

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 State Affordable Housing Corporation

Notice of Public Hearing Regarding the Issuance of Bonds

Notice is hereby given of a public hearing to be held by the Texas State Affordable Housing Corporation (the "Issuer") at the Paul Laurence Dunbar Lancaster-Kiest Branch Library at 2800 E Kiest Blvd, Dallas, Texas 75216 on September 14, 2016, at 6:00 p.m., on the proposed issuance by the Issuer of one or more series of multifamily housing revenue bonds (the "Bonds") to provide financing for the acquisition, renovation, rehabilitation and equipping of the following multifamily housing projects (collectively, the "Projects"), as well as to fund working capital for the Projects and reserve funds and costs of issuance for the Bonds:

1. Saint James Manor Apartments, 3119 Easter Ave., Dallas, Texas 75216
2. Peoples El Shaddai Village, 2836 Overton Rd., Dallas, Texas 75216

The maximum aggregate face amount of the Bonds to be issued with respect to the Projects is \$21,300,000. The owner of the Projects is Steele Saint James Peoples LLC, a Texas Limited Liability Corporation.

All interested persons are invited to attend the public hearing to express orally, or in writing, their views on the Projects and the issuance of the Bonds. Further information with respect to the proposed Bonds will be available at the hearing or upon written request prior thereto addressed to the Issuer at 2200 East Martin Luther King Jr. Boulevard, Austin, Texas 78702, Attention: David W. Danenfelzer; (512) 477-3562.

Individuals who require auxiliary aids in order to attend this meeting should contact Laura Ross, ADA Responsible Employee, at (512) 477-3560 at least two days before the meeting so that appropriate arrangements can be made.

Individuals may transmit written testimony or comments regarding the subject matter of this public hearing to David Danenfelzer at ddanenfelzer@tsahc.org.

David Danenfelzer, Senior Director of Development Finance, Texas State Affordable Housing Corporation, 2200 East Martin Luther King Jr. Boulevard Austin, Texas 78702.

TRD-201604534

David Long

President

Texas State Affordable Housing Corporation

Filed: August 26, 2016



Notice of Public Hearing Regarding the Issuance of Bonds

Notice is hereby given of a public hearing to be held by the Texas State Affordable Housing Corporation (the "Issuer") at the Offices of the Issuer at 2200 East Martin Luther King Jr. Blvd., Austin, Texas 78702 on September 26, 2016, at 1:00 p.m., on the proposed issuance by the Issuer of one or more series of multifamily housing revenue bonds (the

"Bonds") to provide financing for the acquisition, renovation, rehabilitation and equipping of the following multifamily housing projects (collectively, the "Projects"), as well as to fund working capital for the Projects and reserve funds and costs of issuance for the Bonds:

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David Danenfelzer, Senior Director of Development Finance, Texas State Affordable Housing Corporation, 2200 East Martin Luther King Jr. Boulevard, Austin, Texas 78702

TRD-201604537

David Long

President

Texas State Affordable Housing Corporation

Filed: August 26, 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, 303.005, 303.008, 303.009, 304.003, and 346.101, Texas Finance Code.

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 09/05/16 - 09/11/16 is 18% for Consumer¹/Agricultural/Commercial² credit through \$250,000.

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 09/05/16 - 09/11/16 is 18% for Commercial over \$250,000.

The monthly ceiling as prescribed by §303.005 and §303.009³ for the period of 08/01/16 - 08/31/16 is 18% or Consumer/Agricultural/Commercial credit through \$250,000.

The monthly ceiling as prescribed by §303.005 and §303.009 for the period of 08/01/16 - 08/31/16 is 18% for Commercial over \$250,000.

The standard quarterly rate as prescribed by §303.008 and §303.009 for the period of 10/01/16 - 12/31/16 is 18% for Consumer/Agricultural/Commercial credit through \$250,000.

The standard quarterly rate as prescribed by §303.008 and §303.009 for the period of 10/01/16 - 12/31/16 is 18% for Commercial over \$250,000.

The retail credit card quarterly rate as prescribed by §303.009¹ for the period of 10/01/16 - 12/31/16 is 18% for Consumer/Agricultural/Commercial credit through \$250,000.

The lender credit card quarterly rate as prescribed by §346.101¹ for the period of 10/01/16 - 12/31/16 is 18% for Consumer/Agricultural/Commercial credit through \$250,000.

The standard annual rate as prescribed by §303.008 and §303.009⁴ for the period of 10/01/16 - 12/31/16 is 18% for Consumer/Agricultural/Commercial credit through \$250,000.

The standard annual rate as prescribed by §303.008 and §303.009 for the period of 10/01/16 - 12/31/16 is 18% for Commercial over \$250,000.

The retail credit card annual rate as prescribed by §303.009¹ for the period of 10/01/16 - 12/31/16 is 18% 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 Consumer/Agricultural/Commercial credit through \$250,000.

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

¹ Credit for personal, family or household use.

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

³ For variable rate commercial transactions only.

⁴ Only for open-end credit as defined in §301.002(14), Texas Finance Code.

TRD-201604562

Leslie Pettijohn

Commissioner

Office of Consumer Credit Commissioner

Filed: August 30, 2016

Texas Education Agency

Request for Applications Concerning Prekindergarten Partnership Planning Grant

Filing Date. August 31, 2016

Filing Authority. The availability of grant funds under Request for Applications (RFA) #701-16-109 is authorized by the Child Care and Development Block Grant Act of 2014 and Texas Education Code, §29.158.

Eligible Applicants. The Texas Education Agency (TEA) is requesting applications under Request for Application (RFA) #701-16-109 from independent school districts or open-enrollment charter schools.

Description. The Prekindergarten Partnership Planning Grant program is intended to assist local education agencies in developing partnerships with Texas Rising Star 4-Star private childcare providers to ex-

pand access and service delivery models for provision of three- and four-year-old prekindergarten. The partnerships established will increase continuity of instruction, kindergarten readiness, and successful transition of young children from private to public school settings.

Dates of Project. The Prekindergarten Partnership Planning Grant program will be implemented February 1, 2017, through June 30, 2018. Applicants should plan for a starting date of no earlier than February 1, 2017, and an ending date of no later than June 30, 2018.

Project Amount. Approximately \$7.4 million is available for the Prekindergarten Partnership Planning Grant program during the February 1, 2017, through June 30, 2018, project period. It is anticipated that approximately 23 grants will be awarded ranging in amounts from \$200,000 to \$450,000.

Selection Criteria. Applications will be selected based on the independent reviewers' assessment of each applicant's ability to carry out all requirements contained in the RFA. Reviewers will evaluate applications based on the standard review criteria. Applications must address each requirement as specified in the RFA to be considered for funding.

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, complete RFA, and supporting information and materials will be posted on the TEA Grant Opportunities webpage at <http://tea4avoswald.tea.state.tx.us/GrantOpportunities/forms/Grant-ProgramSearch.aspx>.

Further Information. For clarifying information about the Prekindergarten Partnership Planning Grant RFA, contact Marnie Glaser, Executive Director of Early Learning, Academics Division, Texas Education Agency at marnie.glaser@tea.texas.gov.

Deadline for Receipt of Applications. Applications must be received by the Texas Education Agency by 5:00 p.m. (Central Time), October 25, 2016, to be considered for funding.

TRD-201604592

Cristina De La Fuente-Valadez

Director, Rulemaking

Texas Education Agency

Filed: August 31, 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 10, 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 10, 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: Anita Lewis and Cody Brent Lewis; DOCKET NUMBER: 2016-0550-PWS-E; IDENTIFIER: RN102697794; LOCATION: Burnet, Burnet 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)(A) 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 July 1, 2012 - December 31, 2012, monitoring period during which the copper action level was exceeded, have the samples analyzed, and report the results to the executive director (ED) and failing to provide 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 no later than 180 days after the end of the July 1, 2012 - December 31, 2012, monitoring period; 30 TAC §290.117(g)(2)(A), §290.122(b)(2)(A) 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 July 1, 2012 - December 31, 2012, monitoring period during which the copper action level was 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 source water treatment; and 30 TAC §290.117(f)(3)(A) and §290.122(b)(2)(A) 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 July 1, 2012 - December 31, 2012, monitoring period during which the copper 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; PENALTY: \$262; ENFORCEMENT COORDINATOR: Yuliya Dunaway, (210) 403-4077; REGIONAL OFFICE: 12100 Park 35 Circle, Building A, Austin, Texas 78753, (512) 339-2929.

(2) COMPANY: Ashmal Food Mart Incorporated dba Diamond Shamrock 1344; DOCKET NUMBER: 2016-0704-PST-E; IDENTIFIER: RN102366713; LOCATION: Temple, Bell 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 tank for releases at a frequency of at least once every month; PENALTY: \$2,813; ENFORCEMENT COORDINATOR: Anthony Rios, (512) 239-2557; REGIONAL OFFICE: 6801 Sanger Avenue, Suite 2500, Waco, Texas 76710-7826, (254) 751-0335.

(3) COMPANY: Aurora Organic Farms, Incorporated and Gerald Benton Dipple, Jr.; DOCKET NUMBER: 2016-0294-AGR-E; IDENTIFIER: RN102327145; LOCATION: Dublin, Erath County; TYPE OF FACILITY: concentrated animal feeding operation; RULES VIOLATED: 30 TAC §305.125(1) and §321.31(a), TWC, §26.121, and Texas Pollutant Discharge Elimination System (TPDES) General Permit Number TXG921165 Part III A(5)(a)(2), by failing to prevent an unauthorized discharge of wastewater; 30 TAC §321.44(b) and TPDES General Permit Number TXG921165 Part III A(5)(c), by failing to collect samples of the discharges from the Retention Control Structure and Land Management Units that occurred on May 14, 2015, within 30 minutes of the initial discharge; and 30 TAC §305.125(1) and §321.44(a) and TPDES General Permit Number TXG921165 Part IV(B)(5) and Part V(B), by failing to notify the TCEQ orally within 24 hours and in writing within 14 business days of becoming aware of a discharge; PENALTY: \$2,945; ENFORCEMENT COORDINATOR: Ronica Rodriguez, (512) 239-2601; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(4) COMPANY: CASPIAN MANAGEMENT GROUP, INCORPORATED dba Texaco Travel Plaza; DOCKET NUMBER: 2016-0780-PST-E; IDENTIFIER: RN103013066; LOCATION: Haslet, Tarrant County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULES VIOLATED: 30 TAC §334.72, by failing to report a suspected release from an underground storage tank (UST) system to the TCEQ within 24 hours of discovery; and 30 TAC §334.74, by failing to investigate a suspected release from a UST system to the TCEQ within 30 days of discovery; PENALTY: \$13,225; ENFORCEMENT COORDINATOR: Danielle Porras, (713) 767-3682; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(5) COMPANY: City of Eden; DOCKET NUMBER: 2016-0342-MWD-E; IDENTIFIER: RN101920924; LOCATION: Eden, Concho County; TYPE OF FACILITY: wastewater treatment plant; RULES VIOLATED: TWC, §26.121(a)(1), 30 TAC §305.125(1), and Texas Pollutant Discharge Elimination System Permit Number WQ0010081001, Effluent Limitations and Monitoring Requirements Number 1, by failing to comply with permitted effluent limitations; PENALTY: \$5,137; Supplemental Environmental Project offset amount of \$4,110; ENFORCEMENT COORDINATOR: Claudia Corrales, (512) 239-4935; REGIONAL OFFICE: 622 South Oakes, Suite K, San Angelo, Texas 76903-7035, (325) 655-9479.

(6) COMPANY: City of Godley; DOCKET NUMBER: 2016-0596-MWD-E; IDENTIFIER: RN101919397; LOCATION: Godley, Johnson County; TYPE OF FACILITY: wastewater treatment facility; RULES VIOLATED: TWC, §26.121(a)(1), 30 TAC §305.125(1), and Texas Pollutant Discharge Elimination System Permit Number WQ0014887001, Effluent Limitations and Monitoring Requirements Number 1, by failing to comply with permitted effluent limitations; PENALTY: \$2,125; ENFORCEMENT COORDINATOR: James Boyle, (512) 239-2527; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(7) COMPANY: City of Tyler; DOCKET NUMBER: 2016-0422-PWS-E; IDENTIFIER: RN101385870; LOCATION: Tyler, Smith County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.115(f)(1) and Texas Health and Safety Code (THSC), §341.0315(c), by failing to comply with the maximum contaminant level (MCL) of 0.060 milligrams per liter (mg/L) for haloacetic acids, based on the locational running annual average; and 30 TAC §290.115(f)(1) and THSC, §341.0315(c), by failing to comply with the MCL of 0.080 mg/L for total trihalomethanes, based on the locational running annual average; PENALTY: \$3,288; ENFORCEMENT COORDINATOR: Ryan Byer, (512) 239-2571; REGIONAL OFFICE: 2916 Teague Drive, Tyler, Texas 75701-3734, (903) 535-5100.

(8) COMPANY: DCP Midstream, LP; DOCKET NUMBER: 2016-0621-AIR-E; IDENTIFIER: RN100218684; LOCATION: Andrews, Andrews County; TYPE OF FACILITY: gas processing plant; RULES VIOLATED: 30 TAC §§113.1090, 122.143(4), and 122.144(1)(G), 40 Code of Federal Regulations (CFR) §63.6625(d) and §63.6655(d), Federal Operating Permit (FOP) Number O2566, Special Terms and Conditions (STC) Number 1.E, and Texas Health and Safety Code (THSC), §382.085(b), by failing to record catalyst inlet temperatures; and 30 TAC §§101.20(2), 113.1090, and 122.143(4), 40 CFR §63.6640(a), FOP Number O2566, STC 1.A, and THSC, §382.085(b), by failing to maintain the four-hour rolling average temperature of the stationary reciprocating internal combustion engine catalyst inlet greater than or equal to 750 degrees fahrenheit; PENALTY: \$28,200; ENFORCEMENT COORDINATOR: Raime Hayes-Falero, (713) 767-3567; REGIONAL OFFICE: 9900 West IH-20, Suite 100, Midland, Texas 79706, (432) 570-1359.

(9) COMPANY: El Paso Natural Gas Company, L.L.C.; DOCKET NUMBER: 2016-0588-AIR-E; IDENTIFIER: RN100216894; LOCATION: Pampa, Carson County; TYPE OF FACILITY: natural gas compressor station; RULES VIOLATED: 30 TAC §122.143(4) and §122.145(2)(A) and (C), Texas Health and Safety Code, §382.085(b), and Federal Operating Permit Number O3555, General Terms and Conditions, by failing to submit a deviation report no later than 30 days after the end of the reporting period; PENALTY: \$3,375; ENFORCEMENT COORDINATOR: Raime Hayes-Falero, (713) 767-3567; REGIONAL OFFICE: 3918 Canyon Drive, Amarillo, Texas 79109-4933, (806) 353-9251.

(10) COMPANY: Exiquio Saenz dba Farm and Ranch Supply; DOCKET NUMBER: 2016-0984-PST-E; IDENTIFIER: RN102285053; LOCATION: San Isidro, Starr County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULES VIOLATED: 30 TAC §334.49(a)(1) and TWC, §26.3475(d), by failing to provide corrosion protection for the underground storage tank (UST) system; and 30 TAC §334.50(b)(1)(A) and TWC, §26.3475(c)(1), by failing to monitor the USTs for releases at a frequency of at least once every month; PENALTY: \$5,438; ENFORCEMENT COORDINATOR: Rebecca Boyett, (512) 239-2503; REGIONAL OFFICE: 1804 West Jefferson Avenue, Harlingen, Texas 78550-5247, (956) 425-6010.

(11) COMPANY: ExxonMobil Oil Corporation; DOCKET NUMBER: 2016-0454-AIR-E; IDENTIFIER: RN102450756; LOCATION: Beaumont, Jefferson County; TYPE OF FACILITY: petroleum refinery; RULES VIOLATED: 30 TAC §§101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), Texas Health and Safety Code, §382.085(b), Federal Operating Permit Number O2000, Special Terms and Conditions Number 18 and General Terms and Conditions, and Flexible Permit Numbers 49138, PSDTX768M1, PSDTX799, PSDTX802, PSDTX932, and PSDTX922M1, Special Conditions Number 1, by failing to prevent unauthorized emissions; PENALTY: \$75,000; Supplemental Environmental Project offset amount of \$37,500; ENFORCEMENT COORDINATOR: Raime Hayes-Falero, (713) 767-3567; REGIONAL OFFICE: 3870 Eastex Freeway, Beaumont, Texas 77703-1892, (409) 898-3838.

(12) COMPANY: FAMOUS INCORPORATED dba Super Stop 1; DOCKET NUMBER: 2016-0759-PST-E; IDENTIFIER: RN102839776; LOCATION: Port Arthur, Jefferson County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULES VIOLATED: 30 TAC §334.8(c)(5)(C), by failing to ensure that a legible tag, label, or marking with the tank number is permanently applied upon or affixed to either the top of the fill tube or to a non-removable point in the immediate area of the fill tube for each regulated underground storage tank (UST) at the facility according to the UST registration and self-certification form; 30 TAC §334.42(i)

and TWC, §26.3475(c)(2), by failing to inspect all sumps, manways, overflow containers or catchment basins associated with a UST system at least once every 60 days to assure that their sides, bottoms, and any penetration points are maintained liquid-tight, and free of liquid and debris; 30 TAC §334.45(c)(3)(A), by failing to install an emergency shutoff valve on each pressurized delivery or product line and ensure that it is securely anchored at the base of the dispenser; and 30 TAC §37.875(a) and §334.10(b)(1)(B), by failing to maintain UST records and make them immediately available for inspection upon request by agency personnel; PENALTY: \$4,733; ENFORCEMENT COORDINATOR: Keith Frank, (512) 239-1203; REGIONAL OFFICE: 3870 Eastex Freeway, Beaumont, Texas 77703-1892, (409) 898-3838.

(13) COMPANY: GOD BLESS, INCORPORATED dba C and C Drive Inn Grocery; DOCKET NUMBER: 2016-0508-PST-E; IDENTIFIER: RN101891554; LOCATION: Angleton, Brazoria County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULES VIOLATED: 30 TAC §334.10(b), by failing to maintain underground storage tank (UST) records and make them immediately available for inspection upon request by agency personnel; 30 TAC §334.49(c)(4)(C) and TWC, §26.3475(d), by failing to test the corrosion protection system for operability and adequacy of protection at a frequency of at least once every three years; 30 TAC §334.50(b)(1)(A) and (2), (d)(1)(B)(ii) and (iii)(I), and TWC, §26.3475(a) and (c)(1), by failing to monitor the USTs for releases at a frequency of at least once every month and failing to provide release detection for the pressurized piping associated with the UST system and to conduct reconciliation of detailed inventory control records at least once every month, sufficiently accurate to detect a release which equals or exceeds the sum of 1.0% of the total substance flow-through for the month plus 130 gallons and record inventory volume measurement for regulated substance inputs, withdrawals, and the amount still remaining in the tanks each operating day; and 30 TAC §115.225, Texas Health and Safety Code, §382.085(b), and 40 Code of Federal Regulations §63.1120(a), by failing to conduct the annual testing of the Stage I equipment; PENALTY: \$9,026; ENFORCEMENT COORDINATOR: Jonathan Nguyen, (512) 239-1661; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1486, (713) 767-3500.

(14) COMPANY: HIMALAYAN SHERPA, INCORPORATED dba Midlothian Mini Mart; DOCKET NUMBER: 2016-0815-PST-E; IDENTIFIER: RN101543171; LOCATION: Midlothian, Ellis 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: \$4,500; ENFORCEMENT COORDINATOR: Epifanio Villarreal, (361) 825-3421; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(15) COMPANY: INVISTA S.a.r.l.; DOCKET NUMBER: 2015-1398-WDW-E; IDENTIFIER: RN102663671; LOCATION: Victoria, Victoria County; TYPE OF FACILITY: industrial chemical manufacturing facility; RULES VIOLATED: 30 TAC §331.63(e), 40 Code of Federal Regulations (CFR) §146.67(c) and Underground Injection Control (UIC) Permit Numbers Waste Disposal Wells (WDW) 004, 028, 105, 106, 142, 143, and 144, Permit Provision (PP) VII.F, by failing to maintain a positive pressure of 100 pounds per square inch gauge (psig) over tubing injection pressure in the tubing-casing annulus in WDW 004, 105, 106, 142, 143, and 144 without dropping below this pressure differential for greater than 15 minutes; 30 TAC §331.64(b), 40 CFR §146.68(a) and UIC Permit Number WDW 105, PP VIII.G, by failing to monitor the specific gravity of injected waste in WDW 105 at least once every 24 hours; 30 TAC §331.65(c)(1) and 40 CFR §146.69(a), by failing to comply with the quarterly reporting requirements for a Class I well injection operation; 30 TAC §305.125(1) and UIC Per-

mit Number WDW 144, PP VII.F, by failing to notify the TCEQ of the March 17, 2014, pressure deviation in the tubing-casing annulus in WDW 144; 30 TAC §331.67(a), by failing to keep complete and accurate records of all monitoring; and 30 TAC §§305.125, 331.64(d), and 331.67(a) and 40 CFR §146.67(f) and WDW Permit Numbers WDW 028 and 105, by failing to properly maintain and use continuous recording devices to record the injection pressure at WDW 028 and 105; PENALTY: \$80,404; Supplemental Environmental Project offset amount of \$32,162; ENFORCEMENT COORDINATOR: Keith Frank, (512) 239-1203; REGIONAL OFFICE: 6300 Ocean Drive, Suite 1200, Corpus Christi, Texas 78412-5503, (361) 825-3100.

(16) COMPANY: Jim Ned Consolidated Independent School District; DOCKET NUMBER: 2016-0690-MWD-E; IDENTIFIER: RN102286549; LOCATION: Tuscola, Taylor County; TYPE OF FACILITY: wastewater treatment facility; RULES VIOLATED: 30 TAC §30.350(d) and (j) and §305.125(1) and TCEQ Permit Number WQ0011908001, Special Provisions Number 2, by failing to employ or contract with 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 §319.11(b) and TCEQ Permit Number WQ0011908001, Monitoring Requirements Number 2, by failing to properly analyze pH samples; 30 TAC §305.125(1) and TCEQ Permit Number WQ0011908001, Monitoring Requirements Numbers 1 and 3, by failing to properly monitor and record flow measurements; and 30 TAC §305.125(1) and (17) and TCEQ Permit Number WQ0011908001, Sludge Provisions, by failing to timely submit an annual sludge report for the monitoring period ending July 31, 2015, to the TCEQ Abilene Regional Office and Enforcement Division Compliance Monitoring Team; PENALTY: \$3,639; ENFORCEMENT COORDINATOR: Austin Henck, (512) 239-6155; REGIONAL OFFICE: 1977 Industrial Boulevard, Abilene, Texas 79602-7833, (325) 698-9674.

(17) COMPANY: KB HOME Lone Star Incorporated; DOCKET NUMBER: 2016-0801-WQ-E; IDENTIFIER: RN106908296; LOCATION: Richmond, Fort Bend County; TYPE OF FACILITY: single-family residential construction site; RULE VIOLATED: TWC, §26.121(a)(2) and Texas Pollutant Discharge Elimination System General Permit Number TXR15YF97, Part VII. Standard Permit Conditions Number 8, by failing to take all reasonable steps to minimize or prevent any discharge that has a reasonable likelihood of adversely affecting human health or the environment; PENALTY: \$2,813; ENFORCEMENT COORDINATOR: Cheryl Thompson, (817) 588-5886; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1486, (713) 767-3500.

(18) COMPANY: Kim Paschal dba Across Texas Custom Homes; DOCKET NUMBER: 2016-1049-WQ-E; IDENTIFIER: RN109117630; LOCATION: Springtown, Parker County; TYPE OF FACILITY: subdivision construction site; RULES VIOLATED: 30 TAC §281.25(a)(4) and 40 Code of Federal Regulations §122.26(c), by failing to obtain authorization under a Texas Pollutant Discharge Elimination System General Permit to discharge stormwater associated with construction activities; PENALTY: \$3,450; ENFORCEMENT COORDINATOR: Farhaud Abbaszadeh, (512) 239-0779; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(19) COMPANY: LAKE LIVINGSTON WATER SUPPLY AND SEWER SERVICE CORPORATION; DOCKET NUMBER: 2016-0716-PWS-E; IDENTIFIER: RN101280790; LOCATION: Livingston, Polk County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.108(f)(1) and Texas Health and Safety Code, §341.0315(c), by failing to comply with the maximum contaminant level of 15 picoCuries per liter for gross alpha particle

activity, based on the running annual average; PENALTY: \$345; ENFORCEMENT COORDINATOR: Sarah Kim, (512) 239-4728; REGIONAL OFFICE: 3870 Eastex Freeway, Beaumont, Texas 77703-1892, (409) 898-3838.

(20) COMPANY: Leon Jennings dba Big Creek Landing and Shelley Jennings dba Big Creek Landing; DOCKET NUMBER: 2015-1290-PWS-E; IDENTIFIER: RN101255735; LOCATION: Maud, Bowie County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.109(c)(4)(B) and §290.122(c)(2)(A) and (f), by failing to collect a raw groundwater source *Escherichia coli* sample from all active sources within 24 hours of notification of a distribution total coliform-positive result for a routine sample during the month of June 2014 and failing to issue public notification and submit a copy of the notification to the executive director (ED) regarding the failure to collect a raw groundwater source sample following notification of a coliform-positive result on a routine sample during the month of June 2014; 30 TAC §290.109(c)(3)(A)(ii) and §290.122(c)(2)(A) and (f), by failing to collect a set of repeat distribution total coliform samples within 24 hours of being notified of a total coliform-positive sample result on a routine sample for the month of January 2015 and failing to issue public notification and submit a copy of notification to the ED regarding the failure to collect a set of repeat distribution total coliform samples following a coliform-positive result from a sample collected in January 2015; 30 TAC §290.109(c)(2)(F) and §290.122(c)(2)(A) and (f), by failing to collect five routine distribution coliform samples during the month following a total coliform-positive sample result for the month of February 2015 and failing to issue public notification and submit a copy of notification to the ED regarding the failure to collect five routine distribution coliform samples during the month following a total coliform-positive sample result for the month of February 2015; and 30 TAC §290.122(c)(2)(A) and (f), by failing to issue public notification and submit a copy of the public notification to the ED regarding the failure to collect a set of repeat distribution total coliform samples within 24 hours of being notified of a total coliform-positive sample result on a routine sample collected in June 2014; PENALTY: \$925; ENFORCEMENT COORDINATOR: Katy Montgomery, (210) 403-4016; REGIONAL OFFICE: 2916 Teague Drive, Tyler, Texas 75701-3734, (903) 535-5100.

(21) COMPANY: Miller Springs Materials, L.L.C.; DOCKET NUMBER: 2016-0683-WQ-E; IDENTIFIER: RN107249989; LOCATION: Belton, Bell County; TYPE OF FACILITY: aggregate production operation (APO); RULE VIOLATED: 30 TAC §342.25(d), by failing to renew the APO registration annually as regulated activities continued; PENALTY: \$10,000; ENFORCEMENT COORDINATOR: Larry Butler, (512) 239-2543; REGIONAL OFFICE: 6801 Sanger Avenue, Suite 2500, Waco, Texas 76710-7826, (254) 751-0335.

(22) COMPANY: Nimat Enterprise, Incorporated dba A and R Food Store; DOCKET NUMBER: 2016-0584-PST-E; IDENTIFIER: RN101433290; LOCATION: Arlington, Tarrant County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULES VIOLATED: 30 TAC §334.50(b)(1)(A) and TWC, §26.3475(c)(1), by failing to monitor the underground storage tanks (USTs) for releases at a frequency of at least once every month; and 30 TAC §334.49(a)(1) and TWC, §26.3475(d), by failing to provide corrosion protection for the UST system; PENALTY: \$4,876; ENFORCEMENT COORDINATOR: Danielle Porras, (713) 767-3682; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(23) COMPANY: NORTH ORANGE WATER AND SEWER, LLC; DOCKET NUMBER: 2016-0573-PWS-E; IDENTIFIER: RN102078896; LOCATION: Orange, Orange 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 ten sample sites for the first six-month monitoring period 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 executive director (ED); 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 provide 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 during the January 1, 2015 - June 30, 2015, monitoring period; 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 provide 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 no later than 180 days after the end of the January 1, 2014 - December 31, 2014, monitoring period; 30 TAC §290.117(f)(3)(A) and §290.122(b)(2)(A) 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 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; 30 TAC §290.117(g)(2)(A) and §290.122(b)(2)(A) 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 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 source water treatment; 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 lead and copper tap samples at the required ten sample sites, have the samples analyzed, and report the results to the ED for the January 1, 2011 - December 31, 2013, monitoring period; and 30 TAC §291.76 and TWC, §5.702, by failing to pay regulatory assessment fees for the TCEQ Public Utility Account regarding Certificate of Convenience and Necessity Number 11511 for calendar years 2014 and 2015; PENALTY: \$1,821; ENFORCEMENT COORDINATOR: Katy Montgomery, (210) 403-4016; REGIONAL OFFICE: 3870 Eastex Freeway, Beaumont, Texas 77703-1892, (409) 898-3838.

(24) COMPANY: Om and Dev Shah, LLC dba O and D Fuel Stop; DOCKET NUMBER: 2016-1059-PST-E; IDENTIFIER: RN103048666; LOCATION: Santa Fe, Galveston County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULES VIOLATED: 30 TAC §115.245(2) and Texas Health and Safety Code (THSC), §382.085(b), by failing to verify proper operation of the Stage II equipment at least once every 12 months; 30 TAC §115.242(d)(9) and THSC, §382.085(b), by failing to post operating instructions conspicuously on the front of each gasoline dispensing pump equipped with a Stage II vapor recovery system; 30 TAC §334.42(i), by failing

to inspect all sumps, including dispenser sumps, manways, over-spill containers or catchment basins associated with an underground storage tank system at least once every 60 days to assure that their sides, bottoms, and any penetration points are maintained liquid tight and free of any liquid or debris; and 30 TAC §334.49(c)(2)(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 components are operating properly; PENALTY: \$4,815; ENFORCEMENT COORDINATOR: Danielle Porras, (713) 767-3682; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(25) COMPANY: Papas Smoken Whoop Stop LLC dba Whoop Stop 1; DOCKET NUMBER: 2016-0587-PST-E; IDENTIFIER: RN105698880; LOCATION: Paige, Bastrop 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: Jonathan Nguyen, (512) 239-1661; REGIONAL OFFICE: 12100 Park 35 Circle, Building A, Austin, Texas 78753, (512) 339-2929.

(26) COMPANY: Parkside at Mayfield Ranch, Limited; DOCKET NUMBER: 2016-1073-EAQ-E; IDENTIFIER: RN107157935; LOCATION: Georgetown, Williamson County; TYPE OF FACILITY: residential subdivision; RULE VIOLATED: 30 TAC §213.4(k) and Water Pollution Abatement Plan (WPAP) Number 11-14031801, Standard Condition Number 2, by failing to comply with an approved WPAP; PENALTY: \$4,125; ENFORCEMENT COORDINATOR: Cheryl Thompson, (817) 588-5886; REGIONAL OFFICE: 12100 Park 35 Circle, Building A, Austin, Texas 78753, (512) 339-2929.

(27) COMPANY: Pioneer Natural Resources USA, Incorporated; DOCKET NUMBER: 2016-0312-PWS-E; IDENTIFIER: RN106240799; LOCATION: Midland, Midland County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.106(f)(2) and Texas Health and Safety Code, §341.031(a), by failing to comply with the acute maximum contaminant level of ten milligrams per liter for nitrate; and 30 TAC §290.51(a)(6) and TWC, §5.702, by failing to pay Public Health Service Fees and associated late fees for TCEQ Financial Administration Account Number 1650137 for Fiscal Year 2015; PENALTY: \$660; ENFORCEMENT COORDINATOR: Sarah Kim, (512) 239-4728; REGIONAL OFFICE: 9900 West IH-20, Suite 100, Midland, Texas 79706, (432) 570-1359.

(28) COMPANY: Red River Authority of Texas; DOCKET NUMBER: 2016-0957-MWD-E; IDENTIFIER: RN101718955; LOCATION: Wichita Falls, Clay County; TYPE OF FACILITY: wastewater treatment plant; RULES VIOLATED: TWC, §26.121(a)(1), 30 TAC §305.125(1), and Texas Pollutant Discharge Elimination System (TPDES) Permit Number WQ0011445001, Effluent Limitations and Monitoring Requirements Numbers 1 and 3, by failing to comply with permitted effluent limits; 30 TAC §§305.125(1), (11)(A) and (17), 319.1, 319.4, and 319.5(b) and TPDES Permit Number WQ0011445001, Monitoring and Reporting Requirements Numbers 1 and 3(a), by failing to collect and analyze effluent samples at the intervals specified in the permit; PENALTY: \$4,500; ENFORCEMENT COORDINATOR: Caleb Olson, (512) 239-2541; REGIONAL OFFICE: 1977 Industrial Boulevard, Abilene, Texas 79602-7833, (325) 698-9674.

(29) COMPANY: SILPAK, INCORPORATED dba First Stop Food Mart; DOCKET NUMBER: 2016-0897-PST-E; IDENTIFIER: RN102357316; LOCATION: Cooper, Delta 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: \$3,000; ENFORCEMENT COORDINATOR: Keith Frank, (512) 239-1203; REGIONAL OFFICE: 2916 Teague Drive, Tyler, Texas 75701-3734, (903) 535-5100.

(30) COMPANY: TEXAS GIANT KIM'S, INCORPORATED dba Stateline Citgo; DOCKET NUMBER: 2016-0864-PST-E; IDENTIFIER: RN102372737; LOCATION: Texarkana, Bowie 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: \$4,500; ENFORCEMENT COORDINATOR: Alejandro Laje, (512) 239-2547; REGIONAL OFFICE: 2916 Teague Drive, Tyler, Texas 75701-3734, (903) 535-5100.

(31) COMPANY: Texas Water Systems, Incorporated; DOCKET NUMBER: 2016-0827-PWS-E; IDENTIFIER: RN101210292; LOCATION: Winnsboro, Upshur County; TYPE OF FACILITY: public water system; RULES VIOLATED: 30 TAC §290.45(b)(1)(C)(i), (ii) and (iii) and Texas Health and Safety Code (THSC), §341.0315(c), by failing to provide a minimum well capacity of 0.6 gallons per minute (gpm) per connection and failing to provide a total storage capacity of 200 gallons per connection and failing to provide two or more service pumps having a total capacity of at least 2.0 gpm per connection at each pump station or pressure plane; 30 TAC §290.45(b)(1)(C)(iv) and THSC, §341.0315(c), by failing to provide a pressure tank capacity of at least 20 gallons per connection; 30 TAC §290.43(c)(8), by failing to maintain the facility's storage tanks in strict accordance with current American Water Works Association standards; and 30 TAC §290.46(m), by failing to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the facility and its equipment; PENALTY: \$300; ENFORCEMENT COORDINATOR: Ross Luedtke, (512) 239-3157; REGIONAL OFFICE: 2916 Teague Drive, Tyler, Texas 75701-3734, (903) 535-5100.

(32) COMPANY: United Drive Inn Number 7, LLC; DOCKET NUMBER: 2016-0761-PST-E; IDENTIFIER: RN102266111; LOCATION: McAllen, Hidalgo 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 individual for each class of operator - Class A, Class B, and Class C for the facility; PENALTY: \$4,500; ENFORCEMENT COORDINATOR: Holly Kneisley, (817) 588-5856; REGIONAL OFFICE: 1804 West Jefferson Avenue, Harlingen, Texas 78550-5247, (956) 791-6611.

TRD-201604554
Kathleen C. Decker
Director, Litigation Division
Texas Commission on Environmental Quality
Filed: August 30, 2016



Amended Notice of Hearing

CLEAN HARBORS SAN LEON, INC.

SOAH Docket No. 582-16-5475

TCEQ Docket No. 2016-0666-IWD

Permit No. WQ0004086000

APPLICATION.

Clean Harbors San Leon, Inc., 2700 Avenue S, San Leon, Texas 77539, which operates the Clean Harbors Recycling Facility, a recycling and storage facility that handles oily waste from the petroleum refining and petrochemical industries, has applied to the Texas Commission on Environmental Quality (TCEQ) for a major amendment to Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0004086000 to authorize the discharge of treated process wastewater and treated contaminated stormwater at a daily average flow not to exceed 105,000 gallons per day via proposed internal Outfall 101. The draft permit authorizes the discharge of stormwater associated with industrial activity and previously monitored effluent (from internal Outfall 101) on an intermittent and flow-variable basis via Outfall 001. The TCEQ received this application on May 21, 2015.

The facility is located at 2700 Avenue S, near the intersection of 27th Street and Avenue S, approximately 3/4 mile east of State Highway 146 at Dickinson Bayou, in San Leon, Galveston County, Texas 77539. The effluent is discharged to a drainage ditch; thence to an unnamed tidal tributary of Dickinson Bayou Tidal; thence to Dickinson Bayou Tidal in Segment No. 1103 of the San Jacinto-Brazos Coastal Basin. The unclassified receiving waters have minimal aquatic life use for the unnamed ditch and high aquatic life use for the unnamed tidal tributary. The designated uses for Segment No. 1103 are high aquatic life use and primary contact recreation.

In accordance with Title 30 Texas Administrative Code (TAC) §307.5 and the TCEQ implementation procedures (June 2010) for the Texas Surface Water Quality Standards, an antidegradation review of the receiving waters was performed. A Tier 1 antidegradation review has preliminarily determined that existing water quality uses will not be impaired by this permit action. Numerical and narrative criteria to protect existing uses will be maintained. A Tier 2 review has preliminarily determined that no significant degradation of water quality is expected in the unnamed tidal tributary or Dickinson Bayou, which have been identified as having high aquatic life uses. Existing uses will be maintained and protected. The preliminary determination can be reexamined and may be modified if new information is received.

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

The TCEQ Executive Director has prepared a draft permit which, if approved, would establish the conditions under which the facility must operate. The Executive Director has made a preliminary decision that this permit, if issued, meets all statutory and regulatory requirements. The permit application, Executive Director's preliminary decision, and draft permit are available for viewing and copying at the Dickinson Public Library, 4411 Highway 3, Dickinson, 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=29.469722&lng=-94.966666&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. - October 25, 2016

State Office of Administrative Hearings

The Preserve at North Loop
 2020 North Loop West, Suite 111
 Houston, Texas 77018

Bridget C. Bohac
 Chief Clerk
 Texas Commission on Environmental Quality
 Filed: August 31, 2016

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 TCEQ can be found at our web site at <http://www.tceq.texas.gov/>.

Further information may also be obtained from Clean Harbors San Leon, Inc. at the address stated above or by calling Mr. Roger Dickerman, General Manager, at (281) 339-6412.

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 26, 2016

TRD-201604586

◆ ◆ ◆
Amended Notice of Hearing

(To Change Hearing Time)

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 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:

PM₁₀

Maximum Averaging Time	Maximum Increment Consumed (µg/m³)	Allowable Increment (µg/m³)
24-hour	7.9	30
Annual	1.5	17

PM_{2.5}

Maximum Averaging Time	Maximum Increment Consumed (µg/m³)	Allowable Increment (µg/m³)
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, the TCEQ

Corpus Christi regional office, and at 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&zooom=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:

1:00 p.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 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, 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 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 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 25, 2016

TRD-201604587

Bridget C. Bohac

Chief Clerk

Texas Commission on Environmental Quality

Filed: August 31, 2016



Enforcement Orders

An agreed order was adopted regarding Superior Stone Inc., Docket No. 2015-1350-WQ-E on August 31, 2016, assessing \$5,000 in administrative penalties with \$1,000 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 Huber & Associates LLC, Docket No. 2016-0115-MLM-E on August 31, 2016, assessing \$2,500 in administrative penalties with \$500 deferred. Information concerning any aspect of this order may be obtained by contacting Danielle Porras, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding City of Jacksonville, Docket No. 2016-0147-PWS-E on August 31, 2016, assessing \$690 in administrative penalties with \$138 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 NEW DELTA BUSINESS LLC dba Delta Food Mart 2, Docket No. 2016-0262 -PST-E on August 31, 2016, assessing \$3,108 in administrative penalties with \$621 deferred. Information concerning any aspect of this order may be obtained by contacting Catherine Grutsch, 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 Sprovy 7 Applegate TX 1, LLC, Docket No. 2016-0267-EAQ-E on August 31, 2016, assessing \$938 in administrative penalties with \$187 deferred. Information concerning any aspect of this order may be obtained by contacting Herbert Darling, 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 Arturo Lomeli Briseno dba A B Ranch, Docket No. 2016-0310-AGR-E on August 31, 2016, assessing \$3,563 in administrative penalties with \$712 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 Plainview BioEnergy, LLC, Docket No. 2016-0339-IWD-E on August 31, 2016, assessing \$5,083 in administrative penalties with \$1,016 deferred. Information concerning any aspect of this order may be obtained by contacting Farhaud 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 Harris County Water Control and Improvement District No. 21, Docket No. 2016-0352-PWS-E on August 31, 2016, assessing \$330 in administrative penalties with \$66 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 Paul Leighton, Docket No. 2016-0358-WQ-E on August 31, 2016, assessing \$5,000 in administrative penalties with \$1,000 deferred. Information concerning any aspect of this order may be obtained by contacting Ross Luedtke, 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 MULLEN TELLES, INC., Docket No. 2016-0361-WQ-E on August 31, 2016, assessing \$5,938 in administrative penalties with \$1,187 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 City of Deport, Docket No. 2016-0376-MWD-E on August 31, 2016, assessing \$4,050 in administrative penalties with \$810 deferred. Information concerning any aspect of this order may be obtained by contacting Ross Luedtke, 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 McEachern Enterprises Inc., Docket No. 2016-0441-WQ-E on August 31, 2016, assessing \$2,813 in administrative penalties with \$562 deferred. Information concerning any aspect of this order may be obtained by contacting Ross Luedtke, 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 TIERRA GROCERIES INC. dba A-Stop, Docket No. 2016-0535-PST-E on August 31, 2016, assessing \$2,438 in administrative penalties with \$487 deferred. Information concerning any aspect of this order may be obtained by contacting Keith Frank, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Rudisill Properties, LLC, Docket No. 2016-0572-MSW-E on August 31, 2016, assessing \$938 in administrative penalties with \$187 deferred. Information concerning any aspect of this order may be obtained by contacting Catherine Grutsch, 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 BSV Fuel Inc dba 107 Food Mart 2, Docket No. 2016-0575-PST-E on August 31, 2016, assessing \$2,567 in administrative penalties with \$513 deferred. Information concerning any aspect of this order may be obtained by contacting Holly Kneisley, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding SHUKAR INC. dba Dripping Springs Food Mart, Docket No. 2016-0661-PST-E on August 31, 2016, assessing \$4,500 in administrative penalties with \$900 deferred. Information concerning any aspect of this order may be obtained by contacting Abigail Lindsey, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding ABF, INC., Docket No. 2016-0688-PWS-E on August 31, 2016, assessing \$50 in administrative penalties with \$10 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.

A field citation was adopted regarding Steven A. Campbell, Docket No. 2016-1067-LII-E on August 31, 2016, assessing \$175 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.

A field citation was adopted regarding Jonathan Quick, Docket No. 2016-1068-WOC-E on August 31, 2016, assessing \$175 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.

TRD-201604591

Bridget C. Bohac

Chief Clerk

Texas Commission on Environmental Quality

Filed: August 31, 2016



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

The Texas Commission on Environmental Quality (TCEQ or commission) staff is providing an opportunity for written public comment on the listed Default Order (DO). The commission staff proposes a DO when the staff has sent an executive director's preliminary report and petition (EDPRP) to an entity outlining the alleged violations; the proposed penalty; the proposed technical requirements necessary to bring the entity back into compliance; and the entity fails to request a hearing on the matter within 20 days of its receipt of the EDPRP or requests a hearing and fails to participate at the hearing. Similar to the procedure followed with respect to Agreed Orders entered into by the executive director of the commission, in accordance with Texas Water Code (TWC), §7.075, this notice of the proposed order and the opportunity to comment is published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is **October 10, 2016**. The commission will consider any written comments received, and the commission may withdraw or withhold approval of a DO if a comment discloses facts or considerations that indicate that consent to the proposed DO is inappropriate, improper, inadequate, or inconsistent with the requirements of the statutes and rules within the commission's jurisdiction, or the commission's orders and permits issued in accordance with the commission's regulatory authority. Additional notice of changes to a proposed DO is not required to be published if those changes are made in response to written comments.

A copy of the proposed DO is available for public inspection at both the commission's central office, located at 12100 Park 35 Circle, Building A, 3rd Floor, Austin, Texas 78753, (512) 239 3400 and at the applica-

ble regional office listed as follows. Written comments about the DO should be sent to the attorney designated for the DO at the commission's central office at P.O. Box 13087, MC 175, Austin, Texas 78711 3087 and must be **received by 5:00 p.m. on October 10, 2016**. Comments may also be sent by facsimile machine to the attorney at (512) 239 3434. The commission's attorneys are available to discuss the DO and/or the comment procedure at the listed phone numbers; however, TWC, §7.075 provides that comments on the DO shall be submitted to the commission in **writing**.

(1) COMPANY: Dry Creek Shell LLC; DOCKET NUMBER: 2016-0094-PST-E; TCEQ ID NUMBER: RN102399383; LOCATION: 3800 Dry Creek Drive, Austin, Travis County; TYPE OF FACILITY: underground storage tank (UST) system and a convenience store with retail sales of gasoline; RULES VIOLATED: Texas Health and Safety Code (THSC), §382.085(b) and 30 TAC §115.221, by failing to control displaced vapors by a vapor control or a vapor balance system during the transfer of gasoline from a tank-trunk into the UST system at the Station; THSC, §382.085(b) and 30 TAC §115.225, by failing to comply with annual Stage I vapor recovery testing requirements; TWC, §26.3475(c)(2) and 30 TAC §334.51(b)(2)(C), by failing to equip each tank with overfill prevention equipment; and 30 TAC §334.602(a), by failing to designate, train, and certify at least one individual for each class of operator - Class A, B, and C - for the Station; PENALTY: \$13,552; STAFF ATTORNEY: Isaac Ta, Litigation Division, MC 175, (512) 239-0683; REGIONAL OFFICE: Austin Regional Office, 12100 Park 35 Circle, Building A, Austin, Texas 78753, (512) 339-2929.

TRD-201604557
Kathleen C. Decker
Director, Litigation Division
Texas Commission on Environmental Quality
Filed: August 30, 2016



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

The Texas Commission on Environmental Quality (TCEQ or commission) staff is providing an opportunity for written public comment on the listed Agreed Order (AO) in accordance with Texas Water Code (TWC), §7.075. TWC, §7.075 requires that before the commission may approve the AO, the commission shall allow the public an opportunity to submit written comments on the proposed AO. TWC, §7.075 requires that notice of the opportunity to comment must be published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is **October 10, 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 the proposed AO is available for public inspection at both the commission's central office, located at 12100 Park 35 Circle, Building A, 3rd Floor, Austin, Texas 78753, (512) 239 3400 and at the applicable regional office listed as follows. Written comments about an AO should be sent to the attorney designated for the AO at the commission's central office at P.O. Box 13087, MC 175, Austin, Texas 78711 3087 and must be **received by 5:00 p.m. on October 10, 2016**. Comments may also be sent by facsimile machine to the attorney at (512) 239 3434.

The designated attorney is available to discuss the AO and/or the comment procedure at the listed phone number; however, TWC, §7.075 provides that comments on an AO shall be submitted to the commission in **writing**.

(1) COMPANY: Savyan, Inc. d/b/a 7 days; DOCKET NUMBER: 2016-0332-PST-E; TCEQ ID NUMBER: RN104374236; LOCATION: 627 Oyster Creek Drive, Lake Jackson, Brazoria County; TYPE OF FACILITY: underground storage tank (UST) system and a 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 USTs for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring); 30 TAC §334.50(d)(1)(B)(ii) and TWC, §26.3475(c)(1), by failing to conduct reconciliation of detailed inventory control records at least once each month, sufficiently accurate to detect a release as small as the sum of 1.0% of the total substance flow-through for the month plus 130 gallons; and 30 TAC §334.50(d)(1)(B)(iii)(I) and TWC, §26.3475(c)(1), by failing to record inventory volume measurement for regulated substance inputs, withdrawals, and the amount still remaining in the tanks each operating day; PENALTY: \$3,750; STAFF ATTORNEY: Eric Grady, Litigation Division, MC 175, (512) 239-0655; REGIONAL OFFICE: Houston Regional Office, 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

TRD-201604556
Kathleen C. Decker
Director Litigation Division
Texas Commission on Environmental Quality
Filed: August 30, 2016



Notice of Opportunity to Comment on Shutdown/Default Order of Administrative Enforcement Actions

The Texas Commission on Environmental Quality (TCEQ or commission) staff is providing an opportunity for written public comment on the listed Shutdown/Default Order (S/DO). Texas Water Code (TWC), §26.3475 authorizes the commission to order the shutdown of any underground storage tank (UST) system found to be noncompliant with release detection, spill and overfill prevention, and/or, after December 22, 1998, cathodic protection regulations of the commission, until such time as the owner/operator brings the UST system into compliance with those regulations. The commission proposes a Shutdown Order after the owner or operator of a UST facility fails to perform required corrective actions within 30 days after receiving notice of the release detection, spill and overfill prevention, and/or after December 22, 1998, cathodic protection violations documented at the facility. The commission proposes a Default Order when the staff has sent an executive director's preliminary report and petition (EDPRP) to an entity outlining the alleged violations, the proposed penalty, the proposed technical requirements necessary to bring the entity back into compliance, and the entity fails to request a hearing on the matter within 20 days of its receipt of the EDPRP or requests a hearing and fails to participate at the hearing. In accordance with TWC, §7.075, this notice of the proposed order and the opportunity to comment is published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is **October 10, 2016**. The commission will consider any written comments received and the commission may withdraw or withhold approval of an S/DO if a comment discloses facts or considerations that indicate that consent to the proposed S/DO is inappropriate, improper, inadequate, or inconsistent with the requirements of the statutes and rules within the commission's jurisdiction, or the commission's orders and permits issued in accordance with the commission's regulatory authority. Additional notice of

changes to a proposed S/DO is not required to be published if those changes are made in response to written comments.

A copy of the proposed S/DO is available for public inspection at both the commission's central office, located at 12100 Park 35 Circle, Building A, 3rd Floor, Austin, Texas 78753, (512) 239-3400 and at the applicable regional office listed as follows. Written comments about the S/DO shall be sent to the attorney designated for the S/DO at the commission's central office at P.O. Box 13087, MC 175, Austin, Texas 78711-3087 and must be **received by 5:00 p.m. on October 10, 2016**. Written comments may also be sent by facsimile machine to the attorney at (512) 239-3434. The commission attorneys are available to discuss the S/DO and/or the comment procedure at the listed phone numbers; however, comments on the S/DO shall be submitted to the commission in writing.

(1) COMPANY: CHAKLASHIA ENTERPRISES, INC. d/b/a Sunmart 290; DOCKET NUMBER: 2015-1464-PST-E; TCEQ ID NUMBER: RN102059623; LOCATION: 6802 Cullen Boulevard, Houston, Harris County; TYPE OF FACILITY: underground storage tank (UST) system and convenience store with retail sales of gasoline; RULES VIOLATED: TWC, §26.3475(c)(1) and 30 TAC §334.50(b)(1)(A), by failing to monitor the USTs for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring); PENALTY: \$3,750; STAFF ATTORNEY: Amanda Patel, Litigation Division, MC 175, (512) 239-3990; REGIONAL OFFICE: Houston Regional Office, 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

TRD-201604555

Kathleen C. Decker

Director, Litigation Division

Texas Commission on Environmental Quality

Filed: August 30, 2016



Notice of Public Hearing

on Assessment of Administrative Penalties and Requiring Certain Actions of Kulsoom Yousuf, Individually; Dallas Alishah Enterprises Inc.; And Yushra Investment, Inc. D/B/A Store T-24 2

SOAH Docket No. 582-16-5893

TCEQ Docket No. 2015-1733-PST-E

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

10:00 a.m. - September 22, 2016

William P. Clements Building

300 West 15th Street, 4th Floor

Austin, Texas 78701

The purpose of the hearing will be to consider the Executive Director's Preliminary Report and Petition mailed May 31, 2016, concerning assessing administrative penalties against and requiring certain actions of Kulsoom Yousuf, individually; Dallas Alishah Enterprises Inc.; and Yushra Investment, Inc. d/b/a Store T-24 2, for violations in Dallas County, Texas, of: Texas Water Code §26.3475(d) and 30 Texas Administrative Code §§334.49(a)(2), 334.54(b)(2), and 34.602(a).

The hearing will allow Kulsoom Yousuf, individually; Dallas Alishah Enterprises Inc.; and Yushra Investment, Inc. d/b/a Store T-24 2, the Executive Director, and the Commission's Public Interest Counsel

to present evidence on whether a violation has occurred, whether an administrative penalty should be assessed, and the amount of such penalty, if any. The first convened session of the hearing will be to establish jurisdiction, afford Kulsoom Yousuf, individually; Dallas Alishah Enterprises Inc.; and Yushra Investment, Inc. d/b/a Store T-24 2, the Executive Director of the Commission, and the Commission's Public Interest Counsel an opportunity to negotiate and to establish a discovery and procedural schedule for an evidentiary hearing. Unless agreed to by all parties in attendance at the preliminary hearing, an evidentiary hearing will not be held on the date of this preliminary hearing. **Upon failure of Kulsoom Yousuf, individually; Dallas Alishah Enterprises Inc.; and Yushra Investment, Inc. d/b/a Store T-24 2 to appear at the preliminary hearing or evidentiary hearing, the factual allegations in the notice will be deemed admitted as true, and the relief sought in the notice of hearing may be granted by default. The specific allegations included in the notice are those set forth in the Executive Director's Preliminary Report and Petition, attached hereto and incorporated herein for all purposes.** Kulsoom Yousuf, individually; Dallas Alishah Enterprises Inc.; and Yushra Investment, Inc. d/b/a Store T-24 2, the Executive Director of the Commission, and the Commission's Public Interest Counsel are the only designated parties to this proceeding.

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

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

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

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

TRD-201604588

Bridget C. Bohac

Chief Clerk

Texas Commission on Environmental Quality

Filed: August 31, 2016



Notice of Public Hearing on Proposed Revisions to 30 TAC Chapter 122 and to the State Implementation Plan

The Texas Commission on Environmental Quality (commission) will conduct a public hearing to receive testimony regarding proposed revisions to 30 TAC Chapter 122, Federal Operating Permits Program,

§§122.10, 122.12, 122.120, 122.122, 122.130, 122.132, 122.142, 122.145, and 122.148; the proposed repeal of §§122.420, 122.422, 122.424, 122.426, and 122.428; and corresponding revisions to the state implementation plan (SIP) under the requirements of Texas Health and Safety Code, §382.017; Texas Government Code, Chapter 2001, Subchapter B; and 40 Code of Federal Regulations §51.102 of the United States Environmental Protection Agency concerning SIPs.

The proposed rulemaking would update Chapter 122 to reflect current applicable requirements for the Federal Operating Permits Program; particularly the removal of outdated provisions relating to the Clean Air Interstate Rule, the removal of outdated provisions which required certain sources of greenhouse gases to obtain a federal operating permit, and the addition of the Cross-State Air Pollution Rule as an applicable requirement.

The commission will hold a public hearing on this proposal in Austin on October 4, 2016, at 10:00 a.m., in Building E, Room 201S, at the commission's central office located at 12100 Park 35 Circle. The hearing is structured for the receipt of oral or written comments by interested persons. Individuals may present oral statements when called upon in order of registration. Open discussion will not be permitted during the hearing; however, commission staff members will be available to discuss the proposal 30 minutes prior to the hearing.

Persons who have special communication or other accommodation needs who are planning to attend the hearing should contact Sandy Wong, Office of Legal Services at (512) 239-1802 or 1-800-RE-LAY-TX (TDD). Requests should be made as far in advance as possible.

Written comments may be submitted to Ms. Kris Hogan, MC 205, Office of Legal Services, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087, or faxed to (512) 239-4808. Electronic comments may be submitted at: <http://www1.tceq.texas.gov/rules/ecomments/>. File size restrictions may apply to comments being submitted via the eComments system. All comments should reference Rule Project Number 2016-012-122-AI. The comment period closes on October 10, 2016. Copies of the proposed rulemaking can be obtained from the commission's website at http://www.tceq.texas.gov/rules/propose_adopt.html. For further information, please contact Michael Wilhoit, TCEQ Air Permits Division, Operational Support Section, (512) 239-1222.

TRD-201604517

Robert Martinez

Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: August 26, 2016



Notice of Water Quality Application

The following notice was issued on August 25, 2016.

The following does not require publication in a newspaper. Written comments or requests for a public meeting may be submitted to the Office of the Chief Clerk, Mail Code 105, P.O. Box 13087, Austin Texas 78711-3087 WITHIN (10) DAYS OF THE ISSUED DATE OF THE NOTICE.

INFORMATION SECTION

PRESBYTERIAN MO-RANCH ASSEMBLY has applied for a minor amendment to Texas Commission on Environmental Quality Permit No. WQ0014603001 to authorize a change in the indicator bacteria in the effluent limits from fecal coliform to E. coli. The draft permit authorizes the disposal of treated domestic wastewater at a daily average flow

not to exceed 50,000 gallons per day via surface irrigation of 15 acres of public access grassland. This permit will not authorize a discharge of pollutants into water in the state. The wastewater treatment facility and disposal site are located approximately 10 miles west of the City of Hunt, just southwest of the crossing of the North Fork Guadalupe River and Farm-to-Market Road 1340 in Kerr County, Texas 78024.

TRD-201604589

Bridget C. Bohac

Chief Clerk

Texas Commission on Environmental Quality

Filed: August 31, 2016



Notice of Water Rights Application

Notices issued August 18, 2016, through August 26, 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, Texas 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.

APPLICATION NO. 14-1816A; Thomas M. Hayre and Mary Lellee Hayre, P.O. Box 368, Sheffield, Texas 79781, Applicants, seek to sever their 15 acre-foot portion of water authorized by Certificate of Adjudication No. 14-1815 and combine it with their 22 acre-foot portion of water authorized by Certificate of Adjudication No. 14-1816, amend a portion of Certificate of Adjudication No. 14-1816 to add a diversion point on the San Saba River, Colorado River Basin, and change the place of use for all authorized water in Menard County. The application was received on February 13, 2012. Additional information and fees were received on dates from June 20, 2012, through April 22, 2015. The application was declared administratively complete and accepted for filing on May 22, 2015. The TCEQ 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 of diversion structures and the installation of measuring devices. The application and Executive Director's draft amendment are available for viewing and copying at the Office of the Chief Clerk, 12100 Park 35 Circle, Building F, Austin, Texas 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 12, 2016.

APPLICATION NO. 14-1826A; Thomas M. Hayre and Mary Lellee Hayre, P.O. Box 368, Sheffield, Texas 79781, Applicants, seek to sever their 245 acre-foot portion of water authorized by Certificate of Adjudication No. 14-1823 and combine it with their 139.54 acre-foot portion

of water authorized by Certificate of Adjudication No. 14-1826, amend a portion of Certificate of Adjudication No. 14-1826 to add a diversion point on the San Saba River, Colorado River Basin, and change the place of use for all authorized water in Menard County. The application was received on February 13, 2012. Additional information and fees were received on dates from June 20, 2012, through April 22, 2015. The application was declared administratively complete and accepted for filing on May 22, 2015. The TCEQ 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 of diversion structures and the installation of measuring devices. The application and Executive Director's draft amendment are available for viewing and copying at the Office of the Chief Clerk, 12100 Park 35 Circle, Building F, Austin, Texas 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 12, 2016.

INFORMATION SECTION

To view the complete issued notice, view the notice on our web site at www.tceq.state.tx.us/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.state.tx.us. Si desea información en Español, puede llamar al (800) 687-4040.

TRD-201604590

Bridget C. Bohac

Chief Clerk

Texas Commission on Environmental Quality

Filed: August 31, 2016

Texas Facilities Commission

Request for Proposals #303-7-20579

The Texas Facilities Commission (TFC), on behalf of the Office of the Attorney General (OAG), announces the issuance of Request for Proposals (RFP) #303-7-20579. TFC seeks a five (5) or ten (10) year lease of approximately 3,039 square feet of office space in Sherman, Texas.

The deadline for questions is September 19, 2016, and the deadline for proposals is September 26, 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=126870.

TRD-201604541

Kay Molina

General Counsel

Texas Facilities Commission

Filed: August 29, 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, September 2, 2016. The public comment period for this project will close at 5:00 p.m. on Sunday, October 2, 2016.

FEDERAL AGENCY ACTIVITIES:

Applicant: Department of the Navy

Location: Navigable waters of the United States, the territorial seas, and the contiguous zone

Project Description: The United States Environmental Protection Agency (EPA) and Department of Defense (DoD) propose the rule Uniform National Discharge Standards (UNDS) for Vessels of the Armed Forces-Phase II Batch One. The UNDS-Phase II Batch One discharge performance standards mirror, as appropriate, the EPA's National Pollutant Discharge Elimination System Vessel General Permits (VGP), which apply to commercial vessel discharges. The EPA and DoD proposed this rule under the authority of the Clean Water Act (CWA) §312 (33 U.S.C. 1322). CWA §312 requires the EPA and DoD to develop uniform national standards to control certain discharges incidental to the normal operation of a vessel of the Armed Forces into the navigable waters of the United States, the territorial seas, and the contiguous zone. The proposed discharge performance

standards will reduce the adverse environmental impacts associated with the discharges, stimulate the development of improved pollution control devices, and advance the development of environmentally sound ships by the Armed Forces.

CMP Project No: 16-1408-F2

FEDERAL AGENCY ACTIONS:

Applicant: ExxonMobil Corporation

Location: Outer Continental Shelf, Green Canyon Area Blocks 326, 327, and 471

Project Description: This initial exploration plan (EP/Plan) is for Green Canyon Blocks 326, 327 and 371, OCS-G 34977, 34978 & 34981 respectively. Exxon Mobil Corporation (ExxonMobil) plans to drill six new subsea wells, Wells A, B C, D, E and F. If the wells are successful they will be developed under a future Development Operations Coordination Document (DOCD). If a well is unsuccessful it will be plugged and abandoned in accordance with the Bureau of Safety and Environmental Enforcement (BSEE) regulations.

CMP Project No: 16-1410-F4

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-201604598

Anne L. Idsal

Chief Clerk, Deputy Land Commissioner

General Land Office

Filed: August 31, 2016



Notice of Award of a Major Consulting Contract

Pursuant to Chapter 2254, Subchapter B, Texas Government Code, the Texas General Land Office ("GLO") announces the award of Contract No. 16-403-003 to Protection Development, Inc., an entity with a principal place of business at 8620 N. New Braunfels, San Antonio, Texas 78217. The contractor will assist with the evaluation of current and future construction and designs for compliance with applicable codes, laws, guidelines and best practices for design and construction projects for GLO's Office of Construction Services.

The total value of the contracts within the indefinite delivery indefinite quantity vendor pool is \$200,000.00 for each fiscal year. The contract was executed on August 23, 2016, and will expire on August 31, 2017, unless extended or terminated sooner by the parties.

TRD-201604548

Anne L. Idsal

Chief Clerk, Deputy Land Commissioner

General Land Office

Filed: August 29, 2016



Department of State Health Services

Amendment to the Texas Schedules of Controlled Substances

These amendments to the Texas Schedules of Controlled Substances were signed by the Commissioner of the Department of State Health Services, and will take effect 21 days following publication of this notice in the *Texas Register*:

The Administrator of the Drug Enforcement Administration (DEA) issued a final rule placing

(1-pentyl-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone (Other names: UR-144 and 1-pentyl-3-(2,2,3,3-tetramethylcyclopropyl)indole), [1-(5-fluoro-pentyl)-1H-indol-3-yl](2,2,3,3-tetramethylcyclopropyl)methanone (Other names: 5-fluoro-UR-144 and 5-F-UR-144 and XLR11 and 1-(5-fluoro-pentyl)-3-(2,2,3,3-tetramethylcyclopropyl)indole); and N-(1-adamantyl)-1-pentyl-1H-indazole-3-carboxamide (Other names: APINACA and AKB48) including salts, isomers and salts of isomers, whenever the existence of such salts, isomers, and salts of isomers is possible, into Schedule I controlled substances in the federal schedules of controlled substances under the authority of the United States Controlled Substances Act May 11, 2016. This final order was published in the Federal Register, Volume 81, Number 91, pages 29142-29145. The substances were previously temporarily scheduled effective May 16, 2013. The Administrator has taken action based on the following.

1. UR-144, XLR-11 and APINACA have a high potential for abuse that is comparable to other schedule I substances such as delta-9-tetrahydrocannabinol and JWH-018;
2. UR-144, XLR-11 and APINACA have no currently accepted medical use in treatment in the United States; and
3. There is a lack of accepted safety for use of UR-144, XLR-11 and APINACA under medical supervision.

The Administrator of the Drug Enforcement Administration (DEA) issued a final order to temporarily schedule the synthetic opioids N-(1-phenethylpiperidin-4-yl)-N-phenylbutanamide, also known as N-(1-phenethylpiperidin-4-yl)-N-phenylbutanamide (Other name: butyryl fentanyl) and N-[1-[2-hydroxy-2-(thiophen-2-yl)ethyl]piperidin-4-yl]-N-phenylpropanamide, also known as N-[1-[2-hydroxy-2-(2-thienyl)ethyl]-4-piperidinyl]-N-phenylpropanamide (Other name: beta-hydroxythiofentanyl), and their isomers, esters, ethers, salts and salts of isomers, esters and ethers into Schedule I pursuant to the temporary scheduling provisions of the Controlled Substances Act effective May 12, 2016. This final order was published in the Federal Register, Volume 81, Number 92, pages 29492-29496. The Administrator has taken action based on the following:

1. Placement of butyryl fentanyl and beta-hydroxythiofentanyl into Schedule I of the Controlled Substances Act is necessary to avoid an imminent hazard to the public safety;
2. Butyryl fentanyl and beta-hydroxythiofentanyl have a high potential for abuse;
3. Butyryl fentanyl and beta-hydroxythiofentanyl have no currently accepted medical use in treatment in the United States; and,
4. Butyryl fentanyl and beta-hydroxythiofentanyl lack accepted safety for use under medical supervision.

The Administrator of the Drug Enforcement Administration (DEA) issued an interim final rule placing the substance brivaracetam ((2S)-2-[(4R)-2-oxo-4-propylpyrrolidin-1-yl]butanamide) (Other names; BRV, UCB-34714, and Briviact) including its salts into Schedule V of the Controlled Substances Act effective May 12, 2016. This

interim final rule was published in the Federal Register, Volume 81, Number 92, pages 29487-29491. The Administrator has taken action based on the following:

1. Brivaracetam is a drug approved by the Department of Health and Human Services (HHS);
2. HHS recommended control under the Controlled Substances Act; and
3. Brivaracetam meets the eight-factor analysis pursuant to Title 21, United States Code, §811(b).

The Administrator of the Drug Enforcement Administration (DEA) issued a final order to place 3,4-dichloro-N-[(dimethylamino)cyclohexymethyl]benzamide) (Other name: AH-7921), including its isomers, esters, ethers, salts and salts of isomers, esters and ethers, into Schedule I pursuant the Controlled Substances Act effective May 16, 2016. This final order was published in the Federal Register, Volume 81, Number 72, pages 22023-22025. The Administrator has taken action based on the following:

1. The United States is required to control AH-7921 in order to meet the obligations of the Single Convention on Narcotic Drugs, 1961; and,
2. AH-7921 has no currently accepted medical use in the United States.

Pursuant to §481.034(g), as amended by the 75th legislature, of the Texas Controlled Substances Act, Health and Safety Code, Chapter 481, at least thirty-one days have expired since notice of the above referenced actions were published in the Federal Register; and, in the capacity as Commissioner of the Texas Department of State Health Services, John Hellerstedt, M.D., does hereby order that the substances UR-144, XLR-11, APINACA and AH-7921 be placed into Schedule I; butyryl fentanyl and beta-hydroxythiofentanyl be placed into Schedule I temporarily scheduled substances; and, the substance brivaracetam be placed into Schedule V.

SCHEDULE I

Schedule I consists of:

- Schedule I opiates

The following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted, if the existence of these isomers, esters, ethers, and salts of isomers, esters, and ethers is possible within the specific chemical designation:

- (1) Acetyl alpha methylfentanyl (N [1 (1 methyl 2 phenethyl) 4 piperidinyl] N phenylacetamide);
- * (2) AH-7921 (3,4-dichloro-N-[(dimethylamino)cyclohexymethyl]benzamide)
- (3) Allylprodine;
- (4) Alphacetylmethadol (except levo-alphacetylmethadol, also known as levo-alpha-acetylmethadol, levomethadyl acetate, or LAAM);
- (5) Alpha methylfentanyl or any other derivative of Fentanyl;
- (6) Alpha methylthiofentanyl (N [1 methyl 2 (2 thienyl) ethyl 4 piperidinyl] N- phenyl-propanamide);
- (7) Benzethidine;
- (8) Beta hydroxyfentanyl (N [1 (2 hydroxy 2 phenethyl) 4 piperidinyl] N phenyl-propanamide);
- (9) Beta hydroxy 3 methylfentanyl (N [1 (2 hydroxy 2 phenethyl) 3 methyl 4 piperidinyl] N phenylpropanamide);
- (10) Betaprodine;

- (11) Clonitazene;
- (12) Diampromide;
- (13) Diethylthiambutene;
- (14) Difenoxin;
- (15) Dimenoxadol;
- (16) Dimethylthiambutene;
- (17) Dioxaphetyl butyrate;
- (18) Dipipanone;
- (19) Ethylmethylthiambutene;
- (20) Etonitazene;
- (21) Etoxidine;
- (22) Furethidine;
- (23) Hydroxypethidine;
- (24) Ketobemidone;
- (25) Levophenacetylmorphan;
- (26) Meproline;
- (27) Methadol;
- (28) 3 methylfentanyl (N [3 methyl 1 (2 phenylethyl) 4 piperidyl] N phenylpropanamide), its optical and geometric isomers;
- (29) 3 methylthiofentanyl (N [3 methyl 1 (2 thienyl)ethyl 4 piperidinyl] N phenylpropanamide);
- (30) Moramide;
- (31) Morpheridine;
- (32) MPPP (1 methyl 4 phenyl 4 propionoxypiperidine);
- (33) Noracetylmethadol;
- (34) Norlevorphanol;
- (35) Normethadone;
- (36) Norpipanone;
- (37) Para fluorofentanyl (N (4 fluorophenyl) N [1 (2 phenethyl)-4 piperidinyl]-propanamide);
- (38) PEPAP (1 (2 phenethyl) 4 phenyl 4 acetoxypiperidine);
- (39) Phenadoxone;
- (40) Phenampromide;
- (41) Phencyclidine;
- (42) Phenomorphan;
- (43) Phenoperidine;
- (44) Piritramide;
- (45) Proheptazine;
- (46) Properidine;
- (47) Propiram;
- (48) Thiofentanyl (N phenyl N [1 (2 thienyl)ethyl 4 piperidinyl] propanamide);
- (49) Tilidine; and
- (50) Trimeperidine.

- Schedule I opioid derivatives

- Schedule I hallucinogenic substances

- Schedule I stimulants

- Schedule I depressants

- Schedule I Cannabimimetic agents

Unless specifically exempted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of cannabimimetic agents, or which contains their salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation.

(1) The term 'cannabimimetic agents' means any substance that is a cannabinoid receptor type 1 (CB1 receptor) agonist as demonstrated by binding studies and functional assays within any of the following structural classes:

(1-1) 2-(3-hydroxycyclohexyl)phenol with substitution at the 5-position of the phenolic ring by alkyl or alkenyl, whether or not substituted on the cyclohexyl ring to any extent.

(1-2) 3-(1-naphthoyl)indole or 3-(1-naphthylmethane)indole by substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the naphthoyl or naphthyl ring to any extent.

(1-3) 3-(1-naphthoyl)pyrrole by substitution at the nitrogen atom of the pyrrole ring, whether or not further substituted in the pyrrole ring to any extent, whether or not substituted on the naphthoyl ring to any extent.

(1-4) 1-(1-naphthylmethylene)indene by substitution of the 3-position of the indene ring, whether or not further substituted in the indene ring to any extent, whether or not substituted on the naphthyl ring to any extent.

(1-5) 3-phenylacetylindole or 3-benzoylindole by substitution at the nitrogen atom of the indole ring, whether or not further substituted in the indole ring to any extent, whether or not substituted on the phenyl ring to any extent.

(2) 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (Other names: CP-47,497);

(3) 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (Other names: cannabicyclohexanol or CP-47,497 C8 homolog);

(4) 1-pentyl-3-(1-naphthoyl)indole (Other names: JWH-018 and AM678);

(5) 1-mutyl-3-(1-naphthoyl)indole (Other names: JWH-073);

(6) 1-hexyl-3-(1-naphthoyl)indole (JWH-019);

(7) 1-[2-(4-Morpholinyl)ethyl]-3-(1-naphthoyl)indole (Other names: JWH-200);

(8) 1-pentyl-3-(2-methoxyphenylacetyl)indole (Other names: JWH-250);

(9) 1-pentyl-3-[1-(4-methoxynaphthoyl)]indole (Other names: JWH-081);

(10) 1-pentyl-3-(4-methyl-1-naphthoyl)indole (Other names: JWH-122);

(11) 1-pentyl-3-(4-chloro-1-naphthoyl)indole (Other names: JWH-398);

(12) 1-(5-fluoropentyl)-3-(1-naphthoyl)indole (Other names: AM2201);

(13) 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole (Other names: AM694);

(14) 1-pentyl-3-[(4-methoxy)-benzoyl]indole (Other names: SR-19 and RCS-4);

(15) 1-cyclohexylethyl-3-(2-methoxyphenylacetyl)indole (Other names: SR-18 and RCS-8);

(16) 1-pentyl-3-(2-chlorophenylacetyl)indole (Other names: JWH-203);

*(17) (1-pentyl-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone (Other names: UR-144 and 1-pentyl-3-(2,2,3,3-tetramethylcyclopropyl)indole);

*(18) [1-(5-fluoro-pentyl)-1H-indol-3-yl](2,2,3,3-tetramethylcyclopropyl)methanone (Other names: 5-fluoro-UR-144 and 5-F-UR-144 and XLR11 and 1-(5-fluoro-pentyl)-3-(2,2,3,3-tetramethylcyclopropyl)indole); and,

*(19) N-(1-adamantyl)-1-pentyl-1H-indazole-3-carboxamide (Other names: APINACA, AKB48).

- Schedule I temporarily listed substances subject to emergency scheduling by the United States Drug Enforcement Administration.

Unless specifically excepted or unless listed in another schedule, a material, compound, mixture, or preparation that contains any quantity of the following substances or that contains any of the substance's salts, isomers, esters, ethers and salts of isomers, esters and ethers if the existence of the salts, isomers, esters, ethers and salts of isomers is possible within the specific chemical designation.

1. 2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (Other names: 25I-NBOMe; 2C-I-NBOMe; 25I; Cimbi-5);

2. 2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (Other names: 25C-NBOMe; 2C-C-NBOMe; 25C; Cimbi-82);

3. 2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (Other names: 25B-NBOMe; 2C-B-NBOMe; 25B; Cimbi-36);

4. Quinolin-8-yl 1-pentyl-1H-indole-3-carboxylate, its optical, positional, and geometric isomers, salts and salts of isomers (Other names: PB-22; QUPIC);

5. Quinolin-8-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate, its optical, positional, and geometric isomers, salts and salts of isomers (Other names: 5-fluoro-PB-22; 5F-PB-22);

6. N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide, its optical, positional, and geometric isomers, salts and salts of isomers (Other names: AB-FUBINACA);

7. N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide, its optical, positional, and geometric isomers, salts and salts of isomers (Other names: ADB-PINACA);

8. 4-methyl-N-ethylcathinone, its optical, positional, and geometric isomers, salts and salts of isomers (Other names: 4-MEC; 2-(ethylamino)-1-(4-methylphenyl)propan-1-one);

9. 4-methyl-alpha-pyrrolidinopropiophenone, its optical, positional, and geometric isomers, salts and salts of isomers (Other names:

4-MePPP; MePPP; 4-methyl-[alpha]-pyrrolidinopropiophenone; 1-(4-methylphenyl)-2-(pyrrolidin-1-yl)propan-1-one);

10. alpha-pyrrolidinopentiophenone, its optical, positional, and geometric isomers, salts and salts of isomers (Other names: [alpha]-PVP; [alpha]-pyrrolidinovalerophenone; 1-phenyl-2-(pyrrolidin-1-yl)pentan-1-one);

11. Butylone, its optical, positional, and geometric isomers, salts and salts of isomers (Other names: bk-MBDB; 1-(1,3-benzodioxol-5-yl)-2-(methylamino)butan-1-one);

12. Pentedrone, its optical, positional, and geometric isomers, salts and salts of isomers (Other names: [alpha]-methylaminovalerophenone; 2-(methylamino)-1-phenylpentan-1-one);

13. Pentylone, its optical, positional, and geometric isomers, salts and salts of isomers (Other names: bk-MBDP; 1-(1,3-benzodioxol-5-yl)-2-(methylamino)pentan-1-one);

14. 4-fluoro-N-methylcathinone, its optical, positional, and geometric isomers, salts and salts of isomers (Other names: 4-FMC; flephedrone; 1-(4-fluorophenyl)-2-(methylamino)propan-1-one);

15. 3-fluoro-N-methylcathinone, its optical, positional, and geometric isomers, salts and salts of isomers (Other names: 3-FMC; 1-(3-fluorophenyl)-2-(methylamino)propan-1-one);

16. Naphyrone, its optical, positional, and geometric isomers, salts and salts of isomers (Other names: naphthylpyrovalerone; 1-(naphthalen-2-yl)-2-(pyrrolidin-1-yl)pentan-1-one);

17. alpha-pyrrolidinobutiophenone, its optical, positional, and geometric isomers, salts and salts of isomers (Other names: [alpha]-PBP; 1-phenyl-2-(pyrrolidin-1-yl)butan-1-one);

18. N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide (Other names: "B-CHMINACA");

19. N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide (Other names: "AB-PINACA");

20. [1-(5-fluoropentyl)-1H-indazol-3-yl](naphthalen-1-yl)methanone (Other names: "THJ-2201");

21. N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide (Other names: acetyl fentanyl);

*22. N-(1-phenethylpiperidin-4-yl)-N-phenylbutyramide, also known as N-(1-phenethylpiperidin-4-yl)-N-phenylbutanamide (Other name: butyryl fentanyl); and

*23. N-[1-[2-hydroxy-2-(thiophen-2-yl)ethyl]piperidin-4-yl]-N-phenylproprionamide, also known as N-[1-[2-hydroxy-2-(2-thienyl)ethyl]-4-piperidnyl]-N-phenylpropanamide (Other name: beta-hydroxythiofentanyl).

SCHEDULE V

Schedule V consists of:

- Schedule V narcotics containing non-narcotic active medicinal ingredients

- Schedule V stimulants

- Schedule V depressants

Unless specifically exempted or excluded or unless listed in another schedule, any material, compound, mixture, or preparation, which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers and salts of isomers whenever the existence of such salts, isomers and salts of isomers is possible;

(*1) Brivaracetam ((2S)-2-[(4R)-2-oxo-4-propylpyrrolidin-1-yl]butanamide) (Other names; BRV, UCB-34714, and Briviact);

(2) Ezogabine;

(3) Lacosamide [(R)-2-acetoamido-N-benzyl-3-methoxy-propionamide]; and

(4) Pregabalin [(S)-3-(aminomethyl)-5-methylhexanoic acid].

Changes to the schedules are designated by an asterisk (*).

TRD-201604539

Lisa Hernandez

General Counsel

Department of State Health Services

Filed: August 29, 2016



Licensing Actions for Radioactive Materials

LICENSING ACTIONS FOR RADIOACTIVE MATERIALS

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

In issuing new licenses and amending and renewing existing licenses, the Department's Radiation Safety Licensing Branch has determined that the applicant has complied with the licensing requirements in Title 25 Texas Administrative Code (TAC), Chapter 289, for the noted action. In granting termination of licenses, the Department has determined that the licensee has complied with the applicable decommissioning requirements of 25 TAC, Chapter 289. In granting exemptions to the licensing requirements of Chapter 289, the Department has determined that the exemption is not prohibited by law and will not result in a significant risk to public health and safety and the environment.

A person affected by the actions published in this notice may request a hearing within 30 days of the publication date. A "person affected" is defined as a person who demonstrates that the person has suffered or will suffer actual injury or economic damage and, if the person is not a local government, is (a) a resident of a county, or a county adjacent to the county, in which radioactive material is or will be located, or (b) doing business or has a legal interest in land in the county or adjacent county. 25 TAC, §289.205(b)(15); Health and Safety Code §401.003(15). Requests must be made in writing and should contain the words "hearing request," the name and address of the person affected by the agency action, the name and license number of the entity that is the subject of the hearing request, a brief statement of how the person is affected by the action what the requestor seeks as the outcome of the hearing, and the name and address of the attorney if the requestor is represented by an attorney. Send hearing requests by mail to: Hearing Request, Radiation Material Licensing, MC 2835, PO Box 149347, Austin, Texas 78714-9347, or by fax to: 512-834-6690, or by e-mail to: RAMlicensing@dshs.state.tx.us.

NEW LICENSES ISSUED:

Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amendment Number	Date of Action
Austin	Urology Austin P.L.L.C	L06798	Austin	00	08/09/16
Houston	Keane Frac TX	L06799	Houston	00	08/10/16
Houston	Cardno U.S.A., Inc.	L06796	Houston	00	08/02/16
Longview	USFH, L.L.C.	L06795	Longview	00	08/02/16
Sherman	North Texas Comprehensive Cardiology P.L.L.C.	L06797	Sherman	00	08/09/16

AMENDMENTS TO EXISTING LICENSES ISSUED:

Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amendment Number	Date of Action
Abilene	Cardinal Health dba National Central Pharmacy	L04781	Abilene	38	08/11/16
Austin	Texas Oncology P.A. dba Central Austin Cancer	L06090	Austin	08	08/01/16
Austin	Texas Oncology P.A. South Austin Cancer Center	L05108	Austin	33	08/02/16
Austin	Seton Family of Hospitals	L00268	Austin	148	08/03/16
Austin	St David's Healthcare Partnership L.P., L.L.P. dba St David's Medical Center	L00740	Austin	134	08/15/16
Burleson	Heartplace P.A.	L05883	Burleson	23	08/11/16
Crocket	Houston County Hospital District dba Houston County Medical Center	L06732	Crocket	02	08/03/16

AMENDMENTS TO EXISTING LICENSES ISSUED (continued):

Dallas	Texas Oncology P.A. dba Sammons Cancer Center	L04878	Dallas	56	08/03/16
Dallas	The University of Texas Southwestern Medical Center at Dallas	L00384	Dallas	125	08/09/16
Dallas	Baylor University Medical Center	L01290	Dallas	137	08/12/16
Dallas	Medical City Dallas Hospital dba Medical City	L01976	Dallas	205	08/12/16
Denton	University of North Texas Risk Management Services	L00101	Denton	110	08/08/16
Eagle Pass	Fort Duncan Medical Center, L.P.	L05640	Eagle Pass	14	08/09/16
Floresville	Wilson County Memorial Hospital District dba Connally Memorial Medical Center	L03471	Floresville	21	08/12/16
Flower Mound	Texas Oncology P.A.	L05526	Flower Mound	29	08/11/16
Fort Worth	John Peter Smith Hospital	L02208	Fort Worth	83	08/05/16
Greenville	Hunt Memorial Hospital District dba Hunt Regional Medical Center	L01695	Greenville	51	08/08/16
Houston	Nisotopes L.L.C.	L06535	Houston	04	08/01/16
Houston	Complete Cardiac Care	L05218	Houston	12	08/01/16
Houston	Kelsey Seybold Clinic	L00391	Houston	74	08/01/16
Houston	Ben Taub General Hospital	L01303	Houston	92	08/08/16
Houston	TH Healthcare Ltd. dba Park Plaza Hospital	L02071	Houston	64	08/09/16
Houston	Proportional Technologies Inc.	L04747	Houston	32	08/11/16
Houston	Memorial Hermann Health System dba Memorial Hermann Southwest Hospital	L00439	Houston	216	08/11/16
Houston	Memorial Hermann Health System dba Memorial Hermann Northeast Hospital	L02412	Houston	113	08/11/16
Houston	Memorial Hermann Health System dba Memorial Hermann Hospital The Woodlands	L03772	Houston	134	08/11/16
Houston	Memorial Hermann Health System dba Memorial Hermann Katy Hospital	L03052	Houston	76	08/12/16
Houston	Wyle Laboratories Inc. Integrated Science and Engineering Group	L04813	Houston	14	08/11/16
Houston	Mohammed Attar M.D. P.A.	L05615	Houston	07	08/15/16
Houston	American Diagnostic Tech L.L.C.	L05514	Houston	118	08/15/16
Kingwood	Lieber-Moore Cardiology Associates dba Texas Cardiology Associates of Houston	L04622	Kingwood	15	08/10/16
Lubbock	Covenant Health System dba Covenant Women's and Children's Hospital	L01547	Lubbock	102	08/03/16
Lubbock	Covenant Medical Center	L00483	Lubbock	156	08/03/16
Lubbock	Neutron Lab L.L.C. dba Texas Compounding Services	L06588	Lubbock	02	08/11/16
Mansfield	Steven P. Havard M.D. P.A.	L06249	Mansfield	07	08/02/16
Mount Pleasant	Titus County Memorial Hospital dba Titus Regional Medical Center	L02921	Mount Pleasant	49	08/03/16
Paris	Texas Oncology P.A.	L04664	Paris	30	08/03/16
Pasadena	Team Industrial Services Inc.	L00087	Pasadena	240	08/12/16
Pasadena	Celanese Ltd. Clear Lake Plant	L01130	Pasadena	76	08/12/16
Plainview	Methodist Hospital Plainview dba Covenant Hospital Plainview	L02493	Plainview	36	08/01/16
Port Arthur	Total Petrochemicals U.S.A., Inc.	L03498	Port Arthur	31	08/03/16
Port Arthur	ARPA Advanced Radiation Physics Associates L.P.	L06275	Port Arthur	05	08/09/16

AMENDMENTS TO EXISTING LICENSES ISSUED (continued):

San Angelo	San Angelo Hospital L.P. dba San Angelo Community Medical Center	L02487	San Angelo	57	08/09/16
San Antonio	South Texas Radiology Imaging Centers	L00325	San Antonio	234	08/03/16
San Antonio	UT Medicine San Antonio	L06737	San Antonio	02	08/03/16
San Antonio	Methodist Healthcare System of San Antonio Ltd., L.L.P.	L00594	San Antonio	351	08/08/16
San Antonio	VHS San Antonio Partners L.L.C. dba Baptist Health System	L00455	San Antonio	238	08/08/16
Stafford	Aloki Enterprise Inc.	L06257	Stafford	38	08/01/16
Texarkana	J M Hurley M.D. P.A.	L04738	Texarkana	17	08/12/16
Texas City	Valero Refining Company	L02578	Texas City	39	08/05/16
Throughout TX	Thermo Process Instruments L.P. A Subsidiary of Thermo Fisher Scientific Inc.	L03524	Sugar Land	89	08/12/16
Throughout TX	FMC Technologies Inc.	L06765	Houston	02	08/12/16
Throughout TX	D&S Engineering Labs L.L.C.	L06677	Denton	07	08/11/16
Throughout TX	FTS International Services L.L.C.	L06188	Fort Worth	21	08/11/16
Throughout TX	Desert NDT L.L.C. dba Shawcor	L06462	Abilene	34	08/04/16
Throughout TX	Ineos U.S.A., L.L.C.	L01422	Alvin	73	08/01/16
Throughout TX	Texas Department of Transportation Construction Division	L00197	Austin	180	08/03/16
Throughout TX	KLX Energy Services L.L.C.	L06640	Benbrook	06	08/10/16
Throughout TX	LEC Engineering Inc. dba LOI Engineers	L06478	El Paso	05	08/08/16
Throughout TX	QES Wireline L.L.C.	L06620	Fort Worth	16	08/05/16
Throughout TX	Baker Hughes Oilfield Operations Inc.	L00446	Houston	187	08/01/16
Throughout TX	Baker Hughes Oilfield Operations Inc. dba Baker Atlas	L00446	Houston	188	08/03/16
Throughout TX	Sentinel Integrity Solutions Inc.	L06735	Houston	01	08/08/16
Throughout TX	Marco Inspection Services L.L.C.	L06072	Kilgore	53	08/03/16
Throughout TX	Luling Perforators Inc.	L05870	Luling	06	08/04/16
Throughout TX	Team Industrial Services Inc.	L00087	Pasadena	239	08/04/16
Throughout TX	Texas Oncology P.A.	L06759	San Antonio	01	08/03/16
Throughout TX	Schlumberger Technology Corporation	L01833	Sugar Land	198	08/09/16

RENEWAL OF LICENSES ISSUED:

Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amendment Number	Date of Action
Houston	Earth Engineering Inc.	L05206	Houston	07	08/04/16
Throughout TX	GSS Laboratories and Specialty Testing L.L.C.	L05944	Aledo	03	08/10/16

TERMINATIONS OF LICENSES ISSUED:

Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amendment Number	Date of Action
Austin	TRI Environmental Inc.	L06345	Austin	03	08/10/16
Dallas	APAC-Texas Inc. Texas Bitulithic Division	L04503	Dallas	15	08/02/16
Eagle Lake	Rice District Community Hospital dba Rice Medical Center	L03408	Eagle Lake	17	08/02/16
Port Lavaca	Furmanite America Inc.	L06554	Port Lavaca	23	08/02/16
San Antonio	All American Inspections Inc.	L01336	San Antonio	75	08/04/16

EMERGENCY ORDERS ISSUED:

Name	Type of Order	License Number	Address	Action	Date of Issuance
Henderson, Dustin, DC d/b/a LWC Health d/b/a Living Well Chiropractic	Impound Order	Unregistered	24911 Kuykendahl Road, Tomball, Texas	Impound General Purpose X-Ray Unit	08/08/16

TRD-201604482
 Lisa Hernandez
 General Counsel
 Department of State Health Services
 Filed: August 26, 2016

The THECB proposes to appoint the following 19 individuals to the negotiating rulemaking committee TEG to represent affected parties and the agency:

Private/Independent and Non-Profit Institutions

Kevin Campbell, Vice President for Enrollment Management and Student Engagement, Abilene Christian University

Kelly Graves, Associate Director of Financial Aid, Baylor University

Russell Jeffrey, Director of Financial Aid, Concordia University

Colette Pierce Burnette, President and Chief Executive Officer, Huston-Tillotson University

Mike Smith, President, Jacksonville College

Shirley A. Friar, Vice President for Strategic Initiatives, Planning and Compliance, Jarvis Christian College

Amy Hardesty, Director of Financial Aid, Lubbock Christian University

Sandra S. Harper, President, McMurry University

Esmeralda M. Flores, Director of Financial Aid, Our Lady of the Lake University

Marc Peterson, Director of Financial Aid, Southern Methodist University

Doris F. Constantine, Associate Vice President for Student Financial Services, St. Edward's University

David R. Krause, Director of Financial Aid, St. Mary's University

Michael H. Scott, Director, Scholarships and Student Financial Aid, Texas Christian University

James E. Harris, Sr., Vice President of Business and Finance, Texas College

Glendi Gaddis, Assistant Vice President for Student Financial Services, Trinity University

David Orsag, Associate Director of Financial Aid, University of Mary Hardin-Baylor

Cecelia Jones, Director of Financial Aid, Wiley College

Independent Colleges and Universities, Inc.

Elizabeth Puthoff, Vice President for Research and Policy Analysis

Texas Higher Education Coordinating Board

Charles Puls, Deputy Assistant Commissioner, Student Financial Aid Programs

Meetings will be open to the public. If there are persons who are significantly affected by these proposed rules and are not represented by the persons named above, those persons may apply to the agency for membership on the negotiating rulemaking committee or nominate an-

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Texas Higher Education Coordinating Board

Notice of Intent to Engage in Negotiated Rulemaking - Tuition Equalization Grant (Private/Independent and Non-Profit Institutions of Higher Education)

The annual Tuition Equalization Grant (TEG) Need Survey and the annual Financial Aid Database System (FADS) report have been identified as having a significant overlap in data. Based on this, and in order to reduce the annual reporting requirements for institutions, the Texas Higher Education Coordinating Board ("THECB" or "Board") is proposing to phase out the annual TEG Need Survey in its current form and, instead, build the annual TEG Need Survey using FADS data. To do so requires a modification to the TEG allocation process.

The THECB intends to engage in negotiated rulemaking to develop rules for the TEG allocation methodology for private/independent and non-profit institutions of higher education. This is in accordance with the provisions of Texas Education Code, §61.0331.

In identifying persons likely affected by the proposed rules, the Convener of Negotiated Rulemaking sent a memo via GovDelivery to all chancellors and presidents of private/independent and non-profits institutions of higher education and the president of Independent Colleges and Universities of Texas, Inc. soliciting their interest and willingness to participate in the negotiated rulemaking process, or to nominate a representative from their campus.

From this effort, 19 individuals responded (out of approximately 44 affected entities) and expressed an interest to participate or nominated someone from their institution to participate on the negotiated rulemaking committee for TEG. The positions held by the volunteers and nominees include Presidents and Vice Presidents/Directors/Associate Directors of Financial Aid. This indicates a probable willingness and authority of the affected interests to negotiate in good faith and a reasonable probability that a negotiated rulemaking process can result in a unanimous or, if the committee so chooses, a suitable general consensus on the proposed rule.

The following is a list of the stakeholders who are significantly affected by this rule and will be represented on the negotiated rulemaking committee for TEG:

1. Private/Independent Institutions;
2. Non-Profit Institutions;
3. Independent Colleges and Universities, Inc.; and
4. Texas Higher Education Coordinating Board.

other person to represent their interests. Application for membership must be made in writing and include the following information:

*Name and contact information of the person submitting the application;

*Description of how the persons are significantly affected by the rule and how their interests are different than those represented by the persons named above;

*Name and contact information of the person being nominated for membership; and

*Description of the qualifications of the nominee to represent the person's interests.

The THECB requests comments on the Notice of Intent to engage in negotiated rulemaking and on the membership of the negotiated rule-making committee for TEG. Comments and applications for membership on the committee must be submitted by September 19, 2016, to:

Mary E. Smith, Ph.D.

Alternative Dispute Resolution Coordinator

Texas Higher Education Coordinating Board

P.O. Box 12788

Austin, Texas 78711

Fax: (512) 427-6127

Email: mary.smith@theccb.state.tx.us

TRD-201604600

William Franz

General Counsel

Texas Higher Education Coordinating Board

Filed: August 31, 2016



Texas Department of Insurance

Company Licensing

Application for admission to the State of Texas by AGENTS NATIONAL TITLE INSURANCE COMPANY, a foreign title company. The home office is in Columbia, Missouri.

Application for UNITED NATIONAL SPECIALTY INSURANCE COMPANY, Milwaukee, Wisconsin, a foreign fire and/or casualty company, to change its name to CITY NATIONAL INSURANCE COMPANY and redomesticate to Bedford, 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-201604595

Norma Garcia

General Counsel

Texas Department of Insurance

Filed: August 31, 2016



Texas Department of Insurance, Division of Workers' Compensation

Chapter 152 Public Hearing

The Texas Department of Insurance, Division of Workers' Compensation (TDI-DWC) will hold a public hearing on Tuesday, September 13, 2016, in the Tippy Foster Room at the TDI-DWC Central Office, 7551 Metro Center Drive, Suite 100 in Austin, Texas. Streaming audio of the public hearing will be available at <http://tdimss.tdi.texas.gov/tdi/tdi.asx>.

The meeting will begin at 9:00 a.m. and TDI-DWC will receive comments on the following rules:

28 Texas Administrative Code (TAC) Chapter 152: Attorneys' Fees.

Repeal: 28 TAC §152.3. Approval or Denial of Fee by the Commission.

Repeal: 28 TAC §152.4. Guidelines for Legal Services Provided to Claimants and Carriers.

New: 28 TAC §152.3. Approval or Denial of Fee by the Division.

New 28 TAC §152.4. Guidelines for Legal Services Provided to Claimants.

New 28 TAC §152.6. Attorney Withdrawal.

The proposed rule was published in the August 19, 2016, issue of the *Texas Register*. The comment period closes on September 19, 2016, at 5:00 p.m. CST.

TDI-DWC offers reasonable accommodations for persons attending meetings, hearings, or educational events, as required by the Americans with Disabilities Act. If you require special accommodations, contact Idalia Salazar at (512) 804-4403 at least two business days prior to the public hearing date.

TRD-201604570

Nicholas Canaday III

General Counsel

Texas Department of Insurance, Division of Workers' Compensation

Filed: August 30, 2016



Texas Lottery Commission

Scratch Ticket Game Number 1770 "Wild 7's Doubler"

1.0 Name and Style of Scratch Ticket Game.

A. The name of Scratch Ticket Game No. 1770 is "WILD 7'S DOUBLER". The play style is "key symbol match".

1.1 Price of Scratch Ticket Game.

A. The price for Scratch Ticket Game No. 1770 shall be \$2.00 per Scratch Ticket.

1.2 Definitions in Scratch Ticket Game No. 1770.

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: ONE SYMBOL, MOON SYMBOL, LIGHTNING BOLT SYMBOL, CAT SYMBOL, TWO SYMBOL, STAR SYMBOL, MONEY BAG SYMBOL, BELL SYMBOL, SINGLE CHERRY SYMBOL, TIGER SYMBOL, MONKEY SYMBOL, WALLET SYMBOL, TREASURE CHEST SYMBOL, FOUR LEAF CLOVER SYMBOL, THREE

SYMBOL, COIN SYMBOL, SEVEN SYMBOL, FOUR SYMBOL, FIVE SYMBOL, HEART SYMBOL, LADY BUG SYMBOL, SIX SYMBOL, LION SYMBOL, DIAMOND SYMBOL, CLUB SYMBOL, RAINBOW SYMBOL, HIPPO SYMBOL, CAR SYMBOL, SPADE SYMBOL, PUPPY SYMBOL, DIAMOND RING SYMBOL, GIRAFFE SYMBOL, \$2.00, \$3.00, \$5.00, \$7.00, \$10.00, \$15.00, \$20.00, \$30.00, \$50.00, \$100, \$350, \$700 and \$30,000.

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

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

Figure 1: GAME NO. 1770 - 1.2D

PLAY SYMBOL	CAPTION
ONE SYMBOL	ONE
MOON SYMBOL	MOON
LIGHTNING BOLT SYMBOL	BOLT
CAT SYMBOL	CAT
TWO SYMBOL	TWO
STAR SYMBOL	STAR
MONEY BAG SYMBOL	MONEY
BELL SYMBOL	BELL
SINGLE CHERRY SYMBOL	CHERRY
TIGER SYMBOL	TIGER
MONKEY SYMBOL	MONKEY
WALLET SYMBOL	WALLET
TREASURE CHEST SYMBOL	CHEST
FOUR LEAF CLOVER SYMBOL	CLOVER
THREE SYMBOL	THR
COIN SYMBOL	WINX2
SEVEN SYMBOL	WIN\$50
FOUR SYMBOL	FOR
FIVE SYMBOL	FIV
HEART SYMBOL	HEART
LADY BUG SYMBOL	LDYBUG
SIX SYMBOL	SIX
LION SYMBOL	LION
DIAMOND SYMBOL	DIAMND
CLUB SYMBOL	CLUB
RAINBOW SYMBOL	RNBOW
HIPPO SYMBOL	HIPPO
CAR SYMBOL	CAR
SPADE SYMBOL	SPADE
PUPPY SYMBOL	PUPPY
DIAMOND RING SYMBOL	RING
GIRAFFE SYMBOL	GIRAFFE
\$2.00	TWO\$
\$3.00	THR\$
\$5.00	FIV\$
\$7.00	SVN\$
\$10.00	TEN\$

\$15.00	FFN\$
\$20.00	TWY\$
\$30.00	TRTY\$
\$50.00	FFTY\$
\$100	ONHN
\$350	THFF
\$700	SVHN
\$30,000	30TH

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 \$2.00, \$3.00, \$5.00, \$7.00, \$10.00, \$15.00 or \$20.00.

G. Mid-Tier Prize - A prize of \$30.00, \$50.00, \$100 or \$350.

H. High-Tier Prize- A prize of \$700 or \$30,000.

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 (1770), a seven (7) digit Pack number, and a three (3) digit Scratch Ticket number. Scratch Ticket numbers start with 001 and end with 125 within each Pack. The format will be: 1770-000001-001.

K. Pack - A Pack of the "WILD 7'S DOUBLER" Scratch Ticket Game contains 125 Tickets, packed in plastic shrink-wrapping and fanfolded in pages of two (2). The Packs will alternate. One will show the front of Ticket 001 and back of 125 while the other fold will show the back of Ticket 001 and front of 125.

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 "WILD 7'S DOUBLER" Scratch Ticket Game No. 1770.

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 "WILD 7'S DOUBLER" Scratch Ticket Game is determined once the latex on the Scratch Ticket is scratched off to expose 20 (twenty) Play Symbols. The player must scratch the play area for GAME 1 and GAME 2. If the player reveals three (3) matching symbols in the same GAME, the player wins the PRIZE for that GAME. If a player reveals a "7" Play Symbol, the player wins \$50 instantly. If the player reveals a "COIN" Play Symbol, the player wins DOUBLE the PRIZE for that GAME. Each GAME is played sep-

arately. 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 20 (twenty) 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 20 (twenty) 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 20 (twenty) Play Symbols must be exactly one of those described in Section 1.2.C of these Game Procedures;

17. Each of the 20 (twenty) Play Symbols on the Scratch Ticket must be printed in the Symbol font and must correspond precisely to the artwork on file at the Texas Lottery; the Scratch Ticket Serial Numbers must be printed in the Serial font and must correspond precisely to the artwork on file at the Texas Lottery; and the Pack-Scratch Ticket Number must be printed in the Pack-Scratch Ticket Number font and must correspond precisely to the artwork on file at the Texas Lottery;

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

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

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

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

2.2 Programmed Game Parameters.

A. Consecutive Non-Winning Tickets in a Pack will not have matching patterns of either Play Symbols or Prize Symbols.

B. On winning and Non-Winning Tickets, the top cash prize of \$30,000 will appear at least once, except on Tickets winning two (2) times.

C. Non-winning Prize Symbols will not match a winning Prize Symbol on a Ticket.

D. On all Tickets, a Prize Symbol will not appear more than one (1) time except as required by the prize structure to create multiple wins.

E. A Ticket can win up to two (2) times (once in each GAME) and all wins will be as per the prize structure.

F. Each Ticket consists of nine (9) Play Symbols and one (1) Prize Symbol in each GAME.

G. Neither GAME 1 nor GAME 2 will contain four (4) or more matching Play Symbols on any Ticket.

H. Winning Tickets will reveal three (3) matching Play Symbols in the same GAME, reveal a "COIN" (WINX2) Play Symbol in either GAME or reveal a "SEVEN" (WIN\$50) Play Symbol in either GAME.

I. Prize Symbols will be different between GAMES unless required for multiple wins, as per the prize structure.

J. Each of the non-winning GAMES will never reveal more than two (2) matching Play Symbols.

K. The "COIN" (WINX2) and the "SEVEN" (WIN\$50) Play Symbols will never appear more than one (1) time in a GAME.

L. Tickets winning with the "SEVEN" (WIN\$50) Play Symbol, will have a \$50 Prize Symbol in the PRIZE box and will win as per the prize structure.

M. The Play Symbols being used will never be the same between GAME 1 and GAME 2, with the exception of the "COIN" (WINX2) and the "SEVEN" (WIN\$50) Play Symbols.

2.3 Procedure for Claiming Prizes.

A. To claim a "WILD 7'S DOUBLER" Scratch Ticket Game prize of \$2.00, \$3.00, \$5.00, \$7.00, \$10.00, \$15.00, \$20.00, \$30.00, \$50.00, \$100 or \$350, 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, \$100 or \$350 Scratch Ticket Game. In the event the Texas Lottery Retailer cannot verify the claim, the Texas Lottery Retailer shall provide the claimant with a claim form and instruct the claimant on how to file a claim with the Texas Lottery. If the claim is validated by the Texas Lottery, a check shall be forwarded to the claimant in the amount due. In the event the claim is not validated, the claim shall be denied and the claimant shall be notified promptly. A claimant may also claim any of the above prizes under the procedure described in Section 2.3.B and Section 2.3.C of these Game Procedures.

B. To claim a "WILD 7'S DOUBLER" Scratch Ticket Game prize of \$700 or \$30,000, 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 "WILD 7'S DOUBLER" Scratch Ticket Game prize, the claimant must sign the winning Scratch Ticket, thoroughly complete a claim form, and mail both to: Texas Lottery Commission, P.O. Box 16600, Austin, Texas 78761-6600. The Texas Lottery is not responsible for Scratch Tickets lost in the mail. In the event that the claim is not validated by the Texas Lottery, the claim shall be denied and the claimant shall be notified promptly.

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

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

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

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

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

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

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

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

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

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

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

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

2.5 Payment of Prizes to Persons Under 18. If a person under the age of 18 years is entitled to a cash prize under \$600 from the "WILD 7'S DOUBLER" 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 "WILD 7'S DOUBLER" 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. 1770. The approximate number and value of prizes in the game are as follows:

Figure 2: GAME NO. 1770– 4.0

Prize Amount	Approximate Number of Winners*	Approximate Odds are 1 in **
\$2	739,200	9.74
\$3	595,200	12.10
\$5	115,200	62.50
\$7	57,600	125.00
\$10	124,800	57.69
\$15	19,200	375.00
\$20	76,800	93.75
\$30	13,500	533.33
\$50	11,700	615.38
\$100	3,930	1,832.06
\$350	1,110	6,486.49
\$700	47	153,191.49
\$30,000	8	900,000.00

*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 4.09. 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. 1770 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. 1770, 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-201604572
 Bob Biard
 General Counsel
 Texas Lottery Commission
 Filed: August 30, 2016



Scratch Ticket Game Number 1813 "Hit the Jackpot"

1.0 Name and Style of Scratch Ticket Game.

A. The name of Scratch Ticket Game No. 1813 is "HIT THE JACKPOT". The play style is "key number match".

1.1 Price of Scratch Ticket Game.

A. The price for Scratch Ticket Game No. 1813 shall be \$5.00 per Scratch Ticket.

1.2 Definitions in Scratch Ticket Game No. 1813.

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 and the back of the Scratch Ticket.

C. Play Symbol- The printed data under the latex on the front and back of the Scratch Ticket are used to determine eligibility for a prize. Each Play Symbol is printed in Symbol font in black ink in positive except for dual-image games. The possible black Play Symbols are: 01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, STAR SYMBOL, \$5.00, \$10.00, \$15.00, \$20.00, \$50.00, \$100, \$250, \$1,000, \$100,000, CHERRY SYMBOL, GOLD BAR SYMBOL, BANANA SYMBOL, DICE SYMBOL, CROWN SYMBOL, DIAMOND SYMBOL, SPADE SYMBOL, PINEAPPLE SYMBOL, BELL SYMBOL, SUN SYMBOL, ANCHOR SYMBOL, APPLE SYMBOL, HORSESHOE SYMBOL, LIGHTNING BOLT SYMBOL, LEMON SYMBOL, HEART SYMBOL, STRAWBERRY SYMBOL, SAFE SYMBOL,

CLUB SYMBOL, POT OF GOLD SYMBOL, 4 LEAF CLOVER SYMBOL and WISHBONE 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. 1813 - 1.2D

PLAY SYMBOLS	CAPTION
01	ONE
02	TWO
03	THR
04	FOR
05	FIV
06	SIX
07	SVN
08	EGT
09	NIN
10	TEN
11	ELV
12	TLV
13	TRN
14	FTN
15	FFN
16	SXN
17	SVT
18	ETN
19	NTN
20	TWY
21	TWON
22	TWTO
23	TWTH
24	TWFR
25	TWV
26	TWSX
27	TWSV
28	TWET
29	TWNI
30	TRTY
31	TRON
32	TRTO
33	TRTH
34	TRFR
35	TRV
36	TRSX
37	TRSV

38	TRET
39	TRNI
40	FRTY
41	FRON
42	FRTO
43	FRTH
44	FRFR
45	FRFV
46	FRSX
47	FRSV
48	FRET
49	FRNI
50	FFTY
STAR SYMBOL	WINALL
\$5.00	FIV\$
\$10.00	TEN\$
\$15.00	FFN\$
\$20.00	TWY\$
\$50.00	FFTY\$
\$100	ONHN
\$250	TOFF
\$1,000	ONTH
\$100,000	100TH
CHERRY SYMBOL	CHERRY
GOLD BAR SYMBOL	BAR
BANANA SYMBOL	BANANA
DICE SYMBOL	DICE
CROWN SYMBOL	CROWN
DIAMOND SYMBOL	DIAMOND
SPADE SYMBOL	SPADE
PINEAPPLE SYMBOL	PNAPLE
BELL SYMBOL	BELL
SUN SYMBOL	SUN
ANCHOR SYMBOL	ANCHOR
APPLE SYMBOL	APPLE
HORSESHOE SYMBOL	HRSHOE
LIGHTNING BOLT SYMBOL	BOLT
LEMON SYMBOL	LEMON
HEART SYMBOL	HEART
STRAWBERRY SYMBOL	STRWBY

SAFE SYMBOL	SAFE
CLUB SYMBOL	CLUB
POT OF GOLD SYMBOL	GOLD
4 LEAF CLOVER SYMBOL	CLOVER
WISHBONE SYMBOL	WISHBN

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

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

G. Mid-Tier Prize - A prize of \$50.00, \$100, \$200, \$250, \$300, \$400 or \$500.

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

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

J. Pack-Ticket Number - A 14 (fourteen) digit number consisting of the four (4) digit game number (1813), 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: 1813-0000001-001.

K. Pack - A Pack of the "HIT THE JACKPOT" 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 "HIT THE JACKPOT" Scratch Ticket Game No. 1813.

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 each Scratch Ticket. A prize winner in the "HIT THE JACKPOT" Scratch Ticket Game is determined once the latex on the Scratch Ticket is scratched off to expose 48 (forty-eight) Play Symbols. MAIN PLAY AREA: If a player matches any of YOUR NUMBERS Play Symbols to any of the JACKPOT NUMBERS Play Symbols, the player wins the PRIZE for that number. If a player reveals a "STAR" Play Symbol, the player WINS ALL 20 PRIZES instantly! BONUS PLAY AREA: If a player reveals two (2) matching Play Symbols, the player wins \$100. 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 48 (forty-eight) Play Symbols must appear under the Latex Overprint on 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 48 (forty-eight) Play Symbols under the Latex Overprint on the Scratch Ticket. The Play Symbols will appear under the Latex Overprint on the front and back 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 48 (forty-eight) Play Symbols on the Scratch Ticket must be exactly one of those described in Section 1.2.C of these Game Procedures;

17. Each of the 48 (forty-eight) 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. GENERAL: Consecutive Non-Winning Tickets within a Pack will not have matching patterns of either Play Symbols or Prize Symbols.

B. GENERAL: A Ticket will win as indicated by the prize structure.

C. GENERAL: A Ticket can win up to twenty-one (21) times.

D. MAIN PLAY AREA: On winning and Non-Winning Tickets, the top cash prizes of \$1,000 and \$100,000 will each appear at least once, except on Tickets winning more than fourteen (14) times.

E. MAIN PLAY AREA: No matching non-winning YOUR NUMBERS Play Symbols on a Ticket.

F. MAIN PLAY AREA: Non-winning Prize Symbols will not match a winning Prize Symbol on a Ticket.

G. MAIN PLAY AREA: Tickets winning more than one (1) time will use as many JACKPOT NUMBERS Play Symbols as possible to create matches, unless restricted by other parameters, play action or prize structure.

H. MAIN PLAY AREA: No matching JACKPOT NUMBERS Play Symbols will appear on a Ticket.

I. MAIN PLAY AREA: The "STAR" (WINALL) Play Symbol will never appear as a JACKPOT NUMBERS Play Symbol.

J. MAIN PLAY AREA: The "STAR" (WINALL) Play Symbol will instantly win all twenty (20) prizes and will win only as per the prize structure.

K. MAIN PLAY AREA: The "STAR" (WINALL) Play Symbol will never appear more than once on a Ticket.

L. MAIN PLAY AREA: The "STAR" (WINALL) Play Symbol will never appear on a Non-Winning Ticket.

M. MAIN PLAY AREA: On Tickets winning with the "STAR" (WINALL) Play Symbol, no YOUR NUMBERS Play Symbols will match any of the JACKPOT NUMBERS Play Symbols.

N. MAIN PLAY AREA: YOUR NUMBERS Play Symbols will never equal the corresponding Prize Symbol (i.e., 5 and \$5, 10 and \$10, 15 and \$15, 20 and \$20, 50 and \$50).

O. MAIN PLAY AREA: On all Tickets, a Prize Symbol will not appear more than four (4) times except as required by the prize structure to create multiple wins.

P. MAIN PLAY AREA: On Non-Winning Tickets, a JACKPOT NUMBERS Play Symbol will never match a YOUR NUMBERS Play Symbol.

Q. BONUS PLAY AREA: There will never be more than two (2) matching Play Symbols in this play area.

R. BONUS PLAY AREA: A Ticket can win up to one (1) time in this play area.

2.3 Procedure for Claiming Prizes.

A. To claim a "HIT THE JACKPOT" Scratch Ticket Game prize of \$5.00, \$10.00, \$15.00, \$20.00, \$50.00, \$100, \$200, \$250, \$300, \$400 or \$500, a claimant shall sign the back of the Scratch Ticket in the space designated on the Scratch Ticket and present the winning Scratch Ticket to any Texas Lottery Retailer. The Texas Lottery Retailer shall verify the claim and, if valid, and upon presentation of proper identification, if appropriate, make payment of the amount due the claimant and physically void the Scratch Ticket; provided that the Texas Lottery Retailer may, but is not required, to pay a \$50.00, \$100, \$200, \$250, \$300, \$400 or \$500 Scratch Ticket Game. In the event the Texas Lottery Retailer cannot verify the claim, the Texas Lottery Retailer shall provide the claimant with a claim form and instruct the claimant on how to file a claim with the Texas Lottery. If the claim is validated by the Texas Lottery, a check shall be forwarded to the claimant in the amount due. In the event the claim is not validated, the claim shall be denied and the claimant shall be notified promptly. A claimant may also claim any of the above prizes under the procedure described in Section 2.3.B and Section 2.3.C of these Game Procedures.

B. To claim a "HIT THE JACKPOT" Scratch Ticket Game prize of \$1,000 or \$100,000, the claimant must sign the winning Scratch Ticket and present it at one of the Texas Lottery's Claim Centers. If the claim is validated by the Texas Lottery, payment will be made to the bearer of the validated winning Scratch Ticket for that prize upon presentation of proper identification. When paying a prize of \$600 or more, the Texas Lottery shall file the appropriate income reporting form with the Internal Revenue Service (IRS) and shall withhold federal income tax at a rate set by the IRS if required. In the event that the claim is not validated by the Texas Lottery, the claim shall be denied and the claimant shall be notified promptly.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2.6 If a person under the age of 18 years is entitled to a cash prize of \$600 or more from the "HIT THE JACKPOT" 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 8,280,000 Scratch Tickets in Scratch Ticket Game No. 1813. The approximate number and value of prizes in the game are as follows:

Figure 2: GAME NO. 1813– 4.0

Prize Amount	Approximate Number of Winners*	Approximate Odds are 1 in **
\$5	1,067,200	7.76
\$10	754,400	10.98
\$15	220,800	37.50
\$20	73,600	112.50
\$50	80,500	102.86
\$100	37,398	221.40
\$200	1,035	8,000.00
\$250	1,817	4,556.96
\$300	851	9,729.73
\$400	368	22,500.00
\$500	1,311	6,315.79
\$1,000	204	40,588.24
\$100,000	8	1,035,000.00

*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 3.70. 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. 1813 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. 1813, 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-201604571
 Bob Biard
 General Counsel
 Texas Lottery Commission
 Filed: August 30, 2016

◆ ◆ ◆

Public Utility Commission of Texas

Notice of Application for Amendment to Certificated Service Area Boundary

Notice is given to the public of an application filed on August 25, 2016, with the Public Utility Commission of Texas for an amendment to a certificated service area boundary in Colorado County, Texas.

Docket Style and Number: Application of Industry Telephone Company to Amend a Certificate of Convenience and Necessity for a Minor Service Area Boundary Change in Colorado County. Docket Number 46311.

The Application: The minor boundary amendment is being filed to realign the boundary between the New Ulm exchange of Industry Telephone Company, Inc. (ITC) and the Columbus exchange of AT&T Texas. The amendment will transfer a portion of AT&T Texas' serving area in the Columbus exchange to ITC's New Ulm exchange.

Persons wishing to comment on the action sought or intervene should contact the Public Utility Commission of Texas by September 16, 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 46311.

TRD-201604593

Adriana Gonzales
Rules Coordinator
Public Utility Commission of Texas
Filed: August 31, 2016

◆ ◆ ◆
Notice of Application for Retail Electric Provider Certification

Notice is given to the public of the filing with the Public Utility Commission of Texas (commission) of an application on August 22, 2016, for retail electric provider certification, pursuant to Public Utility Regulatory Act (PURA) §39.352.

Docket Title and Number: Application of ERock On-Site, LLC for a Retail Electric Provider Certificate, Docket Number 46296.

Applicant requests an Option III retail electric certificate.

Information on the application may be obtained by contacting the commission by mail at P.O. Box 13326, Austin, Texas 78711-3326, or by phone at (512) 936-7120 or toll free at (888) 782-8477. Hearing and speech-impaired individuals with text telephone (TTY) may contact the commission through Relay Texas by dialing 7-1-1. All inquiries should reference Docket Number 46296.

TRD-201604565
Adriana Gonzales
Rules Coordinator
Public Utility Commission of Texas
Filed: August 30, 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 22, 2016, pursuant to the Texas Water Code.

Docket Style and Number: Application of Dal-High Water Supply and L&T Water Works for Sale, Transfer, or Merger of Facilities and Certificate Rights in Henderson County, Docket Number 46300.

The Application. Dal-High Water Supply and L&T Water Works filed an application for sale, transfer, or merger of facilities and certificate of convenience and necessity rights in Henderson County. Specifically, L&T Water Works seeks approval to acquire all of the water system assets of Dal-High Water Supply held under water Certificate of Convenience and Necessity No. 12830. The total area being requested is approximately 200 acres and serves 46 current customers. Rates will not change for the affected customers.

Persons who wish to intervene in the proceeding or comment upon the action sought should contact the commission as soon as possible as an intervention deadline will be imposed. A comment or request to intervene should be mailed to Public Utility Commission of Texas, P.O. Box 13326, Austin, Texas 78711-3326. Further information may also be obtained by calling the commission's Office of Customer Protection at (512) 936-7120 or (888) 782-8477. Hearing and speech-impaired individuals with text telephones (TTY) may contact the commission through Relay Texas by dialing 7-1-1. All correspondence should refer to Docket Number 46300.

TRD-201604564
Adriana Gonzales
Rules Coordinator
Public Utility Commission of Texas
Filed: August 30, 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 26, 2016, pursuant to the Texas Water Code.

Docket Style and Number: Application of Rock Creek Water Supply Corporation and Possum Kingdom Water Supply Corporation for Sale, Transfer, or Merger of Facilities and Certificate Rights in Palo Pinto County, Docket Number 46312.

The Application. Possum Kingdom Water Supply Corporation seeks approval to acquire Rock Creek Water Supply Corporation's certificated service area under water certificate of convenience and necessity (CCN) No. 13139, associated facilities and customers. The total area being requested includes approximately 500 acres and serves 98 current customers. The rates for affected customers will be Possum Kingdom's current rates and services will continue as currently provided. The proposed effective date for the transaction is December 1, 2016.

Persons who wish to intervene in the proceeding or comment upon the action sought should contact the Commission as soon as possible as an intervention deadline will be imposed. A comment or request to intervene should be mailed to Public Utility Commission of Texas, P.O. Box 13326, Austin, Texas 78711-3326. Further information may also be obtained by calling the commission's Office of Customer Protection at (512) 936-7120 or (888) 782-8477. Hearing and speech-impaired individuals with text telephones (TTY) may contact the commission through Relay Texas by dialing 7-1-1. All correspondence should refer to Docket Number 46312.

TRD-201604594
Adriana Gonzales
Rules Coordinator
Public Utility Commission of Texas
Filed: August 31, 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 26, 2016, to amend a certificate of convenience and necessity for a proposed transmission line in McCulloch and Menard Counties, Texas.

Docket Style and Number: Joint Application of AEP Texas North Company and Electric Transmission Texas, LLC to Amend their Certificates of Convenience and Necessity for the AEP TNC Heartland to ETT Yellowjacket 138-kV Transmission Line in McCulloch and Menard Counties, Docket Number 46234.

The Application: The joint application of AEP Texas North Company (AEP TNC) and Electric Transmission Texas, LLC (ETT) for a proposed 138-kV transmission line in McCulloch and Menard Counties is designated as the Heartland to Yellowjacket Transmission Line Project. The facilities will be designed and constructed as a 138-kV transmission line and will be initially operated at 69-kV. The project will be constructed using single-pole steel or concrete structures. The project will begin at the new AEP TNC Heartland substation to be constructed near FM 2309 southeast of the City of Brady. The new transmission line will extend southwest to the existing ETT Yellowjacket substation located on U.S. Highway 83 in the City of Menard. The total estimated cost for the project ranges from approximately \$37.1 million to \$43.1 million depending on the route chosen.

The proposed project is presented with 25 alternate routes and is estimated to be approximately 34.8 to 43.5 miles in length. Any of the routes or route segments presented in the application could, however, be approved by the commission.

Persons wishing to intervene or comment on the action sought should contact the commission by mail at P.O. Box 13326, Austin, Texas 78711-3326, or by phone at (512) 936-7120 or toll-free at (888) 782-8477. The deadline for intervention in this proceeding is October 10, 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 46234.

TRD-201604566
Adriana Gonzales
Rules Coordinator
Public Utility Commission of Texas
Filed: August 30, 2016



Notice of Application to Amend Certificates of Convenience and Necessity

Notice is given to the public of the filing with the Public Utility Commission of Texas (commission) of an application to amend water and sewer certificates of convenience and necessity (CCN) in Henderson and Kaufman Counties.

Docket Style and Number: Application of West Cedar Creek Municipal Utility District to Amend its Certificates of Convenience and Necessity and to Decertify the City of Kemp's Certificates of Convenience and Necessity in Henderson and Kaufman Counties, Docket Number 46211.

The Application: West Cedar Creek Municipal Utility District filed an application to amend its water CCN No. 11499 and its sewer CCN No. 20611 and to cancel the City of Kemp's water and sewer CCNs in Henderson and Kaufman Counties.

Persons wishing to intervene or comment on the action sought should contact the commission by mail at P.O. Box 13326, Austin, Texas 78711-3326, or by phone at (512) 936-7120 or toll-free at (888) 782-8477. A deadline for intervention in this proceeding will be established. Hearing and speech-impaired individuals with text telephone (TTY) may contact the commission through Relay Texas by dialing 7-1-1. All comments should reference Docket Number 46211.

TRD-201604563
Adriana Gonzales
Rules Coordinator
Public Utility Commission of Texas
Filed: August 30, 2016



Notice of Application to Amend Water Certificate of Convenience and Necessity

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

Docket Style and Number: Application of Utilities Investment Co., Inc. d/b/a Ranch Crest Water Company to Amend Certificates of Convenience and Necessity in Montgomery County, Docket Number 46299.

The Application: Utilities Investment Co., Inc. d/b/a Ranch Crest Water Company filed an application to amend its water CCN Number

12932 and sewer CCN Number 20874 in Montgomery County. The total area being requested includes approximately 144 acres of undeveloped land which is in the planning stage of being developed into a residential neighborhood. There are zero current customers.

Persons wishing to intervene or comment on the action sought should contact the Commission by mail at P.O. Box 13326, Austin, Texas 78711-3326, or by phone at (512) 936-7120 or toll-free at (888) 782-8477. A deadline for intervention in this proceeding will be established. Hearing and speech-impaired individuals with text telephone (TTY) may contact the commission through Relay Texas by dialing 7-1-1. All comments should reference Docket Number 46299.

TRD-201604481
Adriana Gonzales
Rules Coordinator
Public Utility Commission of Texas
Filed: August 26, 2016



Notice of Intent to Serve Decertified Area

Notice is given to the public of the filing with the Public Utility Commission of Texas (commission) on August 5, 2016, of a notice of intent to provide water service to area decertified from Chisholm Trail Special Utility District's (Chisholm SUD's) water certificate of convenience and necessity No. 11590 in Williamson County.

Docket Style and Number: City of Leander's Notice of Intent to Provide Water Service to Area Decertified from Chisholm Trail Special Utility District in Williamson County, Docket Number 46265.

The Application: On August 5, 2016, pursuant to Tex. Water Code §13.254 and 16 Tex. Admin. Code §24.113, the City of Leander filed with the commission a notice of intent to provide water service to the Wedemeyer, Tesch, Christianson, Garlock, and Bradley tracts located within the City of Leander's city limits and extraterritorial jurisdiction. A settlement agreement between the City of Leander, Chisholm SUD, and the City of Georgetown was executed that provides for the decertification of the preceding tracts from Chisholm SUD and for an agreed upon amount of compensation to be paid for the property rendered useless or valueless to Chisholm SUD.

Persons wishing to comment should contact the commission by mail at P.O. Box 13326, Austin, Texas 78711-3326, or by phone at (512) 936-7120 or toll-free at (888) 782-8477. Hearing and speech-impaired individuals with text telephone (TTY) may contact the commission through Relay Texas by dialing 7-1-1. All comments should reference Docket Number 46265.

TRD-201604568
Adriana Gonzales
Rules Coordinator
Public Utility Commission of Texas
Filed: August 30, 2016



Request for Proposal - Technical Consulting Services

RFP Number **473-16-001681**

The Public Utility Commission of Texas (PUCT) is issuing a Request for Proposals (RFP) for Assistance Reviewing the Change in Control Filing of Energy Future Holdings Corporation.

Scope of Work:

The PUCT is issuing a RFP for an entity to provide technical consulting services in order to assist the PUCT in its review of the change in

control filing(s) that Energy Future Holdings Corporation (EFH) may file with the PUCT in 2017 through 2021, as well as any other proceedings related to the EFH change of control filing. At a minimum, the entity will assist the Commission in discharging its mandate to determine whether the transaction is consistent with the public interest pursuant to the Public Utility Regulatory Act §39.262 and §39.915, as well as any other legal and/or factual determinations that are necessary as part of the Commission's review of the EFH transaction.

RFP documentation may be obtained by contacting:

Jay Stone

Public Utility Commission of Texas

P.O. Box 13326

Austin, TX 78711-3326

(512) 936-7425

RFPCorrespondence@puc.texas.gov

RFP documentation is also located on the PUCT website at <http://www.puc.state.tx.us/agency/about/procurement/Default.aspx>.

Deadline for proposal submission is Friday, October 7, 2016 - 2:00 p.m., CST

TRD-201604569

Adriana Gonzales

Rules Coordinator

Public Utility Commission of Texas

Filed: August 30, 2016



Railroad Commission of Texas

Railroad Commission Proposal to Discontinue Certain Forms

The Railroad Commission of Texas (Commission) is conducting an extensive review of all Commission forms currently required for permit applications and reporting purposes. The purpose of this review is to determine whether data collected from the forms is still necessary, and discontinue those forms no longer useful to the Commission's regulatory functions to reduce the regulatory and administrative burden on industry and Commission staff. As part of this review, the Commission proposes to discontinue several obsolete forms. These forms are not referenced in the Commission's rules or enabling statutes and either (1) are no longer required to be filed, or (2) request information that is not necessary to the Commission's regulatory functions.

The Commission proposes to discontinue Form C-1, Carbon Black Plant Report, and C-2, Application for Permit to Operate a Carbon Black Plant. There have not been any carbon black plants in the State of Texas for decades. Therefore, the Commission proposes to discontinue Forms C-1 and C-2.

The Commission proposes to discontinue Form G-9, Gas Cycling Report. The Commission has received no Forms G-9 for many years. Texas Natural Resources Code, §§85.058, 85.059, 85.060, 85.061, and 85.062 do not require the filing of Form G-9. In addition, no Commission rules require the filing of Form G-9 or the submission of the information requested by Form G-9.

The Commission further proposes to discontinue Form GT-3, Monthly Geothermal Gatherer's Report. There are currently only two geothermal projects permitted in the State of Texas under the jurisdiction of the Commission. The Commission has received no Forms GT-3 from gatherers reporting the gathering of dry steam, geothermal water, low-

temperature thermal water, or other products from these geothermal projects. The Commission has no purpose for this information.

The Commission proposes to discontinue Form MD-1, Optional Operator Market Demand Forecast for Gas Well Gas in Prorated Fields. Form MD-1 is used to allow an operator to file an optional market demand forecast for the operator's gas wells in a specified prorated reservoir as an alternative to the Commission-determined market demand forecast. The Commission assumes that there is 100% market demand for natural gas. In the past several years, only one company has filed Form MD-1. Due to the low volume of filings compared to the high number of wells in the affected fields, the impact of the operator-submitted data is negligible; the normal market demand calculations are unaffected.

The Commission proposes to discontinue Form R-4, Gas Processing Plant Report of Gas Injected. The Commission receives approximately five or six of these forms each month. The information submitted on the form is generally not necessary, except for the volume of gas injected, which is already submitted on Form H-10, Annual Disposal/Injection Well Monitoring Report.

Finally, the Commission proposes to discontinue Form R-7, Pressure Maintenance & Repressuring Plant Report. The Commission has received no Forms R-7 in many years. The volume injected can be submitted on Form H-10 (Annual Disposal/Injection Well Monitoring Report). The Commission does not use the remaining information requested on Form R-4.

To view or print the forms proposed for discontinuation, see <http://www.rrc.texas.gov/oil-gas/forms/oil-gas-forms-library/oil-gas-forms-in-alphabetical-order/>.

Please submit comments concerning the elimination of these forms no later than 12:00 p.m. on Monday, October 10, 2016, using the on-line comment form at <http://www.rrc.texas.gov/about-us/resource-center/forms/proposed-form-changes/>.

TRD-201604538

Haley Cochran

Rules Attorney, Office of General Counsel

Railroad Commission of Texas

Filed: August 26, 2016



Supreme Court of Texas

In the Supreme Court of Texas

(Editor's Note: On August 31, 2016, the Supreme Court of Texas filed Misc. Docket No. 16-9122, Final Approval of Amendments to the Texas Rules of Civil Procedure and the Texas Rules of Appellate Procedure and of a Form Statement of Inability to Afford Payment of Court Costs, in the Texas Register office. In accordance with Texas Government Code, §2002.014, which permits the omission of material which is "cumbersome, expensive, or otherwise inexpedient," the notice is not included in the print version of the Texas Register. The notice is available in the on-line version of the September 9, 2016, issue of the Texas Register.)

Misc. Docket No. 16-9122

FINAL APPROVAL OF AMENDMENTS TO THE TEXAS RULES OF CIVIL PROCEDURE AND THE TEXAS RULES OF APPELLATE PROCEDURE AND OF A FORM STATEMENT OF INABILITY TO AFFORD PAYMENT OF COURT COSTS

ORDERED that:

1. By order dated May 16, 2016, in Misc. Docket No. 16-9056, the Supreme Court of Texas approved amendments to Texas Rules of Civil Procedure 145 and 502.3 and Texas Rules of Appellate Procedure 20.1, 25, and 32. The Court also approved a form Statement of Inability to Afford Payment of Court Costs and invited public comment on the amendments and the form.

2. The Court has reviewed the public comments and made revisions to the rules and to the form. The final versions are set forth in this order.

3. The amendments are effective September 1, 2016. The amended rules apply to any contest of, or challenge to, a claim of inability to afford payment of court costs that is pending on September 1.

4. The final versions of Texas Rules of Civil Procedure 145 and 502.3 are set forth in clean form. The Court did not make any additional changes to Rule 502.3 during the comment period.

5. The Court has approved amendments to Texas Rules of Civil Procedure 126, 501.2, 502.4, 502.6, 504.1, 506.1, 506.4, and 510.7. The amended version of Rule 126 is set forth in clean form. The amendments to Rules 501.2, 502.4, 502.6, 504.1, 506.4, and 510.7 are demonstrated in redline.

6. The final versions of Texas Rules of Appellate Procedure 20.1, 25.1, and 32.1 are set forth in clean form. The Court did not make any additional changes to Rules 25.1 or 32.1 during the comment period.

7. The Court has approved amendments to Texas Rule of Appellate Procedure 43.4. The amended rule is set forth in clean form.

8. The final version of the Statement of Inability to Afford Payment of Court Costs is attached.

9. The Clerk is directed to:

- a. file a copy of this order with the Secretary of State;
- b. cause a copy of this order to be mailed to each registered member of the State Bar of Texas by publication in the *Texas Bar Journal*;

c. send a copy of this order to each elected member of the Legislature; and

d. submit a copy of the order for publication in the *Texas Register*.

Dated: August 31, 2016.

Nathan L. Hecht, Chief Justice

Paul W. Green, Justice

Phil Johnson, Justice

Don R. Willett, Justice

Eva M. Guzman, Justice

Debra H. Lehmann, Justice

Jeffrey S. Boyd, Justice

John P. Devine, Justice

Jeffrey V. Brown, Justice

Texas Rule of Civil Procedure 126—Clean Version of Amended Rule

Rule 126. Fee for Service of Process in a County Other Than in the County of Suit

- (a) *General Rule: Fee Due Before Service.* A sheriff or constable may require payment before serving process in a case pending in a county other than the county in which the sheriff or constable is an officer.
- (b) *Exception: Statement of Inability to Afford Payment of Court Costs Filed.* If a Statement of Inability to Afford Payment of Court Costs has been filed in a case in which the declarant requests service of process in a county other than in the county of suit, the clerk must indicate on the document to be served that a Statement of Inability to Afford Payment of Court Costs has been filed. The sheriff or constable must execute the service without demanding payment.

Texas Rule of Civil Procedure 145—Clean Version of Final Amended Rule

Rule 145. Payment of Costs Not Required

- (a) *General Rule.* A party who files a Statement of Inability to Afford Payment of Court Costs cannot be required to pay costs except by order of the court as provided by this rule. After the Statement is filed, the clerk must docket the case, issue citation, and provide any other service that is ordinarily provided to a party. The Statement must either be sworn to before a notary or made under penalty of perjury. In this rule, “declarant” means the party filing the Statement.
- (b) *Supreme Court Form; Clerk to Provide.* The declarant must use the form Statement approved by the Supreme Court, or the Statement must include the information required by the Court-approved form. The clerk must make the form available to all persons without charge or request.
- (c) *Costs Defined.* “Costs” mean any fee charged by the court or an officer of the court that could be taxed in a bill of costs, including, but not limited to, filing fees, fees for issuance and service of process, fees for a court-appointed professional, and fees charged by the clerk or court reporter for preparation of the appellate record.
- (d) *Defects.* The clerk may refuse to file a Statement that is not sworn to before a notary or made under penalty of perjury. No other defect is a ground for refusing to file a Statement or requiring the party to pay costs. If a defect or omission in a Statement is material, the court—on its own motion or on motion of the clerk or any party—may direct the declarant to correct or clarify the Statement.
- (e) *Evidence of Inability to Afford Costs Required.* The Statement must say that the declarant cannot afford to pay costs. The declarant must provide in the Statement, and, if available, in attachments to the Statement, evidence of the declarant’s inability to afford costs, such as evidence that the declarant:
 - (1) receives benefits from a government entitlement program, eligibility for which is dependent on the recipient’s means;
 - (2) is being represented in the case by an attorney who is providing free legal services to the declarant, without contingency, through:
 - (A) a provider funded by the Texas Access to Justice Foundation;
 - (B) a provider funded by the Legal Services Corporation; or

- (C) a nonprofit that provides civil legal services to persons living at or below 200% of the federal poverty guidelines published annually by the United States Department of Health and Human Services;
 - (3) has applied for free legal services for the case through a provider listed in (e)(2) and was determined to be financially eligible but was declined representation; or
 - (4) does not have funds to afford payment of costs.
- (f) *Requirement to Pay Costs Notwithstanding Statement.* The court may order the declarant to pay costs only as follows:
- (1) *On Motion by the Clerk or a Party.* The clerk or any party may move to require the declarant to pay costs only if the motion contains sworn evidence, not merely on information or belief:
 - (A) that the Statement was materially false when it was made; or
 - (B) that because of changed circumstances, the Statement is no longer true in material respects.
 - (2) *On Motion by the Attorney Ad Litem for a Parent in Certain Cases.* An attorney ad litem appointed to represent a parent under Section 107.013, Family Code, may move to require the parent to pay costs only if the motion complies with (f)(1).
 - (3) *On Motion by the Court Reporter.* When the declarant requests the preparation of a reporter's record but cannot make arrangements to pay for it, the court reporter may move to require the declarant to prove the inability to afford costs.
 - (4) *On the Court's Own Motion.* Whenever evidence comes before the court that the declarant may be able to afford costs, or when an officer or professional must be appointed in the case, the court may require the declarant to prove the inability to afford costs.
 - (5) *Notice and Hearing.* The declarant may not be required to pay costs without an oral evidentiary hearing. The declarant must be given 10 days' notice of the hearing. Notice must either be in writing and served in accordance with Rule 21a or given in open court. At the hearing, the burden is on the declarant to prove the inability to afford costs.

- (6) *Findings Required.* An order requiring the declarant to pay costs must be supported by detailed findings that the declarant can afford to pay costs.
 - (7) *Partial and Delayed Payment.* The court may order that the declarant pay the part of the costs the declarant can afford or that payment be made in installments. But the court must not delay the case if payment is made in installments.
- (g) *Review of Trial Court Order.*
- (1) *Only Declarant May Challenge; Motion.* Only the declarant may challenge an order issued by the trial court under this rule. The declarant may challenge the order by motion filed in the court of appeals with jurisdiction over an appeal from the judgment in the case. The declarant is not required to pay any filing fees related to the motion in the court of appeals.
 - (2) *Time for Filing; Extension.* The motion must be filed within 10 days after the trial court's order is signed. The court of appeals may extend the deadline by 15 days if the declarant demonstrates good cause for the extension in writing.
 - (3) *Record.* After a motion is filed, the court of appeals must promptly send notice to the trial court clerk and the court reporter requesting preparation of the record of all trial court proceedings on the declarant's claim of indigence. The court may set a deadline for filing the record. The record must be provided without charge.
 - (4) *Court of Appeals to Rule Promptly.* The court of appeals must rule on the motion at the earliest practicable time.
- (h) *Judgment.* The judgment must not require the declarant to pay costs, and a provision in the judgment purporting to do so is void, unless the court has issued an order under (f), or the declarant has obtained a monetary recovery, and the court orders the recovery to be applied toward payment of costs.

Comment to 2016 Change: The rule has been rewritten. Access to the civil justice system cannot be denied because a person cannot afford to pay court costs. Whether a particular fee is a court cost is governed by this rule, Civil Practice and Remedies Code Section 31.007, and case law.

The issue is not merely whether a person can pay costs, but whether the person can afford to pay costs. A person may have sufficient cash on hand to pay filing fees, but the person

cannot afford the fees if paying them would preclude the person from paying for basic essentials, like housing or food. Experience indicates that almost all filers described in (e)(1)-(3), and most filers described in (e)(4), cannot in fact afford to pay costs.

Because costs to access the system—filing fees, fees for issuance of process and notices, and fees for service and return—are kept relatively small, the expense involved in challenging a claim of inability to afford costs often exceeds the costs themselves. Thus, the rule does not allow the clerk or a party to challenge a litigant’s claim of inability to afford costs without sworn evidence that the claim is false. The filing of a Statement of Inability to Afford Payment of Court Costs—which may either be sworn to before a notary or made under penalty of perjury, as permitted by Civil Practice and Remedies Code Section 132.001—is all that is needed to require the clerk to provide ordinary services without payment of fees and costs. But evidence may come to light that the claim was false when made. And the declarant’s circumstances may change, so that the claim is no longer true. Importantly, costs may increase with the appointment of officers or professionals in the case, or when a reporter’s record must be prepared. The reporter is always allowed to challenge a claim of inability to afford costs before incurring the substantial expense of record preparation. The trial court always retains discretion to require evidence of an inability to afford costs.

Texas Rule of Civil Procedure 501.2—Redline of Amendments

Rule 501.2. Service of Citation

* * *

- (c) *Service Fees.* A plaintiff must pay all fees for service unless the plaintiff has filed a ~~sworn~~ Statement of Inability to Afford Payment of Court Costs ~~pay the fees~~ with the court. If the plaintiff has filed a ~~sworn~~ Statement of inability to pay, the plaintiff must arrange for the citation to be served by a sheriff, constable, or court clerk.

* * *

Texas Rule of Civil Procedure 502.3—Clean Version of Amended Rule

Rule 502.3. Fees; Inability to Afford Fees

- (a) *Fees and Statement of Inability to Afford Payment of Court Costs.* On filing the petition, the plaintiff must pay the appropriate filing fee and service fees, if any, with the court. A plaintiff who is unable to afford to pay the fees must file a Statement of Inability to Afford Payment of Court Costs. The Statement must either be sworn to before a notary or made under penalty of perjury. Upon filing the Statement, the clerk must docket the action, issue citation, and provide any other customary services.
- (b) *Supreme Court Form; Contents of Statement.* The plaintiff must use the form Statement approved by the Supreme Court, or the Statement must include the information required by the Court-approved form. The clerk must make the form available to all persons without charge or request.
- (c) *Certificate of Legal-Aid Provider.* If the party is represented by an attorney who is providing free legal services because of the party's indigence, without contingency, and the attorney is providing services either directly or by referral from a legal-aid provider described in Rule 145(e)(2), the attorney may file a certificate confirming that the provider screened the party for eligibility under the income and asset guidelines established by the provider. A Statement that is accompanied by the certificate of a legal-aid provider may not be contested under (d).
- (d) *Contest.* Unless a certificate is filed under (c), the defendant may file a contest of the Statement at any time within 7 days after the day the defendant's answer is due. If the Statement attests to receipt of government entitlement based on indigence, the Statement may only be contested with regard to the veracity of the attestation. If contested, the judge must hold a hearing to determine the plaintiff's ability to afford the fees. At the hearing, the burden is on the plaintiff to prove the inability to afford fees. The judge may, regardless of whether the defendant contests the Statement, examine the Statement and conduct a hearing to determine the plaintiff's ability to afford fees. If the judge determines that the plaintiff is able to afford the fees, the judge must enter a written order listing the reasons for the determination, and the plaintiff must pay the fees in the time specified in the order or the case will be dismissed without prejudice.

Texas Rule of Civil Procedure 502.4—Redline of Amendments

Rule 502.4. Venue—Where a Lawsuit May Be Brought

* * *

- (d) *Motion to Transfer Venue.* If a plaintiff files suit in an improper venue, a defendant may challenge the venue selected by filing a motion to transfer venue. The motion must be filed before trial, no later than 21 days after the day the defendant's answer is filed, and must contain a sworn statement that the venue chosen by the plaintiff is improper and a specific county and precinct of proper venue to which transfer is sought. If the defendant fails to name a county and precinct, the court must instruct the defendant to do so and allow the defendant 7 days to cure the defect. If the defendant fails to correct the defect, the motion will be denied, and the case will proceed in the county and precinct where it was originally filed.

- (1) *Procedure.*

* * *

- (G) Order. An order granting a motion to transfer venue must state the reason for the transfer and the name of the court to which the transfer is made. When such an order of transfer is made, the judge who issued the order must immediately make out a true and correct transcript of all the entries made on the docket in the case, certify the transcript, and send the transcript, with a certified copy of the bill of costs and the original papers in the case, to the court in the precinct to which the case has been transferred. The court receiving the case must then notify the plaintiff that the case has been received and, if the case is transferred to a different county, that the plaintiff has 14 days after receiving the notice to pay the filing fee in the new court, or file a ~~sworn~~ Statement of Inability to Afford Payment of Court Costs. The plaintiff is not entitled to a refund of any fees already paid. Failure to pay the fee or file a ~~sworn~~ Statement of inability to pay will result in dismissal of the case without prejudice.

* * *

Texas Rule of Civil Procedure 502.6—Redline of Amendments

Rule 502.6. Counterclaim; Cross-Claim; Third Party Claim

- (a) *Counterclaim.* A defendant may file a petition stating as a counterclaim any claim against a plaintiff that is within the jurisdiction of the justice court, whether or not related to the claims in the plaintiff's petition. The defendant must file a counterclaim petition as provided in Rule 502.2, and must pay a filing fee or provide a ~~sworn~~ Statement of Inability to Afford Payment of Court Costs~~pay the fees~~. The court need not generate a citation for a counterclaim and no answer to the counterclaim need be filed. The defendant must serve a copy of the counterclaim as provided by Rule 501.4.
- (b) *Cross-Claim.* A plaintiff seeking relief against another plaintiff, or a defendant seeking relief against another defendant may file a cross-claim. The filing party must file a cross-claim petition as provided in Rule 502.2, and must pay a filing fee or provide a ~~sworn~~ Statement of Inability to Afford Payment of Court Costs~~pay the fees~~. A citation must be issued and served as provided by Rule 501.2 on any party that has not yet filed a petition or an answer, as appropriate. If the party filed against has filed a petition or an answer, the filing party must serve the cross-claim as provided by Rule 501.4.
- (c) *Third Party Claim.* A defendant seeking to bring another party into a lawsuit who may be liable for all or part of the plaintiff's claim against the defendant may file a petition as provided in Rule 502.2, and must pay a filing fee or provide a ~~sworn~~ Statement of Inability to Afford Payment of Court Costs~~pay the fees~~. A citation must be issued and served as provided by Rule 501.2.

Texas Rule of Civil Procedure 504.1—Redline of Amendments

Rule 504.1. Jury Trial Demanded

- (a) *Demand.* Any party is entitled to a trial by jury. A written demand for a jury must be filed no later than 14 days before the date a case is set for trial. If the demand is not timely, the right to a jury is waived unless the late filing is excused by the judge for good cause.
- (b) *Jury Fee.* Unless otherwise provided by law, a party demanding a jury must pay a fee of \$22.00 or must file a ~~sworn~~ Statement of Inability to Afford Payment of Court Costs ~~the fee~~ at or before the time the party files a written request for a jury.
- (c) *Withdrawal of Demand.* If a party who demands a jury and pays the fee withdraws the demand, the case will remain on the jury docket unless all other parties present agree to try the case without a jury. A party that withdraws its jury demand is not entitled to a refund of the jury fee.
- (d) *No Demand.* If no party timely demands a jury and pays the fee, the judge will try the case without a jury.

Texas Rule of Civil Procedure 506.1—Redline of Amendments

Rule 506.1. Appeal

- (a) *How Taken; Time.* A party may appeal a judgment by filing a bond, making a cash deposit, or filing a ~~sworn~~ Statement of Inability to Afford p Payment of Court Costs with the justice court within 21 days after the judgment is signed or the motion to reinstate, motion to set aside, or motion for new trial, if any, is denied.
- (b) *Amount of Bond; Sureties; Terms.* A plaintiff must file a \$500 bond. A defendant must file a bond in an amount equal to twice the amount of the judgment. The bond must be supported by a surety or sureties approved by the judge. The bond must be payable to the appellee and must be conditioned on the appellant's prosecution of its appeal to effect and payment of any judgment and all costs rendered against it on appeal.
- (c) *Cash Deposit in Lieu of Bond.* In lieu of filing a bond, an appellant may deposit with the clerk of the court cash in the amount required of the bond. The deposit must be payable to the appellee and must be conditioned on the appellant's prosecution of its appeal to effect and payment of any judgment and all costs rendered against it on appeal.
- (d) ~~Sworn~~ Statement of Inability to Afford Payment of Court Costs.
- (1) **Filing.** An appellant who cannot furnish a bond or pay a cash deposit in the amount required may instead file a ~~sworn~~ Statement of Inability to Afford p Payment of Court Costs. The Sstatement must be on the form approved by the Supreme Court or include the information required by the Court-approved form and meet the requirements of Rule 502.3(b) and may be the same one that was filed with the petition.
 - (2) **Contest.** The Sstatement may be contested as provided in Rule 502.3(d) within 7 days after the opposing party receives notice that the Sstatement was filed.
 - (3) **Appeal If Contest Sustained.** If the contest is sustained, the appellant may appeal that decision by filing notice with the justice court within 7 days of that court's written order. The justice court must then forward all related documents to the county court for resolution. The county court must set the matter for hearing within 14 days and hear the contest de novo, as if there had been no previous hearing, and if the appeal is granted, must direct the

justice court to transmit to the clerk of the county court the transcript, records, and papers of the case, as provided in these rules.

- (4) **If No Appeal or If Appeal Overruled.** If the appellant does not appeal the ruling sustaining the contest, or if the county court denies the appeal, the appellant may, within five days, post an appeal bond or make a cash deposit in compliance with this rule.
- (e) *Notice to Other Parties Required.* If a sStatement of iInability to Afford pPayment of Court Costs is filed, the court must provide notice to all other parties that the sStatement was filed no later than the next business day. Within 7 days of filing a bond or making a cash deposit, an appellant must serve written notice of the appeal on all other parties using a method approved under Rule 501.4.
- (f) *No Default on Appeal Without Compliance With Rule.* The county court to which an appeal is taken must not render default judgment against any party without first determining that the appellant has fully complied with this rule.
- (g) *No Dismissal of Appeal Without Opportunity for Correction.* An appeal must not be dismissed for defects or irregularities in procedure, either of form or substance, without allowing the appellant, after 7 days' notice from the court, the opportunity to correct such defect.
- (h) *Appeal Perfected.* An appeal is perfected when a bond, cash deposit, or sStatement of iInability to Afford pPayment of Court Costs is filed in accordance with this rule.
- (i) *Costs.* The appellant must pay the costs on appeal to a county court in accordance with Rule 143a.

Texas Rule of Civil Procedure 506.4—Redline of Amendments

Rule 506.4. Writ of Certiorari

* * *

- (c) *Bond, Cash Deposit, or Sworn Statement of Indigency to Pay Required.* If the application is granted, a writ of certiorari must not issue until the applicant has filed a bond, made a cash deposit, or filed a ~~sworn~~Statement of indigency Inability to Afford Payment of Court Costs that complies with Rule 145.
- (d) *Time for Filing.* An application for writ of certiorari must be filed within 90 days after the date the final judgment is signed.
- (e) *Contents of Writ.* The writ of certiorari must command the justice court to immediately make and certify a copy of the entries in the case on the docket, and immediately transmit the transcript of the proceedings in the justice court, together with the original papers and a bill of costs, to the proper court.
- (f) *Clerk to Issue Writ and Citation.* When the application is granted and the bond, cash deposit, or ~~sworn~~Statement of indigencyInability to Afford Payment of Court Costs ~~has~~ve been filed, the clerk must issue a writ of certiorari to the justice court and citation to the adverse party.

* * *

Texas Rule of Civil Procedure 510.7—Redline of Amendments

Rule 510.7. Trial

- (a) *Trial.* An eviction case will be docketed and tried as other cases. No eviction trial may be held less than 6 days after service under Rule 510.4 has been obtained.
- (b) *Jury Trial Demanded.* Any party may file a written demand for trial by jury by making a request to the court at least 3 days before the trial date. The demand must be accompanied by payment of a jury fee or by filing a ~~sworn~~ Statement of ~~Inability to Afford p~~ Payment of Court Costs ~~the jury fee~~. If a jury is demanded by either party, the jury will be impaneled and sworn as in other cases; and after hearing the evidence it will return its verdict in favor of the plaintiff or the defendant. If no jury is timely demanded by either party, the judge will try the case.
- (c) *Limit on Postponement.* Trial in an eviction case must not be postponed for more than 7 days total unless both parties agree in writing.

Texas Rule of Civil Procedure 510.9—Redline of Amendments

Rule 510.9. Appeal

- (a) *How Taken; Time.* A party may appeal a judgment in an eviction case by filing a bond, making a cash deposit, or filing a ~~sworn~~ Statement of Inability to Afford Payment of Court Costs with the justice court within 5 days after the judgment is signed.
- (b) *Amount of Security; Terms.* The justice court judge will set the amount of the bond or cash deposit to include the items enumerated in Rule 510.11. The bond or cash deposit must be payable to the appellee and must be conditioned on the appellant's prosecution of its appeal to effect and payment of any judgment and all costs rendered against it on appeal.
- (c) ~~Sworn~~ *Statement of Inability to Afford Payment of Court Costs.*
- (1) *Filing.* An appellant who cannot furnish a bond or pay a cash deposit in the amount required may instead file a ~~sworn~~ Statement of Inability to Afford Payment of Court Costs. ~~The Statement must meet the requirements of Rule 502.3(b)~~ be on the form approved by the Supreme Court or include the information required by the Court-approved form.
- (2) *Contest.* The Statement may be contested as provided in Rule 502.3(d) within 5 days after the opposing party receives notice that the Statement was filed.
- (3) *Appeal If Contest Sustained.* If the contest is sustained, the appellant may appeal that decision by filing notice with the justice court within 5 days of that court's written order. The justice court must then forward all related documents to the county court for resolution. The county court must set the matter for hearing within 5 days and hear the contest de novo, as if there had been no previous hearing, and, if the appeal is granted, must direct the justice court to transmit to the clerk of the county court the transcript, records, and papers of the case, as provided in these rules.
- (4) *If No Appeal or If Appeal Overruled.* If the appellant does not appeal the ruling sustaining the contest, or if the county court denies the appeal, the appellant may, within one business day, post an appeal bond or make a cash deposit in compliance with this rule.
- (5) *Payment of Rent in Nonpayment of Rent Appeals.*

(A) Notice. If a defendant appeals an eviction for nonpayment of rent by filing a ~~sworn~~sStatement of Inability to Afford ~~p~~Payment of Court Costs, the justice court must provide to the defendant a written notice at the time the Statement is filed that contains the following information in bold or conspicuous type:

- (i) the amount of the initial deposit of rent, equal to one rental period's rent under the terms of the rental agreement, that the defendant must pay into the justice court registry;
- (ii) whether the initial deposit must be paid in cash, cashier's check, or money order, and to whom the cashier's check or money order, if applicable, must be made payable;
- (iii) the calendar date by which the initial deposit must be paid into the justice court registry, which must be within 5 days of the date the ~~sworn~~sStatement of Inability to Afford ~~p~~Payment of Court Costs is filed; and
- (iv) a statement that failure to pay the required amount into the justice court registry by the required date may result in the court issuing a writ of possession without hearing.

(B) Defendant May Remain in Possession. A defendant who appeals an eviction for nonpayment of rent by filing a ~~sworn~~sStatement of Inability to Afford ~~p~~Payment of Court Costs is entitled to stay in possession of the premises during the pendency of the appeal by complying with the following procedure:

- (i) Within 5 days of the date that the defendant files a ~~sworn~~sStatement of Inability to Afford ~~p~~Payment of Court Costs, it must pay into the justice court registry the amount set forth in the notice provided at the time the defendant filed the Statement. If the defendant was provided with notice and fails to pay the designated amount into the justice court registry within 5 days, and the transcript has not been transmitted to the county clerk, the plaintiff is entitled, upon request and payment of the applicable fee, to a writ of possession, which the justice court must issue immediately and without hearing.
- (ii) During the appeal process as rent becomes due under the rental agreement, the defendant must pay the designated amount into

the county court registry within 5 days of the rental due date under the terms of the rental agreement.

- (iii) If a government agency is responsible for all or a portion of the rent, the defendant must pay only that portion of the rent determined by the justice court to be paid during appeal. Either party may contest the portion of the rent that the justice court determines must be paid into the county court registry by filing a contest within 5 days after the judgment is signed. If a contest is filed, the justice court must notify the parties and hold a hearing on the contest within 5 days. If the defendant objects to the justice court's ruling at the hearing, the defendant is required to pay only the portion claimed to be owed by the defendant until the issue is tried in county court.
 - (iv) If the defendant fails to pay the designated amount into the court registry within the time limits prescribed by these rules, the plaintiff may file a sworn motion that the defendant is in default in county court. The plaintiff must notify the defendant of the motion and the hearing date. Upon a showing that the defendant is in default, the court must issue a writ of possession.
 - (v) The plaintiff may withdraw any or all rent in the county court registry upon sworn motion and hearing, prior to final determination of the case, showing just cause; dismissal of the appeal; or order of the court after final hearing. (vi) All hearings and motions under this subparagraph are entitled to precedence in the county court.
- (d) *Notice to Other Parties Required.* If a sStatement of Inability to Afford pPayment of Court Costs is filed, the court must provide notice to all other parties that the Sstatement was filed no later than the next business day. Within 5 days of filing a bond or making a cash deposit, an appellant must serve written notice of the appeal on all other parties using a method approved under Rule 501.4.
- (e) *No Default on Appeal Without Compliance With Rule.* No judgment may be taken by default against the adverse party in the court to which the case has been appealed without first showing substantial compliance with this rule.
- (f) *Appeal Perfected.* An appeal is perfected when a bond, cash deposit, or sStatement of Inability to Afford pPayment of Court Costs is filed in accordance with this rule.

Texas Rule of Appellate Procedure 20.1—Clean Version of Final Amended Rule

20.1 Civil Cases

- (a) *Costs Defined.* In this rule, “costs” mean filing fees charged by the appellate court. Fees charged for preparation of the appellate record are governed by Texas Rule of Civil Procedure 145.
- (b) *When a Statement Was Filed in the Trial Court.*
- (1) *General Rule; Status in Trial Court Carries Forward.* A party who filed a Statement of Inability to Afford Payment of Court Costs in the trial court is not required to pay costs in the appellate court unless the trial court overruled the party’s claim of indigence in an order that complies with Texas Rule of Civil Procedure 145. A party is not required to pay costs in the appellate court if the trial court ordered the party to pay partial costs or to pay costs in installments.
 - (2) *Establishing the Right to Proceed Under the General Rule.* To establish the right to proceed without payment of costs under (1), a party must communicate to the appellate court clerk in writing that the party is presumed indigent under this rule. In an appeal under Section Two of these rules, the applicability of the presumption should be stated in the notice of appeal and in the docketing statement.
 - (3) *Exception; Material Change in Circumstances.* An appellate court may permit a party who is not entitled to proceed under (1) to proceed without payment of costs if the party establishes that the party’s financial circumstances have materially changed since the date of the trial court’s order under Texas Rule of Civil Procedure 145.
 - (A) *Requirements.* The party must file a motion in the appellate court alleging that the party’s financial circumstances have materially changed since the date of the trial court’s order and a current Statement of Inability to Afford Payment of Court Costs that complies with Texas Rule of Civil Procedure 145. The Statement that was filed in the trial court does not meet the requirements of this rule.
 - (B) *Action by Appellate Court.* The appellate court may decide the motion based on the record or refer the motion to the trial court with instructions to hear evidence and issue findings of fact. If a motion is referred to the trial court, the appellate court must review the trial

court's findings and the record of the hearing before ruling on the motion.

- (c) *When No Statement Was Filed in the Trial Court.* An appellate court may permit a party who did not file a Statement of Inability to Afford Payment of Court Costs in the trial court to proceed without payment of costs. The court may require the party to file a Statement in the appellate court. If the court denies the party's request to proceed without payment of costs, it must do so in a written order.

Comment to 2016 Change:

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

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

Experience has shown that, in most cases, a party's financial circumstances do not change substantially between the trial court proceedings and the appellate court proceedings. Nonetheless, (b)(3) permits a party whom the trial court determined is able to afford all costs to demonstrate to the appellate court that the party's circumstances have changed since the trial court's ruling and that the party is unable to afford appellate filing fees.

Texas Rule of Appellate Procedure 25.1—Clean Version of Amended Rule

25.1. Civil Cases

* * *

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

- (1) identify the trial court and state the case's trial court number and style;
- (2) state the date of the judgment or order appealed from;
- (3) state that the party desires to appeal;
- (4) state the court to which the appeal is taken unless the appeal is to either the First or Fourteenth Court of Appeals, in which case the notice must state that the appeal is to either of those courts;
- (5) state the name of each party filing the notice;
- (6) in an accelerated appeal, state that the appeal is accelerated and state whether it is a parental termination or child protection case, as defined in Rule 28.4;
- (7) in a restricted appeal:
 - (A) state that the appellant is a party affected by the trial court's judgment but did not participate—either in person or through counsel—in the hearing that resulted in the judgment complained of;
 - (B) state that the appellant did not timely file either a postjudgment motion, request for findings of fact and conclusions of law, or notice of appeal; and
 - (C) be verified by the appellant if the appellant does not have counsel.
- (8) state, if applicable, that the appellant is presumed indigent and may proceed without paying costs under Rule 20.1.

* * *

Texas Rule of Appellate Procedure 32—Clean Version of Amended Rule

32.1. Civil Cases

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

* * *

- (k) if the appellant filed a Statement of Inability to Afford Payment of Court Costs in the trial court:
 - (1) the date that the Statement was filed;
 - (2) the date of filing of any motion challenging the Statement;
 - (3) the date of any hearing on the appellant's ability to afford costs; and
 - (4) if the trial court signed an order under Texas Rule of Civil Procedure 145, the court's findings regarding the appellant's ability to afford costs and the date that the order was signed;
- (l) whether the appellant has filed or will file a supersedeas bond; and
- (m) any other information the appellate court requires.

Texas Rule of Appellate Procedure 43.4—Clean Version of Amended Rule

43.4. Judgment for Costs in Civil Cases

The court of appeals' judgment should award to the prevailing party costs incurred by that party related to the appeal, including filing fees in the court of appeals and costs for preparation of the record. The court of appeals may tax costs otherwise as required by law or for good cause. But the judgment must not require the payment of costs by a party who was entitled to proceed without payment of costs under Rule 20.1, and a provision in the judgment purporting to do so is void.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA



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

Plaintiff: _____
 (Print first and last name of the person filing the lawsuit.)

In the (check one):
 _____ Court _____
 Number _____
 District Court
 County Court / County Court at Law
 Justice Court

And

Defendant: _____
 (Print first and last name of the person being sued.)

_____ Texas
 _____ County

Statement of Inability to Afford Payment of Court Costs or an Appeal Bond

1. Your Information

My full legal name is: _____ My date of birth is: ____/____/____
First Middle Last Month/Day/Year

My address is: (Home) _____
 (Mailing) _____

My phone number: _____ My email: _____

About my **dependents**: "The people who depend on me financially are listed below.

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

2. Are you represented by Legal Aid?

I am being represented in this case for free by an attorney who works for a legal aid provider or who received my case through a legal aid provider. I have attached the certificate the legal aid provider gave me as 'Exhibit: Legal Aid Certificate.

-or-

I asked a legal-aid provider to represent me, and the provider determined that I am financially eligible for representation, but the provider could not take my case. I have attached documentation from legal aid stating this.

or-

I am not represented by legal aid. I did not apply for representation by legal aid.

3. Do you receive public benefits?

I do not receive needs-based public benefits. - or -

I receive these **public benefits/government entitlements** that are based on indigency:

(Check ALL boxes that apply and attach proof to this form, such as a copy of an eligibility form or check.)

- Food stamps/SNAP TANF Medicaid CHIP SSI WIC AABD
- Public Housing or Section 8 Housing Low-Income Energy Assistance Emergency Assistance
- Telephone Lifeline Community Care via DADS LIS in Medicare ("Extra Help")
- Needs-based VA Pension Child Care Assistance under Child Care and Development Block Grant
- County Assistance, County Health Care, or General Assistance (GA)
- Other: _____

4. What is your monthly income and income sources?

"I get this monthly income:

\$ _____ in monthly wages. I work as a _____ for _____.
Your job title Your employer

\$ _____ in monthly unemployment. I have been unemployed since (date) _____.

\$ _____ in public benefits per month.

\$ _____ from other people in my household each month: *(List only if other members contribute to your household income.)*

- \$ _____ from Retirement/Pension Tips, bonuses Disability Worker's Comp
 Social Security Military Housing Dividends, interest, royalties
 Child/spousal support
 My spouse's income or income from another member of my household *(if available)*

\$ _____ from other jobs/sources of income. *(Describe)* _____

\$ _____ is my **total monthly** income.

5. What is the value of your property?

"My property includes: **Value***

Cash	\$ _____
Bank accounts, other financial assets	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
Vehicles (cars, boats) <i>(make and year)</i>	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
Other property (like jewelry, stocks, land, another house, etc.)	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
Total value of property	→ \$ _____

6. What are your monthly expenses?

"My monthly expenses are: **Amount**

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

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

7. Are there debts or other facts explaining your financial situation?

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

(If you want the court to consider other facts, such as unusual medical expenses, family emergencies, etc., attach another page to this form labeled "Exhibit: Additional Supporting Facts.") Check here if you attach another page.

8. Declaration

I declare under penalty of perjury that the foregoing is true and correct. I further swear:

- I cannot afford to pay court costs.
 I cannot furnish an appeal bond or pay a cash deposit to appeal a justice court decision.

My name is _____ My date of birth is : ____ / ____ / ____.

My address is _____
Street City State Zip Code Country

▶ _____ signed on ____ / ____ / ____ in _____ County, _____
Signature Month/Day/Year county name State

◆ ◆ ◆
Texas Department of Transportation

Aviation Division - Request for Qualifications for Professional Engineering Services

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

Current Project: City of Arlington; TxDOT CSJ No.: 1702ARLNG. Scope: Provide engineering and design services, including construction administration, to rehabilitate, reconstruct, and overlay hangar access pavement around the South Apron.

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 proposed contract is subject to 49 CFR Part 26 concerning the participation of Disadvantaged Business Enterprises.

The DBE goal for the design phase of the current project is 12%. The goal will be re-set for the construction phase. The TxDOT Project Manager is Ryan Hindman.

Utilizing multiple engineering/design and construction grants over the course of the next five years, future scope of work items at the Arlington Municipal Airport may include the following: rehabilitate taxiway pavement, rehabilitate hangar access pavement, realign Taxiway "H" to standards, expand aircraft parking apron near the Terminal Building, rehabilitate/reconstruct Taxiway Alpha, rehabilitate/reconstruct Runway 16/34, install perimeter wildlife security fencing, and improve drainage at the south side and east side of the airport.

The City of Arlington reserves the right to determine which of the above services may or may not be awarded to the successful firm and to initiate additional procurement action for any of the services above.

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 "Arlington Municipal Airport". The qualification statement should address a technical approach for the current scope only. Firms shall use page 4, Recent Airport Experience, to list relevant past projects for both current and future scope.

AVN-550 Preparation Instructions:

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.

The completed Form AVN-550 **must be received** in the TxDOT Aviation eGrants system no later than October 11, 2016, at 11:59 p.m. (CDST). Electronic facsimiles or forms sent by email or regular/overnight mail will not be accepted.

Firms that wish to submit a response to this solicitation must be a user in the TxDOT Aviation eGrants system no later than one business day before the solicitation due date. To request access to eGrants, please complete the Contact Us web form located at:

<http://txdot.gov/government/funding/egrants-2016/aviation.html>

An instructional video on how to respond to a solicitation in eGrants is available at <http://txdot.gov/government/funding/egrants-2016/aviation.html>.

Step-by-step instructions on how to respond to a solicitation in eGrants will also be posted in the RFQ packet at <http://www.txdot.gov/inside-txdot/division/aviation/projects.html>.

The consultant selection committee will be composed of local government representatives. 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 Engineering Qualifications 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 for the design and bidding phases. 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 Beverly Longfellow, Grant Manager. For technical questions, please contact Ryan Hindman, Project Manager. For questions regarding responding to this solicitation in eGrants, please contact the TxDOT Aviation help desk at 1-800-687-4568 or avn-egrantshelp@txdot.gov.

TRD-201604432
Joanne Wright
Deputy General Counsel
Texas Department of Transportation
Filed: August 25, 2016

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Workforce Solutions Brazos Valley Board

Public Notice

The Workforce Solutions Brazos Valley Board (WSBVB) is soliciting quotes for an independent Planner to provide workforce services through the competitive procurement process for the following counties: Brazos, Grimes, Washington, Burleson, Robertson, Madison,

and Leon. The Request for Planner RFQ can be downloaded at www.bvjobs.org or by request to B. Clemmons via email to bclemmons@bvcog.org or in writing to P.O. Box 4128, Bryan, TX 77805, Attention: Request for Planner RFQ.

The purpose of the RFQ is to solicit proposals for an independent Planner to manage competitive procurements for WSBVB services for Workforce programs, provide contract administrative consultation and assist with the integrated plan.

The primary consideration in selecting a Planner within the workforce development area shall be the effectiveness of the individual or organization in delivering comparable or related procurement services, planning, and contract administration consultation services based on demonstrated past performance.

The Planner, in executing this procurement, will use the Brazos Valley Council of Government (BVCOG) /WSBVB developed procurement policies and procedures, and adhere to the Texas Workforce Commission's (TWC) Contract Administration Manual, the TWC's Financial Management Manual for Grants and Contracts, the Texas Administrative Code Title 40, Part 20 Chapter 809, the final regulations (9-294), and regulations pertaining to programs under H.B. 1863.

The deadline for proposals is 4:00 p.m. CST on Tuesday, September 27, 2016. Please submit proposals to the address listed below:

Workforce Solutions Brazos Valley Board

Attn: B. Clemmons

3991 East 29th Street

Bryan, TX 77802

Bidders will have the opportunity to ask questions during the bidder's conference. The Bidder's Conference will be held **Wednesday, September 14, 2016, at 2:00 p.m. CST. The call-in number for the conference call is (979) 595-2802.** Bidders may attend the bidder's conference call at the Center for Regional Services, 3991 East 29th Street, Bryan, Texas 77802.

Deadline for Questions: Bidders can submit questions to B. Clemmons until **12 p.m. CST, September 13, 2016**, via email at bclemmons@bvcog.org or mail to the listed address. These questions will be answered during the bidder's conference. Attendance at the bidder's conference is not mandatory. All answers to questions will be posted at www.bvjobs.org by noon on September 20, 2016.

TRD-201604581

Patricia Buck

Program Manager

Workforce Solutions Brazos Valley Board

Filed: August 30, 2016

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Request for Quotes - Legal Services - WSBVB

The Workforce Solutions Brazos Valley Board (WSBVB) is soliciting competitive Requests for Quotes (RFQ) for legal services for the Workforce Solutions Brazos Valley Board (WSBVB) for the period of October 1, 2016, through September 30, 2017, with the option to renew for three additional years depending on successful performance and funding. Legal Services will be provided for workforce services for the following counties: Brazos, Grimes, Washington, Burleson, Robertson, Madison, and Leon. The Request for Legal Services' RFQ can be downloaded at: www.bvjobs.org or by request to B. Clemmons via email at bclemmons@bvcog.org, or in writing to P.O. Box 4128, Bryan, TX 77805, Attention: Request for Legal Services RFQ.

The purpose of the RFQ is to solicit proposals from state certified administrative law attorneys to facilitate negotiation between WSBVB and the Texas Workforce Commission and to provide legal advice for workforce development programs and administration as needed. Other services include review of legal documents, preparing legal documents, and representing the Board in appeals.

The deadline for quotes is 4:00 p.m. CST on Tuesday, September 27, 2016. Please submit proposals to the address listed below. Emails will not be accepted.

Workforce Solutions Brazos Valley Board

Attn: B. Clemmons

3991 East 29th Street

Bryan, TX 77802

Respondents may direct questions concerning this Request for Quote to Barbara Clemmons via email at bclemmons@bvcog.org no later than September 16, 2016. All questions and answers will be posted on www.bvjobs.org by noon on September 20, 2016.

TRD-201604583

Patricia Buck

Program Manager

Workforce Solutions Brazos Valley Board

Filed: August 30, 2016
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