

# IN ADDITION

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

## Texas Department of Agriculture

### Biofuel Infrastructure Partnership Request for Applications

#### Statement of Purpose and Authority

Pursuant to Texas Agriculture Code, §12.002, the Texas Department of Agriculture (TDA) hereby requests applications for the Biofuel Infrastructure Partnership designed to increase consumption of biofuel in the form of ethanol. The Biofuel Infrastructure Partnership (BIP) is authorized under Sections 5(b) and 5(e) of the Commodity Credit Corporation (CCC) Charter Act (15 U.S.C. 714c(b) and 714c(e)).

#### Eligibility

Texas is seeking additional fueling station partners to expand the infrastructure for renewable fuels derived from agricultural products produced in the United States. Each grant will fund a portion of the costs related to the installation of fuel pumps and related infrastructure dedicated to the distribution of higher ethanol blends, for example "E15" and "E85," at vehicle fueling locations, including, but not limited to, local fueling stations, convenience stores (CS), hypermarket fueling stations (HFS), or fleet facilities in Texas.

#### Funding Parameters

Applications must be complete and have all required documentation to be considered. Applications missing documentation or otherwise deemed incomplete will not be considered for funding until sufficient information has been received by TDA within a timeframe set forth by the agency.

Federal funds made available under BIP may only be used for infrastructure to support higher ethanol blend utilization, including:

Blender pumps that can dispense a range of ethanol blends including E85 (new pumps or retrofit of existing pumps), capped at 50 percent federal share per pump;

Dedicated E15 or E85 pumps (new pumps or retrofit of existing pumps), capped at 50 percent federal share per pump; and

New storage tanks and related equipment associated with new facilities or additional capacity (replacement is not included), capped at 25 percent federal share per tank.

#### Application Requirements

Applications must be submitted on the form provided by TDA. The application is available on TDA's website at [www.TexasAgriculture.gov](http://www.TexasAgriculture.gov), under the "Grants & Services" tab, Biofuel Infrastructure Partnership program web page, or available upon request from TDA by calling (512) 463-6616.

#### Deadline for Submission of Responses

Applications must be submitted electronically via email to [Grants@TexasAgriculture.gov](mailto:Grants@TexasAgriculture.gov).

Applicants must submit one complete, signed application. Applications will be accepted until all funds made available through USDA have been allocated.

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

TRD-201604362

Jessica Escobar

Assistant General Counsel

Texas Department of Agriculture

Filed: August 24, 2016

## ◆ ◆ ◆ Comptroller of Public Accounts

### Notice of Contract Awards

Pursuant to Chapter 403, Chapter 2254, Subchapter A of the Texas Government Code, and Chapter 111, Subchapter A, §111.0045 of the Texas Tax Code, Texas Comptroller of Public Accounts ("Comptroller") announces this notice of contract awards.

Comptroller's Request for Qualifications 216d ("RFQ") related to these contract awards was published in the April 8, 2016, issue of *Texas Register* (41 TexReg 2607).

The examiners will provide Professional Contract Examination Services as authorized by Subchapter A, Chapter 111, §111.0045 of the Texas Tax Code as described in the Comptroller's RFQ.

Comptroller announces that twenty-six (26) contracts were awarded as follows:

Fabian Avina, 1106 Knights Cross Drive, San Antonio, Texas 78258. Examinations will be assigned in \$60,000 - \$90,000 examination packages per individual examiner but no contract examiner shall have examination packages totaling more than \$180,000 in fees during any one state fiscal year during the contract term. The term of the contract is September 1, 2016 through August 31, 2017 with two (2) one (1) year options to renew.

Marina Roy Buenaventura, CPA, 4042 Cheena Drive, Houston, Texas 77025-4702. Examinations will be assigned in \$60,000 - \$90,000 examination packages per individual examiner but no contract examiner shall have examination packages totaling more than \$180,000 in fees during any one state fiscal year during the contract term. The term of the contract is September 1, 2016 through August 31, 2017 with two (2) one (1) year options to renew.

Jean Chan, 6119 Jereme Trail, Dallas, Texas 75252. Examinations will be assigned in \$60,000 - \$90,000 examination packages per individual examiner but no contract examiner shall have examination packages totaling more than \$180,000 in fees during any one state fiscal year during the contract term. The term of the contract is September 1, 2016 through August 31, 2017 with two (2) one (1) year options to renew.

Cherise D. Collins, 17011 Driver Lane, Sugar Land, Texas 77498. Examinations will be assigned in \$60,000 - \$90,000 examination packages per individual examiner but no contract examiner shall have examination packages totaling more than \$180,000 in fees during any one state fiscal year during the contract term. The term of the contract is

September 1, 2016 through August 31, 2017 with two (2) one (1) year options to renew.

D Smith Consulting, 418 Sonora Drive, Garland, Texas 75043. Examinations will be assigned in \$60,000 - \$90,000 examination packages per individual examiner but no contract examiner shall have examination packages totaling more than \$180,000 in fees during any one state fiscal year during the contract term. The term of the contract is September 1, 2016 through August 31, 2017 with two (2) one (1) year options to renew.

Dibrell P. Dobbs dba State Tax Consulting Group, 2906 Timber Gardens Court, Arlington, Texas 76016. Examinations will be assigned in \$60,000 - \$90,000 examination packages per individual examiner but no contract examiner shall have examination packages totaling more than \$180,000 in fees during any one state fiscal year during the contract term. The term of the contract is September 1, 2016 through August 31, 2017 with two (2) one (1) year options to renew.

Dana W. Foote, 8622 Upshur Lane, Houston, Texas 77064-5255. Examinations will be assigned in \$60,000 - \$90,000 examination packages per individual examiner but no contract examiner shall have examination packages totaling more than \$180,000 in fees during any one state fiscal year during the contract term. The term of the contract is September 1, 2016 through August 31, 2017 with two (2) one (1) year options to renew.

Garrett State Tax Service, Inc., 2461 County Road 1342, Pittsburgh, Texas 75686. Examinations will be assigned in \$60,000 - \$90,000 examination packages per individual examiner but no contract examiner shall have examination packages totaling more than \$180,000 in fees during any one state fiscal year during the contract term. The term of the contract is September 1, 2016 through August 31, 2017 with two (2) one (1) year options to renew.

Ramiro J. Garza, 913 Rio Grande Drive, Mission, Texas 78572. Examinations will be assigned in \$60,000 - \$90,000 examination packages per individual examiner but no contract examiner shall have examination packages totaling more than \$180,000 in fees during any one state fiscal year during the contract term. The term of the contract is September 1, 2016 through August 31, 2017 with two (2) one (1) year options to renew.

Paul Hernandez, 1938 Crisfield Drive, Sugar Land, Texas 77479. Examinations will be assigned in \$60,000 - \$90,000 examination packages per individual examiner but no contract examiner shall have examination packages totaling more than \$180,000 in fees during any one state fiscal year during the contract term. The term of the contract is September 1, 2016 through August 31, 2017 with two (2) one (1) year options to renew.

Terra Hillman, 1121 Hodges Street, Lake Charles, Louisiana 70601. Examinations will be assigned in \$60,000 - \$90,000 examination packages per individual examiner but no contract examiner shall have examination packages totaling more than \$180,000 in fees during any one state fiscal year during the contract term. The term of the contract is September 1, 2016 through August 31, 2017 with two (2) one (1) year options to renew.

Stephanie (Clark) Jackson dba The Ann Group, 6618 Honeyridge Lane, San Antonio, Texas 78239. Examinations will be assigned in \$60,000 - \$90,000 examination packages per individual examiner but no contract examiner shall have examination packages totaling more than \$180,000 in fees during any one state fiscal year during the contract term. The term of the contract is September 1, 2016 through August 31, 2017 with two (2) one (1) year options to renew.

Art Koenings, Jr., CPA, 15712 Spillman Ranch Loop, Austin, Texas 78738-6576. Examinations will be assigned in \$60,000 - \$90,000 ex-

amination packages per individual examiner but no contract examiner shall have examination packages totaling more than \$180,000 in fees during any one state fiscal year during the contract term. The term of the contract is September 1, 2016 through August 31, 2017 with two (2) one (1) year options to renew.

Brenda Maldonado, 2095 Savannah Trail, Beaumont, Texas 77706. Examinations will be assigned in \$60,000 - \$90,000 examination packages per individual examiner but no contract examiner shall have examination packages totaling more than \$180,000 in fees during any one state fiscal year during the contract term. The term of the contract is September 1, 2016 through August 31, 2017 with two (2) one (1) year options to renew.

Mario A. Mandujano, 1711 Ayleth Avenue, San Antonio, Texas 78213-3966. Examinations will be assigned in \$60,000 - \$90,000 examination packages per individual examiner but no contract examiner shall have examination packages totaling more than \$180,000 in fees during any one state fiscal year during the contract term. The term of the contract is September 1, 2016 through August 31, 2017 with two (2) one (1) year options to renew.

Ronnie E. Marsh, 301 Gage Road, Big Sandy, Texas 75755. Examinations will be assigned in \$60,000 - \$90,000 examination packages per individual examiner but no contract examiner shall have examination packages totaling more than \$180,000 in fees during any one state fiscal year during the contract term. The term of the contract is September 1, 2016 through August 31, 2017 with two (2) one (1) year options to renew.

Dan A. Northern, 2201 Woodland Hills Lane, Weatherford, Texas 76087. Examinations will be assigned in \$60,000 - \$90,000 examination packages per individual examiner but no contract examiner shall have examination packages totaling more than \$180,000 in fees during any one state fiscal year during the contract term. The term of the contract is September 1, 2016 through August 31, 2017 with two (2) one (1) year options to renew.

Dora Irma Ortiz, 1200 South Calvin, Monahans, Texas 79756. Examinations will be assigned in \$60,000 - \$90,000 examination packages per individual examiner but no contract examiner shall have examination packages totaling more than \$180,000 in fees during any one state fiscal year during the contract term. The term of the contract is September 1, 2016 through August 31, 2017 with two (2) one (1) year options to renew.

Wayne A. Powe, 5501 Independence Pkwy., Suite 107, Plano, Texas 75023. Examinations will be assigned in \$60,000 - \$90,000 examination packages per individual examiner but no contract examiner shall have examination packages totaling more than \$180,000 in fees during any one state fiscal year during the contract term. The term of the contract is September 1, 2016 through August 31, 2017 with two (2) one (1) year options to renew.

Ruzicka-Reed Partnership, 1555 Glenhill Lane, Lewisville, Texas 75077. Examinations will be assigned in \$60,000 - \$90,000 examination packages per individual examiner but no contract examiner shall have examination packages totaling more than \$180,000 in fees during any one state fiscal year during the contract term. The term of the contract is September 1, 2016 through August 31, 2017 with two (2) one (1) year options to renew.

Vernice Seriale, Jr., 11612 Cross Spring Drive, Pearland, Texas 77584. Examinations will be assigned in \$60,000 - \$90,000 examination packages per individual examiner but no contract examiner shall have examination packages totaling more than \$180,000 in fees during any one state fiscal year during the contract term. The term of the contract is

September 1, 2016 through August 31, 2017 with two (2) one (1) year options to renew.

Stacie G. Sims, CPA, 205 Rolling Hill Drive, La Grange, Texas 78945. Examinations will be assigned in \$60,000 - \$90,000 examination packages per individual examiner but no contract examiner shall have examination packages totaling more than \$180,000 in fees during any one state fiscal year during the contract term. The term of the contract is September 1, 2016 through August 31, 2017 with two (2) one (1) year options to renew.

Stites Pybus, LLC, 2925 Cuero Cove, Round Rock, Texas 78681. Examinations will be assigned in \$60,000 - \$90,000 examination packages per individual examiner but no contract examiner shall have examination packages totaling more than \$180,000 in fees during any one state fiscal year during the contract term. The term of the contract is September 1, 2016 through August 31, 2017 with two (2) one (1) year options to renew.

Sullivan State Tax Group, LLC, 4530 Brookren Court, Pearland, Texas 77584-8690. Examinations will be assigned in \$60,000 - \$90,000 examination packages per individual examiner but no contract examiner shall have examination packages totaling more than \$180,000 in fees during any one state fiscal year during the contract term. The term of the contract is September 1, 2016 through August 31, 2017 with two (2) one (1) year options to renew.

Paul D. Underwood, 6130 Coralridge Drive, Corpus Christi, Texas 78413. Examinations will be assigned in \$60,000 - \$90,000 examination packages per individual examiner but no contract examiner shall have examination packages totaling more than \$180,000 in fees during any one state fiscal year during the contract term. The term of the contract is September 1, 2016 through August 31, 2017 with two (2) one (1) year options to renew.

Homer Max Wiesen, CPA, 1009 Panhandle Street, Denton, Texas 76201-2841. Examinations will be assigned in \$60,000 - \$90,000 examination packages per individual examiner but no contract examiner shall have examination packages totaling more than \$180,000 in fees during any one state fiscal year during the contract term. The term of the contract is September 1, 2016 through August 31, 2017 with two (2) one (1) year options to renew.

The twenty-six (26) contracts above are the final awards that the Comptroller will make under this RFQ.

TRD-201604353  
Cynthia Stapper  
Assistant General Counsel, Contracts  
Comptroller of Public Accounts  
Filed: August 24, 2016

## Office of Consumer Credit Commissioner

### Notice of Rate Ceilings

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

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 08/29/16 - 09/04/16 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 08/29/16 - 09/04/16 is 18% for Commercial over \$250,000.

The judgment ceiling as prescribed by §304.003 for the period of 09/01/16 - 09/30/16 is 5.00% for Consumer/Agricultural/Commercial credit through \$250,000.

The judgment ceiling as prescribed by §304.003 for the period of 09/01/16 - 09/30/16 is 5.00% 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-201604323  
Leslie Pettijohn  
Commissioner  
Office of Consumer Credit Commissioner  
Filed: August 23, 2016

## Deep East Texas Council of Governments

Vacant Lots for Sale by Sealed Bid

### Deep East Texas Council of Governments and Economic Development District

210 Premier Drive, Jasper, Texas 75951, (409) 384-5704, Fax (409) 384-5390, TDD (409) 384-5975

### VACANT LOTS FOR SALE BY SEALED BID

**DEADLINE FOR RECEIVING BIDS: SEPTEMBER 15, 2016, AT 9:00 A.M.**

The Deep East Texas Council of Governments (DETCOG) is soliciting sealed bids for the sale of four vacant lots. The lots are being sold individually. Bids should be mailed or delivered to: Sealed Bid for Lot, c/o Executive Director, Deep East Texas Council of Governments, 210 Premier Drive, Jasper, Texas 75951. Bids must be RECEIVED by 9:00 a.m. on September 15, 2016. Lots included in the sale are:

**VACANT LOT LOCATED IN CITY OF NACOGDOCHES, TEXAS:** 0.408 acre located at 2002 E. Main Street, Nacogdoches, Texas. Zoned B2 (General Business). Appraised value \$16,000.00.

**VACANT LOT LOCATED IN CITY OF DIBOLL, TEXAS:** 0.215 acre located at 201 Pine Street, Diboll, Texas. Zoned residential. Appraised value \$5,000.00.

**VACANT LOT LOCATED IN CITY OF WOODVILLE, TEXAS:** 0.82 acre located at 908 S. Pecan Street, Woodville, Texas. Zoned residential. Appraised value \$4,500.00.

**VACANT LOT LOCATED IN CITY OF JASPER, TEXAS:** 0.395 acre located at 508 Dennis Drive, Jasper, Texas. Zoned residential. Appraised value \$1,500.00.

TRD-201604354  
Lonnie Hunt  
Executive Director  
Deep East Texas Council of Governments  
Filed: August 24, 2016

## Texas Education Agency

Request for Applications (RFA) Concerning Generation Twenty-Two Open-Enrollment Charter Application (RFA #701-16-106)

Filing Authority. Texas Education Code, §12.101 and §12.152

**Eligible Applicants.** The Texas Education Agency (TEA) is requesting applications under Request for Applications (RFA) #701-16-106 from eligible entities to operate open-enrollment charter schools. Eligible entities include public institutions of higher education, private or independent institutions of higher education, organizations exempt from taxation under the Internal Revenue Code of 1986 (26 United States Code, §501(c)(3)), or governmental entities. At least one member of the governing board of the group requesting the charter must attend one required applicant information session. Sessions are scheduled for Tuesday, September 13, 2016, and Monday, September 19, 2016, in Room 1-111, William B. Travis Building, 1701 North Congress Avenue, Austin, Texas 78701-1494. Failure to attend one of the sessions will disqualify an applicant from submitting a complete application for an open-enrollment charter.

**Description.** The purpose of an open-enrollment charter is to provide an alternative avenue for restructuring schools. An open-enrollment charter school offers flexibility and choice for educators, parents, and students. An approved open-enrollment charter school may be located in a facility of a commercial or nonprofit entity or in a school district facility. If the open-enrollment charter school is to be located in a school district facility, it must be operated under the terms established by the board of trustees or governing body of the school district in an agreement governing the relationship between the charter school and the district.

An open-enrollment charter school will provide instruction to students at one or more elementary or secondary grade levels as provided by the charter. An open-enrollment charter school must be nonsectarian in its programs, admissions, policies, employment practices, and all other operations and may not be affiliated with a sectarian school or religious institution. It is governed under the specifications of the charter and retains authority to operate for the term of the charter contingent on satisfactory student performance as defined by the state accountability system. An open-enrollment charter school does not have the authority to impose taxes.

An open-enrollment charter school is subject to federal laws and certain state laws governing public schools, including laws and rules relating to a criminal offense, requirements relating to the Public Education Information Management System, criminal history records, high school graduation, special education programs, bilingual education, prekindergarten programs, extracurricular activities, health and safety provisions, and public school accountability. As stated in the Texas Education Code (TEC), §12.1056, in matters related to operation of an open-enrollment charter school, an open-enrollment charter school or charter holder is immune from liability and suit to the same extent as a school district, and the employees and volunteers of the open-enrollment charter school or charter holder are immune from liability and suit to the same extent as school district employees and volunteers. A member of the governing body of an open-enrollment charter school or of a charter holder is immune from liability and suit to the same extent as a school district trustee. The TEC, §12.1057, states that an employee of an open-enrollment charter school who qualifies for membership in the Teacher Retirement System of Texas shall be covered under the system to the same extent a qualified employee of a school district is covered.

**Dates of Project.** The completed application must be received by the TEA by 5:00 p.m. (Central Time), Monday, December 5, 2016, to be eligible for review.

**Project Amount.** The TEC, §12.106, specifies the following.

(a) Effective September 1, 2017, a charter holder is entitled to receive for the open-enrollment charter school funding under the TEC, Chapter 42, equal to the amount of funding per student in weighted average daily attendance, excluding enrichment funding under the TEC,

§42.302(a), to which the charter holder would be entitled for the school under the TEC, Chapter 42, if the school were a school district without a tier one local share for purposes of the TEC, §42.253.

(a-1) In determining funding for an open-enrollment charter school under subsection (a), adjustments under the TEC, §§42.102, 42.103, 42.104, and 42.105, are based on the average adjustment for the state.

(a-2) In addition to the funding provided by subsection (a), a charter holder is entitled to receive for the open-enrollment charter school enrichment funding under the TEC, §42.302, based on the state average tax effort.

The TEC, §12.106(b), states that an open-enrollment charter school is entitled to funds that are available to school districts from the TEA or the commissioner of education in the form of grants or other discretionary funding unless the statute authorizing the funding explicitly provides that open-enrollment charter schools are not entitled to the funding. In addition, the TEC, Chapter 12, states that an open-enrollment charter school may not charge tuition and must admit students based on a lottery if more students apply for admission than can be accommodated. An open-enrollment charter school must prohibit discrimination in admission policy on the basis of sex; national origin; ethnicity; religion; disability; academic, artistic, or athletic ability; or the district the child would otherwise attend. However, a charter school that specializes in the performing arts may require an applicant to audition. The charter may provide for the exclusion of a student who has a documented history of a criminal offense, juvenile court adjudication, or a discipline problem under the TEC, Chapter 37, Subchapter A.

**Selection Criteria.** A complete description of selection criteria is included in the RFA.

The commissioner may approve open-enrollment charter schools as provided in the TEC, §12.101 and §12.152. There are currently 180 charters approved under the TEC, §12.101, and 6 charters approved under the TEC, §12.152. There is a cap of 255 charters approved under the TEC, §12.101, and no cap on the number of charters approved under the TEC, §12.152. The commissioner is scheduled to consider awards under RFA #701-16-106 in June 2017.

The commissioner may approve applicants to ensure representation of urban, suburban, and rural communities; various instructional settings; innovative programs; diverse student populations and geographic regions; and various eligible entities. The commissioner will consider Statements of Impact from any school district whose enrollment is likely to be affected by the open-enrollment charter school. The commissioner may also consider the history of the sponsoring entity and the credentials and background of its board members. The commissioner may not award a charter to an entity that has within the preceding 10 years had a charter revoked, non-renewed, or surrendered. The commissioner will not consider an application submitted by an individual that is substantially related to an entity that has within the preceding 10 years had a charter revoked, non-renewed, or surrendered.

**Requesting the Application.** An application must be submitted under commissioner guidelines to be considered. A complete copy of the publication Generation Twenty-Two Open-Enrollment Charter Application (RFA #701-16-106), which includes an application and procedures, may be obtained on the TEA website at [http://tea.texas.gov/Texas\\_Schools/Charter\\_Schools/](http://tea.texas.gov/Texas_Schools/Charter_Schools/).

**Further Information.** For clarifying information about the open-enrollment charter school application, contact the Division of Charter School Administration, Texas Education Agency, at (512) 463-9575 or [charterschools@tea.texas.gov](mailto:charterschools@tea.texas.gov).

TRD-201604351



Request for Applications (RFA) Concerning Public College or University Open-Enrollment Charter Guidelines and Application (RFA #701-16-107)

Filing Date. August 24, 2016

Filing Authority. Texas Education Code, §12.152

Eligible Applicants. The Texas Education Agency (TEA) is requesting applications under Request for Applications (RFA) #701-16-107 from eligible entities to operate open-enrollment charter schools. Eligible entities are limited to Texas public colleges or universities and Texas public junior colleges.

Representatives from the institution applying for a charter must attend one required applicant information session. Sessions are scheduled for Tuesday, September 13, 2016, and Monday, September 19, 2016, in Room 1-111, William B. Travis Building, 1701 North Congress Avenue, Austin, Texas 78701-1494. Failure to attend one of the sessions will disqualify an applicant from submitting a complete application for an open-enrollment charter. Representatives from the business, educational, financial, and legal offices of the college or university and any other persons involved in the design and planning of the proposed school should attend.

Description. The purpose of an open-enrollment charter is to provide an alternative avenue for restructuring schools. An open-enrollment charter school offers flexibility and choice for educators, parents, and students. As stated in the Texas Education Code (TEC), §12.152, in matters related to location, a college, university, or junior college open-enrollment charter school may operate on a campus of the college, university, or junior college or at another location in any county in the state as deemed appropriate by the commissioner of education after considering the number of existing charters in the area and the needs of the community.

An open-enrollment charter school will provide instruction to students at one or more elementary or secondary grade levels as provided by the charter. A charter school must be non-sectarian in its programs, admissions, policies, employment practices, and all other operations and may not be affiliated with a sectarian school or religious institution. It is governed under the specifications of the charter and retains authority to operate for the term of the charter contingent on satisfactory student performance as defined by the state accountability system. An open-enrollment charter school does not have the authority to impose taxes.

An open-enrollment charter school is subject to federal laws and certain state laws governing public schools, including laws and rules relating to a criminal offense, requirements relating to the Public Education Information Management System, criminal history records, high school graduation, special education programs, bilingual education, prekindergarten programs, extracurricular activities, health and safety provisions, and public school accountability. As stated in the TEC, §12.1056, in matters related to operation of an open-enrollment charter school, an open-enrollment charter school or charter holder is immune from liability and suit to the same extent as a school district, and the employees and volunteers of the open-enrollment charter school or charter holder are immune from liability and suit to the same extent as school district employees and volunteers. A member of the governing body of an open-enrollment charter school or of a charter holder is

immune from liability and suit to the same extent as a school district trustee. The TEC, §12.1057, states that an employee of an open-enrollment charter school who qualifies for membership in the Teacher Retirement System of Texas shall be covered under the system to the same extent a qualified employee of a school district is covered.

Dates of Project. The completed application must be received by the TEA by 5:00 p.m. (Central Time), Monday, December 5, 2016, to be eligible for review.

Project Amount. The TEC, §12.106, specifies the following.

(a) Effective September 1, 2017, a charter holder is entitled to receive for the open-enrollment charter school funding under the TEC, Chapter 42, equal to the amount of funding per student in weighted average daily attendance, excluding enrichment funding under TEC, §42.302(a), to which the charter holder would be entitled for the school under the TEC, Chapter 42, if the school were a school district without a tier one local share for purposes of the TEC, §42.253.

(a-1) In determining funding for an open-enrollment charter school under subsection (a), adjustments under the TEC, §§42.102, 42.103, 42.104, and 42.105, are based on the average adjustment for the state.

(a-2) In addition to the funding provided by subsection (a), a charter holder is entitled to receive for the open-enrollment charter school enrichment funding under the TEC, §42.302, based on the state average tax effort.

The TEC, §12.106(b), states that an open-enrollment charter school is entitled to funds that are available to school districts from the TEA or the commissioner in the form of grants or other discretionary funding unless the statute authorizing the funding explicitly provides that open-enrollment charter schools are not entitled to the funding. In addition, the TEC, Chapter 12, states that an open-enrollment charter school may not charge tuition and must admit students based on a lottery if more students apply for admission than can be accommodated. An open-enrollment charter school must prohibit discrimination in admission policy on the basis of sex; national origin; ethnicity; religion; disability; academic, artistic, or athletic ability; or the district the child would otherwise attend. However, a charter school that specializes in the performing arts may require an applicant to audition. The charter may provide for the exclusion of a student who has a documented history of a criminal offense, a juvenile court adjudication, or a discipline problem under the TEC, Chapter 37, Subchapter A.

Selection Criteria. A complete description of selection criteria is included in the RFA.

The commissioner may approve open-enrollment charter schools as provided in the TEC, §12.101 and §12.152. There is a cap of 255 charters approved under the TEC, §12.101, and no cap on the number of charters approved under the TEC, §12.152.

The commissioner of education will consider Statements of Impact from any school district whose enrollment is likely to be affected by the open-enrollment charter school. The commissioner may not award a charter to an entity that has within the preceding 10 years had a charter revoked, non-renewed, or surrendered. The commissioner will not consider an application submitted by an individual that is substantially related to an entity that has within the preceding 10 years had a charter revoked, non-renewed, or surrendered.

Requesting the Application. An application must be submitted under commissioner guidelines to be considered. A complete copy of the publication *College or University Open-Enrollment Charter Application* (RFA #701-16-107), which includes an application and procedures, may be obtained on the TEA web-

site at [http://tea.texas.gov/Texas\\_Schools/Charter\\_Schools/Charter\\_Schools\\_-\\_Subchapter\\_E\\_Charters/](http://tea.texas.gov/Texas_Schools/Charter_Schools/Charter_Schools_-_Subchapter_E_Charters/).

Further Information. For clarifying information about the open-enrollment charter school application, contact the Division of Charter School Administration, Texas Education Agency, at (512) 463-9575 or [charterschools@tea.texas.gov](mailto:charterschools@tea.texas.gov).

TRD-201604350

Cristina De La Fuente-Valadez

Director, Rulemaking

Texas Education Agency

Filed: August 24, 2016



## Request for Applications Concerning the 2016-2018 INDUSTRY CLUSTER NAME Innovative Academy--the Next Generation of Early College High Schools (ECHS) Grant

Filing Date. August 24, 2016

Filing Authority. The availability of grant funds under Request for Applications (RFA) #701-16-108 is authorized by the Texas Education Code, §29.908.

Eligible Applicants. The Texas Education Agency (TEA) is requesting applications under Request for Applications (RFA) #701-16-108 from all Texas independent school districts, public junior colleges, public technical institutes, and public universities. To be eligible for the 2016-2018 INDUSTRY CLUSTER NAME Innovative Academy Early College High School (ECHS) Grant, the eligible entity must demonstrate its capacity to provide students with opportunities to earn post-secondary course credit prior to high school graduation combined with applied learning opportunities in high-demand occupations within targeted industry clusters, including opportunities for internships, externships, apprenticeships, mentorship programs, and career counseling. Both existing ECHS campuses and new ECHS campuses are eligible for this grant funding.

Description. The 2016-2018 INDUSTRY CLUSTER NAME Innovative Academy ECHS Grant will support districts and charters in forming partnerships with business and industry to raise industry and career awareness and increase meaningful career and post-secondary programs that lead to opportunities in high-demand occupations.

Dates of Project. The 2016-2018 INDUSTRY CLUSTER NAME Innovative Academy ECHS Grant will be implemented beginning in the 2016-2017 school year. Applicants should plan for a starting date of no earlier than February 1, 2017, and an ending date of no later than August 31, 2018.

Project Amount. Approximately \$7.2 million is available in state and federal funds for the 2016-2018 INDUSTRY CLUSTER NAME Innovative Academy ECHS Grant. This project is funded 42 percent from state funds and 58 percent from federal funds.

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

TEA is not obligated to approve an application, provide funds, or endorse any application submitted in response to this RFA. This RFA does

not commit TEA to pay any costs before an application is approved. The issuance of this RFA does not obligate TEA to award a grant or pay any costs incurred in preparing a response.

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

Further Information. For clarifying information about the RFA, contact Lauren Dwiggins, Texas Education Agency, (512) 463-9581. In order to assure that no prospective applicant may obtain a competitive advantage because of acquisition of information unknown to other prospective applicants, any and all questions must be submitted in writing to the TEA contact persons identified in the Program Guidelines of the RFA. All questions and the written answers thereto will be posted on the TEA website in the format of Frequently Asked Questions (FAQs) at <http://tea4avoswald.tea.state.tx.us/GrantOpportunities/forms/Grant-ProgramSearch.aspx>. In the "Select Search Options" box, select the name of the RFA from the drop-down list. Scroll down to the "Application and Support Information" section to view all documents that pertain to this RFA.

Deadline for Receipt of Applications. Applications must be received in the TEA Document Control Center by 5:00 p.m. (Central Time), November 1, 2016, to be eligible to be considered for funding.

TRD-201604349

Cristina De La Fuente-Valadez

Director, Rulemaking

Texas Education Agency

Filed: August 24, 2016



## Texas Commission on Environmental Quality

### Agreed Orders

The Texas Commission on Environmental Quality (TCEQ, agency, or commission) staff is providing an opportunity for written public comment on the listed Agreed Orders (AOs) in accordance with Texas Water Code (TWC), §7.075. TWC, §7.075 requires that before the commission may approve the AOs, the commission shall allow the public an opportunity to submit written comments on the proposed AOs. TWC, §7.075 requires that notice of the proposed orders and the opportunity to comment must be published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is October 3, 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 October 3, 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: 5 STAR INNOVATIONS INCORPORATED dba Sunrise Grocery and AYNA INTERNATIONAL, LLC dba Sunrise Grocery; DOCKET NUMBER: 2016-0758-PST-E; IDENTIFIER: RN102408614; LOCATION: Beaumont, Jefferson County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULES VIOLATED: 30 TAC §334.50(b)(1)(A) and TWC, §26.3475(c)(1), by failing to monitor the underground storage tanks for releases at a frequency of at least once every month; PENALTY: \$4,875; ENFORCEMENT COORDINATOR: Tiffany Maurer, (512) 239-2696; REGIONAL OFFICE: 3870 Eastex Freeway, Beaumont, Texas 77703-1892, (409) 898-3838.

(2) COMPANY: AMERICALF, LLC, Joe Mendes Borges, and Mary Francis Borges; DOCKET NUMBER: 2016-0766-AGR-E; IDENTIFIER: RN101519395; LOCATION: Lingleville, Erath County; TYPE OF FACILITY: dairy feed lot; RULES VIOLATED: TWC, §26.121(a)(1), 30 TAC §305.125(1) and §321.40(k)(3), and Texas Pollutant Discharge Elimination System Permit Number WQ0004208000, Part VII, Pollution Prevention Plan Requirements, §A.8.(c)(2), by failing to cease application of wastewater to a land management unit when extractable phosphorus levels were greater than 200 parts per million in zone one of a Land Management Unit and a Nutrient Utilization Plan had not been developed; PENALTY: \$2,125; ENFORCEMENT COORDINATOR: Ross Luedtke, (512) 239-3157; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(3) COMPANY: Circle W RV Ranch LLC; DOCKET NUMBER: 2016-0648-PWS-E; IDENTIFIER: RN102320272; LOCATION: Rockport, Aransas County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.39(l)(4) and (5), by failing to comply with site specific design, operation, maintenance, and reporting requirements for an issued exception; 30 TAC §290.42(l), by failing to develop and maintain a thorough and up-to-date plant operations manual for operator review and reference; 30 TAC §290.43(c), (c)(1) and (3), by failing to provide a ground storage tank that is designed, fabricated, erected, tested, and disinfected, in strict accordance with American Water Works Association standards; 30 TAC §290.42(m) §290.43(e), and by failing to provide all ground storage tanks and pressure maintenance facilities in a lockable building or enclosed by an intruder-resistant fence with lockable gates; 30 TAC §290.43(d)(2), by failing to provide all pressure tanks with a pressure release device and an easily readable pressure gauge; 30 TAC §290.45(b)(1)(F)(i) and Texas Health and Safety Code (THSC), §341.0315(c), by failing to provide a minimum well capacity of 0.6 gallons per minute per connection; 30 TAC §290.45(b)(1)(F)(ii) and THSC, §341.0315(c), by failing to provide a minimum storage capacity of 200 gallons per connection; 30 TAC §290.45(b)(1)(F)(iv) and THSC, §341.0315(c), by failing to provide a pressure tank capacity of 20 gallons per connection; 30 TAC §290.46(f)(2), (3)(A)(i)(III), (iii), and (B)(iii), by failing to maintain water works operation and maintenance records and make them readily available for review by the executive director upon request; 30 TAC §290.46(m)(1)(A), by failing to inspect the facility's two ground storage tanks annually; 30 TAC §290.46(m)(1)(B), by failing to inspect the facility's three pressure tanks annually; 30 TAC §290.46(n)(1), by failing to maintain accurate and up-to-date detailed as-built plans or record drawings and specifications for each treatment plant, pump station, and storage tank at the facility; 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 §290.121(a) and (b), by failing to develop and maintain an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the facility will use to comply with the monitoring requirements; 30 TAC §290.46(e)(4)(A), by failing to operate the facility under the direct supervision of a licensed water works operator who holds a Class D or higher license; and 30 TAC §290.110(d)(1), by failing to have the color comparator in a good working condition; PENALTY: \$4,985; ENFORCEMENT COORDINATOR: Abigail Lindsey, (512) 239-2576; REGIONAL OFFICE: 6300 Ocean Drive, Suite 1200, Corpus Christi, Texas 78412-5503, (361) 825-3100.

(4) COMPANY: City of Hawk Cove; DOCKET NUMBER: 2015-0206-MWD-E; IDENTIFIER: RN104265848; LOCATION: Greenville, Hunt County; TYPE OF FACILITY: wastewater treatment facility; RULES VIOLATED: TWC, §26.0301(a), 30 TAC §30.350(d) and §305.125(1), and Texas Pollutant Discharge Elimination System (TPDES) Permit Number WQ0014522001, Other Requirements Number 1, by failing to employ or contract one or more licensed wastewater treatment facility operators or wastewater system operations companies holding a valid license or registration; 30 TAC §305.125(1) and (5), and TPDES Permit Number WQ0014522001, Operational Requirements Number 1, by failing to ensure that the facility and all its systems of collection, treatment, and disposal are properly operated and maintained; 30 TAC §305.125(1) and TPDES Permit Number WQ0014522001, Monitoring and Reporting Requirements Number 7.c, by failing to report in writing effluent violations which deviate from the permitted limit by more than 40% to the TCEQ Dallas/Fort Worth Regional Office and the Enforcement Division within five working days of becoming aware of the noncompliance; 30 TAC §305.125(1) and TPDES Permit Number WQ0014522001, Other Requirements Number 10, by failing to notify the TCEQ Dallas/Fort Worth Regional Office as soon as becoming aware that the third party contract operator or operations company gives notice that it wishes to terminate that contract with the Respondent, or if for any reason the third party is no longer servicing the permitted facility; 30 TAC §305.125(1) and (9)(A) and TPDES Permit Number WQ0014522001, Monitoring and Reporting Requirements Numbers 7.a and 7.b(i), by failing to notify the TCEQ Dallas/Fort Worth Regional Office within 24 hours of becoming aware of any noncompliance, orally or by facsimile transmission and submit written notification of the noncompliance to the TCEQ Dallas/Fort Worth Regional Office and the Enforcement Division within five working days of becoming aware of the noncompliance; and TWC, §26.121(a)(2), 30 TAC §305.125(1) and (5), and TPDES Permit Number WQ0014522001, Permit Conditions Number 2.g and Operational Requirements Number 1, by failing to prevent the unauthorized discharge of other waste from the facility into or adjacent to water in the state; PENALTY: \$44,850; Supplemental Environmental Project offset amount of \$32,437; ENFORCEMENT COORDINATOR: Ross Luedtke, (512) 239-3157; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(5) COMPANY: City of Kenedy; DOCKET NUMBER: 2016-0084-PWS-E; IDENTIFIER: RN101428274; LOCATION: Kenedy, Karnes County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.106(f)(3)(C) and Texas Health and Safety Code, §341.0315(c), by failing to comply with the maximum contaminant level of 0.010 milligrams per liter for arsenic based on a running annual average; and 30 TAC §290.117(i)(6) and (j), by failing to mail consumer notification of lead tap water monitoring results to persons served at the locations that were sampled and failing to submit to the

TCEQ a copy of the consumer notification and certification that the consumer notification has been distributed to the persons served at the locations in a manner consistent with TCEQ requirements for the June 1, 2015 - September 30, 2015, monitoring period; PENALTY: \$1,027; Supplemental Environmental Project offset amount of \$1,027; ENFORCEMENT COORDINATOR: Ryan Byer, (512) 239-2571; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, (210) 490-3096.

(6) COMPANY: City of Mount Vernon; DOCKET NUMBER: 2015-1326-MWD-E; IDENTIFIER: RN102962230; LOCATION: Mount Vernon, Franklin 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 WQ0011122002, Effluent Limitations and Monitoring Requirements Number 1, by failing to comply with permitted effluent limitations; PENALTY: \$10,650; Supplemental Environmental Project offset amount of \$8,520; ENFORCEMENT COORDINATOR: Jason Fraley, (512) 239-2552; REGIONAL OFFICE: 2916 Teague Drive, Tyler, Texas 75701-3734, (903) 535-5100.

(7) COMPANY: City of Olney; DOCKET NUMBER: 2016-0042-MLM-E; IDENTIFIER: RN101610335; LOCATION: Olney, Young County; TYPE OF FACILITY: wastewater treatment facility; RULES VIOLATED: 30 TAC §305.125(1) and (4), TWC, §26.121(a)(1), and Texas Pollutant Discharge Elimination System (TPDES) Permit Number WQ0010050001, Effluent Limitations and Monitoring Requirements Number 4, and Permit Conditions Number 2.d., by failing to prevent the discharge of sludge into or adjacent to any water in the state; 30 TAC §305.125(1) and TPDES Permit Number WQ0010050001, Monitoring and Reporting Requirements Number 5, by failing to accurately calibrate all automatic flow measuring or recording devices and all totalizing meters for measuring flows by a trained person at facility start-up and as often thereafter as necessary to ensure accuracy, but not less often than annually unless authorized by the executive director for a longer period; 30 TAC §305.125(1) and (11)(C), and §319.7(a), and TPDES Permit Number WQ0010050001, Monitoring and Reporting Requirements Number 3.c., by failing to properly record monitoring activities; 30 TAC §305.125(1) and §319.9(d), and TPDES Permit Number WQ0010050001, Monitoring and Reporting Requirements Number 1, by failing to follow quality assurance requirements for wastewater analyses; 30 TAC §305.125(1) and (17), and TPDES Permit Number WQ0010050001, Sludge Provisions, by failing to timely submit a complete annual sludge report for the monitoring period ending July 31, 2015; 30 TAC §210.36(a)(1)(C) and Authorization Number R 10050-001, Part V. Record Keeping and Reporting (a)(1)(C), by failing to maintain records of the volume of reclaimed water delivered to each reclaimed water user per delivery; and 30 TAC §305.125(1) and (9)(A) and TPDES Permit Number WQ0010050001, Monitoring and Reporting Requirements Number 7.c., by failing to report any effluent violation which deviates from the permitted effluent limitation by more than 40% in writing to the Abilene Regional Office and the Enforcement Division within five working days of becoming aware of the noncompliance; PENALTY: \$12,700; Supplemental Environmental Project offset amount of \$10,160; ENFORCEMENT COORDINATOR: Jason Fraley, (512) 239-2552; REGIONAL OFFICE: 1977 Industrial Boulevard, Abilene, Texas 79602-7833, (325) 698-9674.

(8) COMPANY: DANAM ENTERPRISES INCORPORATED dba Hildebrand Grocery; DOCKET NUMBER: 2016-0850-PST-E; IDENTIFIER: RN101851400; LOCATION: San Antonio, Bexar County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULES VIOLATED: 30 TAC §334.50(b)(1)(A) and TWC, §26.3475(c)(1), by failing to monitor the underground storage tanks for releases at a frequency of at least once every month; and 30

TAC §334.602(a), by failing to designate, train, and certify at least one named individual for each class of operator - Class A, Class B, and Class C for the Facility; PENALTY: \$5,688; ENFORCEMENT COORDINATOR: Abigail Lindsey, (512) 239-2576; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, (210) 490-3096.

(9) COMPANY: Downstream Environmental, L.L.C.; DOCKET NUMBER: 2016-0439-IWD-E; IDENTIFIER: RN101662617; LOCATION: Houston, Harris County; TYPE OF FACILITY: Type V grease and grit disposal plant; RULES VIOLATED: TWC, §26.121(a)(2) and 30 TAC §305.65 and §305.125(2), by failing to maintain authorization to treat and discharge storm water associated with industrial activities; PENALTY: \$38,000; ENFORCEMENT COORDINATOR: Ross Luedtke, (512) 239-3157; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1486, (713) 767-3500.

(10) COMPANY: Dynasty Enterprises, LLC; DOCKET NUMBER: 2016-0302-MLM-E; IDENTIFIER: RN101693547; LOCATION: Kenedy, Karnes County; TYPE OF FACILITY: fuel and lubricant retail store and warehouse; RULES VIOLATED: 30 TAC §324.1 and 40 Code of Federal Regulations (CFR) §279.22(c), by failing to mark or clearly label used oil storage containers with the words "Used Oil"; 30 TAC §324.7(3)(A), by failing to post and maintain a durable and legible sign identifying the site as a household used oil collection center; 30 TAC §334.75(a)(1) and §334.129(a), by failing to contain and immediately clean up a spill or overflow, report the spill or overflow to the agency within 24 hours and begin corrective action; 30 TAC §334.127(d), by failing to provide an amended registration for any change or additional information regarding the above ground storage tanks within 30 days from the date of occurrence of the change or addition; TWC, §26.121(a)(1) and 30 TAC §330.15(a)(1), by failing to not cause, suffer, allow, or permit the unauthorized disposal of diesel fuel into the environment; and 30 TAC §§335.62, 335.503(a), and 335.504 and 40 CFR §262.11, by failing to conduct hazardous waste determinations and waste classifications; PENALTY: \$55,500; ENFORCEMENT COORDINATOR: Holly Kneisley, (817) 588-5856; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, (210) 490-3096.

(11) COMPANY: Evergreen A and F LLC dba Lucky Travel 2; DOCKET NUMBER: 2016-0879-PST-E; IDENTIFIER: RN101573392; LOCATION: Bridgeport, Wise County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULES VIOLATED: 30 TAC §334.49(a)(4) and TWC, §26.3475(d), by failing to ensure that corrosion protection is provided to all underground metal components of an underground storage tank (UST) system which are designed or used to convey, contain, or store regulated substances; 30 TAC §115.222(3) and Texas Health and Safety Code, §382.085(b), by failing to ensure no avoidable gasoline leaks, as detected by sight, sound, or smell exist anywhere in the liquid transfer or vapor balance system; 30 TAC §334.51(a)(6) and TWC, §26.3475(c)(2), by failing to ensure that all spill and overflow prevention devices are maintained in good operating condition; 30 TAC §334.48(a) and (b), by failing to ensure the UST system is operated, maintained, and managed in a manner that will prevent releases of regulated substances; and 30 TAC §334.50(b)(1)(A) and TWC, §26.3475(c)(1), by failing to monitor the USTs for releases at a frequency of at least once every month; PENALTY: \$14,439; ENFORCEMENT COORDINATOR: Keith Frank, (512) 239-1203; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(12) COMPANY: Fritcher Utilities, LP; DOCKET NUMBER: 2016-1014-AIR-E; IDENTIFIER: RN107791733; LOCATION: Tyler, Smith County; TYPE OF FACILITY: rock crusher; RULES VIO-

LATED: 30 TAC §116.110(a) and Texas Health and Safety Code, §382.0518(a) and §382.085(b), by failing to obtain authorization prior to operating a source of air contaminants; PENALTY: \$1,625; ENFORCEMENT COORDINATOR: Tiffany Maurer, (512) 239-2696; REGIONAL OFFICE: 2916 Teague Drive, Tyler, Texas 75701-3734, (903) 535-5100.

(13) COMPANY: Idalia Sanchez dba Blanco A and S; DOCKET NUMBER: 2016-0819-PST-E; IDENTIFIER: RN102260460; LOCATION: Von Ormy, Bexar County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULES VIOLATED: 30 TAC §334.50(b)(1)(A) and (2) and TWC, §26.3475(a) and (c)(1), by failing to monitor the underground storage tank (UST) for releases at a frequency of at least once every month and failing to provide release detection for the pressurized piping associated with the UST system; and 30 TAC §334.605(a), by failing to ensure that a certified Class A and Class B operator is re-trained within three years of their last training date; PENALTY: \$5,529; ENFORCEMENT COORDINATOR: Jessica Bland, (512) 239-4967; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, (210) 490-3096.

(14) COMPANY: Jaguar Holdings, Incorporated; DOCKET NUMBER: 2016-0671-PWS-E; IDENTIFIER: RN106532989; LOCATION: Lubbock, Lubbock County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.106(b) and (f)(3)(C), and §290.122(b)(2)(B) and (f), and Texas Health and Safety Code, §341.0315(c), by failing to comply with the maximum contaminant level (MCL) of 0.01 milligrams per liter for arsenic, based on the running annual average and failing to post public notification and submit a copy of the public notification to the executive director regarding an arsenic MCL violation; PENALTY: \$172; ENFORCEMENT COORDINATOR: Steven Van Landingham, (512) 239-5717; REGIONAL OFFICE: 5012 50th Street, Suite 100, Lubbock, Texas 79414-3421, (806) 796-7092.

(15) COMPANY: James Construction Group, LLC; DOCKET NUMBER: 2016-1315-WQ-E; IDENTIFIER: RN109224907; LOCATION: Belton, Bell County; TYPE OF FACILITY: construction site; RULE VIOLATED: 30 TAC §281.25(a)(4), by failing to obtain a Construction General Permit for stormwater; PENALTY: \$875; ENFORCEMENT COORDINATOR: Alex Laje, (512) 239-2547; REGIONAL OFFICE: 6801 Sanger Avenue, Suite 2500, Waco, Texas 76710-7826, (254) 751-0335.

(16) COMPANY: Jim Chadwick dba Stone Zone Quarry; DOCKET NUMBER: 2016-0786-WQ-E; IDENTIFIER: RN107812240; LOCATION: Lueders, Haskell County; TYPE OF FACILITY: aggregate production operation; RULES VIOLATED: 30 TAC §281.25(a)(4) and 40 Code of Federal Regulations §122.26(c), by failing to obtain authorization to discharge stormwater associated with industrial activities under Texas Pollutant Discharge Elimination System General Permit Number TXR050000; and TWC, §26.121(a)(1), by failing to prevent an unauthorized discharge of industrial wastewater into or adjacent to any water in the state; PENALTY: \$1,626; ENFORCEMENT COORDINATOR: Steven Van Landingham, (512) 239-5717; REGIONAL OFFICE: 1977 Industrial Boulevard, Abilene, Texas 79602-7833, (325) 698-9674.

(17) COMPANY: Kolkhorst Petroleum Company dba Rattlers Country Store 6; DOCKET NUMBER: 2014-0873-PST-E; IDENTIFIER: RN101662484; LOCATION: Brenham, Washington County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULES VIOLATED: 30 TAC §334.50(b)(1)(A) and TWC, §26.3475(c)(1), by failing to monitor the underground storage tanks for releases at a frequency of at least once every month; 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 re-

lease of regulated substance within 30 days of discovery; PENALTY: \$12,600; ENFORCEMENT COORDINATOR: James Baldwin, (512) 239-1337; REGIONAL OFFICE: 6801 Sanger Avenue, Suite 2500, Waco, Texas 76710-7826, (254) 751-0335.

(18) COMPANY: Leonard Whitten dba B and L Portable Toilets; DOCKET NUMBER: 2016-0433-SLG-E; IDENTIFIER: RN103158838; LOCATION: Taylor, Williamson County; TYPE OF FACILITY: sludge transportation business; RULES VIOLATED: 30 TAC §312.142(d), by failing to renew the sludge transporter registration biennially; and 30 TAC §312.145(b)(4), by failing to submit to the executive director an annual summary of sludge transport activities; PENALTY: \$13,779; ENFORCEMENT COORDINATOR: Steven Van Landingham, (512) 239-5717; REGIONAL OFFICE: 12100 Park 35 Circle, Building A, Austin, Texas 78753, (512) 339-2929.

(19) COMPANY: LUBBOCK INVESTMENTS, LLC, A Nevada Corporation dba Pecan Grove Mobile Home Park; DOCKET NUMBER: 2016-0006-PWS-E; IDENTIFIER: RN102692167; LOCATION: Lubbock, Lubbock County; TYPE OF FACILITY: mobile home park with a public water supply; RULES VIOLATED: 30 TAC §290.271(b) and §290.274(a) and (c), by failing to mail or directly deliver one copy of the Consumer Confidence Report (CCR) to each bill paying customer by July 1st of each year and failing to submit to the TCEQ by July 1st of each year a copy of the annual CCR and certification that the CCR has been distributed to the customers of the facility and that the information in the CCR is correct and consistent with compliance monitoring data; 30 TAC §290.110(e)(4)(A) and (f)(3) and §290.122(c)(2)(A) and (f), by failing to submit a Disinfectant Level Quarterly Operating Report (DLQOR) to the executive director (ED) each quarter by the tenth day of the month following the end of each and failing to provide public notification and submit a copy of the public notification to the ED; 30 TAC §290.117(c)(2)(C) and (i)(1), by failing to collect lead and copper tap samples at the required five sample sites and submit the results to the ED for the January 1, 2011 - December 31, 2013, monitoring period; 30 TAC §290.117(c)(2)(B) and (i)(1) and §290.122(c)(2)(A) and (f), by failing to collect lead and copper tap samples at the required five sample sites and submit the results to the ED and failing to provide public notification and submit a copy of the public notification to the ED regarding the failure to collect lead and copper samples; 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 collect repeat coliform samples; and 30 TAC §290.122(b)(3)(A) and (f), by failing to provide public notification and submit a copy of the public notification to the ED regarding the failure to comply with the maximum contaminant level for arsenic and uranium; PENALTY: \$4,071; ENFORCEMENT COORDINATOR: Katy Montgomery, (210) 403-4016; REGIONAL OFFICE: 5012 50th Street, Suite 100, Lubbock, Texas 79414-3421, (806) 796-7092.

(20) COMPANY: Lubbock Reese Redevelopment Authority; DOCKET NUMBER: 2016-0476-PWS-E; IDENTIFIER: RN102595774; LOCATION: Lubbock, Lubbock County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.117(c)(2)(A), (h) and (i)(1) and 40 Code of Federal Regulations (CFR) §141.86 and §141.90(a), by failing to collect lead and copper tap samples at the required 20 sample sites; 30 TAC §290.110(e)(4)(A) and (f)(3), by failing to submit a Disinfectant Level Quarterly Operating Report to the executive director (ED) each quarter by the tenth day of the month following the end of each quarter; 30 TAC §290.117(e)(2), (h) and (i)(3) and §290.122(c)(2)(A) and (f) and 40 CFR §141.87 and §141.90(a), by failing to conduct water quality parameter sampling at each of the facility's entry points and the required distribution sample sites for two consecutive six-month periods following the January 1, 2014 - December 31, 2014,

monitoring period during which the lead action level was exceeded, have the samples analyzed, and report the results to the ED and failing to issue public notification and submit a copy of the public notification to the ED regarding the failure to conduct all of the required water quality parameter sampling; 30 TAC §290.117(d)(2)(A), (h) and (i)(2) and §290.122(c)(2)(A) and (f) and 40 CFR §141.88 and §141.90(b), by failing to collect one lead and copper sample from each of the facility's entry points no later than 180 days after the end of the January 1, 2014 - December 31, 2014, monitoring period during which the lead action level was exceeded, have the samples analyzed, and report the results to the ED and failing to issue public notification and submit a copy of the public notification to the ED regarding the failure to collect one lead and copper sample from each of the facility's entry points; 30 TAC §290.117(g)(2)(A) and §290.122(b)(2)(B) and (f) and 40 CFR §141.83 and §141.90(d)(1), by failing to submit a recommendation to the ED for source water treatment within 180 days after the end of the January 1, 2014 - December 31, 2014, monitoring period during which the lead action level was exceeded and failing to issue public notification and submit a copy of the public notification to the ED regarding the failure to submit a recommendation to the ED for source water treatment; 30 TAC §290.117(f)(3)(A) and §290.122(b)(2)(B) and (f) and 40 CFR §§141.81(e)(1), 141.82(a), and 141.90(c)(2), by failing to submit a recommendation to the ED for optimal corrosion control treatment within six months after the end of the January 1, 2014 - December 31, 2014, monitoring period during which the lead action level was exceeded and failing to issue public notification and submit a copy of the public notification to the ED regarding the failure to submit a recommendation to the ED for optimal corrosion control treatment; and 30 TAC §290.122(b)(2)(B) and (f), by failing to issue public notification and submit a copy of the public notification to the ED regarding the failure to deliver the public education materials following the lead action level exceedance; PENALTY: \$1,260; ENFORCEMENT COORDINATOR: Steven Hall, (512) 239-2569; REGIONAL OFFICE: 5012 50th Street, Suite 100, Lubbock, Texas 79414-3421, (806) 796-7092.

(21) COMPANY: M AND S BROTHERS, INCORPORATED dba M AND S GROCERY; DOCKET NUMBER: 2016-0709-PST-E; IDENTIFIER: RN102230679; LOCATION: Orange, Orange County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULES VIOLATED: 30 TAC §115.245(6) and Texas Health and Safety Code (THSC), §382.085(b), by failing to submit the Stage II vapor recovery system test results to the appropriate regional office within ten working days of the completion of the tests; 30 TAC §115.245(2) and THSC, §382.085(b), by failing to verify proper operation of the Stage II equipment at least once every 12 months; 30 TAC §334.7(d)(3), by failing to provide an amended registration for any change or additional information regarding the underground storage tanks within 30 days from the date of the occurrence of the change or addition, or within 30 days from the date on which the owner or operator first became aware of the change or addition; and 30 TAC §115.242(d)(3) and THSC, §382.085(b), by failing to maintain the Stage II vapor recovery system in proper operating condition, as specified by the manufacturer and/or any applicable California Air Resources Board Executive Order, and free of defects that would impair the effectiveness of the system; PENALTY: \$6,986; ENFORCEMENT COORDINATOR: James Baldwin, (512) 239-1337; REGIONAL OFFICE: 3870 Eastex Freeway Beaumont, Texas 77703-1892, (409) 898-3838.

(22) COMPANY: NEW BERNARD, LLC dba Churchill Grocery; DOCKET NUMBER: 2016-0432-PST-E; IDENTIFIER: RN101906204; LOCATION: Brazoria, Brazoria County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULES VIOLATED: 30 TAC §334.7(d)(3) and §334.8(c)(4)(A) and (C), by failing to submit a properly completed underground storage tank

(UST) registration and self-certification form and notify the agency of any changes; 30 TAC §334.50(b)(1)(A), (2)(A)(i)(III) and (ii), and (d)(1)(B) and TWC, §26.3475(a) and (c)(1), by failing to monitor the USTs for releases at a frequency of at least once every month and failing to perform inventory control procedures and failing to test the line leak detectors at least once per year for performance and operational reliability and to test or monitor the pressurized lines for releases; 30 TAC §334.49(c)(2)(C) and (4)(C) and TWC, §26.3475(d), by failing to inspect the impressed current cathodic protection system at least once every 60 days to ensure the rectifier and other system components are operating properly and failing to inspect and test the corrosion protection system for operability and adequacy of protection at a frequency of at least once every three years; 30 TAC §37.815(a) and (b), by failing to demonstrate acceptable financial assurance for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of petroleum USTs; and 30 TAC §334.602(a), by failing to identify and designate for the UST facility at least one named individual for each class of operator - Class A, Class B, and Class C; PENALTY: \$17,968; ENFORCEMENT COORDINATOR: John Fennell, (512) 239-2616; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1486, (713) 767-3500.

(23) COMPANY: Pioneer Natural Resources USA, Incorporated; DOCKET NUMBER: 2016-0513-PWS-E; IDENTIFIER: RN106532179; LOCATION: Victoria, Victoria County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.117(d)(2)(A), (h), and (i)(2) and §290.122(c)(2)(B) and (f) and 40 Code of Federal Regulations (CFR) §141.88 and §141.90(b), by failing to collect one lead and copper sample from each of the facility's entry points no later than 180 days after the end of the January 1, 2015 - June 30, 2015, monitoring period during which the lead and copper action levels were exceeded, have the samples analyzed, and report the results to the executive director (ED) and failing to issue public notification and submit a copy of the public notification to the ED regarding the failure to collect one lead and copper sample from each of the facility's entry points; 30 TAC §290.117(g)(2)(A) and §290.122(b)(2)(B) and (f) and 40 CFR §141.83 and §141.90(d)(1), by failing to submit a recommendation to the ED for source water treatment within 180 days after the end of the January 1, 2015 - June 30, 2015, monitoring period during which the lead and copper action levels were exceeded and failing to issue public notification and submit a copy of the public notification to the ED regarding the failure to submit a recommendation to the ED for source water treatment; and 30 TAC §290.117(f)(3)(A) and §290.122(b)(2)(B) and (f) and 40 CFR §§141.81(e)(1), 141.82(a), and 141.90(c)(2), by failing to submit a recommendation to the ED for optimal corrosion control treatment within six months after the end of the January 1, 2015 - June 30, 2015, monitoring period during which the lead and copper action levels were exceeded and failing to provide public notification and submit a copy of the public notification to the ED regarding the failure to submit a recommendation to the ED for optimal corrosion control treatment; PENALTY: \$250; ENFORCEMENT COORDINATOR: Steven Hall, (512) 239-2569; REGIONAL OFFICE: 6300 Ocean Drive, Suite 1200, Corpus Christi, Texas 78412-5503, (361) 825-3100.

(24) COMPANY: Scott and White Healthcare dba Scott and White Memorial Hospital; DOCKET NUMBER: 2016-0873-PST-E; IDENTIFIER: RN100596634; LOCATION: Temple, Bell County; TYPE OF FACILITY: fleet refueling facility; RULES VIOLATED: 30 TAC §334.50(b)(1)(A) and (2) and TWC, §26.3475(a) and (c)(1), by failing to monitor the underground storage tank (UST) for releases at a frequency of at least once every month and failing to provide release detection for the pressurized piping associated with the UST system; and 30 TAC §334.602(a) and §334.606, by failing to designate at least

one Class C operator for the facility; PENALTY: \$3,938; ENFORCEMENT COORDINATOR: Keith Frank, (512) 239-1203; REGIONAL OFFICE: 6801 Sanger Avenue, Suite 2500, Waco, Texas 76710-7826, (254) 751-0335.

(25) COMPANY: Tark Properties, LLC; DOCKET NUMBER: 2016-0782-EAQ-E; IDENTIFIER: RN109079012; LOCATION: Round Rock, Williamson County; TYPE OF FACILITY: commercial development site; RULE VIOLATED: 30 TAC §213.4(a)(1), by failing to obtain approval of an Edwards Aquifer Protection Plan prior to initiating a regulated activity over the Edwards Aquifer Recharge Zone; PENALTY: \$1,875; ENFORCEMENT COORDINATOR: Caleb Olson, (512) 239-2541; REGIONAL OFFICE: 12100 Park 35 Circle, Building A, Austin, Texas 78753, (512) 339-2929.

(26) COMPANY: TFA Management, LLC dba Shaver Food Mart; DOCKET NUMBER: 2016-0732-PST-E; IDENTIFIER: RN102371150; LOCATION: Pasadena, Harris County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULES VIOLATED: 30 TAC §334.50(b)(1)(A) and TWC, §26.3475(c)(1), by failing to monitor the underground storage tanks for releases at a frequency of at least once every month; and 30 TAC §334.602(a), by failing to designate, train, and certify at least one named individual for each class of operator - Class A, Class B, and Class C for the facility; PENALTY: \$4,500; ENFORCEMENT COORDINATOR: Jonathan Nguyen, (512) 239-1661; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1486, (713) 767-3500.

(27) COMPANY: TIM ENTERPRISE, INCORPORATED; DOCKET NUMBER: 2016-0876-PWS-E; IDENTIFIER: RN101190262; LOCATION: Alvin, Brazoria County; TYPE OF FACILITY: convenience store; 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 Well Number 1; and 30 TAC §290.41(c)(3)(O), by failing to protect the well with an intruder-resistant fence with a lockable gate or enclose the well in a locked, ventilated well house; PENALTY: \$320; ENFORCEMENT COORDINATOR: Claudia Corrales, (512) 239-4935; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1486, (713) 767-3500.

(28) COMPANY: U.S. Steel Tubular Products, Incorporated; DOCKET NUMBER: 2016-0990-PWS-E; IDENTIFIER: RN102955135; LOCATION: Lone Star, Morris 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 0.060 milligrams per liter for haloacetic acids, based on the locational running annual average; PENALTY: \$146; ENFORCEMENT COORDINATOR: Sandra Douglas, (512) 239-2549; REGIONAL OFFICE: 2916 Teague Drive, Tyler, Texas 75701-3734, (903) 535-5100.

TRD-201604338  
Kathleen C. Decker  
Director, Litigation Division  
Texas Commission on Environmental Quality  
Filed: August 23, 2016



Amended Notice of Hearing  
BENEFICIAL LAND MANAGEMENT, L.L.C.  
SOAH Docket No. 582-16-5474  
TCEQ Docket No. 2016-0665-IWD  
Permit No. WQ0004666000

#### APPLICATION.

Beneficial Land Management, L.L.C., P.O. Box 6870, San Antonio, Texas 78209, has applied to the Texas Commission on Environmental Quality (TCEQ) for a renewal with changes of TCEQ Permit No. WQ0004666000, which authorizes the land application of Class B sewage sludge from a domestic wastewater treatment plant for beneficial use on 726.1 acres. The draft permit does not include an authorization for land application of sewage sludge mixed with grease and grit trap waste as requested by the applicant. This permit will not authorize a discharge of pollutants into water in the state. TCEQ received this application on December 5, 2011.

The sewage sludge land application site is located ten miles northwest of the City of Inez, on Farm-to-Market Road 444 and 2.5 miles north-east of the intersection of Karnes Road and Farm-to-Market Road 444, in Victoria County, Texas 77968. The sewage sludge land application site is located within the drainage basin of Lavaca Bay and Chocolate Bay in Segment No. 2453 of the Lavaca-Guadalupe Coastal Basin.

The TCEQ Executive Director has prepared a draft permit which, if approved, would establish the conditions under which the facility must operate. The Executive Director has made a preliminary decision that this permit, if issued, meets all statutory and regulatory requirements. The permit application, Executive Director's preliminary decision, and draft permit are available for viewing and copying at the Victoria County Courthouse, County Clerk's Office, 115 North Bridge, Victoria, Texas. As a public courtesy, we have provided the following Web page to an online map of the site or the facility's general location. The online map is not part of the application or the notice: <http://www.tceq.texas.gov/assets/public/hb610/index.html?lat=28.9875&lng=-96.843055&zoom=13&type=r>. For the exact location, refer to the application.

#### CONTESTED CASE HEARING.

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

10:00 a.m. - September 27, 2016

Victoria County Courthouse

Commissioner's Courtroom - 2nd Floor

115 North Bridge Street

Victoria, Texas 77901

The contested case hearing will be a legal proceeding similar to a civil trial in state district court. The hearing will address the disputed issues of fact identified in the TCEQ order concerning this application issued on July 13, 2016. In addition to these issues, the judge may consider additional issues if certain factors are met.

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

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

#### INFORMATION.

If you need more information about the hearing process for this application, please call the Public Education Program, toll free, at (800)

687-4040. General information about the TCEQ can be found at our web site at <http://www.tceq.texas.gov/>.

Further information may also be obtained from Beneficial Land Management, L.L.C. at the address stated above or by calling Mr. Carter Mayfield at (210) 828-0525.

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

Issued: August 12, 2016

TRD-201604341

Bridget C. Bohac

Chief Clerk

Texas Commission on Environmental Quality

Filed: August 24, 2016



## Enforcement Orders

An agreed order was adopted regarding AZALI ENTERPRISES, L.L.C., Docket No. 2013-1292-WQ-E on August 24, 2016 assessing \$14,519 in administrative penalties with \$2,903 deferred.

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

An order was adopted regarding RGV Tire Recycling Group, LLC, Docket No. 2013-1973-MSW-E on August 24, 2016 assessing \$44,888 in administrative penalties.

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

An agreed order was adopted regarding Mukhtar, Inc. dba Circle A Food Store, Docket No. 2014-0567-PST-E on August 24, 2016 assessing \$26,725 in administrative penalties with \$5,345 deferred.

Information concerning any aspect of this order may be obtained by contacting Farhaudd Abbaszadeh, 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 Peaster Independent School District Public Facility Corporation, Docket No. 2014-1153-MWD-E on August 24, 2016 assessing \$11,438 in administrative penalties.

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

An agreed order was adopted regarding S.B. INTERESTS, INC. d/b/a Time Out 1, Docket No. 2014-1510-PST-E on August 24, 2016 assessing \$8,500 in administrative penalties.

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

An agreed order was adopted regarding City of Poth, Docket No. 2014-1727-MWD-E on August 24, 2016 assessing \$9,425 in administrative penalties with \$1,885 deferred.

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

A default order was adopted regarding Trident Environmental Resource Consulting, LLC, Docket No. 2015-0067-MSW-E on August 24, 2016 assessing \$2,625 in administrative penalties.

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

A default order was adopted regarding Edwin L. Carlisle d/b/a Crafton Mobile Home Park, Docket No. 2015-0165-PWS-E on August 24, 2016 assessing \$946 in administrative penalties.

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

A default order was adopted regarding Jamie McCune, Docket No. 2015-0547-MLM-E on August 24, 2016 assessing \$9,000 in administrative penalties.

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

An agreed order was adopted regarding SAHIL MANAGEMENT LTD. dba Shady Acres Trailer Park, Docket No. 2015-0723-PWS-E on August 24, 2016 assessing \$3,841 in administrative penalties.

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 Solvay Specialty Polymers USA, L.L.C., Docket No. 2015-0989-WDW-E on August 24, 2016 assessing \$11,138 in administrative penalties with \$2,227 deferred.

Information concerning any aspect of this order may be obtained by contacting Thomas Greimel, 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 Teague, Docket No. 2015-1122-MWD-E on August 24, 2016 assessing \$17,323 in administrative penalties with \$3,464 deferred.

Information concerning any aspect of this order may be obtained by contacting Claudia Corrales, 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 Douglas A. Bateman d/b/a Bateman Water Works, Docket No. 2015-1137-PWS-E on August 24, 2016 assessing \$1,375 in administrative penalties.

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

A default order was adopted regarding MJG Ventures Properties, LLC d/b/a King Food Mart, Docket No. 2015-1287-PST-E on August 24, 2016 assessing \$4,500 in administrative penalties.

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

An agreed order was adopted regarding City of Yorktown, Docket No. 2015-1322-MWD-E on August 24, 2016 assessing \$19,025 in administrative penalties with \$3,805 deferred.

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

An agreed order was adopted regarding Grothe Industrial Coating, LLC, Docket No. 2015-1357-AIR-E on August 24, 2016 assessing \$8,313 in administrative penalties with \$1,662 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 KM Liquids Terminals LLC, Docket No. 2015-1447-AIR-E on August 24, 2016 assessing \$88,650 in administrative penalties with \$17,730 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 Bernardo Espinoza, Docket No. 2015-1590-WQ-E on August 24, 2016 assessing \$15,813 in administrative penalties with \$3,162 deferred.

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.

An agreed order was adopted regarding SHIJAT HOLDING COMPANY dba Freeway Express, Docket No. 2015-1629-PST-E on August 24, 2016 assessing \$10,690 in administrative penalties with \$2,138 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 Parker-Hannifin Corporation, Docket No. 2015-1663-AIR-E on August 24, 2016 assessing \$14,250 in administrative penalties with \$2,850 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 NEW NGC, INC., Docket No. 2015-1691-WQ-E on August 24, 2016 assessing \$10,000 in administrative penalties with \$2,000 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 Kuraray America, Inc., Docket No. 2015-1693-AIR-E on August 24, 2016 assessing \$25,000 in administrative penalties.

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 BEACH RV PARTNERSHIP, LTD., Docket No. 2015-1713-PWS-E on August 24, 2016 assessing \$990 in administrative penalties with \$990 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 Lee Oak Grove Inc. dba Lee Oak Grove Food Mart, Docket No. 2015-1724-PST-E on August 24, 2016 assessing \$16,714 in administrative penalties with \$3,342 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 Phillips 66 Company, Docket No. 2015-1729-AIR-E on August 24, 2016 assessing \$21,288 in administrative penalties with \$4,257 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 Sunline Energy Services, Inc., Docket No. 2015-1750-MLM-E on August 24, 2016 assessing \$19,250 in administrative penalties with \$3,850 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 City of Holland, Docket No. 2015-1760-MWD-E on August 24, 2016 assessing \$11,237 in administrative penalties with \$2,247 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.

An agreed order was adopted regarding City of Skellytown, Docket No. 2015-1769-PWS-E on August 24, 2016 assessing \$907 in administrative penalties.

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 Total Petrochemicals & Refining USA, Inc., Docket No. 2015-1770-AIR-E on August 24, 2016 assessing \$45,000 in administrative penalties with \$9,000 deferred.

Information concerning any aspect of this order may be obtained by contacting Amancio 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 Houston Refining LP, Docket No. 2015-1785-AIR-E on August 24, 2016 assessing \$59,063 in administrative penalties with \$11,812 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 Kenneth Mowles dba Captain Ken's RV Park, Docket No. 2015-1804-PWS-E on August 24, 2016 assessing \$2,025 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Rajesh Acharya, 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. 2015-1834-AIR-E on August 24, 2016 assessing \$25,000 in administrative penalties.

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 Whispering Oaks Water Coop, Docket No. 2015-1846-PWS-E on August 24, 2016 assessing \$910 in administrative penalties.

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 Aqua Texas, Inc., Docket No. 2015-1856-MWD-E on August 24, 2016 assessing \$15,187 in administrative penalties with \$3,037 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 LAMESA ENTERPRISES, INC., Docket No. 2016-0023-PWS-E on August 24, 2016 assessing \$660 in administrative penalties.

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 Harris County Fresh Water Supply District No. 61, Docket No. 2016-0053-MWD-E on August 24, 2016 assessing \$34,125 in administrative penalties with \$6,825 deferred.

Information concerning any aspect of this order may be obtained by contacting Steven Van Landingham, 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 Abdulali Tejani dba FM Express Mart, Docket No. 2016-0064-PST-E on August 24, 2016 assessing \$10,500 in administrative penalties with \$2,100 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 EnLink Midstream Services, LLC, Docket No. 2016-0083-AIR-E on August 24, 2016 assessing \$25,000 in administrative penalties.

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 Phillips 66 Company, Docket No. 2016-0090-AIR-E on August 24, 2016 assessing \$26,250 in administrative penalties with \$5,250 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 SIGNOR Logistics, LP dba The Studios, Docket No. 2016-0095-PWS-E on August 24, 2016 assessing \$2,655 in administrative penalties.

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

An agreed order was adopted regarding City of Murphy, Docket No. 2016-0106-WQ-E on August 24, 2016 assessing \$8,250 in administrative penalties with \$1,650 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 Center, Docket No. 2016-0107-PWS-E on August 24, 2016 assessing \$1,215 in administrative penalties.

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 Jim Wells County Fresh Water Supply District 1, Docket No. 2016-0110-PWS-E on August 24, 2016 assessing \$183 in administrative penalties with \$183 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 Sportsman's World Municipal Utility District, Docket No. 2016-0149-PWS-E on August 24, 2016 assessing \$366 in administrative penalties.

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 Town of Edgecliff Village, Docket No. 2016-0156-WQ-E on August 24, 2016 assessing \$15,750 in administrative penalties with \$3,150 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 Llano West Mobile Home Park & Golf Course, Ltd., Docket No. 2016-0171-PWS-E on August 24, 2016 assessing \$172 in administrative penalties with \$172 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 Aqua Utilities, Inc., Docket No. 2016-0179-PWS-E on August 24, 2016 assessing \$684 in administrative penalties.

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

An agreed order was adopted regarding City of Raymondville, Docket No. 2016-0202-PWS-E on August 24, 2016 assessing \$690 in administrative penalties.

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 City of Houston, Docket No. 2016-0205-AIR-E on August 24, 2016 assessing \$8,888 in administrative penalties with \$1,777 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 SOUTHERN METHODIST UNIVERSITY, Docket No. 2016-0211-WQ-E on August 24, 2016 assessing \$5,625 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Sandra Douglas, 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 Somervell County Water District, Docket No. 2016-0213-PWS-E on August 24, 2016 assessing \$187 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Steven Van Landingham, 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 EMCAD Water and Wastewater, LLC, Docket No. 2016-0341-MWD-E on August 24, 2016 assessing \$9,112 in administrative penalties with \$1,822 deferred.

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

TRD-201604364  
Bridget C. Bohac  
Chief Clerk  
Texas Commission on Environmental Quality  
Filed: August 24, 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 141755

#### APPLICATION.

Tex-Mix Partners, Ltd., P.O. Box 830, Leander, Texas 78646-0830 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 141755 to authorize the operation of two concrete batch plants. The facility is proposed to be located in Belton, Bell County, Texas 76502. The following driving direction were provided: from the intersection of 6th Avenue (Farm-to-Market Road 93) and Hubbard Lane, travel 0.35 mile west on 6th Avenue to entrance on south side of 6th Avenue. 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=31.046829&lng=-97.445508&zooom=13&type=r>. This application was submitted to the TCEQ on July 25, 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 August 2, 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:

Thursday, October 6, 2016, at 6:00 p.m.

Harris Community Center - Kinchion Room

401 North Alexander Street

Belton, Texas 76513

#### 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 com-

ments 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 Waco Regional Office, located at 6801 Sanger Ave Ste. 2500, Waco, Texas 76710-7826, 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 Tex-Mix Partners, Ltd., P.O. Box 830, Leander, Texas 78646-0830, or by calling Mr. Brandon Wilcox, Environmental Specialist, Westward Environmental, Inc. at (830) 249-8284.

Notice Issuance Date: August 19, 2016

TRD-201604342

Bridget C. Bohac

Chief Clerk

Texas Commission on Environmental Quality

Filed: August 24, 2016



#### Notice of Costs to Administer the Voluntary Cleanup Program and the Innocent Owner/Operator Program

In accordance with Texas Health and Safety Code, §361.613 (pertaining to the Voluntary Cleanup Program (VCP)) and 30 TAC §333.43 (pertaining to the Innocent Owner/Operator Program (IOP)), the executive director of the Texas Commission on Environmental Quality (TCEQ or commission) annually shall calculate the commission's costs to administer the VCP and the IOP, and shall publish in the *Texas Register* the rates established for the purposes of identifying the costs recoverable by the commission. The TCEQ has calculated and is publishing the bill rate for both the VCP and the IOP as \$115 per hour for the commission's Fiscal Year 2017.

The VCP and the IOP are implemented by the same TCEQ staff. Therefore, a single hourly bill rate for both programs is appropriate. The hourly bill rate is determined based upon current projections for staff salaries for the Fiscal Year 2017, including the fringe benefit rate and the indirect cost rate, minus anticipated federal funding that the commission will receive, and then divided by the estimated number of staff hours necessary to complete the program tasks. Fringe benefits include retirement, social security, and insurance expenses and are calculated at a set rate for the entire agency. The current fringe benefit rate is 30.40% of the budgeted salaries. Indirect costs include allowable overhead expenses and also are calculated at a set rate for the entire agency. The current indirect cost rate is 28.48% of the budgeted salary. The release time hours include, for example, sick leave, holidays, military duty, and jury duty, and are set at 24.60%. The hourly bill rate was calculated and then rounded to the nearest whole dollar amount. The commission will use an hourly bill rate of \$115 for both the VCP and the IOP for the Fiscal Year 2017. After an applicant's initial \$1,000 application fee has been depleted for the VCP or the IOP review and oversight costs, invoices will be sent monthly to the applicant, or designee, for payment.

The commission anticipates receiving federal funding during Fiscal Year 2017 for the continued development and enhancement of the VCP

and the IOP. If the federal funding anticipated for Fiscal Year 2017 does not become available, the commission may calculate and publish a new hourly bill rate. Federal funding of the VCP and the IOP should occur prior to October 1, 2016.

For more information, please contact Ms. Merrie Smith, PG, VCP-CA Section, Remediation Division, Texas Commission on Environmental Quality, MC 221, 12100 Park 35 Circle, Austin, Texas 78753 or call (512) 239-5051 or email: [merrie.smith@tceq.texas.gov](mailto:merrie.smith@tceq.texas.gov).

TRD-201604337

Kathleen C. Decker

Director, Litigation Division

Texas Commission on Environmental Quality

Filed: August 23, 2016



#### Notice of District Petition

Notices issued August 19, 2016

Texas Commission on Environmental Quality (TCEQ) Internal Control No. D-02082016-005; CE Development, Inc. and SBJV Investments, Ltd. (Petitioners) filed a petition for creation of Travis County Municipal Utility District No. 24 (District) with the TCEQ. The petition was filed pursuant to Article XVI, §59 of the Constitution of the State of Texas; Chapters 49 and 54 of the Texas Water Code; 30 Texas Administrative Code Chapter 293; and the procedural rules of the TCEQ. The petition states that: (1) the Petitioners hold title to a majority in value of the land to be included in the proposed District; (2) there are three lienholders, 130 Cactus Investment, L.P.; ARP Autumn Ridge, LP; and Minerva, Ltd.; on the property to be included in the proposed District and the before mentioned entities have consented to the petition; (3) the proposed District will contain approximately 348.361 acres located within Travis County, Texas; and (4) the proposed District is within the extraterritorial jurisdiction of the City of Pflugerville, Texas, and no portion of land within the proposed District is located outside the corporate limits or extraterritorial jurisdiction of any other city, town or village in Texas. By Resolution No. 1476-16-02-09-0297, passed and approved February 9, 2016 the City of Pflugerville gave its consent to the creation of the proposed District, pursuant to Texas Water Code §54.016. According to the petition, a preliminary investigation has been made to determine the cost of the project, and it is estimated by the Petitioners, from the information available at this time, that the cost of said project will be approximately \$38,430,000 (\$29,780,000 utilities plus \$4,325,000 recreational plus \$4,325,000 roads).

#### INFORMATION SECTION.

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

The TCEQ may grant a contested case hearing on the petition if a written hearing request is filed within 30 days after the newspaper publication of the notice. To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) the name of the Petitioner and the TCEQ Internal Control Number; (3) the statement "I/we request a contested case hearing"; (4) a brief description of how you would be affected by the petition in a way not common to the general public; and (5) the location of your property relative to the proposed District's boundaries. You may also submit your proposed adjustments to the petition. Requests for a contested case hearing must be submitted in writing to the

Office of the Chief Clerk at the address provided in the information section below. The Executive Director may approve the petition unless a written request for a contested case hearing is filed within 30 days after the newspaper publication of this notice. If a hearing request is filed, the Executive Director will not approve the petition and will forward the petition and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting. If a contested case hearing is held, it will be a legal proceeding similar to a civil trial in state district court. Written hearing requests should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address. For additional information, individual members of the general public may contact the Districts Review Team, at (512) 239-4691. Si desea información en español, puede llamar al (512) 239-0200. General information regarding TCEQ can be found at our web site at [www.tceq.texas.gov](http://www.tceq.texas.gov).

Issued in Austin, Texas on August 23, 2016

TRD-201604344

Bridget C. Bohac

Chief Clerk

Texas Commission on Environmental Quality

Filed: August 24, 2016



Notice of Hearing

PM<sub>10</sub>

Maximum Averaging Time	Maximum Increment Consumed (µg/m <sup>3</sup> )	Allowable Increment (µg/m <sup>3</sup> )
24-hour	7.9	30
Annual	1.5	17

PM<sub>2.5</sub>

Maximum Averaging Time	Maximum Increment Consumed (µg/m <sup>3</sup> )	Allowable Increment (µg/m <sup>3</sup> )
24-hour	8	9
Annual	1.5	4

The Executive Director has determined that the emissions of air contaminants from the proposed facility which are subject to PSD review will not violate any state or federal air quality regulations and will not have any significant adverse impact on soils, vegetation, or visibility. All air contaminants have been evaluated, and "best available control technology" will be used for the control of these contaminants.

The TCEQ Executive Director has prepared a draft permit which, if approved, would establish the conditions under which the facility must operate. The permit application, executive director's preliminary decision, draft permit, and the executive director's preliminary determination summary and executive director's air quality analysis, are available for viewing and copying at the TCEQ central office,

SOUTHERN POWER COMPANY

SOAH Docket No. 582-16-5762

TCEQ Docket No. 2016-1285-AIR

Proposed Permit Nos. 121917 and PSDTX1422

APPLICATION.

Southern Power Company, P.O. Box 2641, Birmingham, Alabama 35202-2641, has applied to the Texas Commission on Environmental Quality (TCEQ) for issuance of Proposed Air Quality Permit 121917 and Prevention of Significant Deterioration (PSD) Air Quality Permit PSDTX1422, which would authorize construction of the Jackson County Generating Facility at the property which is south of Lundquist Road at the intersection of Texas County Road 710 and Lundquist Road, Ganado, Jackson County, Texas 77962. This application was submitted to the TCEQ on July 14, 2014. The proposed facility will emit the following air contaminants in a significant amount: organic compounds, carbon monoxide, nitrogen oxides, and particulate matter including particulate matter with diameters of 10 microns or less and 2.5 microns or less. In addition, the facility will emit the following air contaminants: sulfur dioxide and sulfuric acid.

The degree of PSD increment predicted to be consumed by the proposed facility and other increment-consuming sources in the area is as follows:

the TCEQ Corpus Christi regional office, and at and the Jackson County Memorial Library, 411 North Wells Street, Edna, Jackson County, Texas. The facility's compliance file, if any exists, is available for public review at the TCEQ Corpus Christi Regional Office, NRC Building Suite 1200, 6300 Ocean Drive, Unit 5839, Corpus Christi, Texas. As a public courtesy, we have provided the following Web page to an online map of the site or the facility's general location. The online map is not part of the application or the notice: <http://www.tceq.texas.gov/assets/public/hb610/index.html?lat=29.101111&lng=-96.51&zoom=13&type=r>. For the exact location, refer to the application.

DIRECT REFERRAL.

The Notice of Application and Preliminary Decision was published on February 17, 2016. On August 3, 2016, the Applicant filed a request for direct referral to the State Office of Administrative Hearings (SOAH). Therefore, the chief clerk has referred this application directly to SOAH for a hearing on whether the application complies with all applicable statutory and regulatory requirements.

#### CONTESTED CASE HEARING.

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

10:00 a.m. - October 3, 2016

William P. Clements Building

300 West 15th Street, 4th Floor

Austin, Texas 78701

The contested case hearing will be a legal proceeding similar to a civil trial in state district court. The hearing will be conducted in accordance with the Chapter 2001, Texas Government Code; Chapter 382, Texas Health and Safety Code; TCEQ rules including 30 Texas Administrative Code (TAC) Chapter 116, Subchapters A and B; and the procedural rules of the TCEQ and SOAH, including 30 TAC Chapter 80 and 1 TAC Chapter 155.

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

**MAILING LIST.** You may ask to be placed on a mailing list to obtain additional information on this application by sending a request to the Office of the Chief Clerk at the address below.

**AGENCY CONTACTS AND INFORMATION.** Public comments and requests must be submitted either electronically at [www.tceq.texas.gov/goto/comments](http://www.tceq.texas.gov/goto/comments), 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 communicate with the TCEQ electronically, please be aware that your email address, like your physical mailing address, will become part of the agency's public record. For more information about this permit application, the permitting process, or the contested case hearing process, please call the Public Education Program toll free at (800) 687-4040. Si desea información en español, puede llamar al (800) 687-4040. General information regarding the TCEQ may be obtained electronically at <http://www.tceq.texas.gov>

#### INFORMATION.

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

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

Further information may also be obtained from Southern Power Company at the address stated above or by calling Ms. Kelli McCullough, Environmental Engineer at (205) 257-6720.

Issued: August 19, 2016

TRD-201604343

Bridget C. Bohac  
Chief Clerk  
Texas Commission on Environmental Quality  
Filed: August 24, 2016



#### Notice of Water Rights Application

Notices issued August 17, 2016 through August 19, 2016

APPLICATION NO. 13247; The City of Dallas and the City of Fort Worth, P.O. Box 619428, DFW Airport, Texas 75261, Applicants, seek a Temporary Water Use Permit to divert and use not to exceed 1,600 acre-feet of water from a point on reservoir (Trigg Lake) on an unnamed tributary of Bear Creek, Trinity River Basin for storage in an off-channel reservoir for subsequent industrial (construction) and agricultural (irrigation) purposes in Tarrant County. The application and fees were received on January 6, 2016. Additional information and fees were received on January 15, April 15, and April 28, 2016. The application was declared administratively complete and filed with the Office of the Chief Clerk on May 10, 2016. The Executive Director has completed the technical review of the application and prepared a draft permit. The draft permit, if granted, would include special conditions including, but not limited to, streamflow restrictions. The application, technical memoranda, and Executive Director's draft permit are available for viewing and copying at the Office of the Chief Clerk, 12100 Park 35 Circle, Bldg. F., Austin, TX 78753. Written public comments and requests for a public meeting should be submitted to the Office of the Chief Clerk, at the address provided in the information section below by September 5, 2016.

APPLICATION NO. 14-1823E; Marvin Riggs and Barbara Riggs, 507 South Edgewood, San Saba, Texas 76877, Applicants, have applied to amend their portion of Certificate of Adjudication No. 14-1823 to add a downstream diversion point on the San Saba River, Colorado River Basin and change the place of use in San Saba County. Applicants do not seek to increase the diversion rate. The application was received on October 1, 2012. Fees and additional information was received on October 1, 2012, May 13, 2013, and January 21, 2015. The application was declared administratively complete and filed with Office of Chief Clerk on September 17, 2015. The Executive Director has completed the technical review of the application and prepared a draft amendment. The draft amendment, if granted, would contain special conditions including, but not limited to, the installation of screens on the diversion structure. The application, technical memoranda, and Executive Director's draft amendment are available for reviewing and copying at the Office of the Chief Clerk, 12100 Park 35 Circle, Bldg. F., Austin, TX 78753. Written public comments and requests for a public meeting should be submitted to the Office of the Chief Clerk, at the address provided in the information section below by September 6, 2016.

#### INFORMATION SECTION

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

A public meeting is intended for the taking of public comment, and is not a contested case hearing.

The Executive Director can consider approval of an application unless a written request for a contested case hearing is filed. To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) applicant's name

and permit number; (3) the statement (I/we) request a contested case hearing; and (4) a brief and specific description of how you would be affected by the application in a way not common to the general public. You may also submit any proposed conditions to the requested application which would satisfy your concerns. Requests for a contested case hearing must be submitted in writing to the TCEQ Office of the Chief Clerk at the address provided below.

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

Written hearing requests, public comments or requests for a public meeting should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address. For additional information, individual members of the general public may contact the Public Education Program at (800) 687-4040. General information regarding the TCEQ can be found at our web site at [www.tceq.texas.gov](http://www.tceq.texas.gov). Si desea información en español, puede llamar al (800) 687-4040.

TRD-201604345

Bridget C. Bohac

Chief Clerk

Texas Commission on Environmental Quality

Filed: August 24, 2016



### Proposed Settlement Agreement between TCEQ and Gulf Chemical & Metallurgical Corporation

The Texas Commission on Environmental Quality (TCEQ) is providing the following notice of opportunity to comment on the proposed settlement agreement between the TCEQ and Gulf Chemical & Metallurgical Corporation (DOCKET NUMBER: Bankruptcy Case 16-22192-JAD; TCEQ ID NUMBER: RN100210129; LOCATION: 302 Midway Road, Freeport, Brazoria County; TYPE OF FACILITY: industrial solid waste management facility) in accordance with Texas Water Code, §7.110.

**BACKGROUND:** On June 14, 2016, Gulf Chemical & Metallurgical Corporation filed in the United States Bankruptcy Court for the Western District of Pennsylvania a voluntary petition for relief under United States Bankruptcy Code, Chapter 11. In the bankruptcy process, Gulf Chemical & Metallurgical Corporation is seeking to sell substantially all of its assets by September 30, 2016. Prior to the commencement of the bankruptcy proceeding, the TCEQ had initiated an administrative enforcement case, TCEQ Docket Number 2014-1534-IHW-E, against Gulf Chemical & Metallurgical, alleging violations of the State's industrial hazardous waste program. This case is stayed because of the bankruptcy. On July 6, 2016, TCEQ filed a complaint for injunctive relief and civil fines and penalties in the bankruptcy court, Adversary Proceeding Number 16-02140-JAD (the "Adversary"), against Gulf Chemical & Metallurgical, alleging additional violations of the State's industrial hazardous waste and air quality programs. Comilog Holding is Gulf Chemical & Metallurgical Corporation's parent corporation.

**SUMMARY OF PROPOSED SETTLEMENT AGREEMENT:** The parties have reached an agreement regarding the status of the enforcement cases, including the priority of the alleged fines and penalties. TCEQ will have an allowed general unsecured claim in the amount of \$7,870,000 on account of the claims in the administrative enforcement case. The Adversary Proceeding is stayed through and including September 30, 2016. If a sale closes on or before September 30, 2016, TCEQ will have a second allowed general unsecured claim in

the amount of \$3,800,000 on account of the claims in the complaint filed in the bankruptcy court, and, at that time, the Adversary case will be dismissed. If a sale does not close, the claims alleged in the Adversary case will be tried at the State Office of Administrative Hearings. TCEQ will not object to or seek to re-characterize the claims of Comilog Holding, will not bring any claims or causes of action against Comilog, and will release Comilog and certain officers of Gulf Chemical & Metallurgical Corporation from liability for actions arising or existing before the effective date of the bankruptcy plan. Both parties acknowledge that the claims in the enforcement cases are disputed and nothing in the agreement is an admission of liability or an admission that the claims are not valid. TCEQ reserves the right to bring certain additional claims. Language relating to the obligation to comply with environmental law will be included in any order approving sale of Gulf Chemical & Metallurgical Corporation's assets.

**COMMENTS AND DEADLINES:** Written comments may be submitted to Abigail Ryan, MC 152, Office of Legal Services, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087, or faxed to (512) 239-3021, or by email at [Abigail.Ryan@tceq.texas.gov](mailto:Abigail.Ryan@tceq.texas.gov). **The comment period closes October 3, 2016. Please reference Bankruptcy Case 16-22192-JAD.**

TRD-201604335

Kathleen Decker

Director, Litigation Division

Texas Commission on Environmental Quality

Filed: August 23, 2016



### Texas Facilities Commission

#### Request for Proposals #303-7-20551-A

The Texas Facilities Commission (TFC), on behalf of the Department of Public Safety (DPS), announces the re-issuance of Request for Proposals (RFP) #303-7-20551-A. TFC seeks a five (5) or ten (10) year lease of approximately 2,982 square feet of usable square feet that consists of 2,787 square feet of office space and 195 square feet of outdoor employee lounge area space in Jacksonville, Texas.

The deadline for questions is September 7, 2016 and the deadline for proposals is September 21, 2016 at 3:00 p.m. The award date is October 19, 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=126722](http://esbd.cpa.state.tx.us/bid_show.cfm?bidid=126722).

TRD-201604247

Kay Molina

General Counsel

Texas Facilities Commission

Filed: August 18, 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 August 11, 2016, through August 22, 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, August 26, 2016. The public comment period for this project will close at 5:00 p.m. on Sunday, September 25, 2016.

#### FEDERAL AGENCY ACTIONS:

**Applicant:** Baycrete, Inc.

**Location:** The project site is located in Cedar Bayou, at 4318 State Highway 146, in Baytown, Harris County, Texas. The project can be located on the U.S.G.S. quadrangle map titled: MONT BELVIEU, Texas.

**LATITUDE & LONGITUDE (NAD 83):** 29.764566 -94.919600

**Project Description:** The applicant proposes to construct a 25-foot-wide by 100-foot-long unloading dock, a 15-foot-wide by 30-foot-long covered boathouse, and install four 24-inch by 24-inch tie-up pilings in Cedar Bayou. The dock would be constructed by placing steel bulk-heading, filling with approximately 1,200 cubic yards of earthen material, and placing a concrete slab on top. The dock would be used for unloading sand and gravel from barges to supply the adjacent concrete manufacturing facility.

**CMP Project No:** 16-1399-F1

**Type of Application:** U.S. Army Corps of Engineers (USACE) permit application #SWG-2016-00196. This application will be reviewed pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act.

**Applicant:** Sunset Marina @ Offatts Bayou, LLC

**Location:** The project site is located in Offatts Bayou, at 9415 Teichman Road, in Galveston, Galveston County, Texas. The project can be located on the U.S.G.S. quadrangle map entitled: VIRGINIA POINT, Texas.

**LATITUDE & LONGITUDE (NAD 83):** 29.3022 -94.908480

**Project Description:** The applicant proposes to retain all existing structures, dredging, and riprap; and to reconfigure and construct marina boat slips, 2 irregular-shaped docks, and finger piers. The existing dredging, fill, riprap, and structures consist of the following components: Dredging: 24,030-square-foot area to 7 feet below mean high water; Fill: 4,220-square-foot area and a 17-foot by 30-foot boat ramp; Riprap: 4-foot by 25-foot area and a 4-foot by 50-foot area; Structures: retain eleven finger piers on the west side: 1-foot-wide by 24-foot-long finger piers and 24-square-foot triangles at the base of the walkway, Reconfigure Finger Piers on the East side as described in the proposed section, two walkways: 4-foot-wide by 221-foot-long walkway and 4-foot-wide by 225-foot-long walkway, four mooring piles, L-head piers: one 10-foot-wide by 30-foot-long and two 4-foot-wide by 28-foot-long. The proposed structures consist of the following components: Irregular-shaped docks located at the back of the basin: 1,319 square feet and 2,143 square feet; Reconfigure Finger Piers on East side into proposed structures: Eighteen 15-foot-wide

by 30-foot-long covered boat lifts created with ten 6-foot-wide by 30-foot-long docks and eight 1-foot by 30-foot finger piers, and a 10-foot by 30-foot-long L-head at the end of the existing East side walkway.

**CMP Project No:** 16-1392-F1

**Type of Application:** U.S. Army Corps of Engineers (USACE) permit application #SWG-2016-00508. 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*. Comments should be sent to Mr. Solis at the above address or by email.

TRD-201604348

Anne L. Idsal

Chief Clerk/Deputy Land Commissioner

General Land Office

Filed: August 24, 2016



## Texas Health and Human Services Commission

### Public Notice - Temporary Assistance for Needy Families

The Texas Health and Human Services Commission (HHSC) will post the draft Temporary Assistance for Needy Families (TANF) State Plan on the HHSC Internet web site at <http://www.hhsc.state.tx.us/> for public review by September 2, 2016.

**Written Comments.** Written comments on the draft TANF State Plan may be submitted to Lonnie Bean, Policy Strategy, Analysis, and Development, MC-2115, 909 W. 45th Street, Austin, Texas 78751 or by email to *Lonnie.Bean@hhsc.state.tx.us*, within 30 days after publication of this proposal in the *Texas Register*. For additional information or a copy of the TANF State Plan, contact Lonnie Bean at (512) 206-5322.

People requiring Americans with Disabilities Act accommodation, auxiliary aids or services should call Amy Chandler at (51) 487-3419 at least 72 hours before the hearing so appropriate arrangements can be made.

TRD-201604365

Karen Ray

Chief Counsel

Texas Health and Human Services Commission

Filed: August 24, 2016



### Public Notice - Texas State Plan for Medical Assistance Amendment

The Texas Health and Human Services Commission (HHSC) announces its intent to submit an amendment to the Texas State Plan for Medical Assistance under Title XIX of the Social Security Act. The proposed amendment is effective October 1, 2016.

The purpose of this amendment is to update the fee schedules in the current state plan by adjusting fees, rates or charges reflecting updated Medicare reimbursements for:

Durable Medical Equipment, Prosthetics, Orthotics, and Supplies to include orthotics and prosthetics;

Early and Periodic Screening, Diagnosis, and Treatment Services (EPSDT) to include physician administered drugs; and

Physicians and Other Practitioners to include physician administered drugs, female genital system surgery, and general and integumentary system surgery.

The proposed amendment is estimated to result in an annual aggregate cost of \$8,393,212 for federal fiscal year (FFY) 2016, consisting of \$4,715,307 in federal funds and \$3,677,906 in state general revenue. For FFY 2017, the estimated annual cost is \$8,776,135 consisting of \$4,930,433 in federal funds and \$3,845,702 in state general revenue. For FFY 2018, the estimated annual cost is \$9,174,498 consisting of \$5,154,233 in federal funds and \$4,020,265 in state general revenue.

Proposed rate adjustments were calculated based on resource-based fee (RBF) methodology and selected access-based fee (ABF) methodologies, as appropriate. All of the proposed adjustments are being made in accordance with 1 TAC §355.201. Further detail on specific rates and percentage changes is available on the Texas Health and Human Services Rate Analysis website under the proposed effective date at: <http://www.hhsc.state.tx.us/Rad/rate-packets.shtml>.

**Rate Hearing.** A rate hearing was held on August 11, 2016, at 1:30 p.m. in Austin, Texas, and information about the proposed rate changes (including methodology and justification) and the hearing can be found in the July 8, 2016, issue of the *Texas Register* at pages 5113-5115 at <http://www.sos.state.tx.us/texreg/index.shtml>.

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

**Written Comments.** Written comments about the beneficiary access to services affected by the rate adjustments and/or requests to review comments may be sent by U.S. mail, overnight mail, special delivery mail, hand delivery, fax, or email.

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

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

**Fax.** Attention: Rate Analysis at (512) 730-7475

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

TRD-201604309

Karen Ray

Chief Counsel

Texas Health and Human Services Commission

Filed: August 22, 2016



## Public Notice - Waiver Amendment to the Home and Community-based Services Program

The Texas Health and Human Services Commission (HHSC) is submitting to the Centers for Medicare & Medicaid Services (CMS) a request for an amendment of the Home and Community-based Services (HCS) waiver program, a waiver implemented under the authority of §1915(c) of the Social Security Act. This notice revises and is intended to replace the notice that was published on August 19, 2016. CMS has approved this waiver through August 31, 2018. The proposed effective date for the amendment is January 1, 2017, with changes to cost neutrality.

This amendment request proposes to make the following changes:

Add High Medical Needs Support registered nurse (RN), High Medical Needs Support licensed vocational nurse (LVN), and High Medical Needs Support services, including the consumer directed services option (Appendices C, E, I and J).

Update "Methods for Remediation/Fixing Individual Problems" and add administrative penalties as an additional method of remediation for program providers who do not comply with the HCS rules (Appendices C, D and G).

Update "Methods of State Oversight and Follow-up" and add administrative penalties as an additional method of remediation for program providers who do not comply with the HCS rules (Appendix G-3).

The Department of Aging and Disability Services (DADS) operates the HCS waiver, under HHSC's authority. The waiver provides services and supports to individuals with intellectual disabilities who live in their own homes, a family member's home, or community settings such as small three and four person homes. To be eligible for the waiver, individuals must meet financial eligibility criteria and meet the level of care required for admission into an intermediate care facility for individuals with intellectual disabilities.

An individual may obtain a free copy of the proposed waiver amendment, including the HCS settings transition plan, or to ask questions, obtain additional information, or submit comments regarding this amendment or the HCS settings transition plan, by contacting Jacqueline Pernell by U.S. mail, telephone, fax, or email. The addresses are as follows:

### U.S. Mail

Texas Health and Human Services Commission

Attention: Jacqueline Pernell, Waiver Coordinator, Policy Development Support

P.O. Box 13247

Mail Code H-600

Austin, Texas 78711-3247

### Telephone

(512) 428-1931

### Fax

Attention: Jacqueline Pernell, Waiver Coordinator, at (512) 730-7477

### Email

[TX\\_Medicaid\\_Waivers@hhsc.state.tx.us](mailto:TX_Medicaid_Waivers@hhsc.state.tx.us).

In addition, the HHSC local offices will post this notice for 30 days. The complete waiver amendment request can be found online on the DADS website at <http://www.dads.state.tx.us/providers/HCS/>.

TRD-201604340

◆ ◆ ◆  
**Texas Department of Housing and Community Affairs**

Notice to Public and to all Interested Mortgage Lenders

**MORTGAGE CREDIT CERTIFICATE PROGRAM**

The Texas Department of Housing and Community Affairs (the "Department") intends to implement a Mortgage Credit Certificate Program (the "Program") to assist eligible very low, low, and moderate income first-time homebuyers with the purchase of a residence located within the State of Texas.

Under the Program, a first-time homebuyer who satisfies the eligibility requirements described herein may receive a federal income tax credit in an amount equal to the product of the certificate credit rate established under the Program and the interest paid or accrued by the homeowner during the taxable year on the remaining principal of the certified indebtedness amount incurred by the homeowner to acquire the principal residence of the homeowner; provided that such credit allowed in any taxable year does not exceed \$2,000. In order to qualify to receive a mortgage credit certificate, the homebuyer must qualify for a conventional, FHA, VA or other home mortgage loan from a lending institution and must meet the other requirements of the Program.

The mortgage credit certificates will be issued to qualified mortgagors on a first-come, first-served basis by the Department, which will review applications from lending institutions and prospective mortgagors to determine compliance with the requirements of the Program and determine that mortgage credit certificates remain available under the Program. No mortgage credit certificates will be issued prior to ninety (90) days from the date of publication of this notice or after the date that all of the credit certificate amount has been allocated to homebuyers, and in no event will mortgage credit certificates be issued later than the date permitted by federal tax law.

In order to satisfy the eligibility requirements for a mortgage credit certificate under the Program: (a) the prospective residence must be a single-family residence located within the State of Texas that can be reasonably expected to become the principal residence of the mortgagor within a reasonable period of time after the financing is provided; (b) the prospective homebuyer's current income must not exceed, (1) for families of three or more persons, 115% (140% in certain targeted areas or in certain cases permitted under applicable provisions of the Internal Revenue Code of 1986, as amended (the "Code")) of the area median income; and (2) for individuals and families of two persons, 100% (120% in certain targeted areas or in certain cases permitted under applicable provisions of the Code) of the area median income; (c) the prospective homebuyer must not have owned a home as a principal residence during the past three years (except in the case of certain targeted area residences or in certain cases permitted under applicable provisions of the Code); (d) the acquisition cost of the residence must not exceed 90% (110%, in the case of certain targeted area residences or in certain cases permitted under applicable provisions of the Code) of the average area purchase price applicable to the residence; and (e) no part of the proceeds of the qualified indebtedness may be used to acquire or replace an existing mortgage (except in certain cases permitted under applicable provisions of the Code). To obtain additional information on the Program, including the boundaries of current targeted areas, as well as the current income and purchase price limits (which are subject to revision and adjustment from time to time by the Department

pursuant to changes in applicable federal law and Department policy), please contact Cathy Gutierrez at the Texas Department of Housing and Community Affairs, 221 East 11th Street, Austin, Texas 78701-2410; telephone (512) 475-0277.

The Department intends to maintain a list of single family mortgage lenders that will participate in the Program by making loans to qualified holders of these mortgage credit certificates. Any lender interested in appearing on this list or in obtaining additional information regarding the Program should contact Cathy Gutierrez at the Texas Department of Housing and Community Affairs, 221 East 11th Street, Austin, Texas 78701-2410; (512) 475-0277. The Department may schedule a meeting with lenders to discuss in greater detail the requirements of the Program.

This notice is published in satisfaction of the requirements of Section 25 of the Code and Treasury Regulation Section 1.25-3T(j)(4) issued thereunder regarding the public notices prerequisite to the issuance of mortgage credit certificates and to maintaining a list of participating lenders.

TRD-201604346  
Timothy K. Irvine  
Executive Director  
Texas Department of Housing and Community Affairs  
Filed: August 24, 2016

◆ ◆ ◆  
**University of Houston System**

Notice of Procurement - In-Plant Printing Operations

The University of Houston System announces a Request for Proposal (RFP) for consultant services pursuant to Government Code, Chapter 2254, Subchapter B.

RFP730-16151, In-Plant Printing Operations

Purpose:

The University of Houston (UH) Campus Services Department is seeking competitive responses to a Request for Proposal ("RFP") for a Consultant to provide an independent analysis of UH In-Plant Printing Operations.

Eligible Applicants:

Consulting firms with related knowledge and experience in:

Firms that have expertise with current In-Plant Printing Operations.

Services to be performed:

- To evaluate the methods and procedures used to provide in-plant print services
- To review financials/costs required to provide in-plant services
- To examine the effectiveness of Marketing and Customer Development Programs
- To review current equipment and make recommendations for upgrades/replacements
- To make process/service improvement recommendations as needed

Finding by Chief Executive Officer, Renu Khator:

After reviewing the current status and discussing this matter with the staff, the evaluation of these services can only be conducted by a firm considered expert in In-Plant Printing Operations. The university believes that using a third-party consultant, who has conducted similar evaluations of printing services on national campuses similar in con-

text and size to the University, will provide the institution with best practices that can be used to improve the service to our customers. Similarly, in this era of financial accountability, it is important for the University to understand if this service should be outsourced and if the physical and financial resources dedicated to this service should be re-allocated to other programs. The expertise needed for this evaluation is complex and requires a comprehensive knowledge of national industry trends related to university In-Plant Printing. Currently, the In-Plant staff do not have the breadth of experience needed for this evaluation. Thus, it is necessary for the University to engage a consultant to advise on In-Plant Printing Operations, and make recommendations, as appropriate for the improvement of these services.

#### Review and Award Criteria:

All proposals will be evaluated by appointed representatives of the University in accordance with the following procedures:

1. Purchasing will receive and review each RFP proposal to ensure it meets the requirements of the RFP. Qualified proposals will be given to the selection committee.
2. Each member of the selection committee will independently evaluate the qualified proposals according to the criteria in section IX of the RFP, except for price, and send their evaluations to Purchasing. Price will be evaluated by Project Manager.
3. Purchasing will combine the committee's scores to determine which proposal received the highest combined score.
4. Purchasing will notify the respondent with the highest score that the University intends to contract with them.

Deadlines: UH must receive proposals according to instructions in the RFP package on or before Monday, October 3, 2016 at 2:00 p.m. CDT.

Obtaining a copy of the RFP: Copies will be available on the Electronic State Business Daily (ESBD) at <http://esbd.cpa.state.tx.us/>.

The sole point of contact for inquiries concerning RFP is:

Jack Tenner

UH Purchasing

5000 Gulf Freeway, ERP 1, Room 204

Houston, Texas 77204-5015

Phone: (713) 743-5671

Email: [jdtenner@central.uh.edu](mailto:jdtenner@central.uh.edu)

TRD-201604336

Jack Tenner

Director of Purchasing

University of Houston System

Filed: August 23, 2016



## Texas Department of Insurance

### Company Licensing

Application for incorporation in the State of Texas by CLEAR SPRING PROPERTY AND CASUALTY COMPANY, a domestic fire and/or casualty company. The home office is in Austin, Texas.

Application for admission to the State of Texas by THIRD COAST INSURANCE COMPANY, a foreign fire and/or casualty company. The home office is in New Berlin, Wisconsin.

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-201604347

Norma Garcia

General Counsel

Texas Department of Insurance

Filed: August 24, 2016



### Company Licensing

Admission for incorporation in the State of Texas by STARR SPECIALTY INSURANCE COMPANY, a domestic fire and/or casualty company. The home office is in Dallas, Texas.

Any objections must be filed with the Texas Department of Insurance, within twenty (20) calendar days from the date of the *Texas Register* publication, addressed to the attention of Jeff Hunt, 333 Guadalupe Street, MC 305-2C, Austin, Texas 78701.

TRD-201604361

Norma Garcia

General Counsel

Texas Department of Insurance

Filed: August 24, 2016



## Texas Lottery Commission

### Scratch Ticket Game Number 1814 "Holiday Loteria"

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

A. The name of Scratch Ticket Game No. 1814 is "Holiday Loteria". The play style is "row/column/diagonal".

#### 1.1 Price of Scratch Ticket Game.

A. The price for Scratch Ticket Game No. 1814 shall be \$3.00 per Scratch Ticket.

#### 1.2 Definitions in Scratch Ticket Game No. 1814.

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

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

C. Play Symbol - The printed data under the latex on the front of the Scratch Ticket that is used to determine eligibility for a prize. Each Play Symbol is printed in Symbol font in black ink in positive except for dual-image games. The possible black Play Symbols are: SNOWMAN SYMBOL, SNOWGLOBE SYMBOL, MITTEN SYMBOL, SNOWFLAKE SYMBOL, MILK SYMBOL, ICESKATE SYMBOL, SCARF SYMBOL, HAT SYMBOL, BOW SYMBOL, REINDEER SYMBOL, LIGHTS SYMBOL, ORNAMENT SYMBOL, DRUM SYMBOL, ICICLES SYMBOL, CHIMNEY SYMBOL, ACORN SYMBOL, CANDYCANE SYMBOL, SLED SYMBOL, CANDLE SYMBOL, SWEATER SYMBOL, CARD SYMBOL, FIREPLACE SYMBOL, ELF SYMBOL, GINGERBREAD SYMBOL, GIFTBOX SYMBOL, HOLLY SYMBOL, BELLS SYMBOL, SHOVEL SYMBOL, STAR SYMBOL, STOCKING SYMBOL, TREE SYMBOL and WREATH SYMBOL.

D. Play Symbol Caption - The printed material appearing below each Play Symbol which explains the Play Symbol. One caption appears under each Play Symbol and is printed in caption font in black ink

in positive. The Play Symbol Caption which corresponds with and verifies each Play Symbol is as follows:

Figure 1: GAME NO. 1814 - 1.2D

<b>PLAY SYMBOL</b>	<b>CAPTION</b>
SNOWMAN SYMBOL	SNOWMAN
SNOWGLOBE SYMBOL	SNOWGLOBE
MITTEN SYMBOL	MITTEN
SNOWFLAKE SYMBOL	SNOWFLAKE
MILK SYMBOL	MILK
ICESKATE SYMBOL	ICESKATE
SCARF SYMBOL	SCARF
HAT SYMBOL	HAT
BOW SYMBOL	BOW
REINDEER SYMBOL	REINDEER
LIGHTS SYMBOL	LIGHTS
ORNAMENT SYMBOL	ORNAMENT
DRUM SYMBOL	DRUM
ICICLES SYMBOL	ICICLES
CHIMNEY SYMBOL	CHIMNEY
ACORN SYMBOL	ACORN
CANDYCANE SYMBOL	CANDYCANE
SLED SYMBOL	SLED
CANDLE SYMBOL	CANDLE
SWEATER SYMBOL	SWEATER
CARD SYMBOL	CARD
FIREPLACE SYMBOL	FIREPLACE
ELF SYMBOL	ELF
GINGERBREAD SYMBOL	GINGERBREAD
GIFT BOX SYMBOL	GIFTBOX
HOLLY SYMBOL	HOLLY
BELLS SYMBOL	BELLS
SHOVEL SYMBOL	SHOVEL
STAR SYMBOL	STAR
STOCKING SYMBOL	STOCKING
TREE SYMBOL	TREE
WREATH SYMBOL	WREATH

E. Serial Number - A unique 13 (thirteen) digit number appearing under the latex scratch-off covering on the front of the Scratch Ticket. The

Serial Number is for validation purposes and cannot be used to play the game. The format will be: 0000000000000.

F. Low-Tier Prize - A prize of \$3.00, \$4.00, \$7.00, \$10.00, \$17.00 or \$20.00.

G. Mid-Tier Prize - A prize of \$30.00, \$33.00, \$50.00, \$80.00 or \$300.

H. High-Tier Prize - A prize of \$3,000 or \$50,000.

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

J. Pack-Ticket Number - A 14 (fourteen) digit number consisting of the four (4) digit game number (1814), a seven (7) digit Pack number, and a three (3) digit Scratch Ticket number. Scratch Ticket numbers start with 001 and end with 075 within each Pack. The format will be: 1814-0000001-001.

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

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

M. Scratch Game Ticket, Scratch Ticket or Ticket - Texas Lottery "Holiday Loteria" Scratch Ticket Game No. 1814.

2.0 Determination of Prize Winners. The determination of prize winners is subject to the general Scratch Ticket validation requirements set forth in Texas Lottery Rule 401.302, Instant Game Rules, these Game Procedures, and the requirements set out on the back of each Scratch Ticket. A prize winner in the "Holiday Loteria" Scratch Ticket Game is determined once the latex on the Scratch Ticket is scratched off to expose 30 (thirty) Play Symbols. The player scratches the CALLER'S CARD area to reveal 14 symbols. The player scratches only the symbols on the PLAY BOARD that match the symbols revealed on the CALLER'S CARD. If the player reveals a complete row, column or diagonal line, the player wins the prize for that line. El jugador raspa las CARTA DEL GRITON para revelar 14 símbolos. El jugador raspa SOLAMENTE los símbolos en la TABLA DE JUEGO que son iguales a los símbolos revelados en las CARTA DEL GRITON para revelar una línea completa horizontal, vertical o diagonal para ganar el premio para esa línea. No portion of the Display Printing nor any extraneous matter whatsoever shall be usable or playable as a part of the Scratch Ticket.

#### 2.1 Scratch Ticket Validation Requirements.

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

1. Exactly 30 (thirty) Play Symbols must appear under the Latex Overprint on the front portion of the Scratch Ticket;
2. Each of the Play Symbols must have a Play Symbol Caption underneath, unless specified, and each Play Symbol must agree with its Play Symbol Caption;
3. Each of the Play Symbols must be present in its entirety and be fully legible;
4. Each of the Play Symbols must be printed in black ink except for dual image games;

5. The Scratch Ticket shall be intact;

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

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

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

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

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

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

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

13. The Scratch Ticket must be complete and not miscut, and have exactly 30 (thirty) Play Symbols under the Latex Overprint on the front portion of the Scratch Ticket, exactly one Serial Number, exactly one Retailer Validation Code, and exactly one Pack-Scratch Ticket Number on the Scratch Ticket;

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

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

16. Each of the 30 (thirty) Play Symbols must be exactly one of those described in §1.2.C of these Game Procedures;

17. Each of the 30 (thirty) Play Symbols on the Scratch Ticket must be printed in the Symbol font and must correspond precisely to the artwork on file at the Texas Lottery; the Scratch Ticket Serial Numbers must be printed in the Serial font and must correspond precisely to the artwork on file at the Texas Lottery; and the Pack-Scratch Ticket Number must be printed in the Pack-Scratch Ticket Number font and must correspond precisely to the artwork on file at the Texas Lottery;

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

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

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

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

## 2.2 Programmed Game Parameters.

A. A Ticket can win up to three (3) times in accordance with the approved prize structure.

B. Adjacent Non-Winning Tickets within a Pack will not have matching Play Symbol patterns. Two (2) Tickets have matching Play Symbol patterns if they have the same Play Symbols in the same spots.

C. No matching Play Symbols in the CALLER'S CARD play area.

D. At least eight (8), but no more than twelve (12), CALLER'S CARD Play Symbols will match a symbol on the PLAY BOARD play area on a Ticket.

E. CALLER'S CARD Play Symbols will have a random distribution on the Ticket unless restricted by other parameters, play action or prize structure.

F. No matching Play Symbols are allowed on the PLAY BOARD play area.

## 2.3 Procedure for Claiming Prizes.

A. To claim a "Holiday Loteria" Scratch Ticket Game prize of \$3.00, \$4.00, \$7.00, \$10.00, \$17.00, \$20.00, \$30.00, \$33.00, \$50.00, \$80.00 or \$300, a claimant shall sign the back of the Scratch Ticket in the space designated on the Scratch Ticket and present the winning Scratch Ticket to any Texas Lottery Retailer. The Texas Lottery Retailer shall verify the claim and, if valid, and upon presentation of proper identification, if appropriate, make payment of the amount due the claimant and physically void the Scratch Ticket; provided that the Texas Lottery Retailer may, but is not required, to pay a \$30.00, \$33.00, \$50.00, \$80.00 or \$300 Scratch Ticket Game. In the event the Texas Lottery Retailer cannot verify the claim, the Texas Lottery Retailer shall provide the claimant with a claim form and instruct the claimant on how to file a claim with the Texas Lottery. If the claim is validated by the Texas Lottery, a check shall be forwarded to the claimant in the amount due. In the event the claim is not validated, the claim shall be denied and the claimant shall be notified promptly. A claimant may also claim any of the above prizes under the procedure described in §2.3.B and §2.3.C of these Game Procedures.

B. To claim a "Holiday Loteria" Scratch Ticket Game prize of \$3,000 or \$50,000, the claimant must sign the winning Scratch Ticket and present it at one of the Texas Lottery's Claim Centers. If the claim is validated by the Texas Lottery, payment will be made to the bearer of the validated winning Scratch Ticket for that prize upon presentation of proper identification. When paying a prize of \$600 or more, the Texas Lottery shall file the appropriate income reporting form with the Internal Revenue Service (IRS) and shall withhold federal income tax at a rate set by the IRS if required. In the event that the claim is not validated by the Texas Lottery, the claim shall be denied and the claimant shall be notified promptly.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## 3.0 Scratch Ticket Ownership.

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

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

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

4.0 Number and Value of Scratch Prizes. There will be approximately 7,200,000 Scratch Tickets in Scratch Ticket Game No. 1814. The approximate number and value of prizes in the game are as follows:

Figure 2: GAME NO. 1814 - 4.0

Prize Amount	Approximate Number of Winners*	Approximate Odds are 1 in **
\$3	816,000	8.82
\$4	384,000	18.75
\$7	240,000	30.00
\$10	120,000	60.00
\$17	96,000	75.00
\$20	96,000	75.00
\$30	24,000	300.00
\$33	24,000	300.00
\$50	9,000	800.00
\$80	4,440	1,621.62
\$300	3,120	2,307.69
\$3,000	100	72,000.00
\$50,000	5	1,440,000.00

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

\*\*The overall odds of winning a prize are 1 in 3.96. The individual odds of winning for a particular prize level may vary based on sales, distribution, testing, and number of prizes claimed.

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

5.0 End of the Scratch Ticket Game. The Executive Director may, at any time, announce a closing date (end date) for the Scratch Ticket Game No. 1814 without advance notice, at which point no further Scratch Tickets in that game may be sold. The determination of the closing date and reasons for closing will be made in accordance with the Scratch Ticket closing procedures and the Instant Game Rules. See 16 TAC §401.302(j).

6.0 Governing Law. In purchasing a Scratch Ticket, the player agrees to comply with, and abide by, these Game Procedures for Scratch Ticket Game No. 1814, the State Lottery Act (Texas Government Code, Chapter 466), applicable rules adopted by the Texas Lottery pursuant to the State Lottery Act and referenced in 16 TAC, Chapter 401, and all final decisions of the Executive Director.

TRD-201604288

Bob Biard  
General Counsel  
Texas Lottery Commission  
Filed: August 22, 2016



Scratch Ticket Game Number 1866 "Cashword Multiplier"

1.0 Name and Style of Scratch Ticket Game.

A. The name of Scratch Ticket Game No. 1866 is "Cashword Multiplier". The play style is "crossword".

1.1 Price of Scratch Ticket Game.

A. The price for Scratch Ticket Game No. 1866 shall be \$10.00 per Scratch Ticket.

1.2 Definitions in Scratch Ticket Game No. 1866.

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

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

C. Play Symbol - The printed data under the latex on the front of the Scratch Ticket that is used to determine eligibility for a prize. Each Play Symbol is printed in Symbol font in black ink in positive except for dual-image games. The possible black Play Symbols are: A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z, BLACKENED SQUARE SYMBOL, 1X SYMBOL, 2X SYMBOL, 3X SYMBOL, 4X SYMBOL, 5X SYMBOL and 10X SYMBOL.

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

Figure 1: GAME NO. 1866 - 1.2D

PLAY SYMBOL	CAPTION
A	
B	
C	
D	
E	
F	
G	
H	
I	
J	
K	
L	
M	
N	
O	
P	
Q	
R	
S	
T	
U	
V	
W	
X	
Y	
Z	
 SYMBOL	
1X SYMBOL	TIMES1
2X SYMBOL	TIMES2
3X SYMBOL	TIMES3
4X SYMBOL	TIMES4
5X SYMBOL	TIMES5
10X SYMBOL	TIMES10

E. Serial Number - A unique 13 (thirteen) digit number appearing under the latex scratch-off covering on the front of the Scratch Ticket. The

Serial Number is for validation purposes and cannot be used to play the game. The format will be: 0000000000000.

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

G. Mid-Tier Prize - A prize of \$30.00, \$50.00, \$60.00, \$80.00, \$100, \$150, \$200 or \$500.

H. High-Tier Prize - A prize of \$1,000, \$10,000 or \$250,000.

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

J. Pack-Ticket Number - A 14 (fourteen) digit number consisting of the four (4) digit game number (1866), a seven (7) digit Pack number, and a three (3) digit Scratch Ticket number. Scratch Ticket numbers start with 001 and end with 050 within each Pack. The format will be: 1866-0000001-001.

K. Pack - A Pack of the "Cashword Multiplier" Scratch Ticket Game contains 050 Tickets, packed in plastic shrink-wrapping and fanfolded in pages of one (1). Ticket back 001 and 050 will both be exposed.

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

M. Scratch Ticket Game, Scratch Ticket or Ticket - Texas Lottery "Cashword Multiplier" Scratch Ticket Game No. 1866.

2.0 Determination of Prize Winners. The determination of prize winners is subject to the general Scratch Ticket validation requirements set forth in Texas Lottery Rule 401.302, Instant Game Rules, these Game Procedures, and the requirements set out on the back of each Scratch Ticket. A prize winner in the "Cashword Multiplier" Scratch Ticket Game is determined once the latex on the Scratch Ticket is scratched off to expose 312 (three hundred twelve) possible Play Symbols. The player must scratch all the YOUR 20 LETTERS. Then the player must scratch all of the letters found in GAME 1, GAME 2 and GAME 3 that exactly match the YOUR 20 LETTERS. If a player has scratched at least 3 complete WORDS within a GAME, the player wins the prize found in the corresponding PRIZE LEGEND. Each GAME is played separately. WORDS revealed in one GAME cannot be combined with WORDS revealed from another GAME. Only one prize paid per GAME. Only letters within the same GAME that are matched with the YOUR 20 LETTERS can be used to form a complete WORD. In each GAME, every lettered square within an unbroken horizontal (left to right) or vertical (top to bottom) sequence must be matched with the YOUR 20 LETTERS to be considered a complete WORD. Words revealed in a diagonal sequence are not considered valid WORDS. Words within WORDS are not eligible for a prize. A complete WORD must contain at least three letters. GAME 1 and GAME 2 can win by revealing 3 to 9 complete WORDS on each GAME. GAME 3 can win by revealing 3 to 7 complete WORDS. MULTIPLIER BONUS: If a player reveals a 2X, 3X, 4X, 5X or 10X Symbol, then the player multiplies the total prize won in GAMES 1, 2 and 3 by that amount. Revealing a 1X Symbol does not multiply winnings in any GAME. No portion of the Display Printing nor any extraneous matter whatsoever shall be usable or playable as a part of the Scratch Ticket.

#### 2.1 Scratch Ticket Validation Requirements.

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

1. Exactly 312 (three hundred twelve) Play Symbols must appear under the Latex Overprint on the front portion of the Scratch Ticket;

2. Each of the Play Symbols must have a Play Symbol Caption underneath, unless specified, and each Play Symbol must agree with its Play Symbol Caption; Crossword and Bingo games do not typically have Play Symbol Captions;

3. Each of the Play Symbols must be present in its entirety and be fully legible;

4. Each of the Play Symbols must be printed in black ink except for dual image games;

5. The Scratch Ticket shall be intact;

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

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

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

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

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

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

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

13. The Scratch Ticket must be complete and not miscut, and have exactly 312 (three hundred twelve) Play Symbols under the Latex Overprint on the front portion of the Scratch Ticket, exactly one Serial Number, exactly one Retailer Validation Code, and exactly one Pack-Scratch Ticket Number on the Scratch Ticket;

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

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

16. Each of the 312 (three hundred twelve) Play Symbols must be exactly one of those described in §1.2.C of these Game Procedures;

17. Each of the 312 (three hundred twelve) Play Symbols on the Scratch Ticket must be printed in the Symbol font and must correspond precisely to the artwork on file at the Texas Lottery; the Scratch Ticket Serial Numbers must be printed in the Serial font and must correspond precisely to the artwork on file at the Texas Lottery; and the Pack-Scratch Ticket Number must be printed in the Pack-Scratch Ticket Number font and must correspond precisely to the artwork on file at the Texas Lottery;

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

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

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

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

Programmed Game Parameters.

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

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

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

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

E. No matching words on a Ticket.

F. All words used will be from the TEXAS APPROVED WORD LIST CASHWORD/CROSSWORD v.1.1.

G. All words will contain a minimum of 3 letters.

H. All words will contain a maximum of 9 letters.

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

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

K. No matching Play Symbols in the YOUR 20 LETTERS play area.

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

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

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

O. Words from the TEXAS REJECTED WORD LIST v.2.2 will not appear horizontally in the YOUR 20 LETTERS play area when read left to right or right to left.

P. On Non-Winning Tickets, there will be at least two (2) completed words in GAME 1 and GAME 2.

Q. GAME 1 and GAME 2 will not have more than nine (9) complete words per grid.

R. GAME 3 will not have more than seven (7) complete words.

S. MULTIPLIER BONUS: The BONUS Play Symbols of "2X" (TIMES 2), "3X" (TIMES 3), "4X" (TIMES 4), "5X" (TIMES 5) and "10X" (TIMES 10) will only be used on winning Tickets as dictated by the prize structure.

T. MULTIPLIER BONUS: Tickets that do not win in the "MULTIPLIER BONUS" play area will display the "1X" (TIMES 1) BONUS Play Symbol.

U. MULTIPLIER BONUS: Revealing a "1X" (TIMES 1) BONUS Play Symbol does not multiply winnings in any GAME.

2.3 Procedure for Claiming Prizes.

A. To claim a "Cashword Multiplier" Scratch Ticket Game prize of \$10.00, \$20.00, \$30.00, \$50.00, \$60.00, \$80.00, \$100, \$150, \$200 or \$500, a claimant shall sign the back of the Scratch Ticket in the space designated on the Scratch Ticket and present the winning Scratch Ticket to any Texas Lottery Retailer. The Texas Lottery Retailer shall verify the claim and, if valid, and upon presentation of proper identification, if appropriate, make payment of the amount due the claimant and physically void the Scratch Ticket; provided that the Texas Lottery Retailer may, but is not required, to pay a \$30.00, \$50.00, \$60.00, \$80.00, \$100, \$150, \$200 or \$500 Scratch Ticket Game. In the event the Texas Lottery Retailer cannot verify the claim, the Texas Lottery Retailer shall provide the claimant with a claim form and instruct the claimant on how to file a claim with the Texas Lottery. If the claim is validated by the Texas Lottery, a check shall be forwarded to the claimant in the amount due. In the event the claim is not validated, the claim shall be denied and the claimant shall be notified promptly. A claimant may also claim any of the above prizes under the procedure described in §2.3.B and §2.3.C of these Game Procedures.

B. To claim a "Cashword Multiplier" Scratch Ticket Game prize of \$1,000, \$10,000 or \$250,000, the claimant must sign the winning Scratch Ticket and present it at one of the Texas Lottery's Claim Centers. If the claim is validated by the Texas Lottery, payment will be made to the bearer of the validated winning Scratch Ticket for that prize upon presentation of proper identification. When paying a prize of \$600 or more, the Texas Lottery shall file the appropriate income reporting form with the Internal Revenue Service (IRS) and shall withhold federal income tax at a rate set by the IRS if required. In the event that the claim is not validated by the Texas Lottery, the claim shall be denied and the claimant shall be notified promptly.

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

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

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

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

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

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

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

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

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

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

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

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

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

2.8 Disclaimer. The number of prizes in a game is approximate based on the number of Scratch Tickets ordered. The number of actual prizes

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

### 3.0 Scratch Ticket Ownership.

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

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

4.0 Number and Value of Scratch Ticket Prizes. There will be approximately 12,000,000 Scratch Tickets in Scratch Ticket Game No. 1866. The approximate number and value of prizes in the game are as follows:

Figure 2: GAME NO. 1866 - 4.0

Prize Amount	Approximate Number of Winners*	Approximate Odds are 1 in **
\$10	1,440,000	8.33
\$20	840,000	14.29
\$30	480,000	25.00
\$50	320,000	37.50
\$60	63,000	190.48
\$80	45,000	266.67
\$100	80,000	150.00
\$150	6,000	2,000.00
\$200	10,000	1,200.00
\$500	1,000	12,000.00
\$1,000	1,200	10,000.00
\$10,000	67	179,104.48
\$250,000	7	1,714,285.71

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

\*\*The overall odds of winning a prize are 1 in 3.65. The individual odds of winning for a particular prize level may vary based on sales, distribution, testing, and number of prizes claimed.

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

5.0 End of the Scratch Ticket Game. The Executive Director may, at any time, announce a closing date (end date) for the Scratch Ticket Game No. 1866 without advance notice, at which point no further Scratch Tickets in that game may be sold. The determination of the closing date and reasons for closing will be made in accordance with the Scratch Ticket closing procedures and the Instant Game Rules. See 16 TAC §401.302(j).

6.0 Governing Law. In purchasing a Scratch Ticket, the player agrees to comply with, and abide by, these Game Procedures for Scratch Ticket Game No. 1866, the State Lottery Act (Texas Government Code, Chapter 466), applicable rules adopted by the Texas Lottery pursuant to the State Lottery Act and referenced in 16 TAC, Chapter 401, and all final decisions of the Executive Director.

TRD-201604289  
 Bob Biard  
 General Counsel  
 Texas Lottery Commission  
 Filed: August 22, 2016



**Public Utility Commission of Texas**

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 of an application on August 15, 2016, for a service provider certificate of operating authority, pursuant to the Public Utility Regulatory Act. Applicant intends to provide facilities-based and resale telecommunications services in the exchanges of AT&T Texas.

Docket Title and Number: Application of Media Link Telecom, LLC for a Service Provider Certificate of Operating Authority, Docket Number 46285.

Persons who wish 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 September 9, 2016. Hearing and speech impaired individuals with text telephone (TTY) may contact the commission through Relay Texas by dialing 7-1-1. All comments should reference Docket Number 46285.

TRD-201604243  
 Adriana Gonzales  
 Rules Coordinator  
 Public Utility Commission of Texas  
 Filed: August 18, 2016



Notice of Application for Amendment to Certificated Service Area Boundary

Notice is given to the public of an application filed on August 19, 2016, with the Public Utility Commission of Texas (commission) for an amendment to a certificated service area boundary in Comal County, Texas.

Docket Style and Number: Application of Guadalupe Valley Telephone Cooperative, Inc. to Amend a Certificate of Convenience and Necessity for Service Area Boundary Changes Within Comal County. Docket Number 46295.

The Application: The minor boundary amendment is being filed to realign the boundary between the Bulverde exchange of Guadalupe Valley Telephone Cooperative, Inc. (GVTC) and the Elm Creek exchange of ATT Communications, Inc. The amendment will transfer a portion of ATT's serving area in the Elm Creek exchange to GVTC's Bulverde exchange.

Persons wishing to comment on the action sought or intervene should contact the Public Utility Commission of Texas by September 9, 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 telephone (TTY) may contact the commission through Relay Texas by dialing 7-1-1. All comments should reference Docket Number 46295.

TRD-201604363  
Adriana Gonzales  
Rules Coordinator  
Public Utility Commission of Texas  
Filed: August 24, 2016



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

Notice is given to the public of an application filed with the Public Utility Commission of Texas (Commission) on August 17, 2016, pursuant to the Public Utility Regulatory Act, Tex. Util. Code Ann. §39.154 and §39.158.

Docket Style and Number: Application of Monarch Wind, LLC for Approval Pursuant to §39.158 of the Public Utility Regulatory Act, Docket Number 46293.

The Application: On August 17, 2016, Monarch Wind, LLC (Monarch) filed an application for approval of the issuance of passive Class B interests to JPM Capital Corporation and EFS Renewables Holding, LLC (Investors). The combined generation owned and controlled by Monarch, the Investors, and their respective affiliates equals approximately 592.77 MW.

Persons wishing to intervene or comment on the action sought should contact the Public Utility Commission of Texas as soon as possible as an intervention deadline will be imposed. A comment or request to intervene should be mailed to by mail at P.O. Box 13326, Austin, Texas 78711-3326, or by phone at (512) 936-7120 or toll-free at (888) 782-8477. Hearing and speech-impaired individuals with text telephone (TTY) may contact the commission through Relay Texas by dialing 7-1-1. All comments should reference Docket Number 46293.

TRD-201604257  
Adriana Gonzales  
Rules Coordinator  
Public Utility Commission of Texas  
Filed: August 18, 2016



#### Notice of Application to Amend a Certificate of Convenience and Necessity for a Proposed Transmission Line

Notice is given to the public of an application filed with the Public Utility Commission of Texas (commission) on August 16, 2016, to amend a certificate of convenience and necessity for a proposed transmission line in Jefferson, Chambers, and potentially Liberty Counties, Texas.

Docket Style and Number: Application of Entergy Texas, Inc. to Amend its Certificate of Convenience and Necessity for a 230-kV Transmission Line in Jefferson, Chambers, and Liberty Counties, Texas Docket Number 46248.

The Application: The application of Entergy Texas, Inc. includes construction of a new 230-kV transmission line that will connect the existing China Substation located just west of China, Texas in Jefferson County to the existing Stowell Substation located in the unincorporated community of Stowell, Texas in Chambers County. New equipment will be installed at both substations.

The total estimated cost for the project ranges from approximately \$66 million to \$84 million depending on the route chosen. The proposed project is presented with seventeen (17) alternate routes and is estimated to be approximately 20.60 to 26.66 miles in length. Any of the routes or route segments presented in the application could, however, be approved by the commission.

This application includes facilities subject to the Coastal Management Program and must be consistent with the Coastal Management Program goals and policies.

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. The deadline for intervention in this proceeding is September 30, 2016. Hearing and speech-impaired individuals with text telephone (TTY) may contact the commission through Relay Texas by dialing 7-1-1. All comments should reference Docket Number 46248.

TRD-201604226  
Adriana Gonzales  
Rules Coordinator  
Public Utility Commission of Texas  
Filed: August 17, 2016



#### Request for Comments on Rate Filing Package Forms for Class C Water and Sewer Utilities

Project No. 45759

The Public Utility Commission of Texas (commission) requests comments on its proposed rate filing package forms for Class C water and sewer utilities. The proposed forms can be found on the commission's website home page under "Filings," using Control Number 45759. The forms would be used by water and sewer utilities filing an application for a rate adjustment pursuant to Texas Water Code Annotated §13.1872 (West 2008 & Supp. 2016) (TWC). Project Number 45759 is assigned to this proceeding.

Comments on the proposed forms may be submitted to the Filing Clerk, Public Utility Commission of Texas, 1701 North Congress Avenue, P.O. Box 13326, Austin, Texas 78711-3326, on or before September 23, 2016. Sixteen copies of comments to the proposed forms are required to be filed. Comments should be organized in a manner consistent with the organization of the forms. The commission invites specific comments regarding the costs associated with, and benefits that will be gained by, adoption of the proposed forms. The commission will consider the costs and benefits in considering the adoption of the proposed forms. All comments should refer to Project Number 45759.

The commission staff may conduct a workshop on the proposed forms, if requested, at the commission's offices located in the William B. Travis Building, 1701 North Congress Avenue, Austin, Texas 78701. The request for a workshop must be received on or before September 23, 2016.

Questions concerning the project should be directed to A. J. Smullen, Legal Division, at (512) 936-7289. Hearing and speech-impaired individuals with text telephones (TTY) may contact the commission at (512) 936-7136.

TRD-201604305  
Adriana Gonzales  
Rules Coordinator  
Public Utility Commission of Texas  
Filed: August 22, 2016

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## Office of the Secretary of State

### Extension of Comment Periods

On August 1, 2016, the Texas Secretary of State proposed to repeal and replace 1 TAC §81.52, relating to precinct ballot counters, and proposed amendments to 1 TAC §81.60 and §81.61 relating to voting system certification exams, and to §81.62 relating specifically to real time audit log printers. The proposed changes to the rules were published in the August 12, 2016, issue of the *Texas Register* (41 TexReg 5837; 41 TexReg 5840) with a thirty (30) day comment period to follow. **The comment period for all of the foregoing proposed changes has been extended for an additional sixty (60) days, and comments will be accepted through November 10, 2016.**

Comments on the proposed repeal, new rule, and/or amendments may be submitted by mail to Elections Division, Office of the Texas Secretary of State, P.O. Box 12060, Austin, Texas 78711-2060. Comments may also be sent via email to: [elections@sos.texas.gov](mailto:elections@sos.texas.gov). For comments submitted electronically, please include "Proposed Rule §81.52" and/or "Proposed Amendments of Rules §§81.60 - 81.62" in the subject line. Comments should be organized in a manner consistent with the organization of the proposed changes to the rules. Questions concerning the proposed changes to the rules may be directed to Elections Division, Office of the Texas Secretary of State, at (512) 463-5650. The Secretary of State encourages all interested persons to submit written comments no later than November 10, 2016.

TRD-201603845; TRD-201603846; TRD-201603847.

TRD-201604320  
Lindsey Wolf  
General Counsel  
Office of the Secretary of State  
Filed: August 23, 2016

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## Texas Department of Transportation

### Aviation Division - Request for Qualifications for Professional Architectural Services

Nueces County, through its agent, the Texas Department of Transportation (TxDOT), intends to engage a professional architectural firm for services pursuant to the Government Code, Chapter 2254, Subchapter A. TxDOT Aviation Division will solicit and receive qualification statements for the current aviation project as described below.

Airport Sponsor: Nueces County; TxDOT CSJ No.: 16TBROBST. Scope: Architectural services, to include materials testing and inspec-

tion services during construction, for construction of a new terminal building at the Nueces County Airport. The selected architect will coordinate delivery of the project with a construction manager at risk (CMAR) which will be selected under a separate procurement process.

The Agent, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§2000d to 2000d-4) and the Regulations, hereby notifies all respondents that it will affirmatively ensure that any contract entered into pursuant to this advertisement, that disadvantaged business enterprises will be afforded full and fair opportunity to submit in response to this solicitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.

The DBE goal for this phase of the current project is 0%. The goal will be re-set for the construction phase. TxDOT Project Manager is Stephanie Kleiber.

To assist in your qualification statement preparation the criteria, 5010 drawing, project diagram, and most recent Airport Layout Plan are available online at <http://www.txdot.gov/inside-txdot/division/aviation/projects.html> by selecting "Nueces County Airport."

Interested firms shall utilize the latest version of Form AVN-550, titled "Qualifications for Aviation Architectural/Engineering Services." The form may be requested from TxDOT, Aviation Division, 125 E. 11th Street, Austin, Texas 78701-2483, phone number, 1-800-68-PILOT (74568). The form may be emailed by request or downloaded from the TxDOT website at <http://www.txdot.gov/inside-txdot/division/aviation/projects.html>. The form may not be altered in any way. Firms must carefully follow the instructions provided on each page of the form. Qualifications shall not exceed the number of pages in the AVN-550 template. The AVN-550 consists of eight pages of data plus one optional illustration page. A prime provider may only submit one AVN-550. If a prime provider submits more than one AVN-550, that provider will be disqualified. Responses to this solicitation WILL NOT BE ACCEPTED IN ANY OTHER FORMAT.

ATTENTION: To ensure utilization of the latest version of Form AVN-550, firms are encouraged to download Form AVN-550 from the TxDOT website as addressed above. Utilization of Form AVN-550 from a previous download may not be the exact same format. Form AVN-550 is a PDF Template.

Five copies of the completed Form AVN-550 must be received by TxDOT, Aviation Division no later than September 27, 2016, 4:00 p.m. (CDST). Electronic facsimiles or forms sent by email will not be accepted. Please mark the envelope of the forms to the attention of Sheri Quinlan using one of the delivery methods below:

#### Overnight Delivery

TxDOT- Aviation  
200 East Riverside Drive  
Austin, Texas 78704

#### Hand Delivery or Courier\*

TxDOT Riverside Campus, Bldg. 150  
150 East Riverside Drive, 1st Floor  
Austin, Texas 78704

(MUST check in at guard's desk)

\*If hand delivering your response, you must check in with the guard on the 1st floor main visitor's entrance on the east side of Building 150. The guard will contact the Aviation Division's reception desk to announce your arrival. If the guard contacts the Aviation Division's re-

ception desk by the due date and time specified in the RFQ, your response will be considered on time. An Aviation Division representative will meet you downstairs to accept your submittal. **Please plan to arrive at least 30 minutes before the due date and time in order to accommodate any wait time while others are checking in with the guard.**

The consultant selection committee will be composed of Aviation Division staff. The final selection by the committee will generally be made following the completion of review of AVN-550s. The committee will review all AVN-550s and rate and rank each. The Evaluation Criteria for this solicitation can be found at <http://www.txdot.gov/inside-txdot/division/aviation/projects.html> under Information for Consultants. All firms will be notified and the top rated firm will be contacted to begin fee negotiations. The selection committee does, however, reserve the right to conduct interviews for the top rated firms if the committee deems it necessary. If interviews are conducted, selection will be made following interviews.

Please contact TxDOT Aviation for any technical or procedural questions at 1-800-68-PILOT (74568). For procedural questions, please contact Sheri Quinlan, Grant Manager. For technical questions, please contact Stephanie Kleiber, P.E., Project Manager.

TRD-201604319  
Angie Parker  
Associate General Counsel  
Texas Department of Transportation  
Filed: August 22, 2016



#### Public Notice - Aviation

Pursuant to Transportation Code, §21.111, and Title 43, Texas Administrative Code, §30.209, the Texas Department of Transportation conducts public hearings to receive comments from interested parties concerning proposed approval of various aviation projects.

For information regarding actions and times for aviation public hearings, please go to the following website:

[www.txdot.gov/inside-txdot/get-involved/about/hearings-meetings.html](http://www.txdot.gov/inside-txdot/get-involved/about/hearings-meetings.html).

Or visit [www.txdot.gov](http://www.txdot.gov), and under How Do I, choose Find Hearings and Meetings, then choose Hearings and Meetings, and then choose Schedule.

Or contact Texas Department of Transportation, Aviation Division, 150 East Riverside, Austin, Texas 78704, (512) 416-4500 or 1-800-68-PILOT.

TRD-201604260  
Joanne Wright  
Deputy General Counsel  
Texas Department of Transportation  
Filed: August 19, 2016



#### Workforce Solutions Brazos Valley Board

Workforce Innovations Opportunity Act FY17 Targeted Occupations Public Notice

The Workforce Solutions Brazos Valley Board seeks public comment on an update to the FY17 Targeted Occupations list for the time period August 19, 2016 to September 19, 2016. The Targeted Occupation list is used to provide Workforce Innovation Opportunity Act (WIOA) training for eligible customers to achieve self-sufficient wages. A copy of this may be reviewed at the Center for Regional Services located at 3991 East 29th, Bryan, Texas 77802 between 8:00 a.m. to 5:00 p.m., Monday through Friday, for the period August 19, 2016 to September 19, 2016.

A proud partner of the American Job Center network.

Equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities.

Relay Texas (800) 735-2989 TDD (800) 735-2988 (Voice) TTY (979) 595-2819.

TRD-201604259  
Patricia Buck  
Board Program Manager  
Workforce Solutions Brazos Valley Board  
Filed: August 19, 2016



#### Workforce Solutions for the Heart of Texas

Request for Proposal for Lease Space for Workforce Center in Hillsboro, Texas

The Heart of Texas Workforce Development Board, Inc. (HOTWDB) is accepting proposals for lease of office space in Hillsboro, Texas, for the Hill County Workforce Solutions Center. Proposals are due on September 19, 2016 by 4:30 p.m. Any proposal received after that time and date will not be considered.

For bid specifications, the Request for Proposal will be available at [www.hotworkforce.com](http://www.hotworkforce.com).

The Heart of Texas Workforce Development Board, Inc. reserves the right to reject any and/or all bids, and to make awards as they may appear to be advantageous to HOTWDB.

The Heart of Texas Workforce Development Board, Inc. provides workforce services to six counties; Bosque, Falls, Freestone, Hill, Limestone and McLennan.

The Heart of Texas Workforce Board, Inc. is an equal opportunity employer. Programs and auxiliary aids and services are available upon request to include individuals with disabilities. TTY/TDD via RELAY Texas service at 711 or (TDD) 1800-735-2989/1-800-735-2988 (voice).

TRD-201604266  
Anthony Billings  
Executive Director  
Workforce Solutions for the Heart of Texas  
Filed: August 19, 2016

