field citation was adopted regarding Nobles Road Construction, Inc., Docket No. 2016-0411-WR-E on May 17, 2016 assessing \$875 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Jill Russell, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

TRD-201602450  
Bridget C. Bohac  
Chief Clerk  
Texas Commission on Environmental Quality  
Filed: May 18, 2016



### Notice of Application and Public Hearing for an Air Quality Standard Permit for a Concrete Batch Plant with Enhanced Controls Proposed Air Quality Registration Number 139921

**APPLICATION.** Ranger Ready Mix, LLC, P.O. Box 82541, Austin, Texas 78708-2541 has applied to the Texas Commission on Environmental Quality (TCEQ) for an Air Quality Standard Permit for a Concrete Batch Plant with Enhanced Controls Registration Number 139921 to authorize the operation of a concrete batch plant. The facility is proposed to be located near Georgetown, Williamson County, Texas 78633. The following driving directions were provided: from the intersection of Farm-to-Market Road 263 and Ronald Reagan Boulevard travel north approximately 0.85 miles to entrance of site located on the west side of the road. This link to an electronic map of the site or facility's general location is provided as a public courtesy and not part of the application or notice. For exact location, refer to application. <http://www.tceq.texas.gov/assets/public/hb610/index.html?lat=30.717222&lng=-97.846111&zoom=13&type=r>. This application was submitted to the TCEQ on April 7, 2016. The primary function of this plant is to manufacture concrete by mixing materials including (but not limited to) sand, aggregate, cement and water. The executive director has determined the application was technically complete on April 21, 2016.

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

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

### The Public Hearing is to be held:

**Monday, June 20, 2016, at 6:00 p.m.**

### Holiday Inn Express

**451 North Interstate Highway 35**

**Georgetown, Texas 78628**

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

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

**CENTRAL/REGIONAL OFFICE.** The application will be available for viewing and copying at the TCEQ Central Office and the TCEQ Austin Regional Office, located at 12100 Park 35 Circle Bldg. A Rm. 179, Austin, Texas 78753-1808, during the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, beginning the first day of publication of this notice.

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

Further information may also be obtained from Ranger Ready Mix, LLC, P.O. Box 82541, Austin, Texas 78708-2541 or by calling Ms. Monique Wells, Environmental Consultant, CIC Environmental, LLC at (512) 292-4314.

Notice Issuance Date: May 13, 2016

TRD-201602444  
Bridget C. Bohac  
Chief Clerk  
Texas Commission on Environmental Quality  
Filed: May 18, 2016



### Notice of Public Hearing on Proposed New Rules in 30 TAC Chapters 39, 295, 297, and 318

The Texas Commission on Environmental Quality (commission) will conduct a public hearing to receive testimony regarding proposed new §§39.901 - 39.903 of 30 TAC Chapter 39, Public Notice; new §§295.300 - 295.306 of 30 TAC Chapter 295, Water Rights, Procedural; new §§297.200 - 297.210 of 30 TAC Chapter 297, Water Rights, Substantive; and new §§318.1 - 318.9, 318.21 - 318.30, 318.40 - 318.43, 318.60, and 318.61 of 30 TAC Chapter 318, Marine Seawater Desalination Discharges, under the requirements of Texas Government Code, Chapter 2001, Subchapter B.

The proposed rulemaking would implement House Bill (HB) 2031 from the 84th Texas Legislature, 2015, relating to the diversion, treatment, and use of marine seawater and the discharge of treated marine seawater and waste resulting from the desalination of marine seawater and HB 4097 from the 84th Texas Legislature, 2015, relating to seawater desalination projects.

The commission will hold a public hearing on this proposal in Austin on June 21, 2016, at 2:00 p.m., in Building E, Room 201S, at the commission's central office located at 12100 Park 35 Circle. The hearing

is 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 proposal 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 or 1-800-RE-LAY-TX (TDD). Requests should be made as far in advance as possible.

Written comments may be submitted to Kris Hogan, 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. All comments should reference Rule Project Number 2015-029-295-OW. The comment period closes on July 5, 2016. Copies of the proposed rulemaking can be obtained from the commission's website at [http://www.tceq.texas.gov/rules/propose\\_adopt.html](http://www.tceq.texas.gov/rules/propose_adopt.html). For further information regarding the proposed rules in Chapter 39 or Chapter 318, please contact Laurie Fleet at (512) 239-5445. For further information regarding the proposed rules in Chapter 295 or Chapter 297, please contact Kathy Alexander at (512) 239-0778.

TRD-201602344

Robert Martinez

Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: May 13, 2016



### Notice of Receipt of Application and Intent to Obtain a Municipal Solid Waste Permit Limited Scope Major Permit Amendment Permit Number 728

CITY OF EL PASO, 701 Pendale, El Paso, El Paso County, Texas 79907, owner/operator of a Type V Municipal Solid Waste Facility has applied to the Texas Commission on Environmental Quality (TCEQ) for a permit amendment to authorize revisions to the Site Operating Plan and the waste acceptance and operating hours for the City of El Paso Delta Transfer Station. The facility is located at 4200 Delta Drive, El Paso, El Paso County, Texas 79905. The TCEQ received this application on March 14, 2016. The permit application is available for viewing and copying at El Paso Public Library Main Branch, 501 N. Oregon St., El Paso, El Paso County, Texas 79901, and may be viewed online at [http://team-psc.com/s1mi\\_permits.html](http://team-psc.com/s1mi_permits.html). The following link which leads to an electronic map of the site or facility's general location is provided as a public courtesy and is not part of the application or notice: <http://www.tceq.texas.gov/assets/public/hb610/index.html?lat=31.76333&lng=-106.43833&zoom=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 e-mail 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 the City of El Paso at the address stated above or by calling Mr. Miguel Parra, P.E., Solid Waste Operations Manager, at (915) 212-6208.

TRD-201602445

Bridget C. Bohac

Chief Clerk

Texas Commission on Environmental Quality

Filed: May 18, 2016



### Notice of Request for Public Comment and Notice of a Public Meeting to Receive Comments on Four Total Maximum Daily Loads for Indicator Bacteria in Cottonwood Creek, Fish Creek, Kirby Creek and Crockett Branch Watersheds Upstream of Mountain Creek Lake

The Texas Commission on Environmental Quality (TCEQ or commission) has made available for public comment Four Total Maximum Daily Loads (TMDL) for Indicator Bacteria in Cottonwood Creek, Fish Creek, and Crockett Branch Watersheds Upstream of Mountain Creek Lake in Dallas and Tarrant Counties.

The purpose of the public meeting is to provide the public an opportunity to comment on the draft TMDLs for indicator bacteria in four assessment units in Segments 0841f, 0841k, 0841n, and 0841v located in Cottonwood Creek, Fish Creek, Kirby Creek and Crockett Branch in Dallas and Tarrant Counties and the decision to join the implementation efforts of an approved, adjacent Implementation Plan (I-Plan).

A TMDL is a detailed water quality assessment that provides the scientific foundation to allocate pollutant loads in a certain body of water in order to restore and maintain designated uses. The purpose of the public meeting is to provide the public an opportunity to comment on the draft TMDLs. The commission requests comments on each of the major components of the TMDLs: problem definition, endpoint identification, source analysis, seasonal variation, linkage between sources and receiving waters, margin of safety, pollutant loading allocation, public participation, and implementation and reasonable assurances.

The Coordination Committee for this project petitioned to join the implementation efforts of the Greater Trinity River Bacteria Implementation Plan (I-Plan) Project, which has an approved I-Plan in a large area adjacent to the project's watershed. On June 3, 2015, the Coordinating Committee members from the Greater Trinity River Bacteria I-Plan Project voted to accept the addition of the Cottonwood Creek, Fish Creek, Kirby Creek, and Crockett Branch Bacteria TMDL watershed to the area covered by the existing I-Plan.

After the public comment period, the TCEQ may revise the draft TMDLs, if appropriate. The final TMDLs will then be considered by the commission for adoption. The commission will also consider approving the decision to join the existing Greater Trinity River I-Plan. Upon adoption of the TMDLs by the commission, the final TMDLs and a response to all comments received will be made available on the TCEQ website. The TMDLs will then be submitted to the United States Environmental Protection Agency Region 6 (EPA) office for final action by the EPA. Upon approval by the EPA, the TMDLs will be certified as an update to the State of Texas Water Quality Management Plan.

The public comment meeting for the draft TMDLs will be held at 6 p.m. on Thursday, June 23, 2016 at the offices of the City of Grand Prairie, Environmental Services Department, 206 West Church Street, 2nd Floor, Grand Prairie, Texas 75050.

At this meeting, individuals have the opportunity to present oral statements when called upon in order of registration. An agency staff member will give a brief presentation at the start of the meeting and will be available to answer questions before and after all public comments have been received.

Written comments on the draft TMDLs and the decision to join the existing Greater Trinity River I-Plan should be submitted to Jason Leifester, Water Quality Planning Division, Texas Commission on Environmental Quality, MC 203, P.O. Box 13087, Austin, Texas 78711-3087; faxed to (512) 239-1414; or submitted electronically to [www1.tceq.texas.gov/rules/ecomments/](http://www1.tceq.texas.gov/rules/ecomments/) by June 27, 2016, and should reference *Four Total Maximum Daily Loads for Indicator Bacteria in Cottonwood Creek, Fish Creek, and Crockett Branch Watersheds Upstream of Mountain Creek Lake*.

For further information regarding the draft TMDLs and the decision to join the existing Greater Trinity River I-Plan, please contact Jason Leifester at (512) 239-6457 or [Jason.Leifester@tceq.texas.gov](mailto:Jason.Leifester@tceq.texas.gov). Copies of the draft TMDLs will be available and can be obtained via the commission's website at: [www.tceq.texas.gov/waterquality/tmdl/tmdlnews.html](http://www.tceq.texas.gov/waterquality/tmdl/tmdlnews.html) or by calling (512) 239-6682.

Persons with disabilities who have special communication or other accommodation needs who are planning to attend the meeting should contact the commission at (512) 239-6682. Requests should be made as far in advance as possible.

TRD-201602354

Robert Martinez

Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: May 13, 2016



### Notice of Water Quality Applications

The following notices were issued on April 27, 2016, through May 12, 2016.

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

#### INFORMATION SECTION

JOSEPH WILSON OSINGA, JENNIFER SHEREE OSINGA, BERT MARCEL VELSEN AND HEIDI VELSEN have applied for a Minor Amendment of Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0003682000, for a Concentrated Animal Feeding Operation, to authorize the Applicants to add a freestall barn, remove the calf hutch area from the production area and correct the plotting of Well #1. The maximum capacity of 850 head, of which 700 head are milking cows remains unchanged. The facility is located on the east side of U.S. Highway 281, approximately 10 miles south of the city limits sign of Stephenville, in Erath County, Texas.

ROLLING CREEK UTILITY DISTRICT has applied for a minor amendment to the TPDES Permit No. WQ0012841001 to authorize a change in the Interim II phase from 0.55 million gallons per day (MGD) to 0.60 MGD. The facility is located at 18415 Forest Deer Road in Harris County, Texas 77084.

If you need more information about these permit applications or the permitting process, please call the TCEQ Public Education Program, Toll Free, at (800) 687-4040. General information about the TCEQ can be found at our web site at [www.TCEQ.texas.gov](http://www.TCEQ.texas.gov). Si desea información en español, puede llamar al (800) 687-4040.

TRD-201602443

Bridget C. Bohac

Chief Clerk

Texas Commission on Environmental Quality

Filed: May 18, 2016



### Stakeholder Meeting on Rulemaking Regarding Outdoor Burning Rules

The Texas Commission on Environmental Quality (TCEQ or commission) will conduct a stakeholder meeting to solicit input on a rulemaking project (Rule Project No. 2016-027-111-CE). This rulemaking proposes to amend 30 Texas Administrative Code Chapter 111, Subchapter B, concerning Outdoor Burning. The commission will propose this rulemaking to amend outdoor burning rules as they relate to prescribed burning in response to a petition for rulemaking.

The stakeholder meeting will be held on June 16, 2016, at 10:00 a.m., at the commission's central office located at 12100 Park 35 Circle, Building E, Room 201S, Austin, Texas. The webcast from this meeting may be viewed at <http://www.texasadmin.com/tceqs.shtml>.

Although all comments will be reviewed, staff is specifically interested in comments on the following issues:

- 1) How should "landclearing," "prescribed burn," and "structure containing sensitive receptor(s)" be defined as they relate to prescribed burning activities?
- 2) Should the TCEQ outdoor burning rules contain requirements specific to Certified and Insured Prescribed Burn Managers?
  - a) Should Certified and Insured Prescribed Burn Managers be held to prescribed burning/general outdoor burning requirements that differ from other parties conducting prescribed burning?
  - b) If so, how should those requirements differ from current requirements?
- 3) What notification requirements should pertain to Certified and Insured Prescribed Burn Managers for the purpose of conducting a prescribed burn?
  - a) What state/local governmental agencies should be notified for those prescribed burning activities?
  - b) What type of notification requirements should be given to landowners/property occupants located adjacent to those prescribed burning activities?
  - c) Should notification requirements for Certified and Insured Prescribed Burn Managers differ from those required of other parties conducting prescribed or otherwise authorized outdoor burning activities?
- 4) What general conditions should be required for Certified and Insured Prescribed Burn Managers?
- 5) What conditions should be required for written prescribed burn plans that are used by Certified and Insured Prescribed Burn Managers?
- 6) What meteorological and timing conditions should be required for prescribed burns conducted by Certified and Insured Prescribed Burn Managers (e.g. wind speeds, time of burn initiation/completion)?

**Please note that this is an opportunity to provide informal comments to staff prior to the formal rulemaking process. While staff will review all comments received, the TCEQ will not be formally responding to any comments. A formal public rule hearing is tentatively planned for November 2016.**

Stakeholder comments may be submitted to Ms. Kris Hogan, 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. **All comments should reference Rule Project Number 2016-027-111-CE. The comment period closes June 27, 2016.** For additional information please contact Kati Wooten, Program Support Section, at (512) 239-0837.

TRD-201602343

Robert Martinez

Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: May 13, 2016



### Texas Facilities Commission

#### Request for Proposals #303-6-20546-A

The Texas Facilities Commission (TFC), on behalf of the Comptroller of Public Accounts - Enforcement Division (CPA), announces the issuance of Request for Proposals (RFP) #303-6-20546-A. TFC seeks a five (5) or ten (10) year lease of approximately 4,764 square feet of office space in Katy or Sugar Land, Texas.

The deadline for questions is June 7, 2016 and the deadline for proposals is June 15, 2016 at 3:00 p.m. The award date is July 20, 2016. TFC reserves the right to accept or reject any or all proposals submitted. TFC is under no legal or other obligation to execute a lease on the basis of this notice or the distribution of an RFP. Neither this notice nor the RFP commits TFC to pay for any costs incurred prior to the award of a grant.

Parties interested in submitting a proposal may obtain information by contacting the Program Specialist, Evelyn Esquivel, at (512) 463-6494. A copy of the RFP may be downloaded from the Electronic State Business Daily at [http://esbd.cpa.state.tx.us/bid\\_show.cfm?bidid=124513](http://esbd.cpa.state.tx.us/bid_show.cfm?bidid=124513).

TRD-201602385

Kay Molina

General Counsel

Texas Facilities Commission

Filed: May 16, 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 April 4, 2016 through April 18, 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, May 20, 2016. The public comment period for this project will close at 5:00 p.m. on Monday, June 20, 2016.

**FEDERAL AGENCY ACTIONS:**

**Applicant:** Village of Surfside Beach

**Location:** The project site is located along the Gulf of Mexico (GOM) shoreline north and east of the Freeport Entrance jetties, from Jetty Park to Whelk Street, in the Village of Surfside Beach, Brazoria County, Texas. The project can be located on the U.S.G.S. quadrangle map titled: Freeport, Texas

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

28.948611, -95.285556

**Project Description:** The applicant proposes to construct two groins, the East groin and the West groin, and to increase beach fill retention while limiting down drift impacts. The proposed East groin structure would be constructed approximately 60 feet southwest of Texas State Highway 332, and would extend 300 feet seaward of current mean sea level (MSL) perpendicular to the natural shoreline. The West groin would be constructed approximately 150 feet east of Texas Street and would extend approximately 325 feet seaward of current MSL at an angle of 22.5° west of shore normal. The West groin would be constructed in conjunction with or after the completion of the East groin. There will be 1,650 cubic yards of fill material, in the form of rock breakwaters, placed within 9,630 square feet of jurisdictional areas. The total project footprint covers 1.7 acres, of which 64,745 square feet is landward of the mean higher high water line.

**CMP Project No:** 16-1296-F1

**Type of Application:** U.S. Army Corps of Engineers (USACE) permit application #SWG-1998-02508. 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. Jesse Solis, 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. Solis at the above address or by email.

TRD-201602440

Anne L. Idsal

Chief Clerk, Deputy Land Commissioner

General Land Office

Filed: May 17, 2016



**Notice of Consulting Service**

The Texas General Land Office (GLO) is seeking a consultant to provide professional services related to the evaluation of current and future construction and designs for compliance with applicable codes, laws,

guidelines and best practices for design and construction projects for GLO's Office of Construction Services. The selected Contractor shall assist the GLO's Office of Construction Services staff with upcoming code compliance and design review. The GLO intends to issue approximately six (6) contracts for design and construction plan review and code compliance analysis focused engagements over the specified period. The contractor will provide specialized skills, industry and subject matter knowledge in plan review and code compliance analysis to assist the Director of Construction Services during fiscal years 2016 and 2017 (September 1, 2015 through August 31, 2017.) It is anticipated that services will be required for specific subject matter areas associated with plan review and code compliance analysis involving design and construction.

Pursuant to §2254.029 and §2254.031 of the Texas Government Code, the GLO is seeking to contract for consulting services relating to the plan review and code compliance analysis involving design and construction specialized skills to GLO's Office of Construction Services beginning September 1, 2015, through August 31, 2017.

Persons interested in a copy of the Request for Proposal NO. X0008482-CD should contact Debby French, Procurement Division, Texas General Land Office at (512) 463-5309 or [debby.french@glo.texas.gov](mailto:debby.french@glo.texas.gov) to request a copy. The closing date for receipt of responses is May 10, 2016. The date of award is anticipated to be on or before May 25, 2016.

Further information may be obtained by contacting Crystal Nelson, Contract Manager, Texas General Land Office, 1700 N. Congress Avenue, Austin, Texas 78701-1495, telephone (512) 463-5053.

TRD-201602446

Anne L. Idsal

Chief Clerk, Deputy Land Commissioner

General Land Office

Filed: May 18, 2016

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**Department of State Health Services**

**HPV Strategic Plan Public Meeting**

As mandated by Senate Bill 200, 84th Legislature, the Texas Department of State Health Services, in collaboration with the Health and Human Services Commission and the Cancer Prevention and Research Institute of Texas, is developing a strategic plan to reduce human papillomavirus-associated cancers and deaths. An outline of the plan will be presented for public review. All are welcome.

**WHEN:**

June 3, 2016

10 a.m. to 12:00 p.m. (Noon)

**WHERE:**

Texas Department of State Health Services

Room K-100

1100 W. 49th Street

Austin, Texas 78756

TRD-201602374

Lisa Hernandez

General Counsel

Department of State Health Services

Filed: May 16, 2016

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## Texas Department of Housing and Community Affairs

Aviso de Audiencia Pública sobre la Solicitud y el Plan Estatal para el Año Fiscal Federal 2017 del Low Income Home Energy Assistance Program (LIHEAP)

Conforme con los requisitos del Departamento de Salud y Servicios Humanos de los Estados Unidos para la programa federal del Low Income Home Energy Assistance Program (LIHEAP, por sus siglas en ingles) y el Capítulo 2105, Subcapítulo B del Código del Gobierno de Texas, el Departamento de Vivienda y Asuntos Comunitarios de Texas (TDHCA, por sus siglas en ingles) conducirá varias audiencias públicas. El propósito principal de estas audiencias es para solicitar comentario público sobre los anteproyectos de la Solicitud y el Plan Estatal para el Año Fiscal Federal (FFY, por sus siglas en ingles) el Plan Estatal LIHEAP para el FFY 2017 (Anteproyecto del Plan Estatal LIHEAP).

El Anteproyecto del Plan Estatal LIHEAP detalla el propuesto uso y distribución de los fondos federales LIHEAP para el FFY 2017. El programa de LIHEAP provee fondos para los programas de Comprehensive Energy Assistance (CEAP, por sus siglas en ingles) y el Weatherization Assistance Program (WAP, por sus siglas en ingles).

El Anteproyecto de el Plan Estatal de LIHEAP seran presentados a la junta directiva del TDHCA el 26 de mayo del 2016. Como seguimiento a la provision de información pública, asesoramiento y los requisitos de las audiencias públicas para la programa LIHEAP, la División de Asuntos Comunitarios del TDHCA publicará los anteproyectos de el plan estatal federal en el sitio web del TDHCA:

El Anteproyecto del Plan Estatal LIHEAP está disponible en <http://www.tdhca.state.tx.us/community-affairs/ceap/index.htm>.

El documento se puede obtener comunicandose al TDHCA, P.O. Box 13941, Austin, Texas 78711-3941 o por teléfono al (512) 475-3905.

Las audiencias públicas sobre los Anteproyectos de los Plan Estatal de LIHEAP se ha programado de la manera siguiente:

martes, 14 de junio, 2016, 6:00 p.m.

el Departamento de Vivienda y Asuntos Comunitarios de Texas (TDHCA)

(Calle 11 Este) Sala 116

Austin, Texas 78701

martes, 14 de junio, 2016, 11:00 a.m.

1103 South Frio, Purchasing Suite

San Antonio, Texas 78207

miercoles, 15 de junio, 2016, 6:00 p.m.

Neighborhood Centers Inc.

3838 Aberdeen Way, Houston, Texas 77025

miercoles, 15 de junio, 2016, 1:30 p.m.

Hazel Harvey Peace Center for Neighborhoods, Cuarto de Conferencia,  
818 Missouri Avenue, Fort Worth, Texas 76104

Durante las audiencias, el Anteproyecto del Plan Estatal LIHEAP. Personas interesadas pueden proveer comentario public sobre el Anteproyecto del Plan Estatal LIHEAP en forma escrita o testimonio oral. Un representante del TDHCA estará presente para explicar el proceso de planificación y recibir comentario público de personas y grupos interesadas respecto a los anteproyectos de los planes estatales.

El período de comentario público para aceptar comentarios sobre los anteproyectos de los planes estatales comienza el 27 de may del 2016 hasta el 29 de junio del 2016 a las 12:00 de la noche. Comentarios escritos sobre los anteproyectos de los planes estatales tambien pueden ser presentados por correo al Texas Department of Housing and Community Affairs, Atención: Rita Garza, P.O. Box 13941, Austin, Texas 78711-3941 o pueden enviarse a través de correo electrónico a [rita.garza@tdhca.state.tx.us](mailto:rita.garza@tdhca.state.tx.us) o por fax al (512) 475-3935. Comentario público no será aceptado luego de las 12 de la noche el miercoles, 29 de junio del 2016. Si tiene preguntas sobre este proceso, comuníquese con Rita D. Gonzales-Garza, Administrador del Programas al (512) 475-1435 o envíe un correo electrónico a: [rita.garza@tdhca.state.tx.us](mailto:rita.garza@tdhca.state.tx.us).

Personas que necesiten equipos o servicios auxiliares para esta junta deben comunicarse con Gina Esteves, empleada responsable de la ley sobre la Ley de Estadounidenses con Discapacidades (ADA, por sus siglas en ingles), al (512) 475-3943 o al Relay Texas al 1-800-662-4954 por lo menos tres días antes de la junta para hacer los preparativos apropiados.

Personas que hablan español y requieren un intérprete, favor de llamar a Elena Peinado al siguiente número (512) 475-3814 o enviarle un correo electrónico a [elena.peinado@tdhca.state.tx.us](mailto:elena.peinado@tdhca.state.tx.us) por lo menos tres días antes de la junta para hacer los preparativos apropiados.

TRD-201602452

Beau Eccles

General Counsel

Texas Department of Housing and Community Affairs

Filed: May 18, 2016

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## Notice of Public Hearings for the Federal Fiscal Year 2017 Low Income Home Energy Assistance Program (LIHEAP) State Application and Plan

In accordance with the U. S. Department of Health and Human Services' requirement for the LIHEAP and Texas Government Code, Chapter 2105, Subchapter B, the Texas Department of Housing and Community Affairs (TDHCA) is conducting public hearings. The purpose of the hearings is to solicit comments on the draft LIHEAP State Plan and Application (LIHEAP Draft Plan).

The LIHEAP Draft Plan describes the proposed use and distribution of LIHEAP funds for Federal Fiscal Year 2017. LIHEAP provides funding for the Comprehensive Energy Assistance Program (CEAP) and the Weatherization Assistance Program (WAP).

The LIHEAP Draft Plan will be presented and approved by the TDHCA Board of Directors on May 26, 2016. As part of the public information, consultation, and public hearing requirements for LIHEAP, the Community Affairs Division of TDHCA will post the proposed plan on the TDHCA website once the board approves the plan:

The LIHEAP Draft Plan is available at <http://www.tdhca.state.tx.us/community-affairs/ceap/index.htm>.

The documents may be obtained by contacting the Texas Department of Housing and Community Affairs at P.O. Box 13941, Austin, Texas 78711-3941 or by phone at (512) 475-3905.

Public hearings for the LIHEAP Draft Plan will be held as follows:

Tuesday, June 14, 2016, 6:00 p.m. in Conference Room 116, TDHCA headquarters located at 221 East 11th Street, Austin, Texas

Tuesday, June 14, 2016, 11:00 a.m. at 1103 South Frio, Purchasing Suite, San Antonio, Texas 78207

Wednesday, June 15, 2016, 6:00 p.m. Neighborhood Centers Inc., 3838 Aberdeen Way, Houston, Texas 77025

Wednesday June 15, 2016, 1:30 p.m. at the Hazel Harvey Peace Center for Neighborhoods, Conference Room, 818 Missouri Avenue, Fort Worth, Texas 76104

At the hearings, the LIHEAP Draft Plan will be presented for public comment. Persons may provide public comment on the LIHEAP Draft Plan either through oral testimony or written testimony. A representative from TDHCA will be present at the hearings to explain the planning process and receive comments from interested citizens and affected groups regarding the draft plans.

The public comment period to accept comments regarding the draft plans will be open from Friday, May 27, 2016 through Wednesday, June 29, 2016 at 12:00 p.m. Written comments concerning the draft plans may also be submitted to the Texas Department of Housing and Community Affairs, Community Affairs Division, P.O. Box 13941, Austin, Texas 78711-3941, or by email to rita.garza@tdhca.state.tx.us, or by fax to (512) 475-3935. Comments are due no later than 12:00 p.m., Wednesday, June 29, 2016. Any questions regarding the public comment process may be directed to Rita D. Gonzales-Garza, CSBG Program Administrator, in the Community Affairs Division at (512) 475-3905 or rita.garza@tdhca.state.tx.us.

Individuals who require auxiliary aids, services or sign language interpreters for this meeting should contact Gina Esteves, ADA Responsible Employee, at (512) 475-3943 or Relay Texas at 1-800-735-2989, at least three (3) days before the meeting so that appropriate arrangements can be made.

Non-English speaking individuals who require interpreters for this meeting should contact Elena Peinado, (512) 475-3814, at least three (3) days before the meeting so that appropriate arrangements can be made.

Personas que hablan español y requieren un intérprete, favor de llamar a Elena Peinado al siguiente número (512) 475-3814 por lo menos tres días antes de la junta para hacer los preparativos apropiados.

TRD-201602451

Beau Eccles

General Counsel

Texas Department of Housing and Community Affairs

Filed: May 18, 2016

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**Texas Department of Insurance**

**Company Licensing**

Application for admission in the State of Texas by COPIC INSURANCE COMPANY, a foreign fire and/or casualty company. The home office is in Denver, Colorado.

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-201602388

Norma Garcia

General Counsel

Texas Department of Insurance

Filed: May 17, 2016

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**Texas Parks and Wildlife Department**

**Notice of Hearing and Opportunity for Public Comment**

This is a notice of an opportunity for public comment and a public hearing on a Coastal Water Authority application for a Texas Parks and Wildlife Department (TPWD) permit to excavate 30,500 cubic yards of sand and gravel from the Trinity River approximately 6 miles downstream of the State Highway 105 crossing and 18 miles upstream of the U.S. Highway 90 crossing in Liberty County.

The hearing will be held at 11:00 a.m. on June 17, 2016, at TPWD headquarters, located at 4200 Smith School Road, Austin, Texas 78744. The hearing is not a contested case hearing under the Administrative Procedure Act.

Written comments must be submitted within 30 days of the publication of this notice in the *Texas Register* or the newspaper, whichever is later, or at the public hearing. Submit written comments, questions, or requests to review the application to: Tom Heger, TPWD, by mail: 4200 Smith School Road, Austin, Texas 78744; fax (512) 389-4405; email tom.heger@tpwd.texas.gov; or phone (512) 389-4583.

TRD-201602358

Ann Bright

General Counsel

Texas Parks and Wildlife Department

Filed: May 16, 2016

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**Public Utility Commission of Texas**

**Announcement of Application for Amendment to a State-Issued Certificate of Franchise Authority**

The Public Utility Commission of Texas (commission) received an application on May 13, 2016, to amend a state-issued certificate of franchise authority, pursuant to Public Utility Regulatory Act §§66.001 - 66.016.

Project Title and Number: Application of Buford Media Group, LLC for Amendment to its State-Issued Certificate of Franchise Authority, Project Number 45962.

The requested amendment seeks to remove and delete certain service areas from the service area footprint of SICFA No. 90061, and to reflect a transfer in ownership/control.

Information on the application may be obtained by contacting 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 inquiries should reference Project Number 45962.

TRD-201602394

Adriana Gonzales

Rules Coordinator

Public Utility Commission of Texas

Filed: May 17, 2016

◆ ◆ ◆  
**Announcement of Application for Amendment to a State-Issued Certificate of Franchise Authority**

The Public Utility Commission of Texas (commission) received an application on May 13, 2016, to amend a state-issued certificate of franchise authority, pursuant to Public Utility Regulatory Act (PURA) §§66.001 - 66.016.

Project Title and Number: Application of Buford Communications 1, LP d/b/a Alliance Communications Network for Amendment to its State-Issued Certificate of Franchise Authority, Project Number 45963.

Applicant seeks to expand the service area footprint of SICFA No. 90094 to include (1) the municipal boundaries of Beckville, Easton, and Lakeport, Texas; (2) the unincorporated areas known as Elderville and Lake Cherokee North; (3) unincorporated area outside the city limits of Lakeport southeast of Hwy. 149, 500 feet on either side of the centerline, continuing to the Rusk County line; (4) unincorporated area known as Lake Cherokee South; (5) unincorporated area within a 1 mile radius outside the city limits of Tatum; and (6) unincorporated area within a 1,000 foot radius outside the city limits of Beckville.

Information on the application may be obtained by contacting 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 inquiries should reference Project Number 45963.

TRD-201602395  
Adriana Gonzales  
Rules Coordinator  
Public Utility Commission of Texas  
Filed: May 17, 2016



#### Notice of Application for a Service Provider Certificate of Operating Authority

Notice is given to the public of the filing with the Public Utility Commission of Texas (commission) of an application on May 13, 2016, for a service provider certificate of operating authority, pursuant to the Public Utility Regulatory Act. Applicant intends to provide facilities based, data and resale services throughout the state of Texas.

Docket Title and Number: Application of GigaMonster, LLC for a Service Provider Certificate of Operating Authority, Docket Number 45964.

Persons who wish to comment upon 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 (888) 782-8477 no later than June 3, 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 45964.

TRD-201602396  
Adriana Gonzales  
Rules Coordinator  
Public Utility Commission of Texas  
Filed: May 17, 2016



#### Notice of Application for Retail Electric Provider Certification

Notice is given to the public of the filing with the Public Utility Commission of Texas of an application on May 12, 2016, for retail electric provider (REP) certification, pursuant to Public Utility Regulatory Act (PURA) §39.352.

Docket Title and Number: Application of Koch Energy Services, LLC, for a Retail Electric Provider Certificate, Docket Number 45960.

Persons wishing to comment upon 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 (888)

782-8477 no later than June 27, 2016. Hearing and speech-impaired individuals with text telephones (TTY) may contact the commission at (512) 936-7136 or toll-free at (800) 735-2989. All comments should reference Docket Number 45960.

TRD-201602355  
Adriana Gonzales  
General Counsel  
Public Utility Commission of Texas  
Filed: May 13, 2016



#### Notice of Application for Service Area Exception

Notice is given to the public of the filing with the Public Utility Commission of Texas of an application on May 11, 2016, to amend a certificated service area for a service area exception within Lampasas County, Texas.

Docket Style and Number: Application of Pedernales Electric Cooperative, Inc. for an Amendment to Certificate of Convenience and Necessity for a Service Area Exception in Lampasas County. Docket Number 45954.

The Application: Pedernales Electric Cooperative, Inc. (PEC) filed an application for a service area boundary exception to allow PEC to provide service to a specific customer located within the certificated service area of Hamilton County Electric Cooperative Association (HCECA). HCECA has provided an affidavit of relinquishment for the proposed change.

Persons wishing to comment on the action sought or intervene should contact the Public Utility Commission of Texas no later than June 3, 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 Number 45954.

TRD-201602326  
Adriana Gonzales  
Rules Coordinator  
Public Utility Commission of Texas  
Filed: May 12, 2016



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

On May 9, 2016, ANPI Business, LLC and Onvoy, LLC filed an application with the Public Utility Commission of Texas for an amendment to service provider certificate of operating authority number 60909, recognizing a change in ownership and control.

Docket Style and Number: Application of ANPI Business, LLC and Onvoy, LLC for an Amendment to a Service Provider Certificate of Operating Authority, Docket Number 45945.

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 June 3, 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 45945.

TRD-201602319

Adriana Gonzales  
Rules Coordinator  
Public Utility Commission of Texas  
Filed: May 11, 2016



#### Notice of Application to Amend a Sewer Certificate of Convenience and Necessity

Notice is given to the public of the filing with the Public Utility Commission of Texas (commission) of an application to amend a sewer certificate of convenience and necessity (CCN) and to decertify a portion of a sewer CCN in Bexar County.

Docket Style and Number: Application of City of Schertz to Amend a Sewer Certificate of Convenience and Necessity Under Water Code Section 13.255 and to Decertify a Portion of Green Valley Special Utility District's Certificate Rights in Bexar County, Docket Number 45956.

The Application: On May 11, 2016, the City of Schertz filed an application for single certification to provide sewer service to portions of the City's corporate limits that are currently certificated to Green Valley Special Utility District. The City requests an amendment to its sewer certificate of convenience and necessity (CCN) number 20271, singly certificating the City to provide sewer service to approximately 405 acres of land within the City's corporate limits and decertification of that property from Green Valley's sewer CCN number 20973.

Persons wishing to intervene or 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 (888) 782-8477. A deadline for intervention in this proceeding will be established. 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 45956.

TRD-201602392  
Adriana Gonzales  
Rules Coordinator  
Public Utility Commission of Texas  
Filed: May 17, 2016



#### Notice of Application to Obtain Water and Sewer Certificates of Convenience and Necessity

Notice is given to the public of the filing with the Public Utility Commission of Texas (commission) of an application to obtain water and sewer certificates of convenience and necessity (CCN) in Denton County, Texas.

Docket Style and Number: Application of Town of Providence Village to Obtain Certificates of Convenience and Necessity, Decertify Portions of Mustang Special Utility District's Certificates, and Cancel Providence Village WCID No. 1's Certificates in Denton County, Docket Number 45959.

The Application: The Town of Providence Village (Providence Village) filed an application to obtain new water and sewer CCNs, to amend water CCN No. 11856 and sewer CCN No. 20930 of Mustang Special Utility District (Mustang), and cancellation of water CCN No. 13020 and sewer CCN No. 20922 of Providence Village WCID No. 1 (WCID #1), in Denton County. The dissolution of WCID #1 and an agreement with Mustang to allow Providence Village to be the sole certificated provider of retail water and sewer service within the incorporated limits of Providence Village, and the issuance of new wa-

ter and sewer CCNs to Providence Village will eliminate confusion and eliminate the dual certification status of the eastern area of Providence Village that has existed since 2001. The total area being requested includes 2,012 current customers.

Persons wishing to intervene or 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 (888) 782-8477. A deadline for intervention in this proceeding will be established. 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 45959.

TRD-201602393  
Adriana Gonzales  
Rules Coordinator  
Public Utility Commission of Texas  
Filed: May 17, 2016



#### Notice of Petition for Recovery of Universal Service Funding

Notice is given to the public of the filing with the Public Utility Commission of Texas (commission) of an application on May 9, 2016 for recovery of Universal Service Funding pursuant to Public Utility Regulatory Act, §56.025 and 16 TAC §26.406.

Docket Style and Number: Application of Border to Border Communications, Inc. to Recover Funds From the Texas Universal Service Fund Pursuant to PURA §56.025 and 16 TAC §26.406. Docket Number 45944.

The Application: Border to Border Communications, Inc. (BTBC) seeks recovery of funds from the Texas Universal Service Fund (TUSF) due to Federal Communications Commission (FCC) actions resulting in a reduction in the Federal Universal Service Fund (FUSF) revenues available to BTBC. The petition requests that the Public Utility Commission of Texas (Commission) allow recovery of funds from the TUSF in the amount of \$859,754 for 2016 to replace FUSF revenue reductions. BTBC is not seeking any rate increases through this proceeding.

Persons wishing to intervene or 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 (888) 782-8477. A deadline for intervention in this proceeding will be established. 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 45944.

TRD-201602341  
Adriana Gonzales  
Rules Coordinator  
Public Utility Commission of Texas  
Filed: May 13, 2016



#### Requesting Comments on Strawman Rule Amendments to Chapter 24

The Staff of the Public Utility Commission of Texas (commission) is drafting proposed rules to implement Section 4 of Senate Bill 1148 of the 84th Legislature, and to amend the rate appeals portions of Chapter 24. A strawman with proposed amendments to Chapter 24, Substantive Rules Applicable to Water and Sewer Utilities, has been filed with the

Commission's Central Records under Project No. 45113 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. 45113 by filing 16 copies of such comments with Central Records no later than **3:00 p.m.** on **June 10, 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 **June 24, 2016**. All comments should reference Project No. 45113 and should be limited to 5 pages.

Questions concerning this project or this notice should be referred to Douglas Brown, Legal Division, at [douglas.brown@puc.texas.gov](mailto:douglas.brown@puc.texas.gov) or (512) 936-7203. Hearing and speech-impaired individuals with text telephones (TTY) may contact the commission through Relay Texas by dialing 7-1-1.

TRD-201602381  
Adriana Gonzales  
Rules Coordinator  
Public Utility Commission of Texas  
Filed: May 16, 2016



## Supreme Court of Texas

In the Supreme Court of Texas

Misc. Docket No. 16-9056

### ORDER ADOPTING AMENDMENTS TO THE TEXAS RULES OF CIVIL PROCEDURE AND THE TEXAS RULES OF APPELLATE PROCEDURE AND APPROVING A FORM STATEMENT OF INABILITY TO AFFORD PAYMENT OF COURT COSTS

**ORDERED** that:

1. Rules of Civil Procedure 145 and 502 and Rules of Appellate Procedure 20, 25, and 32 are amended as set forth in this order. *See* TEX. GOV'T CODE §22.004(b). The amendments are effective September 1, 2016.
2. Rule of Civil Procedure 145 and Rule of Appellate Procedure 20.1 have been completely rewritten. Therefore, this order includes only a clean version of those rules as amended. The amendments to Rule of Civil Procedure 502 and Rules of Appellate Procedure 25 and 32 are demonstrated in redline form.
3. The Court also approves the attached form Statement of Inability to Afford Payment of Court Costs.
4. The Court may change the amendments or the form before the effective date of the amendments in response to public comments. Any person may submit written comments by August 1 to Rules Attorney Martha Newton at [rulescomments@txcourts.gov](mailto:rulescomments@txcourts.gov).
5. The Clerk is directed to:
  - a. file a copy of this order with the Secretary of State;
  - b. cause a copy of this order to be mailed to each registered member of the State Bar of Texas by publication in the *Texas Bar Journal*;
  - c. send a copy of this order to each elected member of the Legislature; and
  - d. submit a copy of the order for publication in the *Texas Register*.

Dated: May 16, 2016.

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Nathan L. Hecht, Chief Justice

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Paul W. Green, Justice

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Phil Johnson, Justice

\_\_\_\_\_  
Don R. Willett, Justice

\_\_\_\_\_  
Eva M. Guzman, Justice

\_\_\_\_\_  
Debra H. Lehrmann, Justice

\_\_\_\_\_  
Jeffrey S. Boyd, Justice

\_\_\_\_\_  
John P. Devine, Justice

\_\_\_\_\_  
Jeffrey V. Brown, Justice

Texas Rule of Civil Procedure 145 is amended to read as follows.

#### **Rule 145. Payment of Costs Not Required**

(a) *Costs Defined.* "Costs" mean any fee charged by the court or an officer of the court that could be taxed in a bill of costs, including filing fees, fees for issuance and service of process, fees for a court-appointed professional, and fees charged by the clerk or court reporter for preparation of the appellate record.

(b) *General Rule.* A party who files a Statement of Inability to Afford Payment of Court Costs cannot be required to pay costs except by order of the court as provided by this rule. After the Statement is filed, the clerk must docket the case, issue citation, and provide any other service that is ordinarily provided to a party. The Statement must either be sworn to before a notary or made under penalty of perjury. In this rule, "declarant" means the party filing the Statement.

(c) *Supreme Court Form; Clerk to Provide.* The declarant must use the form Statement approved by the Supreme Court, or the Statement must include the information required by the Court-approved form. The clerk must make the form available to all persons without charge or request.

(d) *Defects.* The clerk may refuse to file a Statement that is not sworn to before a notary or made under penalty of perjury. No other defect is a ground for refusing to file a Statement or requiring the party to pay costs. If a defect or omission in a Statement is material, the court--on its own motion or on motion of the clerk or any party--may direct the declarant to correct or clarify the Statement.

(e) *Evidence of Inability to Afford Costs Required.* The Statement must say that the declarant cannot afford to pay costs, or can afford to pay only part of the costs, or can afford to pay costs only over time. The declarant must provide in the Statement, and, if available, in attachments to the Statement, evidence of the declarant's inability to afford costs, such as evidence that the declarant:

(1) receives benefits from a government entitlement program, eligibility for which is dependent on the recipient's means;

(2) is being represented in the case by an attorney who is providing free legal services to the declarant, without contingency, through:

(A) a provider funded by the Texas Access to Justice Foundation;

(B) a provider funded by the Legal Services Corporation; or

(C) a nonprofit that provides civil legal services to persons living at or below 200% of the federal poverty guidelines published annually by the United States Department of Health and Human Services;

(3) has applied for free legal services for the case through a provider listed in (e)(2) and was determined to be financially eligible but was declined representation; or

(4) does not have funds to afford payment of costs.

(f) *Requirement to Pay Costs Notwithstanding Statement.* The court may order the declarant to pay costs only as follows:

(1) *On Motion by the Attorney Ad Litem for a Parent in Certain Cases, the Clerk, or a Party.* The attorney ad litem for a parent in a suit filed by a governmental entity in which termination of the parent-child relationship or the appointment of a conservator for a child is sought, the clerk, or any party may move to require the declarant to pay costs only if the motion contains sworn evidence, not merely on information or belief:

(A) that the Statement was materially false when it was made; or

(B) that because of changed circumstances, the Statement is no longer true in material respects.

(2) *On Motion by the Court Reporter.* When the declarant requests the preparation of a reporter's record but cannot make arrangements to pay for it, the court reporter may move to require the declarant to prove the inability to afford costs.

(3) *On the Court's Own Motion.* Whenever evidence comes before the court that the declarant may be able to afford costs, or when an officer or professional must be appointed in the case, the court may require the declarant to prove the inability to afford costs.

(4) *Notice and Hearing.* The declarant may not be required to pay costs without an evidentiary hearing. The court must give 21 days' notice of the hearing. At the hearing, the burden is on the declarant to prove the inability to afford costs.

(5) *Findings Required.* An order requiring the declarant to pay costs must be supported by detailed findings that the declarant can afford to pay costs.

(6) *Partial and Delayed Payment.* The court may order that the declarant pay the part of the costs the declarant can afford or that payment be made in installments. But the court must not delay the case if payment is made in installments.

(g) *Review of Trial Court Order.*

(1) *Only Declarant May Challenge; Motion.* Only the declarant may challenge an order issued by the trial court under this rule. The declarant may challenge the order by motion filed in the court of appeals with jurisdiction over an appeal from the judgment in the case. The declarant is not required to pay any filing fees related to the motion in the court of appeals.

(2) *Time for Filing; Extension.* The motion must be filed within 10 days after the trial court's order is signed, unless the court of appeals grants the declarant an extension.

(3) *Record.* After a motion is filed, the court of appeals must promptly send notice to the trial court clerk and the court reporter requesting preparation of the record of all trial court proceedings on the declarant's claim of indigence. The court may set a deadline for filing the record. The record must be provided without charge.

(4) *Court of Appeals to Rule Promptly.* The court of appeals must rule on the motion at the earliest practicable time.

(h) *Judgment.* The judgment must not require the declarant to pay costs, and a provision in the judgment purporting to do so is void, unless the court has issued an order under (f), or the declarant has obtained a monetary recovery out of which costs can be paid.

Comment to 2016 Change: The rule has been rewritten. Access to the civil justice system cannot be denied because a person cannot afford to pay court costs. The issue is not merely whether a person can pay costs, but whether the person can afford to pay costs. Experience indicates that almost all filers described in (e)(1)-(3), and most filers described in (e)(4), cannot in fact afford to pay costs. Because costs to access the system--filing fees, fees for issuance of process and notices, and fees for service and return--are kept relatively small, the expense involved in challenging a claim of inability to afford costs often exceeds the costs themselves. Thus, the rule does not allow the clerk or a party to challenge a litigant's claim of inability to afford costs without sworn evidence that the claim is false. The filing of a Statement of Inability to Afford Payment of Court Costs--which may either be sworn to before a notary or made under penalty of perjury, as permitted by Civil Practice and Remedies Code §132.001--is all that is needed to require the clerk to provide ordinary services without payment of fees and costs. But evidence may come to light that the claim was false when made. And the declarant's circumstances may change, so that the claim is no longer true. Importantly, costs may increase with the appointment of officers or professionals in the case, or when a reporter's record must be prepared. The reporter is always allowed to challenge a claim of inability to afford costs before incurring the substantial expense of record preparation. The trial court always retains discretion to require evidence of an inability to afford costs.

Texas Rule of Civil Procedure 502 is amended as demonstrated below.

## **Rule 502. Institution of Suit**

\* \* \*

### **Rule 502.3. Fees; Inability to Pay Afford Fees**

(a) *Fees and Statement of Inability to Pay Afford Payment of Court Costs.* On filing the petition, the plaintiff must pay the appropriate filing fee and service fees, if any, with the court. A plaintiff who is unable to afford to pay the fees must file a sworn Statement of Inability to Pay Afford Payment of Court Costs. The Statement must either be sworn to before a notary or made under penalty of perjury. Upon filing the sStatement, the clerk must docket the action, issue citation, and provide any other customary services.

(b) *Supreme Court Form; Contents of Statement of Inability to Pay.* The plaintiff must use the form Statement approved by the Supreme Court, or the Statement must include the information required by the Court-approved form. The clerk must make the form available to all persons without charge or request.

(1) The statement must contain complete information as to the party's identity, nature and amount of governmental entitlement income, nature and amount of employment income, other income (interest, dividends, etc.); spouse's income if available to the party, property owned (other than homestead); cash or checking account; dependents; debts; and monthly expenses.

(2) The statement must contain the following: "I am unable to pay court fees. I verify that the statements made in this statement are true and correct." The statement must be sworn before a notary public or other officer authorized to administer oaths or be signed under penalty of perjury.

(c) *IOLTA Certificate of Legal-Aid Provider.* If the party is represented by an attorney who is providing free legal services because of the party's indigence, without contingency, and the attorney is providing services either directly or by referral from a program funded by the Interest on Lawyers Trust Accounts (IOLTA) program legal-aid provider described in Rule 145(e)(2), the attorney may file an IOLTA a certificate confirming that the IOLTA funded program provider screened the party for income eligibility under the IOLTA income and asset guidelines established by the provider. A party's sStatement of inability to pay that is accompanied by an attorney's IOLTA the certificate of a legal-aid provider may not be contested under (d).

(d) *Contest.* Unless an IOLTA a certificate is filed under (c), the defendant may file a contest of the sStatement of inability to pay at any time within 7 days after the day the defendant's answer is due. If the sStatement attests to receipt of government entitlement based on indigence, the sStatement may only be contested with regard to the veracity of the attestation. If contested, the judge must hold a hearing to determine the plaintiff's ability to pay afford the fees. At the hearing, the burden is on the party who filed the statement plaintiff to prove its the inability to pay afford fees. The judge may, regardless of whether the defendant contests the sStatement, examine the sStatement and conduct a hearing to determine the plaintiff's ability to pay afford fees. If the judge determines that the plaintiff is able to afford the fees, the judge must enter a written order listing the reasons for the determination, and the plaintiff must pay the fees in the time specified in the order or the case will be dismissed without prejudice.

\* \* \*

Texas Rule of Appellate Procedure 20 is amended to read as follows.

## **Rule 20. Payment of Costs Not Required**

### **20.1 Civil Cases**

(a) *Costs Defined.* In this rule, "costs" mean filing fees charged by the appellate court. Fees charged for preparation of the appellate record are governed by Texas Rule of Civil Procedure 145.

(b) *General Rule; Status in Trial Court Carries Forward.* A party who filed a Statement of Inability to Afford Payment of Court Costs in the trial court is not required to pay costs in the appellate court unless the trial court overruled the party's claim of indigence in an order that complies with Texas Rule of Civil Procedure 145. A party is not required to pay costs in the appellate court if the trial court ordered the party to pay partial costs or to pay costs in installments.

(c) *Establishing the Right to Proceed Under the General Rule.* To establish the right to proceed without payment of costs under (b), a party must communicate to the appellate court clerk in writing that the party is presumed indigent under this rule. In an appeal under Section Two of these rules, the applicability of the presumption should be stated in the notice of appeal and in the docketing statement.

(d) *Exception; Material Change in Circumstances.* An appellate court may permit a party who is not entitled to proceed under (b) to proceed without payment of costs if the party establishes that the party's financial circumstances have materially changed since the date of the trial court's order under Texas Rule of Civil Procedure 145.

(1) *Requirements.* The party must file a motion in the appellate court alleging that the party's financial circumstances have materially changed

since the date of the trial court's order and a current Statement of Inability to Afford Payment of Court Costs that complies with Texas Rule of Civil Procedure 145. The Statement that was filed in the trial court does not meet the requirements of this rule.

(2) *Action by Appellate Court.* The appellate court may decide the motion based on the record or refer the motion to the trial court with instructions to hear evidence and issue findings of fact. If a motion is referred to the trial court, the appellate court must review the trial court's findings and the record of the hearing before ruling on the motion.

### **Comment to 2016 Change:**

The rule has been rewritten so that it only governs filing fees and any other fee charged by the appellate court. Texas Rule of Civil Procedure 145 governs a party's claim that the party is unable to afford costs for preparation of the appellate record.

Because appellate filing fees are minimal, a party that filed a Statement of Inability to Afford Payment of Court Costs in the trial court is not required to file a new Statement in the appellate court unless the trial court made affirmative findings under Texas Rule of Civil Procedure 145 that the party is able to afford all court costs and to pay those costs as they are incurred. Furthermore, because a determination of indigence by the trial court carries forward to appeal in all cases, Family Code section 107.013 is satisfied.

Experience has shown that, in most cases, a party's financial circumstances do not change substantially between the trial court proceedings and the appellate court proceedings. Nonetheless, (d) permits a party whom the trial court determined is able to afford all costs to demonstrate to the appellate court that the party's circumstances have changed since the trial court's ruling and that the party is unable to afford appellate filing fees.

Texas Rule of Appellate Procedure 25 is amended as demonstrated below.

## **Rule 25. Perfecting Appeal**

### **25.1. Civil Cases**

\* \* \*

(d) *Contents of Notice.* The notice of appeal must:

- (1) identify the trial court and state the case's trial court number and style;
- (2) state the date of the judgment or order appealed from;
- (3) state that the party desires to appeal;
- (4) state the court to which the appeal is taken unless the appeal is to either the First or Fourteenth Court of Appeals, in which case the notice must state that the appeal is to either of those courts;
- (5) state the name of each party filing the notice;
- (6) in an accelerated appeal, state that the appeal is accelerated and state whether it is a parental termination or child protection case, as defined in Rule 28.4;
- (7) in a restricted appeal:
  - (A) state that the appellant is a party affected by the trial court's judgment but did not participate--either in person or through counsel--in the hearing that resulted in the judgment complained of;
  - (B) state that the appellant did not timely file either a postjudgment motion, request for findings of fact and conclusions of law, or notice of appeal; and
  - (C) be verified by the appellant if the appellant does not have counsel.

(8) state, if applicable, that the appellant is presumed indigent and may proceed without advance payment of costs as provided in under Rule 20.1(a)(3).

\* \* \*

Texas Rule of Appellate Procedure 32 is amended as demonstrated below.

### **Rule 32. Docketing Statement**

#### **32.1. Civil Cases**

Promptly upon filing the notice of appeal in a civil case, the appellant must file in the appellate court a docketing statement that includes the following information:

\* \* \*

(k) if the appellant filed a Statement of Inability to Afford Payment of Court Costs in the trial court:

(1) the date of filing of any affidavit of indigence that the Statement was filed;

(2) the date of filing of any contest motion challenging the Statement;

(3) the date of any order on the contest; and

(4) whether the contest was sustained or overruled;

(3) the date of any hearing on the appellant's ability to afford costs; and

(4) if the trial court signed an order under Texas Rule of Civil Procedure 145, the court's findings regarding the appellant's ability to afford costs and the date that the order was signed.

(l) whether the appellant has filed or will file a supersedeas bond; and

(m) any other information the appellate court requires.

**WARNING:** Without the advice and help of an attorney, you may be putting yourself, your personal property, and your money at risk. To get a referral to an attorney, call the State Bar of Texas Lawyer Referral Information Service at 1-800-252-9690. If you are a victim of domestic violence, or if at any time you feel unsafe, you can get confidential help from the National Domestic Violence Hotline at 1-800-799-7233 or legal help from the Texas Advocacy Project Family Violence Legal Line at 1-800-374-4673.

(Print your answers in blue ink)

Cause Number: \_\_\_\_\_  
(The Clerk's office will fill in the Cause Number when you file this form)

Plaintiff: \_\_\_\_\_ In the (check one):  
(Print first and last name of the person filing the lawsuit)  
And \_\_\_\_\_ (Court Number)  
 District Court  
 County Court at Law  
 County Court  
 Justice Court

Defendant: \_\_\_\_\_ (County)  
(Print first and last name of the person being sued)

### Statement of Inability to Afford Payment of Court Costs

**WARNING:** Read Texas Rules of Civil Procedure 145 and 502.3 before filling out this form.

#### Part 1: Your Information

Your full name: \_\_\_\_\_

Your date of birth: \_\_\_\_\_

Your address (if the place you receive mail is different from the place you actually live, list both addresses):  
\_\_\_\_\_

Your telephone number: \_\_\_\_\_

#### Part 2: Representation By Legal-Aid Attorney

Only fill out this section if (a) you are being represented in this case by an attorney who works for a legal-aid provider or who received your case through a legal-aid provider; or (b) you applied for representation through a legal-aid provider and were determined to be financially eligible, but the legal-aid provider was unable to take your case. If you are not being represented in this case by a legal-aid attorney or have not sought representation through a legal-aid provider, skip to Part 3.

Check the box that applies. Attach the certificate that the legal-aid provider gave you and label it "Exhibit: Legal-Aid Certificate."

"I am being represented in this case for free by an attorney who works for a legal-aid provider or who received my case through a legal-aid provider."

-or-

"I asked a legal-aid provider to represent me, and the provider determined that I am financially eligible for representation, but the provider could not take my case."

**Part 3: Public Benefits, Income, and Debts**

Check ALL boxes that apply and fill in the blanks describing the amounts and sources of your income.

- "I receive these **public benefits/government entitlements** that are based on indigency:  SSI  WIC  
 Food stamps/SNAP  TANF  Medicaid  CHIP  Needs-based VA Pension  
 County Assistance, County Health Care, or General Assistance (GA)  Community Care via DADS  
 AABD  Public Housing  Low-Income Energy Assistance  LIS in Medicare ("Extra Help")  
 Emergency Assistance  Child Care Assistance under Child Care and Development Block Grant  
 Other : \_\_\_\_\_

If you receive any of the above public benefits, attach proof to this form and label it "Exhibit: Proof of Public Benefits."

"My income sources are stated below (check all that apply).

- Unemployed since: \_\_\_\_\_  
 Date \_\_\_\_\_  
 -or-  
 Wages: I work as a \_\_\_\_\_ for \_\_\_\_\_  
 Your job title Your employer  
 Child/spousal support  My spouse's income or income from another member of my household (if available)  
 Tips, bonuses  Military Housing  Worker's Comp  Disability  Unemployment  Social Security  
 Retirement/Pension  Dividends, interest, royalties  2<sup>nd</sup> job or other income: \_\_\_\_\_  
 Describe \_\_\_\_\_

"My income amounts are stated below.

<b>(A) My monthly take-home wages:</b>	Total amount received →	\$ _____
<b>(B) The amount I receive each month in public benefits is:</b>	Total amount received →	\$ _____
<b>(C) The amount of income from other people in my household:</b> (list this income only if other members contribute to your household income )	Total amount received →	\$ _____
<b>(D) The amount I receive each month from other sources is:</b>	Total amount received →	\$ _____
<b>(E) My TOTAL monthly income</b>	Add all sources of income above →	<b>= \$ _____</b>

About my dependents:

"The people who depend on me financially are listed below:

Name	Age	Relationship to Me
1 _____	_____	_____
2 _____	_____	_____
3 _____	_____	_____
4 _____	_____	_____
5 _____	_____	_____
6 _____	_____	_____

"My property includes:

	Value*
Cash	\$ _____
Bank accounts, other financial assets (List)	\$ _____
_____	\$ _____
_____	\$ _____
Vehicles (cars, boats) (List make and year)	\$ _____
_____	\$ _____
_____	\$ _____
Other property (like jewelry, stocks, etc.) (Describe)	\$ _____
_____	\$ _____

"My monthly expenses are:

	Amount
Rent/house payments/maintenance	\$ _____
Food and household supplies	\$ _____
Utilities and telephone	\$ _____
Clothing and laundry	\$ _____
Medical and dental expenses	\$ _____
Insurance (life, health, auto, etc.)	\$ _____
School and child care	\$ _____
Transportation, auto repair, gas	\$ _____
Child / spousal support	\$ _____
Wages withheld by court order	\$ _____
Debt payments paid to: (List)	\$ _____

_____ \$ _____ \$ <b>Total value of property</b> → <span style="border: 1px solid black; padding: 2px;">=\$</span>	_____ \$ _____ \$ <b>Total Monthly Expenses</b> → <span style="border: 1px solid black; padding: 2px;">=\$</span>
--	---

\*The value is the amount the item would sell for less the amount you still owe on it, if anything.

"My debts include: (List debt and amount owed)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

To list any other facts you want the court to know, such as unusual medical expenses, family emergencies, etc., attach another page to this form and label it "Exhibit: Additional Supporting Facts." Check here if you attach another page.

### Part 4: Verification

**Important:** Please complete either Option 1 or Option 2 below. You do not have to complete both. If you complete Option 1, you must sign your name before a notary public, court clerk, or another person authorized to give oaths. If you complete Option 2, you do not have to sign your name before a notary public or any other person, but you must swear that the information in this statement is true "under penalty of perjury." "Perjury" means lying to a judge, and it is a crime. If you swear that a statement is true "under penalty of perjury," and you make the statement knowing that it is false, you could be prosecuted in criminal court.

#### Option 1

Check all boxes that apply.

- "I cannot afford to pay any court costs."
- "I can only afford to pay some court costs. I cannot afford to pay all court costs."
- "I can only pay court costs over time in installments."

"I verify that the statements made in this form are true and correct."

by \_\_\_\_\_  
(Print name of person who is signing this statement.)

**Do not sign until you are in front of a notary.**

Signature of Person Signing Statement Date

**Notary fills out below.**

State of Texas, County of \_\_\_\_\_  
(Print the name of county where this statement is notarized)

Sworn to and subscribed before me, the undersigned notary, on this date: \_\_\_\_\_ / \_\_\_\_\_ /20\_\_\_\_ at \_\_\_\_\_ a.m./p.m.  
month    day                    year                    time                    (circle one)

Notary's Signature

**Option 2**

Check all boxes that apply.

- "I cannot afford to pay any court costs."
- "I can only afford to pay some court costs. I cannot afford to pay all court costs."
- "I can only pay court costs over time in installments."

My name is \_\_\_\_\_ (First) \_\_\_\_\_ (Middle) \_\_\_\_\_ (Last).

My date of birth is \_\_\_\_\_, and my address is \_\_\_\_\_ (Street),

\_\_\_\_\_ (City), \_\_\_\_\_ (State), \_\_\_\_\_ (Zip code),

and \_\_\_\_\_ (Country). I declare under penalty of perjury that the foregoing is true and correct.

Executed in \_\_\_\_\_ County, State of \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_

(Month), \_\_\_\_\_ (Year).

\_\_\_\_\_  
Declarant

TRD-201602384  
Martha Newton  
Rules Attorney  
Supreme Court of Texas  
Filed: May 16, 2016

