

# 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

Draft Bond Program Policies and Request for Proposals Available for Public Comment

The Texas State Affordable Housing Corporation ("Corporation") has posted the draft of its 2017 Tax-Exempt Bonds Program Policies and Request for Proposal. The draft will be posted for public comment, which will run until December 1, 2016. Comments may be submitted in email at [ddanenfelzer@tsahc.org](mailto:ddanenfelzer@tsahc.org). Comments will also be accepted by phone, USPS or any other means at the offices of the Corporation. For more information please contact David Danenfelzer, Senior Director of Development Finance by phone at: 512-477-3562 or by email: [ddanenfelzer@tsahc.org](mailto:ddanenfelzer@tsahc.org).

Comments submitted by mail should be sent to:

Texas State Affordable Housing Corporation  
Attn: Senior Director of Development Finance  
2200 East Martin Luther King Jr. Blvd.  
Austin, Texas 78702

A copy of the draft policies and request for proposals is available on the Corporation's website at:

<http://www.tsahc.org/developers-property-managers/tax-exempt-bonds>

TRD-201605421

David Long  
President

Texas State Affordable Housing Corporation  
Filed: October 17, 2016

## Comptroller of Public Accounts

Certification of the Average Closing Price of Gas and Oil - September 2016

The Comptroller of Public Accounts, administering agency for the collection of the Crude Oil Production Tax, has determined, as required by Tax Code, §202.058, that the average taxable price of crude oil for reporting period September 2016 is \$33.68 per barrel for the three-month period beginning on June 1, 2016, and ending August 31, 2016. Therefore, pursuant to Tax Code, §202.058, crude oil produced during the month of September 2016, from a qualified low-producing oil lease, is not eligible for a credit on the crude oil production tax imposed by Tax Code, Chapter 202.

The Comptroller of Public Accounts, administering agency for the collection of the Natural Gas Production Tax, has determined, as required by Tax Code, §201.059, that the average taxable price of gas for reporting period September 2016 is \$1.56 per mcf for the three-month period beginning on June 1, 2016, and ending August 31, 2016. Therefore, pursuant to Tax Code, §201.059, gas produced during the month of September 2016, from a qualified low-producing well, is eligible for a

100% credit on the natural gas production tax imposed by Tax Code, Chapter 201.

The Comptroller of Public Accounts, administering agency for the collection of the Franchise Tax, has determined, as required by Tax Code, §171.1011(s), that the average closing price of West Texas Intermediate crude oil for the month of September 2016 is \$45.23 per barrel. Therefore, pursuant to Tax Code, §171.1011(r), a taxable entity shall not exclude total revenue received from oil produced during the month of September 2016, from a qualified low-producing oil well.

The Comptroller of Public Accounts, administering agency for the collection of the Franchise Tax, has determined, as required by Tax Code, §171.1011(s), that the average closing price of gas for the month of September 2016 is \$2.90 per MMBtu. Therefore, pursuant to Tax Code, §171.1011(r), a taxable entity shall exclude total revenue received from gas produced during the month of September 2016, from a qualified low-producing gas well.

This agency hereby certifies that this notice has been reviewed by legal counsel and found to be within the agency's authority to publish.

TRD-201605319

Lita Gonzalez

General Counsel

Comptroller of Public Accounts

Filed: October 14, 2016

## Office of Consumer Credit Commissioner

Notice of Rate Ceilings

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

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 10/24/16 - 10/30/16 is 18% for Consumer<sup>1</sup>/Agricultural/Commercial<sup>2</sup> credit through \$250,000.

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 10/24/16 - 10/30/16 is 18% for Commercial over \$250,000.

The judgment ceiling as prescribed by §304.003 for the period of 11/01/16 - 11/30/16 is 5.00% for Consumer/Agricultural/Commercial credit thru \$250,000.

The judgment ceiling as prescribed by §304.003 for the period of 11/01/16 - 11/30/16 is 5.00% for commercial over \$250,000.

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

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

TRD-201605424

Leslie Pettijohn

Commissioner

Office of Consumer Credit Commissioner

Filed: October 18, 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 November 28, 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 November 28, 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: AA Food Mart, LLC dba Bogata Foodmart; DOCKET NUMBER: 2016-1235-PST-E; IDENTIFIER: RN104449558; LOCATION: Bogata, Red River County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULES VIOLATED: 30 TAC §334.50(b)(1)(A) and (2) and TWC §26.3475(a) and (c)(1), by failing to monitor the underground storage tanks (USTs) for releases at a frequency of at least once every month, and failing to provide release detection for the pressurized piping associated with the UST system; PENALTY: \$4,625; ENFORCEMENT COORDINATOR: Jonathan Nguyen, (512) 239-1661; REGIONAL OFFICE: 2916 Teague Drive, Tyler, Texas 75701-3734, (903) 535-5100.

(2) COMPANY: AEP Texas Central Company; DOCKET NUMBER: 2016-1074-IHW-E; IDENTIFIER: RN100678358; LOCATION: Corpus Christi, Nueces County; TYPE OF FACILITY: equipment repair and refurbishing shop; RULES VIOLATED: 30 TAC §335.261(b) and §335.262(c)(2)(F) and 40 Code Of Federal Regulations (CFR) §273.15(c)(1), by failing to contain paint and paint-related waste in a container that was labeled or marked clearly with the words "Universal Waste - Paint and Paint-Related Wastes", and failing to demonstrate the length of time that the universal waste has been accumulated by placing the universal waste in a container and marking or labeling the container with the earliest date that any universal waste in the container became a waste or was received; and 30 TAC §335.69(h) and 40 CFR §262.34(f), by failing to comply with the 180-day accumulation time limit for a small quantity generator; PENALTY: \$10,563; Supplemental Environmental Project offset amount of \$4,225; ENFORCEMENT COORDINATOR: Epifanio Villarreal, (361) 825-3421; REGIONAL

OFFICE: 6300 Ocean Drive, Suite 1200, Corpus Christi, Texas 78412-5503, (361) 828-3100)

(3) COMPANY: BRAHMA STORES INCORPORATED dba Brahma Express; DOCKET NUMBER: 2016-1061-PST-E; IDENTIFIER: RN101743052; LOCATION: Stockdale, Wilson County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULES VIOLATED: 30 TAC §334.50(b)(1)(A) and TWC, §26.3475(c)(1), by failing to monitor the underground storage tanks for releases at a frequency of at least once every month; 30 TAC §334.74, by failing to investigate a suspected release of regulated substance within 30 days of discovery; and 30 TAC §334.72, by failing to report a suspected release to the TCEQ within 24 hours of discovery; PENALTY: \$13,231; ENFORCEMENT COORDINATOR: James Baldwin, (512) 239-1337; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, (210) 490-3096.

(4) COMPANY: BRANCH GROCERY INCORPORATED; DOCKET NUMBER: 2016-1317-PST-E; IDENTIFIER: RN102395951; LOCATION: Princeton, Collin County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULES VIOLATED: 30 TAC §334.50(b)(2) and TWC, §26.3475(a), by failing to provide release detection for the pressurized piping associated with the underground storage tank system; PENALTY: \$3,693; ENFORCEMENT COORDINATOR: Keith Frank, (512) 239-1203; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(5) COMPANY: Carolyn Bush dba Paradise Ranch RV Park and Wayne Bush dba Paradise Ranch RV Park; DOCKET NUMBER: 2016-0649-PWS-E; IDENTIFIER: RN106691025; LOCATION: Franklin, Robertson County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.109(c)(2)(A)(i) and §290.122(c)(2)(A) and (f) and Texas Health and Safety Code, §341.033(d), by failing to collect routine distribution water samples for coliform analysis, and failing to issue public notification and submit a copy of the public notification to the executive director regarding the failure to collect routine distribution water samples; PENALTY: \$2,408; ENFORCEMENT COORDINATOR: Michaele Garza, (210) 403-4076; REGIONAL OFFICE: 6801 Sanger Avenue, Suite 2500, Waco, Texas 76710-7826, (254) 751-0335.

(6) COMPANY: City of Aransas Pass; DOCKET NUMBER: 2016-0133-MWD-E; IDENTIFIER: RN102076452; LOCATION: Aransas Pass, San Patricio 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 WQ0010521002, Effluent Limitations and Monitoring Requirements Number 1, by failing to comply with permitted effluent limitations; and TWC §5.702 and 30 TAC §§21.4, 205.6 and 290.51(a)(6), by failing to pay General Permits Stormwater fees and associated late fees for TCEQ Financial Administration Division Account Number 20039238 for Fiscal Year (FY) 2016, Consolidated Water Quality fees and associated late fees for TCEQ Financial Administration Division Account Number 23002132 for FY 2016, and Public Health Service fees and associated late fees for TCEQ Financial Administration Division Account Number 92050015 for FY 2016; PENALTY: \$12,600; Supplemental Environmental Project offset amount of \$10,080; ENFORCEMENT COORDINATOR: Claudia Corrales, (512) 239-4935; REGIONAL OFFICE: 6300 Ocean Drive, Suite 1200, Corpus Christi, Texas 78412-5503, (361) 825-3100.

(7) COMPANY: City of Clute; DOCKET NUMBER: 2016-1238-PST-E; IDENTIFIER: RN102058583; LOCATION: Clute, Brazoria County; TYPE OF FACILITY: fleet refueling center; 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; 30 TAC §334.8(c)(4)(A)(vii)

and (5)(B)(ii), by failing to renew a previously issued UST delivery certificate by submitting a properly completed UST registration and self-certification form at least 30 days before the expiration date; and 30 TAC §334.8(c)(5)(A)(i) and TWC, §26.3467(a), by failing to make available to a common carrier a valid, current TCEQ delivery certificate before accepting delivery of a regulated substance into the USTs; PENALTY: \$9,188; ENFORCEMENT COORDINATOR: Anthony Rios, (512) 239-2557; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(8) COMPANY: City of Corpus Christi; DOCKET NUMBER: 2016-0638-MLM-E; IDENTIFIER: RN101610400; LOCATION: Corpus Christi, Nueces County; TYPE OF FACILITY: wastewater treatment facility; RULES VIOLATED: 30 TAC §101.4 and Texas Health and Safety Code, §382.085(a) and (b), by failing to prevent nuisance odor conditions; and 30 TAC §305.125(1) and (5) and Texas Pollutant Discharge Elimination System Permit Number WQ0010401003, Operational Requirements Number 1, by failing to properly operate and maintain the facility and all of its systems of collection, treatment, and disposal; PENALTY: \$30,563; Supplemental Environmental Project offset amount of \$24,451; ENFORCEMENT COORDINATOR: Farhad Abbaszadeh, (512) 239-0779; REGIONAL OFFICE: 6300 Ocean Drive, Suite 1200, Corpus Christi, Texas 78412-5503, (361) 825-3100.

(9) COMPANY: City of Italy; DOCKET NUMBER: 2016-0622-MWD-E; IDENTIFIER: RN102336310; LOCATION: Italy, Ellis County; TYPE OF FACILITY: wastewater treatment facility; RULES VIOLATED: 30 TAC §305.125(1), TWC, §26.121(a)(1), and Texas Pollutant Discharge Elimination System (TPDES) Permit Number WQ0014195001, Effluent Limitations and Monitoring Requirements Numbers 1 and 2, by failing to comply with permitted effluent limitations; and 30 TAC §305.125(1) and (17) and §319.7(d) and TPDES Permit Number WQ0014195001, Monitoring and Reporting Requirements Number 1, by failing to submit discharge monitoring reports (DMRs) at the intervals specified in the permit, and by failing to timely submit DMRs at the intervals specified in the permit; PENALTY: \$9,425; Supplemental Environmental Project offset amount of \$7,540; ENFORCEMENT COORDINATOR: Steven Van Landingham, (512) 239-5717; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(10) COMPANY: City of Jacksboro; DOCKET NUMBER: 2016-1198-PWS-E; IDENTIFIER: RN101401396; LOCATION: Jacksboro, Jack 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; 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; 30 TAC §290.117(i)(5) and (k), by failing to deliver the public education materials following the lead action level exceedance that occurred during the January 1, 2014 - December 31, 2014, monitoring period; and 30 TAC §290.122(c)(2)(A) and (f), by failing to provide public notification and submit a copy of the public notification to the executive director regarding the failure to submit the Surface Water Monthly Operating Report for the month of November 2014; PENALTY: \$1,575; ENFORCEMENT COORDINATOR: James Fisher, (512) 239-2537; REGIONAL OFFICE: 1977 Industrial Boulevard, Abilene, Texas 79602-7833, (325) 698-9674.

(11) COMPANY: City of Savoy; DOCKET NUMBER: 2016-0764-MWD-E; IDENTIFIER: RN102921988; LOCATION: Savoy, Fannin County; TYPE OF FACILITY: wastewater treatment plant; RULES

VIOLATED: TWC, §26.121(a)(1), 30 TAC §305.125(1) and (4), and Texas Pollutant Discharge Elimination System (TPDES) Permit Number WQ0014273001, Permit Conditions Number 2.g, by failing to prevent the unauthorized discharge of wastewater into or adjacent to any water in the state; and 30 TAC §305.125(1) and (9) and TPDES Permit Number WQ0014273001, Monitoring and Reporting Requirements Number 7.a, by failing to submit written notification to the Dallas Fort Worth Regional Office and the Enforcement Division within five working days of becoming aware of the noncompliance; PENALTY: \$26,013; Supplemental Environmental Project offset amount of \$20,811; ENFORCEMENT COORDINATOR: Sandra Douglas, (512) 239-2549; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(12) COMPANY: Dennis N. Engdahl; DOCKET NUMBER: 2016-1669-WOC-E; IDENTIFIER: RN103407631; LOCATION: Scottsville, Harrison County; TYPE OF FACILITY: community groundwater system; RULE VIOLATED: 30 TAC §30.5(a), by failing to obtain a required occupational license; PENALTY: \$175; ENFORCEMENT COORDINATOR: David Carney, (512) 239-2583; REGIONAL OFFICE: 2616 Teague Drive, Tyler, Texas 75701-3734, (903) 535-5100.

(13) COMPANY: EPP-Texas Acquisition, LLC dba Quik Way Retail Associates 3569; DOCKET NUMBER: 2016-0882-PST-E; IDENTIFIER: RN102374634; LOCATION: Lubbock, Lubbock County; TYPE OF FACILITY: convenience store with retail sales of gasoline and diesel fuel; RULES VIOLATED: 30 TAC §334.50(b)(1)(A), (d)(1)(B)(ii) and (iii)(I) and TWC, §26.3475(c)(1), by failing to monitor the underground storage tanks (USTs) for releases at a frequency of at least once per month, and failing to conduct reconciliation of detailed inventory records at least once each month, in a manner 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 failing to conduct inventory volume measurement for regulated substance inputs, withdrawals, and the amount still remaining in the tank each operating day; 30 TAC §334.8(c)(5)(A)(iii), by failing to have a valid, current TCEQ delivery certificate posted at the facility; and 30 TAC §334.42(i) and §334.51(a)(6) and TWC, §26.3475(c)(2), by failing to inspect all sumps, manways, overflow containers or catchment basins associated with a UST 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; PENALTY: \$12,668; ENFORCEMENT COORDINATOR: James Baldwin, (512) 239-1337; REGIONAL OFFICE: 5012 50th Street, Suite 100, Lubbock, Texas 79414-3421, (806) 796-7092.

(14) COMPANY: EXXONMOBIL OIL CORPORATION; DOCKET NUMBER: 2016-0122-IWD-E; IDENTIFIER: RN102450756; LOCATION: Beaumont, Jefferson County; TYPE OF FACILITY: petroleum refinery; RULES VIOLATED: TWC, §26.121(a)(1), 30 TAC §305.125(1), and Texas Pollutant Discharge Elimination System (TPDES) Permit Number WQ0003426000, Effluent Limitations and Monitoring Requirements Numbers 1 and 2, by failing to comply with permitted effluent limitations; and TWC, §26.121(a)(1), 30 TAC §305.125(1) and §307.4(b)(7), and TPDES Permit Number WQ0003426000, Effluent Limitations and Monitoring Requirements Number 3, by failing to prevent the discharge of visible oil; PENALTY: \$92,721; Supplemental Environmental Project offset amount of \$46,360; ENFORCEMENT COORDINATOR: Farhad Abbaszadeh, (512) 239-0779; REGIONAL OFFICE: 3870 Eastex Freeway, Beaumont, Texas 77703-1892, (409) 898-3838.

(15) COMPANY: FOSTER CONSOLIDATED INVESTMENTS, L.L.C.; DOCKET NUMBER: 2016-0367-PWS-E; IDENTIFIER: RN101193993; LOCATION: Weir, Williamson County; TYPE OF

FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.42(e)(4)(B), by failing to house the gas chlorination equipment and cylinders of chlorine in separate buildings or separate rooms with impervious walls or partitions separating all mechanical and electrical equipment from the chlorine facilities; 30 TAC §290.45(b)(1)(C)(iv) and Texas Health and Safety Code (THSC), §341.0315(c), by failing to provide a pressure tank capacity of at least 20 gallons per connection; 30 TAC §290.45(b)(1)(C)(iii) and THSC, §341.0315(c), by failing to provide two or more service pumps with a total capacity of at least 2.0 gallons per minute (gpm) per connection; 30 TAC §290.45(b)(1)(C)(i) and THSC, §341.0315(c), by failing to provide a minimum well capacity of 0.6 gpm per connection; and 30 TAC §290.46(m)(1)(B), by failing to conduct an inspection of the facility's pressure tank interior surface once every five years; PENALTY: \$520; ENFORCEMENT COORDINATOR: Katy Montgomery, (210) 403-4016; REGIONAL OFFICE: 12100 Park 35 Circle, Building A, Austin, Texas 78711-3087, (512) 239-2929.

(16) COMPANY: Hemphill USA Investments Incorporated dba Shell 7545; DOCKET NUMBER: 2016-1142-PST-E; IDENTIFIER: RN102156221; LOCATION: Fort Worth, Tarrant County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULES VIOLATED: 30 TAC §334.74, by failing to investigate a suspected release of regulated substance within 30 days of discovery; 30 TAC §334.72, by failing to report a suspected release to the TCEQ within 24 hours of discovery; and 30 TAC §334.50(b)(2) and TWC, §26.3475(a), by failing to provide release detection for the pressurized piping associated with the underground storage tank system; PENALTY: \$27,989; ENFORCEMENT COORDINATOR: James Baldwin, (512) 239-1337; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(17) COMPANY: JK AND SONS INVESTMENTS INCORPORATED dba Lucky 7 Food Mart; DOCKET NUMBER: 2016-1225-PST-E; IDENTIFIER: RN101765089; LOCATION: San Antonio, Bexar County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULES VIOLATED: 30 TAC §334.50(b)(1)(A) and (2) and TWC, §26.3475(a) and (c)(1), by failing to monitor the underground storage tanks (USTs) for releases at a frequency of at least once every month also, failing to provide release detection for the pressurized piping associated with the UST system; PENALTY: \$3,505; ENFORCEMENT COORDINATOR: Keith Frank, (512) 239-1203; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, (210) 490-3096.

(18) COMPANY: JONESTOWN INVESTMENTS, INCORPORATED dba Jonestown Texaco; DOCKET NUMBER: 2016-1248-PST-E; IDENTIFIER: RN101492809; LOCATION: Jonestown, Travis 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: Holly Kneisley, (817) 588-5856; REGIONAL OFFICE: 12100 Park 35 Circle, Building A, Austin, Texas 78711-3087, (512) 239-2929.

(19) COMPANY: Kelly Burt Dozer, Incorporated; DOCKET NUMBER: 2016-1719-WQ-E; IDENTIFIER: RN109125856; LOCATION: Bryan, Brazos County; TYPE OF FACILITY: aggregate extraction; RULE VIOLATED: 30 TAC §281.25(a)(4), by failing to obtain a Multi-Sector General Permit for stormwater; PENALTY: \$875; ENFORCEMENT COORDINATOR: Sandra Douglas, (512) 239-2549; REGIONAL OFFICE: 6801 Sanger Avenue, Suite 2500, Waco, Texas 76710-7826, (254) 751-0335.

(20) COMPANY: Lamar University; DOCKET NUMBER: 2016-0814-PST-E; IDENTIFIER: RN102370657; LOCATION: Beau-

mont, Jefferson County; TYPE OF FACILITY: fleet refueling station; RULES VIOLATED: 30 TAC §334.8(c)(4)(A)(vii) and (5)(B)(ii), by failing to renew a previously issued underground storage tank (UST) delivery certificate by submitting a properly completed UST registration and self-certification form at least 30 days before the expiration date; and 30 TAC §334.8(c)(5)(A)(i) and TWC, §26.3467(a), by failing to make available to a common carrier a valid, current TCEQ delivery certificate before accepting delivery of a regulated substance into the USTs; PENALTY: \$1,488; ENFORCEMENT COORDINATOR: Jessica Bland, (512) 239-4967; REGIONAL OFFICE: 3870 Eastex Freeway, Beaumont, Texas 77703-1892, (409) 898-3838.

(21) COMPANY: LIZER ENTERPRISES, INCORPORATED dba Lizer Food Mart; DOCKET NUMBER: 2016-1293-PST-E; IDENTIFIER: RN102313558; LOCATION: Pearland, Brazoria 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: \$7,500; ENFORCEMENT COORDINATOR: Benjamin Sakmar, (512) 239-1704; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(22) COMPANY: Luis Gonzalez dba Los Venados Country Store; DOCKET NUMBER: 2016-1500-PST-E; IDENTIFIER: RN104316849; LOCATION: Edinburg, Hidalgo 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 (2) and TWC, §26.3475(a) and (c)(1), by failing to monitor the USTs for releases at a frequency of at least once every month, and failing to provide release detection for the pressurized piping associated with the UST system; PENALTY: \$6,879; ENFORCEMENT COORDINATOR: Benjamin Sakmar, (512) 239-1704; REGIONAL OFFICE: 1804 West Jefferson Avenue, Harlingen, Texas 78550-5247, (956) 425-6010.

(23) COMPANY: LYONDELL CHEMICAL COMPANY; DOCKET NUMBER: 2016-1166-AIR-E; IDENTIFIER: RN100633650; LOCATION: Channel View, Harris County; TYPE OF FACILITY: petrochemical plant; RULES VIOLATED: 30 TAC §116.115(b)(2)(F) and (c) and §122.143(4), Texas Health and Safety Code, §382.085(b), Federal Operating Permit Number O1387, Special Terms and Conditions Number 25, and New Source Review Permit Number 19613, Special Conditions Number 1, by failing to prevent unauthorized emissions; PENALTY: \$12,300; Supplemental Environmental Project offset amount of \$4,920; ENFORCEMENT COORDINATOR: Abigail Lindsey, (512) 239-2576; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(24) COMPANY: NORTH TIMBERLAND EXPRESS, INCORPORATED dba Big's 3807; DOCKET NUMBER: 2016-1062-PST-E; IDENTIFIER: RN101766756; LOCATION: Lufkin, Angelina 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: \$6,750; ENFORCEMENT COORDINATOR: James Baldwin, (512) 239-1337; REGIONAL OFFICE: 3870 Eastex Freeway, Beaumont, Texas 77703-1892, (409) 898-3838.

(25) COMPANY: NP Community Development Corporation; DOCKET NUMBER: 2015-1755-MSW-E; IDENTIFIER: RN108745852; LOCATION: Dallas, Dallas County; TYPE OF FACILITY: apartment building; RULE VIOLATED: 30 TAC §330.15(c), by failing to not cause, suffer, allow, or permit the unauthorized disposal of municipal solid waste; PENALTY: \$70,313;

ENFORCEMENT COORDINATOR: Jessica Bland, (512) 239-4967; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(26) COMPANY: Paul Fuller; DOCKET NUMBER: 2016-1606-WOC-E; IDENTIFIER: RN106262785; LOCATION: Cedar Park, Williamson County; TYPE OF FACILITY: irrigation system; RULE VIOLATED: 30 TAC §30.5(a), by failing to obtain a required occupational license; PENALTY: \$175; ENFORCEMENT COORDINATOR: David Carney, (512) 239-2583; REGIONAL OFFICE: 12100 Park 35 Circle, Building A, Austin, Texas 78753-1808, (512) 239-2929.

(27) COMPANY: Phillips 66 Company; DOCKET NUMBER: 2016-0793-AIR-E; IDENTIFIER: RN102495884; LOCATION: Borger, Hutchinson County; TYPE OF FACILITY: petroleum refinery; RULES VIOLATED: 30 TAC §§101.20(1) - (3), 116.715(a), and 122.143(4), Texas Health and Safety Code (THSC), §382.085(b), 40 Code of Federal Regulations §60.104(a)(2)(i) and §63.1568(c)(1), Federal Operating Permit (FOP) Number O1440, Special Terms and Conditions (STC) Number 20, and Flexible Permit Numbers 9868A and PSDTX102M7, Special Conditions Numbers 29 and 31, by failing to comply with a concentration limit; and 30 TAC §122.143(4) and §122.146(1), THSC, §382.085(b), and FOP Number O2166, STC Number 11, by failing to submit a Permit Compliance Certification within 30 days after the end of the certification period; PENALTY: \$13,688; Supplemental Environmental Project offset amount of \$5,475; ENFORCEMENT COORDINATOR: Rajesh Acharya, (512) 239-0577; REGIONAL OFFICE: 3918 Canyon Drive, Amarillo, Texas 79109-4933, (806) 353-9251.

(28) COMPANY: Piknik Enterprises, Incorporated dba Pik Nik Foods 11; DOCKET NUMBER: 2016-0954-PST-E; IDENTIFIER: RN101782530; LOCATION: San Antonio, Bexar 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 §334.10(b)(1)(B), by failing to maintain UST records and make them immediately available for inspection upon request by agency personnel; PENALTY: \$5,063; ENFORCEMENT COORDINATOR: Holly Kneisley, (817) 588-5856; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, (210) 490-3096.

(29) COMPANY: Piknik Enterprises, Incorporated dba Pik Nik Foods 3; DOCKET NUMBER: 2016-0999-PST-E; IDENTIFIER: RN101811206; LOCATION: San Antonio, Bexar County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULES VIOLATED: 30 TAC §334.50(b)(1)(A) and TWC, §26.3475(c)(1), by failing to monitor the underground storage tanks for releases at a frequency of at least once every month; PENALTY: \$4,125; ENFORCEMENT COORDINATOR: Margarita Dennis, (817) 588-5892; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, (210) 490-3096.

(30) COMPANY: QUIROGA PROPERTIES, L.L.C. dba Pantry East and dba Pantry West; DOCKET NUMBER: 2016-1148-PST-E; IDENTIFIER: RN103016838 and RN101444537; LOCATION: Beeville, Bee 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: \$9,000; ENFORCEMENT COORDINATOR: Abigail Lindsey, (512) 239-2576; REGIONAL OFFICE: 6300 Ocean Drive, Suite 1200, Corpus Christi, Texas 78412-5503, (361) 825-3100.

(31) COMPANY: Shermon Food Mart, Incorporated dba Sunshine 5; DOCKET NUMBER: 2016-1106-PST-E; IDENTIFIER:

RN102656915; LOCATION: Sherman, Grayson County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULES VIOLATED: 30 TAC §37.815(a) and (b), by failing to demonstrate acceptable financial assurance for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of petroleum underground storage tanks; PENALTY: \$1,506; ENFORCEMENT COORDINATOR: David Carney, (512) 239-2583; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(32) COMPANY: Somerset Incorporated dba Somerset Express; DOCKET NUMBER: 2016-1109-PST-E; IDENTIFIER: RN102233400; LOCATION: San Antonio, Bexar County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULES VIOLATED: 30 TAC §334.50(b)(1)(A) and TWC, §26.3475(c)(1), by failing to monitor the underground storage tanks for releases at a frequency of at least once every month; PENALTY: \$3,375; ENFORCEMENT COORDINATOR: Jonathan Nguyen, (512) 239-1661; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, (210) 490-3096.

(33) COMPANY: Spikes Motor Company, Incorporated; DOCKET NUMBER: 2016-1043-PST-E; IDENTIFIER: RN101683795; LOCATION: Mission, Hidalgo County; TYPE OF FACILITY: fleet refueling facility; RULES VIOLATED: 30 TAC §334.8(c)(5)(A)(i) and TWC, §26.3467(a), by failing to make available to the common carrier a valid, current TCEQ delivery certificate before accepting deliveries of a regulated substance into the underground storage tank (UST); 30 TAC §334.8(c)(4)(A)(vii) and (5)(B)(ii), by failing to renew a previously issued UST delivery certificate by submitting a properly completed UST registration and self-certification form at least 30 days before the expiration date; 30 TAC §334.602(a), by failing to identify and designate for the UST facility at least one named individual for each class of operator - Class A, Class B, and Class C; and 30 TAC §334.50(b)(1)(A) and TWC, §26.3475(c)(1), by failing to monitor the UST for releases at a frequency of at least once every month; PENALTY: \$9,824; ENFORCEMENT COORDINATOR: Margarita Dennis, (817) 588-5892; REGIONAL OFFICE: 1804 West Jefferson Avenue, Harlingen, Texas 78550-5247, (956) 425-6010.

(34) COMPANY: SSR Blessing, LLC dba Blessing Drive In; DOCKET NUMBER: 2015-0304-PST-E; IDENTIFIER: RN102029337; LOCATION: Blessing, Matagorda 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 designate, train, and certify at least one individual for each class of operator- Class A, Class B, and Class C for the facility; PENALTY: \$5,000; ENFORCEMENT COORDINATOR: James Baldwin, (512) 239-1337; REGIONAL OFFICE: 5425 Polk Avenue, Suite H, Houston, Texas 77023-1486, (713) 767-3500.

(35) COMPANY: STAFF WATER SUPPLY CORPORATION; DOCKET NUMBER: 2016-1304-PWS-E; IDENTIFIER: RN101189918; LOCATION: Ranger, Eastland County; TYPE OF FACILITY: public water system; RULES VIOLATED: 30 TAC §290.46(d)(2)(B) and §290.110(b)(4) and Texas Health and Safety Code, §341.0315(c), by failing to operate the disinfection equipment to maintain a minimum disinfectant residual of 0.5 milligrams per liter total chlorine throughout the distribution system at all times; PENALTY: \$50; ENFORCEMENT COORDINATOR: Michaelle Garza, (210) 403-4076; REGIONAL OFFICE: 1977 Industrial Boulevard, Abilene, Texas 79602-7833, (325) 698-9674.

(36) COMPANY: United States Department of Energy; DOCKET NUMBER: 2016-0668-IHW-E; IDENTIFIER: RN100210756; LOCATION: Panhandle, Carson County; TYPE OF FACILITY: Pantex Plant; RULE VIOLATED: 30 TAC §335.2(b), by failing to not cause, suffer, allow, or permit the shipment and disposal of industrial hazardous waste to an unauthorized facility; PENALTY: \$9,750; Supplemental Environmental Project offset amount of \$7,800; ENFORCEMENT COORDINATOR: Epifanio Villarreal, (361) 825-3421; 3918 Canyon Drive, Amarillo, Texas 79109-4933, (806) 353-9251.

(37) COMPANY: Won Young America, Incorporated dba North Lamar Service Station - JN; DOCKET NUMBER: 2016-1143-PST-E; IDENTIFIER: RN101431609; LOCATION: Austin, Travis 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: \$3,375; ENFORCEMENT COORDINATOR: Rebecca Boyett, (512) 239-2503; REGIONAL OFFICE: 12100 Park 35 Circle, Building A, Austin, Texas 78711-3087, (512) 239-2929.

TRD-201605423

Kathleen C. Decker

Director, Litigation Division

Texas Commission on Environmental Quality

Filed: October 18, 2016



#### Enforcement Orders

An agreed order was adopted regarding Chevron Phillips Chemical Company LP, Docket No. 2016-0289-AIR-E on October 18, 2016, assessing \$7,500 in administrative penalties with \$1,500 deferred. Information concerning any aspect of this order may be obtained by contacting Raime Hayes-Falero, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding SHERENA CORPORATION dba Main Stop #2, Docket No. 2016-0368-PST-E on October 18, 2016, assessing \$5,809 in administrative penalties with \$1,161 deferred. Information concerning any aspect of this order may be obtained by contacting John Fennell, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding City of Pflugerville, Docket No. 2016-0436-MWD-E on October 18, 2016, assessing \$4,100 in administrative penalties with \$820 deferred. Information concerning any aspect of this order may be obtained by contacting Claudia Corrales, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Harris County Municipal Utility District No. 304, Docket No. 2016-0460-MWD-E on October 18, 2016, assessing \$4,500 in administrative penalties with \$900 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 Jefferson County, Docket No. 2016-0518-PST-E on October 18, 2016, assessing \$4,301 in administrative penalties with \$860 deferred. Information concerning any aspect of this order may be obtained by contacting Epifanio Villarreal,

Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Oxy Vinyls, LP, Docket No. 2016-0536-AIR-E on October 18, 2016, assessing \$6,550 in administrative penalties with \$1,310 deferred. Information concerning any aspect of this order may be obtained by contacting David Carney, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Maynard F. Ewton, Docket No. 2016-0601-WR-E on October 18, 2016, assessing \$250 in administrative penalties with \$50 deferred. Information concerning any aspect of this order may be obtained by contacting Had 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 Hale Center Coop Supply, Docket No. 2016-0642-PST-E on October 18, 2016, assessing \$2,813 in administrative penalties with \$562 deferred. Information concerning any aspect of this order may be obtained by contacting Had 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 Biruwa Inc dba Everest Food Mart, Docket No. 2016-0653-PST-E on October 18, 2016, assessing \$4,500 in administrative penalties with \$900 deferred. Information concerning any aspect of this order may be obtained by contacting Margarita Dennis, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Mahajan Shah, LLC dba Deep Food Mart, Docket No. 2016-0657-PST-E on October 18, 2016, assessing \$6,900 in administrative penalties with \$1,380 deferred. Information concerning any aspect of this order may be obtained by contacting Epifanio Villarreal, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding DCP Midstream, LP, Docket No. 2016-0699-AIR-E on October 18, 2016, assessing \$2,696 in administrative penalties with \$539 deferred. Information concerning any aspect of this order may be obtained by contacting Kingsley Coppinger, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Quail Valley Utility District, Docket No. 2016-0781-PST-E on October 18, 2016, assessing \$3,750 in administrative penalties with \$750 deferred. Information concerning any aspect of this order may be obtained by contacting Margarita Dennis, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Simpson Crushed Stone, L.L.C., Docket No. 2016-0911-WQ-E on October 18, 2016, assessing \$5,000 in administrative penalties with \$1,000 deferred. Information concerning any aspect of this order may be obtained by contacting Sandra Douglas, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding GREENS MART INC., Docket No. 2016-0938-PST-E on October 18, 2016, assessing \$2,974 in administrative penalties with \$594 deferred. Information concerning any aspect of this order may be obtained by contacting James Baldwin, 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 La Grulla, Docket No. 2016-0940-MSW-E on October 18, 2016, assessing \$1,250 in administrative penalties with \$250 deferred. Information concerning any aspect of this order may be obtained by contacting Jonathan Nguyen, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Nat's Quick Stop Inc dba Quick Stop, Docket No. 2016-0987-PST-E on October 18, 2016, assessing \$4,500 in administrative penalties with \$900 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.

A field citation was adopted regarding James Construction Group, LLC, Docket No. 2016-1315-WQ-E on October 18, 2016, assessing \$875 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Alex Laje, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An order was adopted regarding South Texas Water Authority, Docket No. 2011-1647-PWS-E on October 19, 2016, assessing \$2,443 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting J. Amber Ahmed, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Brandywine Acquisition Partners LP, Docket No. 2013-1357-MWD-E on October 19, 2016, assessing \$18,150 in administrative penalties with \$3,630 deferred. Information concerning any aspect of this order may be obtained by contacting Cheryl Thompson, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Midfield Water Supply Corporation, Docket No. 2014-0081-MWD-E on October 19, 2016, assessing \$48,488 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting James Boyle, 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 Carrizo Springs, Docket No. 2014-0324-MWD-E on October 19, 2016, assessing \$28,275 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Austin Henck, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Cathy Ward dba Town & Country Septic, Docket No. 2014-0840-MLM-E on October 19, 2016, assessing \$12,300 in administrative penalties with \$2,460 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 Red's Indoor Range North, Inc., Docket No. 2014-1509-IHW-E on October 19, 2016, assessing \$18,001 in administrative penalties with \$3,600 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 Industrial Asphalt, LLC, Docket No. 2014-1655-EAQ-E on October 19, 2016, assessing

\$23,175 in administrative penalties with \$4,635 deferred. Information concerning any aspect of this order may be obtained by contacting Had 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 Juan Ortiz dba El Valle Foreign & Domestic Parts, Docket No. 2015-0196-MSW-E on October 19, 2016, assessing \$7,650 in administrative penalties with \$1,530 deferred. Information concerning any aspect of this order may be obtained by contacting Tiffany Maurer, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Pahuja Orange, LLC aka Alloy Polymers Orange, LLC, Docket No. 2015-0338-IWD-E on October 19, 2016, assessing \$14,000 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting James Boyle, 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 San Leon Municipal Utility District, Docket No. 2015-1307-MWD-E on October 19, 2016, assessing \$7,812 in administrative penalties with \$1,562 deferred. Information concerning any aspect of this order may be obtained by contacting James Boyle, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A default and shutdown order was adopted regarding Chaklashia Enterprises, Inc. dba Sunmart 290, Docket No. 2015-1464-PST-E on October 19, 2016, assessing \$3,750 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Amanda Patel, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Vm and Am Holdings Inc dba Otto's 14, Docket No. 2015-1479-PST-E on October 19, 2016, assessing \$15,934 in administrative penalties with \$3,186 deferred. Information concerning any aspect of this order may be obtained by contacting John Fennell, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Hill Stone Company, Docket No. 2015-1527-MLM-E on October 19, 2016, assessing \$47,188 in administrative penalties with \$9,437 deferred. Information concerning any aspect of this order may be obtained by contacting Austin Henck, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Lakeshore Utility Company, Docket No. 2015-1552-PWS-E on October 19, 2016, assessing \$1,168 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Michaelle Garza, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Green Ground LLC and Chris Panagopoulos, Docket No. 2015-1587-MLM-E on October 19, 2016, assessing \$14,507 in administrative penalties with \$2,901 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 Sheridan Production Company, LLC, Docket No. 2015-1784-AIR-E on October 19, 2016, assessing

\$185,038 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Shelby Orme, 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 Deweyville Oil Company dba Speedy Express 2, Docket No. 2015-1800-PST-E on October 19, 2016, assessing \$7,750 in administrative penalties with \$1,550 deferred. Information concerning any aspect of this order may be obtained by contacting Jonathan Nguyen, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Far East Partners, Inc. dba Watts Grocery, Docket No. 2015-1828-PST-E on October 19, 2016, assessing \$11,982 in administrative penalties with \$2,396 deferred. Information concerning any aspect of this order may be obtained by contacting John Fennell, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Exxon Mobil Corporation, Docket No. 2015-1839-AIR-E on October 19, 2016, assessing \$50,000 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Raime Hayes-Falero, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding The Premcor Refining Group Inc., Docket No. 2016-0052-AIR-E on October 19, 2016, assessing \$140,000 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Raime Hayes-Falero, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A default order was adopted regarding Dry Creek Shell LLC, Docket No. 2016-0094-PST-E on October 19, 2016, assessing \$13,552 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Isaac Ta, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Martin Operating Partnership L.P., Docket No. 2016-0096-MLM-E on October 19, 2016, assessing \$14,253 in administrative penalties with \$2,850 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 Ineos Usa LLC, Docket No. 2016-0104-AIR-E on October 19, 2016, assessing \$45,000 in administrative penalties with \$9,000 deferred. Information concerning any aspect of this order may be obtained by contacting David Carney, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Wal-Mart Stores Texas, LLC dba Walmart Neighborhood Market 3043, Docket No. 2016-0108-PST-E on October 19, 2016, assessing \$15,482 in administrative penalties with \$3,096 deferred. Information concerning any aspect of this order may be obtained by contacting Margarita Dennis, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Duco, Inc., Docket No. 2016-0125-MWD-E on October 19, 2016, assessing \$17,175 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Melissa Castro, 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 Lake Palo Pinto Area Water Supply Corporation, Docket No. 2016-0148-PWS-E on October 19, 2016, assessing \$351 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Steven Van Landingham, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Ascend Performance Materials Texas Inc., Docket No. 2016-0155-AIR-E on October 19, 2016, assessing \$13,125 in administrative penalties with \$2,625 deferred. Information concerning any aspect of this order may be obtained by contacting Raime Hayes-Falero, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding City of Roma, Docket No. 2016-0192-PST-E on October 19, 2016, assessing \$7,501 in administrative penalties with \$1,500 deferred. Information concerning any aspect of this order may be obtained by contacting Rebecca Boyett, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding City of Los Fresnos, Docket No. 2016-0230-MWD-E on October 19, 2016, assessing \$12,000 in administrative penalties with \$2,400 deferred. Information concerning any aspect of this order may be obtained by contacting Claudia Corrales, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Vista Verde Water Systems, Inc., Docket No. 2016-0259-PWS-E on October 19, 2016, assessing \$1,484 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Yuliya Dunaway, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Atmos Energy Corporation, Docket No. 2016-0279-AIR-E on October 19, 2016, assessing \$17,550 in administrative penalties with \$3,510 deferred. Information concerning any aspect of this order may be obtained by contacting Carol McGrath, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Willard G. Witt dba John Witt Butane Gas, Docket No. 2016-0614-PST-E on October 19, 2016, assessing \$21,482 in administrative penalties with \$4,296 deferred. Information concerning any aspect of this order may be obtained by contacting Rebecca Boyett, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

TRD-201605446  
Bridget C. Bohac  
Chief Clerk  
Texas Commission on Environmental Quality  
Filed: October 19, 2016



Notice of Hearing

LOWER COLORADO RIVER AUTHORITY

SOAH Docket No. 582-17-0553

TCEQ Docket No. 2016-0531-WR

Certificate of Adjudication No. 14-5434E

#### APPLICATION.

Lower Colorado River Authority (LCRA), P.O. Box 220, Austin, Texas 78767-0220, Applicant, seeks an amendment to Certificate of Adjudication No. 14-5434, as amended, pursuant to §11.122, Texas Water Code and Texas Commission on Environmental Quality Rules 30 Texas Administrative Code (TAC) §§295.1, *et seq.*

Lower Colorado River Authority has applied for an amendment to their Certificate of Adjudication No. 14-5434, as amended, to add additional diversion points on the Colorado River and diversion from anywhere on the perimeter of Town Lake, Lake Austin, and Lake Travis in the Colorado River Basin.

Certificate of Adjudication No. 14 5434, as amended, authorizes LCRA to maintain an overflow type structure and a reservoir on the Colorado River, Colorado River Basin, and temporarily impound therein not to exceed 86 acre feet of water in Colorado County. Owner is also authorized to divert and use not to exceed 133,000 acre feet of water per annum from a point on the Colorado River for municipal, industrial, and agricultural purposes in Colorado, Wharton, Travis, Bastrop, Fayette, and Matagorda Counties within the Colorado River Basin, Lavaca River Basin, Guadalupe River Basin, Colorado Lavaca Coastal Basin, and Brazos Colorado Coastal Basin at a maximum rate of 600.00 cfs (269,400 gpm).

Applicant seeks to amend Certificate of Adjudication No. 14 5434, as amended, to add additional diversion points both upstream and downstream of the existing diversion point. LRCA requests that the time priority remain November 1, 1900, at the additional diversion points.

The additional diversion points are described as follows:

The diversion points (2) authorized in Certificate of Adjudication No. 14-5473:

At a point on the Colorado River in the Isaac Harris Grant, Abstract 38, Bastrop County, Texas. Located at 30.15240 °N Latitude, 97.34650 °W Longitude.

On the perimeter of Lake Bastrop on Spicer Creek, tributary of the Colorado River, in Bastrop County, Texas. Located at 30.15475 °N Latitude, 97.29339 °W Longitude.

The diversion points (2) authorized in Certificate of Adjudication No. 14- 5474:

At a point on the east bank of the Colorado River in the J. M. Hensley Survey, Abstract 54, Fayette County, Texas. Located at 29.86770 °N Latitude, 96.77560 °W Longitude.

On the perimeter of Cedar Creek Reservoir on Cedar Creek, tributary of the Colorado River Basin in the J. M. Hensley Survey, Abstract 54, Fayette County, Texas. Located at 29.91920 °N Latitude, 96.75110 °W Longitude.

The diversion points (3) authorized in Certificate of Adjudication No. 14-5476, as amended:

At a point on the east bank of a reservoir, known as Lane City Dam, on the Colorado River in the Sylvanus Castleman Grant, Abstract 11, Wharton County, Texas. Located at 29.1936 °N Latitude, 96.07210 °W Longitude.

At a point on the east bank of a reservoir, known as Bay City Dam, on the Colorado River in John F. Bowman and Henry Williams Grant, Abstract 9, Matagorda County, Texas. Located at 28.98400 °N Latitude, 96.00020 °W Longitude.

At a point on the west bank of a reservoir, known as Bay City Dam, on the Colorado River located in Thomas Cayce Grant, Abstract 14, Matagorda County, Texas. Located at 28.98060 °N Latitude, 96.01150 °W Longitude.

The diversion points (2) authorized in Certificate of Adjudication No. 14-5475, as amended:

At a point on the east bank of the Colorado River in the A.W. McLain and James McNair Grant, Abstract 33, Colorado County. Located at 29.56990 °N Latitude, 96.40200 °W Longitude.

At a point located on the perimeter of Eagle Lake on Moores Branch of the Colorado River in Colorado County, Texas. Located at 29.55830 °N Latitude, 96.33410 °W Longitude.

The diversion point authorized in Certificate of Adjudication No. 14-5477, as amended, which is at a point on the south bank of the Colorado River located in the Robert Kuykendall Grant, Abstract 39, Wharton County, Texas. Located at 29.30727 °N Latitude, 96.13401 °W Longitude.

The diversion point authorized in Certificate of Adjudication No. 14-5437, which is at a point on the west bank of the Colorado River in the Cornelius H. Vanderveer Grant, Abstract 95, Matagorda County, Texas and also being 28.77580 °N Latitude, 95.99700 °W Longitude.

Applicant also seeks to divert and use the water from anywhere on the perimeter of Town Lake, Lake Austin, and Lake Travis authorized by Certificates of Adjudication Nos. 14-5471, as amended, and 14-5482, as amended. Water diverted from these will not be diverted from storage in the reservoirs.

Applicant is not requesting an increase in the maximum rate of diversion or the maximum annual quantity of water authorized in Certificate of Adjudication No. 14-5434, as amended.

Pursuant to 30 TAC §297.45 the granting of an application for a new water right or an amended water right shall not cause an adverse impact to an existing water right as described by TCEQ rules.

The application was received on August 29, 2002. Additional information for the application was received on November 7, 2002, December 18, 2002, and January 29, 2003. The application was accepted for filing and declared administratively complete on February 5, 2003.

#### CONTESTED CASE HEARING.

SOAH will conduct a preliminary hearing on this application at:

10:00 a.m. - November 28, 2016

William P. Clements Building

300 West 15th Street, 4th Floor

Austin, Texas 78701

The purpose of a preliminary hearing is to establish jurisdiction, name the parties, establish a procedural schedule for the remainder of the proceeding, allow an opportunity for settlement discussions, and to address other matters as determined by the judge. The evidentiary hearing phase of the proceeding will be similar to a civil trial in state district court.

The hearing will be conducted in accordance with Chapter 2001, Texas Government Code; Chapter 11, Texas Water Code; and the procedural rules of the TCEQ and SOAH, including 30 Texas Administrative Code (TAC) Chapter 80 and 1 TAC Chapter 155.

The applicant is automatically a party in this hearing. If anyone else wishes to be a party to the hearing, he or she must attend the hearing and show how he or she 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 any person may request to be a party. Only persons named as parties may participate at the hearing.

#### INFORMATION.

If you need more information about the hearing process for this application, please call the Public Education Program, toll free, at (800) 687-4040. General information about the TCEQ can be found at <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.

TRD-201605435

Bridget C. Bohac

Chief Clerk

Texas Commission on Environmental Quality

Filed: October 18, 2016



#### Notice of Public Hearing

on Assessment of Administrative Penalties and Requiring Certain Actions of James T. Thomas, Sr.

SOAH Docket No. 582-17-0723

TCEQ Docket No. 2015-1827-PWS-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.- November 17, 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 June 29, 2016, concerning assessing administrative penalties against and requiring certain actions of James T. Thomas, Sr., for violations in Victoria County, Texas, of: Texas Health & Safety Code §341.033(d); Texas Water Code §5.702; 30 Texas Admin. Code §§290.51(a)(6), 290.109(c)(2)(A)(i), 290.122(c)(2)(A) and (f).

The hearing will allow James T. Thomas, Sr., 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 James T. Thomas, Sr., 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 James T. Thomas, Sr. 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. James T. Thomas, Sr., the Executive Director of the Commission, and the Commission's Public Interest Counsel are the only designated parties to this proceeding.

Legal Authority: Texas Health & Safety Code ch. 341, Texas Water Code ch. 5, and 30 Texas Admin. Code chs. 70 and 290; 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 Admin. Code §§70.108 and 70.109 and ch. 80, and 1 Texas Admin. Code ch. 155.

Further information regarding this hearing may be obtained by contacting Adam Taylor, 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-201605434

Bridget C. Bohac

Chief Clerk

Texas Commission on Environmental Quality

Filed: October 18, 2016



#### Notice of Water Quality Application

The following notice was issued on October 12, 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 (30) DAYS OF THE ISSUED DATE OF THE NOTICE.

#### INFORMATION SECTION

MITCHELL COUNTY AND LONE WOLF GROUNDWATER CONSERVATION DISTRICT, which propose to operate the Mitchell County Groundwater Desalination Plant, a reverse osmosis water treatment plant, have applied for a minor amendment to TCEQ Permit No. WQ0005133000 to authorize an interim phase with a daily average flow not to exceed 13,600 gallons per day. The draft permit authorizes the disposal of reverse osmosis reject water and washdown water at a daily average flow not to exceed 13,600 gallons per day in the interim phase and 26,000 gallons per day in the final phase via evaporation. This permit will not authorize discharge of pollutants into water in the state. The facility and land application site are located 9298 County Road 238, in Mitchell County, Texas 79565.

Issued in Austin, Texas on October 18, 2016

TRD-201605440

Bridget C. Bohac  
Chief Clerk  
Texas Commission on Environmental Quality  
Filed: October 19, 2016



## Notice of Water Rights Application

Notice issued October 10, 2016

APPLICATION NO. 12-3013C; MCCC, LLC, P.O. Box 159, Salado, Texas 76571, Applicant, has applied to amend Certificate of Adjudication No. 12-3013 to extend the expiration date of the term portion of its permit which authorizes the diversion and use of 168 acre-feet of water per year from a reservoir on Salado Creek, Brazos River Basin for agricultural purposes in Bell County. The application and partial fees were received December 10, 2009. Additional information and fees were received March 3, March 5, May 14, August 17, 2010; December 3, 2015; and January 4, January 21, February 18, April 6, April 21, April 25, May 3, May 12, and May 24, 2016. The application was declared administratively complete and accepted for filing on September 7, 2010. The Executive Director has completed the technical review of the application and based on the results of the water availability analysis, appropriated but unused water is not available in the Brazos River Basin to support the Applicant's request. Staff therefore recommends that the application be denied. The application and technical memoranda 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 Chief Clerk, at the address provided in the information section below, within 30 days of the date of newspaper publication of the notice.

APPLICATION NO. 5268B; Applied Materials, Inc., 9700 East U.S. 290, Austin, Texas 78724, Applicant, seeks to amend Water Use Permit No. 5268 to remove Special Conditions 4.A and 4.B and replace them with a Special Condition that states, "Permittee is required to maintain a water purchase agreement covering substantially the same volumes of water as provided in the Firm Water Contract by and between Lower Colorado River Authority and Applied Materials Inc. dated August 5, 2010 and 1st Amendment dated November 9, 2015." The application was received on October 27, 2010. Additional information and fees were received on January 14, 2011. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on February 2, 2011. Additional information was received on July 15, 2011, August 28 and December 3, 2014, and January 5 and November 10, 2015. The Executive Director has completed the technical review of the application and prepared a draft amendment. The draft amendment, if granted, would include special conditions, including but not limited to streamflow restrictions. The application, technical memoranda, and Executive Director's draft amendment 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 Chief Clerk, at the address provided in the information section below, within 30 days of the date of newspaper publication of the notice.

### 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](http://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 in the information section below.

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

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

TRD-201605441  
Bridget C. Bohac  
Chief Clerk  
Texas Commission on Environmental Quality  
Filed: October 19, 2016



## Texas Facilities Commission

### Request for Proposals 303-8-20582

The Texas Facilities Commission (TFC), on behalf of the Health and Human Services Commission (HHSC) and the Department of Aging and Disability Services (DADS), announces the issuance of Request for Proposals (RFP) #303-8-20582. TFC seeks a five (5) or ten (10) year lease of approximately 9,756 square feet of office space in Tyler, Texas.

The deadline for questions is November 24, 2016, and the deadline for proposals is December 8, 2016, at 3:00 P.M. The award date is January 18, 2017. 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=127775](http://esbd.cpa.state.tx.us/bid_show.cfm?bidid=127775).

TRD-201605438  
Kay Molina  
General Counsel  
Texas Facilities Commission  
Filed: October 18, 2016

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## 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 May 31, 2016, through June 3, 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, October 21, 2016. The public comment period for this project will close at 5:00 p.m. on Saturday, November 19, 2016.

#### FEDERAL AGENCY ACTIONS:

**Applicant:** Matagorda County

**Location:** The project site is located in the Gulf of Mexico, at West Mooring Dock Park, approximately 1-mile west of the intersection of County Road 457 and Canal Drive, in Sargent, Matagorda County, Texas. The project can be located on the U.S.G.S. quadrangle map titled: Sargent, Texas.

**LATITUDE & LONGITUDE (NAD 83):** 28.76308, -95.62892

**Project Description:** The applicant proposes to construct a pier and asphalt turnaround for public access. The proposed project includes the construction of a 10-foot-wide by 500-foot-long pier atop concrete pilings spaced 15 feet apart for span one (starting at the shoreline), 18 feet apart through the next 26 spans, and 14 feet apart for the last span before the T-head. The T-head pier is 10-foot-wide by 140-foot-long atop concrete piles spaced 17 feet 3 inches apart. A fish cleaning table will be included near the intersection at the T-head. The pier and T-head will be constructed 17.9 feet above mean low tide. The proposed asphalt turnaround will be approximately 0.19 acre in uplands. There are no permanent impacts expected.

**CMP Project No:** 16-1062-F1

**Type of Application:** U.S. Army Corps of Engineers (USACE) permit application #SWG-2014-00656. This application will be reviewed pursuant to Section 10 of the Rivers and Harbors Act of 1899.

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-201605453

Anne L. Idsal

Chief Clerk / Deputy Land Commissioner

General Land Office

Filed: October 19, 2016

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Notice of Derelict Vessels

## OFFICIAL NOTICE TO VESSEL OWNER/OPERATOR

(Pursuant to §40.254, Texas Nat. Res. Code)

This preliminary report and notice of violation is issued by Greg Pollock, Director, Oil Spill Prevention and Response Division (OSPR), Texas General Land Office, on October 12, 2016.

### PRELIMINARY REPORT

Region 3 staff conducted an investigation on October 05, 2016. The Director of the General Land Office (GLO) Oil Spill Prevention and Response Division, has determined that an approximately 22' foot-long, fiberglass-hulled recreational vessel identified as GLO Vessel Tracking Number 3-1452, is in a wrecked, derelict, and substantially dismantled condition without the consent of the commissioner. The vessel was located on the gulf facing beach in Padre Balli Park south of Bob Hall Pier, in the Gulf of Mexico, in Nueces County, Texas, the vessel was specifically located at Latitude 27° 34' 54.0" N, Longitude 97° 13' 11.0" W.

The GLO cannot determine the owner of or responsible person(s) for this abandoned vessel. The GLO further determined that because of the vessel's condition and location, the vessel poses and unreasonable threat to public health, safety and a threat to navigation. Based on the threat that the vessel posed to the public health and safety and to navigation, the vessel has been removed from the beach and temporarily placed in storage.

TNRC §40.108(a) prohibits a person from leaving, abandoning, or maintaining a vessel in coastal waters if the vessel is in a wrecked, derelict, or substantially dismantled condition and the Commissioner determines the vessel is a threat to public health, safety, or welfare or a threat to the environment. TNRC §40.108(b) authorizes the Commissioner to remove and dispose of or contract for the removal and disposal of any vessel described in TNRC §40.108(a). The Deputy Commissioner has determined there is a need to remove this vessel from Texas coastal waters and dispose of it in accordance with §40.108. This notice is being placed on the vessel to inform the owner or operator of the pending removal and disposal of the vessel.

### NOTICE OF VIOLATION

The Commissioner finds that this vessel is a threat to public health, safety, and welfare and a threat to navigation because it has been abandoned in Texas coastal waters at a location where operators of public and private vessels may encounter and suffer injury from it and in a condition that constitutes a threat to the public health and safety and to navigation. The Commissioner recommends that the vessel be removed from Texas coastal waters and disposed of in accordance with TNRC §40.108.

***The owner of operator of this vessel can request a hearing to contest the violation and the removal and disposal of the vessel. If the owner or operator wants to request a hearing, a request in writing must be made within twenty (20) days of this notice. The request for a hearing must be sent to: Texas General Land Office, Oil Spill Prevention and Response Division, P.O. Box 12873, Austin, Texas 78711. Failure to request a hearing may result in the removal and disposal of the vessel by the TGLO. If the TGLO removes and disposes of the vessel, the TGLO has authority under TNRC §40.108(b) to recover the costs of removal and disposal from the vessel's owner or operator.*** For additional information contact Brian Fisher at (512)463-2613.

TRD-201605288

Anne L. Idsal

Chief Clerk

General Land Office

Filed: October 14, 2016

**Department of State Health Services**

During the second half of September, 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 |
|--|---|----------------|-------------------------|------------------|----------------|
| Cisco                                  | Profrac Services L.L.C.                   | L06808         | Cisco                   | 00               | 09/19/16       |
| Dallas                                 | HVJ North Texas-Chelliah Consultants Inc. | L06807         | Dallas                  | 00               | 09/19/16       |
| Houston                                | Houston Police Department                 | L06809         | Houston                 | 00               | 09/26/16       |

**AMENDMENTS TO EXISTING LICENSES ISSUED:**

| Location of Use/Possession of Material | Name of Licensed Entity  | License Number | City of Licensed Entity | Amendment Number | Date of Action |
|--|--|----------------|-------------------------|------------------|----------------|
| Austin                                 | Austin Heart P.L.L.C.  | L04623         | Austin                  | 88               | 09/20/16       |
| Austin                                 | Austin Radiological Association  | L00545         | Austin                  | 190              | 09/21/16       |
| Austin                                 | ARA St. David's Imaging L.P.   | L05862         | Austin                  | 68               | 09/21/16       |
| Austin                                 | Austin Radiological Association  | L00545         | Austin                  | 191              | 09/22/16       |
| Austin                                 | ARA St. David's Imaging L.P.   | L05862         | Austin                  | 69               | 09/22/16       |
| Austin                                 | St. David's Healthcare Partnership L.P., L.L.P.                              | L00740         | Austin                  | 136              | 09/19/16       |
| Austin                                 | Seton Family of Hospitals Annex Building                                     | L00268         | Austin                  | 151              | 09/28/16       |
| Austin                                 | Austin Radiological Association  | L00545         | Austin                  | 192              | 09/30/16       |
| Austin                                 | St. David's Healthcare Partnership L.P., L.L.P. dba Heart Hospital of Austin | L06372         | Austin                  | 06               | 09/29/16       |
| Baytown                                | San Jacinto Methodist Hospital dba Houston Methodist San Jacinto Hospital    | L02388         | Baytown                 | 67               | 09/19/16       |
| Baytown                                | Exxon Mobil Corporation dba ExxonMobil Chemical Company                      | L01135         | Baytown                 | 83               | 09/26/16       |
| Beaumont                               | Christus Health Southeast Texas dba Christus Southeast Texas St Elizabeth    | L00269         | Beaumont                | 121              | 09/28/16       |

AMENDMENTS TO EXISTING LICENSES ISSUED: (continued)

|                |   |        |                |     |          |
|----------------|---|--------|----------------|-----|----------|
| Conroe         | CHCA Conroe L.P.<br>dba Conroe Regional Medical Center  | L01769 | Conroe         | 103 | 09/23/16 |
| Corpus Christi | Radiology & Imaging of South Texas L.L.P.<br>dba Alameda Imaging Center                                   | L05182 | Corpus Christi | 47  | 09/20/16 |
| Corpus Christi | Radiology & Imaging of South Texas L.L.P.<br>dba Alameda Imaging Center                                   | L05182 | Corpus Christi | 48  | 09/23/16 |
| Dallas         | Truradiation Partners North Dallas L.L.C.   | L06645 | Dallas         | 06  | 09/22/16 |
| Dallas         | Healthtexas Provider Network<br>dba Cardiology Consultants of Texas                                       | L06572 | Dallas         | 06  | 09/19/16 |
| Dallas         | Medical City Dallas Hospital<br>dba Medical City  | L01976 | Dallas         | 206 | 09/26/16 |
| Deer Park      | Equistar Chemicals L.P.   | L00204 | Deer Park      | 70  | 09/20/16 |
| Denton         | Texas Health Presbyterian Hospital Denton   | L04003 | Denton         | 53  | 09/29/16 |
| El Paso        | Tenet Hospitals Limited<br>dba The Hospitals of Providence Sierra Campus                                  | L02365 | El Paso        | 91  | 09/23/16 |
| El Paso        | El Paso County Hospital District<br>dba University Medical Center of El Paso                              | L00502 | El Paso        | 73  | 09/27/16 |
| El Paso        | Cardinal Health   | L01999 | El Paso        | 126 | 09/30/16 |
| El Paso        | Tenet Hospitals Limited<br>dba The Hospitals of Providence Memorial Campus                                | L02353 | El Paso        | 129 | 09/29/16 |
| Fort Worth     | Columbia Plaza Medical Center of Forth Worth<br>Subsidiary L.P.<br>dba Plaza Medical Center of Fort Worth | L02171 | Fort Worth     | 59  | 09/23/16 |
| Fort Worth     | Columbia Plaza Medical Center of Fort Worth<br>Subsidiary L.P.<br>dba Plaza Medical Center of Fort Worth  | L02171 | Fort Worth     | 60  | 09/29/16 |
| Fort Worth     | Texas Health Harris Methodist Hospital Fort Worth   | L01837 | Fort Worth     | 151 | 09/29/16 |
| Galveston      | The University of Texas Medical Branch<br>Office of Environmental Health and Safety                       | L01299 | Galveston      | 103 | 09/20/16 |
| Greenville     | Hunt Memorial Hospital District<br>dba Hunt Regional Medical Center                                       | L01695 | Greenville     | 52  | 09/16/16 |
| Houston        | Memorial Hermann Health System<br>dba Memorial Herman Southwest Hospital                                  | L00439 | Houston        | 217 | 09/19/16 |
| Houston        | Memorial Hermann Health System<br>dba Memorial Hermann Hospital the Woodlands                             | L03772 | Houston        | 136 | 09/19/16 |
| Houston        | Memorial Hermann Health System<br>dba Memorial Hermann Northeast Hospital                                 | L02412 | Houston        | 115 | 09/19/16 |
| Houston        | Memorial Hermann Health System<br>dba Memorial Hermann Katy Hospital                                      | L03052 | Houston        | 78  | 09/19/16 |
| Houston        | New Medical Horizons II Ltd.<br>dba Cypress Fairbanks Medical Center                                      | L03424 | Houston        | 44  | 09/21/16 |
| Houston        | W.D. Von Gonten Laboratories L.L.C.   | L06789 | Houston        | 02  | 09/22/16 |
| Houston        | Memorial Hermann Medical Group<br>Department of Radiation Therapy   | L06430 | Houston        | 20  | 09/22/16 |
| Houston        | Memorial Hermann System<br>dba Memorial Hermann Southwest Hospital  | L00439 | Houston        | 218 | 09/22/16 |
| Houston        | Memorial Hermann Health System<br>dba Memorial Sugarland Hospital   | L03457 | Houston        | 59  | 09/22/16 |
| Houston        | Memorial Hermann Health System<br>dba Memorial Hermann Memorial City Medical Center                       | L01168 | Houston        | 164 | 09/22/16 |
| Houston        | Memorial Hermann Health System<br>dba Memorial Hermann Northeast Hospital                                 | L02412 | Houston        | 116 | 09/22/16 |

AMENDMENTS TO EXISTING LICENSES ISSUED: (continued)

|               |  |        |                |     |          |
|---------------|--|--------|----------------|-----|----------|
| Houston       | Memorial Hermann Health System<br>dba Memorial Hermann Hospital The Woodlands                      | L03772 | Houston        | 137 | 09/22/16 |
| Houston       | Memorial Hermann Health System<br>dba Memorial Hermann Katy Hospital                               | L03052 | Houston        | 79  | 09/22/16 |
| Houston       | Memorial Hermann Health System<br>dba Memorial Hermann Texas Medical Center                        | L04655 | Houston        | 51  | 09/23/16 |
| Houston       | America Diagnostic Tech L.L.C.   | L05514 | Houston        | 119 | 09/23/16 |
| Houston       | Memorial Hermann Health System<br>dba Memorial Hermann Southwest Hospital                          | L00439 | Houston        | 219 | 09/26/16 |
| Houston       | Houston Northwest Operating Company  | L06190 | Houston        | 27  | 09/26/16 |
| Irving        | Baylor Medical Center at Irving<br>dba Baylor Scott & White  | L02444 | Irving         | 106 | 09/26/16 |
| Katy          | Memorial City Cardiology Associates<br>dba Katy Cardiology Associates                              | L05713 | Katy           | 21  | 09/16/16 |
| Lubbock       | University Medical Center  | L04719 | Lubbock        | 150 | 09/16/16 |
| Lubbock       | Manhattan Isotope Technology L.L.C.  | L06404 | Lubbock        | 05  | 09/16/16 |
| Lubbock       | University Medical Center  | L04719 | Lubbock        | 151 | 09/29/16 |
| Mesquite      | Texas Oncology P.A.<br>dba Texas Cancer Center Mesquite  | L05741 | Mesquite       | 16  | 09/20/16 |
| Midland       | RP Energy Service L.L.C.   | L06786 | Midland        | 01  | 09/29/16 |
| Nassau Bay    | Houston Methodist St John Hospital   | L06650 | Nassau Bay     | 01  | 09/20/16 |
| Palestine     | Palestine Principal Healthcare Limited<br>Partnership<br>dba Palestine Regional Medical Center     | L02728 | Palestine      | 47  | 09/26/16 |
| Paris         | Texas Oncology P.A.  | L04664 | Paris          | 31  | 09/30/16 |
| Plano         | Baylor Regional Medical Center at Plano<br>dba Baylor Scott & White Medical Center-Plano           | L05844 | Plano          | 20  | 09/20/16 |
| San Antonio   | Methodist Healthcare System of San Antonio<br>Ltd., L.L.P.   | L00594 | San Antonio    | 353 | 09/20/16 |
| San Antonio   | Jawad Z Shaikh M.D.  | L06668 | San Antonio    | 02  | 09/27/16 |
| Sugar Land    | Methodist Sugar Land Hospital Cancer Center  | L06232 | Sugar Land     | 09  | 09/19/16 |
| Texarkana     | Alliance Imaging Inc.  | L05336 | Texarkana      | 19  | 09/16/16 |
| Throughout TX | NQS Inspection Ltd.  | L06262 | Corpus Christi | 13  | 09/16/16 |
| Throughout TX | Tolunay Wong Engineers Inc.  | L04848 | Houston        | 22  | 09/16/16 |
| Throughout TX | Weld Spec Inc.   | L05426 | Lumberton      | 105 | 09/16/16 |
| Throughout TX | Insight Health Corporation   | L05504 | Austin         | 20  | 09/16/16 |
| Throughout TX | Intertek Asset Integrity Management Inc.   | L06801 | Longview       | 01  | 09/20/16 |
| Throughout TX | Libertytown USA 2 Inc.<br>dba Applus RTD USA Inc.  | L06555 | Houston        | 10  | 09/19/16 |
| Throughout TX | Phoenix Mechanical Integrity Services Inc.   | L06787 | Angleton       | 03  | 09/22/16 |
| Throughout TX | Collom & Carney Clinic Association   | L05524 | Texarkana      | 13  | 09/22/16 |
| Throughout TX | Raba-Kistner Consultants Inc.<br>dba Raba-Kistner-Brytest Consultants Inc.                         | L01571 | San Antonio    | 81  | 09/23/16 |
| Throughout TX | Lobo Labs L.L.C.   | L06642 | Corpus Christi | 03  | 09/23/16 |
| Throughout TX | Texas Department of Transportation<br>Construction Division Materials & Pavements<br>Section CP-51 | L00197 | Austin         | 181 | 09/26/16 |
| Throughout TX | Keane Frac TX L.L.C.   | L06799 | Houston        | 02  | 09/28/16 |
| Throughout TX | Technology Service Professional Inc.   | L06570 | Dallas         | 03  | 09/28/16 |
| Throughout TX | Southern Services Inc.<br>dba Southern Technical Services  | L05270 | Lake Jackson   | 62  | 09/28/16 |
| Throughout TX | Integrity Testlabs L.L.C.  | L06756 | Clute          | 03  | 09/28/16 |
| Throughout TX | Professional Service Industries Inc.   | L06332 | Grapevine      | 11  | 09/28/16 |
| Throughout TX | Red J. Services L.L.C  | L06778 | Amarillo       | 01  | 09/28/16 |
| Throughout TX | HVJ Associates Inc.  | L03813 | Houston        | 02  | 09/29/16 |

AMENDMENTS TO EXISTING LICENSES ISSUED: (continued)

|               |   |        |             |     |          |
|---------------|---|--------|-------------|-----|----------|
| Throughout TX | Pumpco Energy Services Inc.   | L06507 | Valley View | 12  | 09/29/16 |
| Throughout TX | RWLS Inc.<br>dba Renegade Service   | L06307 | Andrews     | 34  | 09/26/16 |
| Waco          | Hillcrest Baptist Medical Center<br>dba Baylor Scott & White Medical Center | L00845 | Waco        | 107 | 09/23/16 |

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 |
|--|-----------------------------------|----------------|-------------------------|------------------|----------------|
| Throughout TX                          | Giles Engineering Associates Inc. | L04919         | Houston                 | 13               | 09/20/16       |

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 |
|--|---|----------------|-------------------------|------------------|----------------|
| San Antonio                            | IHI Southwest Technologies Inc.         | L05279         | San Antonio             | 10               | 09/30/16       |
| Throughout TX                          | Express Energy Services Operations L.P. | L06506         | Houston                 | 02               | 09/21/16       |

TRD-201605231  
 Lisa Hernandez  
 General Counsel  
 Department of State Health Services  
 Filed: October 12, 2016

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Notice of Application by a Small Employer Issuer to be a Risk-Assuming Issuer

Notice is given to the public of the application of the listed small employer health benefit plan issuer to be a risk-assuming health benefit plan issuer under Insurance Code §1501.312. A small employer health benefit plan issuer is defined by Insurance Code §1501.002(16) as a health benefit plan issuer offering, delivering, issuing for delivery, or renewing health benefit plans subject to Insurance Code Chapter 1501, Subchapters C - H. A risk-assuming health benefit plan issuer is defined by Insurance Code §1501.301(4) as a small employer health benefit plan issuer that does not participate in the Texas Health Reinsurance System. The following small employer health benefit plan issuer has applied to be a risk-assuming health benefit plan issuer:

Aetna Health Inc. (a Texas corporation)

The issuer's application is available for public inspection at the Texas Department of Insurance, Legal Services, Office of Policy Development Counsel. To inspect the application, contact Robert Rucker, Staff Attorney, William P. Hobby, Jr. Building, 333 Guadalupe, Tower I, Room 930C, Austin, Texas.

If you wish to comment on the application from Aetna Health Inc. (a Texas corporation) to be a risk-assuming issuer, you must submit your written comments within 60 days after publication of this notice in the *Texas Register* to the Office of the Chief Clerk, Mail Code 113-2A, Texas Department of Insurance, P.O. Box 149104, Austin, Texas 78714-9104 or by email to chiefclerk@tdi.texas.gov. On consideration of the application, if the commissioner is satisfied that all requirements of law have been met, the commissioner or the commissioner's designee may take action to approve Aetna Health Inc.'s application to be a risk-assuming issuer.

TRD-201605255

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**Texas Department of Insurance**

Company Licensing

Application for a Certificate of Authority as a MEWA by MEDMEWA, a domestic Multiple Employer Welfare Arrangement. The home office is in Lubbock, Texas.

Application for admission to the State of Texas by LUBA INDEMNITY INSURANCE COMPANY, a foreign fire and/or casualty company. The home office is in Baton Rouge, Louisiana.

Application by TEXAS BLUEBONNET INSURANCE COMPANY, a domestic life, accident and/or health company with HMO authority, to add DBA (doing business as) FAMILY HEALTH PLAN in connection with their managed care business. The home office is in Austin, Texas.

Application for incorporation in the state of Texas by TEXAS HOME INSURANCE COMPANY, a domestic fire and/or casualty company. The home office is in Austin, 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-201605452  
 Norma Garcia  
 General Counsel  
 Texas Department of Insurance  
 Filed: October 19, 2016

Norma Garcia  
General Counsel  
Texas Department of Insurance  
Filed: October 13, 2016

◆ ◆ ◆  
**Texas Department of Licensing and Regulation**

**Notice of a Vacancy on Architectural Barriers Advisory Committee**

The Texas Department of Licensing and Regulation (Department) announces a vacancy on the Architectural Barriers Advisory Committee (Committee) established by Texas Government Code, Chapter 469. The pertinent rules may be found in 16 Texas Administrative Code §68.65. The purpose of the Architectural Barriers Advisory Committee is to advise the Texas Commission of Licensing and Regulation (Commission) in adopting rules relating to the Elimination of Architectural Barriers program. This announcement is for a person with a disability.

The Committee is composed of the following nine members appointed by the presiding officer of the Commission, with the Commission's approval:

- (1) building professionals; and
- (2) persons with disabilities;

who are familiar with architectural barrier problems and solutions. Persons with disabilities must make up the majority of the committee.

Interested persons should complete an application on the Department website at: <https://www.tdlr.texas.gov/AdvisoryBoard/login.aspx>. Applicants can also request an application from the Department by telephone (800) 803-9202 or e-mail [advisory.boards@tdlr.texas.gov](mailto:advisory.boards@tdlr.texas.gov).

TRD-201605454  
Brian Francis  
Executive Director  
Texas Department of Licensing and Regulation  
Filed: October 19, 2016

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**Notice of Vacancies on Advisory Board on Cosmetology**

The Texas Department of Licensing and Regulation (Department) announces two vacancies on the Advisory Board on Cosmetology (Board) established by Texas Occupations Code, Chapter 1602. The pertinent rules may be found in 16 Texas Administrative Code §83.65. The purpose of the Advisory Board on Cosmetology is to advise the Texas Commission of Licensing and Regulation (Commission) and Department on: education and curricula for applicants; the content of examinations; proposed rules and standards on technical issues related to cosmetology; and other issues affecting cosmetology. This announcement is for one member who holds a private beauty culture school license and a public member.

The Board is composed of the following nine members appointed by the presiding officer of the Commission, with the Commission's approval:

- (1) one member who holds a license for a beauty shop that is part of a chain of beauty shops;
- (2) one member who holds a license for a beauty shop that is not part of a chain of beauty shops;
- (3) one member who holds a private beauty culture school license;
- (4) two members who each hold an operator license;

(5) one member who represents a licensed public secondary or post secondary beauty culture school;

(6) one member who represents a licensed public secondary beauty culture school; and

(7) two public members.

Members serve staggered six-year terms, with the terms of one or two members expiring on the same date each odd-numbered year.

Interested persons should submit an application on the Department website at: <https://www.tdlr.texas.gov/AdvisoryBoard/login.aspx>. Applicants can also request an application from the Department by telephone (800) 803-9202 or e-mail [advisory.boards@tdlr.texas.gov](mailto:advisory.boards@tdlr.texas.gov).

TRD-201605457  
Brian Francis  
Executive Director  
Texas Department of Licensing and Regulation  
Filed: October 19, 2016

◆ ◆ ◆  
**Notice of Vacancies on Board of Boiler Rules**

The Texas Department of Licensing and Regulation (Department) announces two vacancies on the Board of Boiler Rules (Board) established by Texas Health and Safety Code, Chapter 755. The pertinent rules may be found in 16 Texas Administrative Code §65.65. The purpose of the Board of Boiler Rules is to advise the Texas Commission of Licensing and Regulation (Commission) in the adoption of definitions and rules relating to the safe construction, installation, inspection, operating limits, alteration, and repair of boilers and their appurtenances. This announcement is for a boiler insurance agent and a member representing boiler manufacturers or installers.

The Board is composed of eleven members appointed by the presiding officer of the Commission, with the Commission's approval. The Board consists of the following:

- (1) three members representing persons who own or use boilers in this state;
- (2) three members representing companies that insure boilers in this state;
- (3) one member representing boiler manufacturers or installers;
- (4) one member representing organizations that repair or alter boilers in this state;
- (5) one member representing a labor union, and
- (6) two public members.

Members serve staggered six-year terms, with the terms of three members expiring January 31 of each odd-numbered year.

Interested persons should submit an application on the Department website at: <https://www.tdlr.texas.gov/AdvisoryBoard/login.aspx>. Applicants can also request an application from the Department by telephone (800) 803-9202 or e-mail [advisory.boards@tdlr.texas.gov](mailto:advisory.boards@tdlr.texas.gov).

TRD-201605456  
Brian Francis  
Executive Director  
Texas Department of Licensing and Regulation  
Filed: October 19, 2016

◆ ◆ ◆  
**Notice of Vacancies on Dietitians Advisory Board**

The Texas Department of Licensing and Regulation (Department) announces two vacancies on the Dietitians Advisory Board (Board) established by Texas Occupations Code, Chapter 701. The purpose of the Dietitians Advisory Board is to provide advice and recommendations to the Department on technical matters relevant to the administration of this chapter. This announcement is for two public members.

The Board consists of the following nine members appointed by the presiding officer of the Texas Commission of Licensing and Regulation (Commission), with the approval of the Commission:

(1) six licensed dietitians, each of whom has been licensed under Chapter 701 for not less than three years before the member's date of appointment; and

In appointing dietitian members to the advisory board, the presiding officer of the commission shall attempt to maintain balanced representation among the following primary areas of expertise included in the professional discipline of dietetics:

- (a) clinical;
- (b) educational;
- (c) management;
- (d) consultation; and
- (e) community.

(2) three members who represent the public.

Members serve staggered six-year terms. The terms of three members begin on September 1 of each odd-numbered year.

Interested persons should submit an application on the Department website at: <https://www.tdlr.texas.gov/AdvisoryBoard/login.aspx>. Applicants can also request an application from the Department by telephone (800) 803-9202 or e-mail [advisory.boards@tdlr.texas.gov](mailto:advisory.boards@tdlr.texas.gov).

TRD-201605458  
Brian Francis  
Executive Director  
Texas Department of Licensing and Regulation  
Filed: October 19, 2016



#### Notice of Vacancies on Hearing Instrument Fitters and Dispensers Advisory Board

The Texas Department of Licensing and Regulation (Department) announces three vacancies on the Hearing Instrument Fitters and Dispensers Advisory Board (Board) established by Texas Occupations Code, Chapter 402. The purpose of the Hearing Instrument Fitters and Dispensers Advisory Board is to provide advice and recommendations to the Department on technical matters relevant to the administration of this chapter. This announcement is for a physician specializing in the practice of otolaryngology and two public members.

The Board consists of the following nine members appointed by the presiding officer of the Texas Commission of Licensing and Regulation (Commission), with the approval of the Commission:

- (1) six members licensed under this chapter who have been residents of this state actually engaged in fitting and dispensing hearing instruments for at least five years preceding appointment, not more than one of whom may be licensed under Chapter 401;
- (2) one member who is actively practicing as a physician licensed by the Texas Medical Board and who:

- (A) has been a resident of this state for at least two years preceding appointment;
  - (B) is a citizen of the United States; and
  - (C) specializes in the practice of otolaryngology; and
- (3) two members of the public.

Members serve staggered six-year terms. The terms of three members expire on February 1 of each odd-numbered year

Interested persons should submit an application on the Department website at: <https://www.tdlr.texas.gov/AdvisoryBoard/login.aspx>. Applicants can also request an application from the Department by telephone (800) 803-9202 or e-mail [advisory.boards@tdlr.texas.gov](mailto:advisory.boards@tdlr.texas.gov).

TRD-201605460  
Brian Francis  
Executive Director  
Texas Department of Licensing and Regulation  
Filed: October 19, 2016



#### Notice of Vacancy on Auctioneer Advisory Committee

The Texas Department of Licensing and Regulation (Department) announces a vacancy on the Auctioneer Advisory Committee (Committee) established by Texas Occupations Code, Chapter 1802. The pertinent rules may be found in 16 Texas Administrative Code §67.65. The purpose of the Auctioneer Advisory Committee is to advise the Texas Commission of Licensing and Regulation (Commission) on educational matters, operational matters, and common practices within the auction industry. This announcement is for a licensed auctioneer.

The Committee is composed of the following seven members appointed by the presiding officer of the Commission, with the Commission's approval:

- (1) four members are licensed auctioneers;
- (2) one member is the administrative head, or the administrative head's designee, of any state agency or office that is selected by the Commission; and
- (3) two public members.

The auctioneer members appointed under Section 1802.102(a)(1) serve two-year terms that expire on September 1 and may not serve more than two consecutive terms.

Interested persons should submit an application on the Department website at: <https://www.tdlr.texas.gov/AdvisoryBoard/login.aspx>. Applicants can also request an application from the Department by telephone (800) 803-9202 or e-mail [advisory.boards@tdlr.texas.gov](mailto:advisory.boards@tdlr.texas.gov).

TRD-201605455  
Brian Francis  
Executive Director  
Texas Department of Licensing and Regulation  
Filed: October 19, 2016



#### Notice of Vacancy on Elevator Advisory Board

The Texas Department of Licensing and Regulation (Department) announces a vacancy on the Elevator Advisory Board (Board) established by Texas Health and Safety Code, Chapter 754, Sections 754.012 and 754.013. The pertinent rules may be found in 16 Texas Administrative Code §74.65. The purpose of the Elevator Advisory Board (Board) is to advise the Texas Commission of Licensing and Regulation (Com-

mission) on the adoption of appropriate standards for the installation, alteration, operation, and inspection of equipment; the status of equipment used by the public in this state; sources of information relating to equipment safety; public awareness programs related to elevator safety, including programs for sellers and buyers of single-family dwellings with elevators, chairlifts, or platform lifts; and any other matter considered relevant by the Commission. This announcement is for a public member with a physical disability.

The Board is composed of the following nine members appointed by the presiding officer of the Commission, with the Commission's approval:

- (1) a representative of the insurance industry or a certified elevator inspector;
- (2) a representative of equipment constructors;
- (3) a representative of owners or managers of a building having fewer than six stories and having equipment;
- (4) a representative of owners or managers of a building having six stories or more and having equipment;
- (5) a representative of independent equipment maintenance companies;
- (6) a representative of equipment manufacturers;
- (7) a licensed or registered engineer or architect;
- (8) a public member; and
- (9) a public member with a physical disability.

Members serve at the will of the Commission. Service is voluntary and compensation is not authorized by law.

Interested persons should complete an application on the Department website at: <https://www.tdlr.texas.gov/AdvisoryBoard/login.aspx>. Applicants can also request a paper application from the Department by telephone (800) 803-9202 or e-mail [advisory.boards@tdlr.texas.gov](mailto:advisory.boards@tdlr.texas.gov).

TRD-201605459  
Brian Francis  
Executive Director  
Texas Department of Licensing and Regulation  
Filed: October 19, 2016



#### Notice of Vacancy on Orthotists and Prosthetists Advisory Board

The Texas Department of Licensing and Regulation (Department) announces a vacancy on the Orthotists and Prosthetists Advisory Board (Board) established by Texas Occupations Code, Chapter 605. The purpose of the Orthotists and Prosthetists Advisory Board is to provide advice and recommendations to the Department on technical matters relevant to the administration of this chapter. This announcement is for a public member who uses an orthosis.

The Board consists of seven members appointed by the presiding officer of the Texas Commission of Licensing and Regulation (Commission), with the approval of the Commission. The advisory board consists of the following members:

- (1) two licensed orthotists who each have practiced orthotics for the five years preceding the date of appointment;
- (2) two licensed prosthetists who each have practiced prosthetics for the five years preceding the date of appointment;
- (3) one licensed prosthetist orthotist who has practiced orthotics and prosthetics for the five years preceding the date of appointment;

(4) one member who is a representative of the public who uses an orthosis; and

(5) one member who is a representative of the public who uses a prosthesis.

Members serve staggered six-year terms. The terms of two or three members expire on February 1 of each odd-numbered year.

Interested persons should submit an application on the Department website at: <https://www.tdlr.texas.gov/AdvisoryBoard/login.aspx>. Applicants can also request an application from the Department by telephone (800) 803-9202 or e-mail [advisory.boards@tdlr.texas.gov](mailto:advisory.boards@tdlr.texas.gov).

TRD-201605461  
Brian Francis  
Executive Director  
Texas Department of Licensing and Regulation  
Filed: October 19, 2016



#### Notice of Vacancy on Speech-Language Pathologists and Audiologists Advisory Board

The Texas Department of Licensing and Regulation (Department) announces a vacancy on the Speech-Language Pathologists and Audiologists Advisory Board (Board) established by Texas Occupations Code, Chapter 401. The purpose of the Speech-Language Pathologists and Audiologists Advisory Board is to provide advice and recommendations to the Department on technical matters relevant to the administration of this chapter. This announcement is for an audiologist.

The Board consists of the following nine members appointed by the presiding officer of the Texas Commission of Licensing and Regulation (Commission), with the approval of the Commission:

- (1) three audiologists;
- (2) three speech-language pathologists; and
- (3) three members who represent the public.

Advisory board members must:

- (1) have been a resident of this state for the two years preceding the date of appointment;
- (2) be from the various geographic regions of the state; and
- (3) be from varying employment settings.

The advisory board members appointed under sections (1) and (2) must:

- (a) have been engaged in teaching, research, or providing services in speech-language pathology or audiology for at least five years; and
- (b) be licensed under this chapter.

One of the public members must be a physician licensed in this state and certified in otolaryngology or pediatrics.

Members are appointed for staggered six-year terms. The terms of three members expire September 1 of each odd-numbered year.

Interested persons should submit an application on the Department website at: <https://www.tdlr.texas.gov/AdvisoryBoard/login.aspx>. Applicants can also request an application from the Department by telephone (800) 803-9202 or e-mail [advisory.boards@tdlr.texas.gov](mailto:advisory.boards@tdlr.texas.gov).

TRD-201605463



### Notice of Vacancy on Texas Tax Professional Advisory Committee

The Texas Department of Licensing and Regulation (Department) announces a vacancy on the Texas Tax Professional Advisory Committee established by Texas Occupations Code, Chapter 1151. The purpose of the Texas Tax Professional Advisory Committee (Committee) is to recommend to the Texas Commission of Licensing and Regulation (Commission) rules and standards regarding technical issues relating to tax professionals; provide advice to the Commission regarding continuing education courses and curricula for registrants; provide advice to the Commission regarding the contents of any examination required by the Commission under this Chapter; and educate, and respond to questions from the Commission and the Department regarding issues affecting tax professionals. This announcement is for a member who is certified under this chapter as a registered tax collector or a registered tax assessor.

The Committee is composed of the following seven members appointed by the presiding officer of the Commission, with the Commission's approval:

- (1) two members who are certified under this chapter as registered professional appraisers;
- (2) two members who are certified under this chapter as registered tax collectors or registered tax assessors; and
- (3) three members who represent the public.

A person may not be a public member of the committee if the person or the person's spouse: is registered, certified, or licensed by a regulatory agency in the field of property tax appraisal, assessment, or collection; is employed by or participates in the management of a business entity or other organization regulated by or receiving money from the department; owns or controls, directly or indirectly, more than a 10 percent interest in a business entity or other organization regulated by or receiving money from the department; uses or receives a substantial amount of tangible goods, services, or money from the department other than compensation or reimbursement authorized by law for committee membership, attendance, or expenses; or at any time has served on an appraisal review board.

A person may not be a member of the committee if: the person is an officer, employee, or paid consultant of a Texas trade association in the field of property tax appraisal, assessment, or collection; or the person's spouse is an officer, manager, or paid consultant of a Texas trade association in the field of property tax appraisal, assessment, or collection.

A person may not be a member of the committee if the person or the person's spouse is required to register as a lobbyist under Chapter 305, Government Code, because of the person's activities for compensation on behalf of a profession related to the operation of the Committee or the Department.

Members serve terms of six years, with the terms of one or two members expiring on March 1 of each odd-numbered year.

Interested persons should submit an application on the Department website at: <https://www.tdlr.texas.gov/AdvisoryBoard/login.aspx>. Applicants can also request an application from the Department by telephone (800) 803-9202 or e-mail [advisory.boards@tdlr.texas.gov](mailto:advisory.boards@tdlr.texas.gov).



### Notice of Vacancy on Water Well Drillers Advisory Council

The Texas Department of Licensing and Regulation (Department) announces a vacancy on the Water Well Drillers Advisory Council (Council) established by the Texas Occupations Code, Chapter 1901. The pertinent rules may be found in 16 TAC §76.650. The purpose of the Council is to advise the Texas Commission of Licensing and Regulation (Commission) on the contents of the licensing examination, the evaluation and recommendation of standards for continuing education programs, and rules for adoption by the Commission relating to the regulation of drillers registered under this chapter. This announcement is for a public member.

The Council is composed of nine members appointed by the presiding officer of the Commission, with the approval of the Commission. The Council consists of the following:

- (1) Six licensed drillers who are residents of this state. One driller shall be selected from the state at large and one of each of the remaining five drillers shall be selected from the

- i. Gulf Coast,
- ii. Trans-Pecos,
- iii. Central Texas,
- iv. Northeast Texas, and
- v. Panhandle-South Plains areas.

- (2) Three members must be representatives of the public.

A person is not eligible for public membership if the person or the person's spouse is licensed by an occupational regulatory agency in the field of well drilling, or is employed by, participates in the management of, or has, other than as a consumer, a financial interest in a business entity or other organization related to the field of well drilling.

Members serve staggered six-year terms expiring September 15.

Interested persons should submit an application on the Department website at: <https://www.tdlr.texas.gov/AdvisoryBoard/login.aspx>. Applicants can also request an application from the Department by telephone (800) 803-9202 or e-mail [advisory.boards@tdlr.texas.gov](mailto:advisory.boards@tdlr.texas.gov).



### Texas Lottery Commission

#### Notice of Public Comment Hearing

A public hearing to receive public comments regarding proposed amendments to 16 TAC §401.317 ("Powerball®" On-Line Game Rule) will be held on Wednesday, November 16, 2016, at 10:00 a.m. at 611 E. 6th Street, Austin, Texas 78701. Persons requiring any accommodation for a disability should notify Debbie Jamieson at (512) 344-5038 at least 72 hours prior to the public hearing.



Scratch Ticket Game Number 1869 "\$1,000,000 High Roller"

1.0 Name and Style of Scratch Ticket Game.

A. The name of Scratch Ticket Game No. 1869 is "\$1,000,000 HIGH ROLLER". The play style is "key number match".

1.1 Price of Scratch Ticket Game.

A. The price for Scratch Ticket Game No. 1869 shall be \$10.00 per Scratch Ticket.

1.2 Definitions in Scratch Ticket Game No. 1869.

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: SINGLE 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, CLUB SYMBOL, POT OF GOLD SYMBOL, FOUR LEAF CLOVER SYMBOL, WISHBONE SYMBOL, 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, MONEY BAG SYMBOL, VAULT SYMBOL, \$10.00, \$20.00, \$25.00, \$30.00, \$40.00, \$50.00, \$100, \$200, \$250, \$500, \$1,000, \$10,000 and \$1,000,000.

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.1869 - 1.2D

| <b>PLAY SYMBOL</b>      | <b>CAPTION</b> |
|-------------------------|----------------|
| SINGLE 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         |
| CLUB SYMBOL             | CLUB           |
| POT OF GOLD SYMBOL      | GOLD           |
| FOUR LEAF CLOVER SYMBOL | CLOVER         |
| WISHBONE SYMBOL         | WISHBN         |
| 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               | FRV    |
| 46               | FRSX   |
| 47               | FRSV   |
| 48               | FRET   |
| 49               | FRNI   |
| 50               | FFTY   |
| MONEY BAG SYMBOL | WIN    |
| VAULT SYMBOL     | WINALL |
| \$10.00          | TEN\$  |
| \$20.00          | TWY\$  |
| \$25.00          | TWV\$  |
| \$30.00          | TRTY\$ |

|             |        |
|-------------|--------|
| \$40.00     | FRTY\$ |
| \$50.00     | FFTY\$ |
| \$100       | ONHN   |
| \$200       | TOHN   |
| \$250       | TOFF   |
| \$500       | FVHN   |
| \$1,000     | ONTH   |
| \$10,000    | 10TH   |
| \$1,000,000 | TPPZ   |

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. 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.

G. Pack-Scratch Ticket Number - A 14 (fourteen) digit number consisting of the four (4) digit game number (1869), a seven (7) digit Pack number, and a three (3) digit Scratch Ticket number. Scratch Ticket numbers start with 001 and end with 050 within each Pack. The format will be: 1869-0000001-001.

H. Pack - A Pack of the "\$1,000,000 HIGH ROLLER" Scratch Ticket Game contains 050 fanfolded, perforated Scratch Tickets per Pack in one (1) Scratch Ticket per strip. The back of Scratch Ticket 001 will be shown on the front of the Pack; the back of Scratch Ticket 050 will be revealed on the back of the Pack. All Packs will be tightly shrink-wrapped. There will be no breaks between the Tickets in a Pack.

I. 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.

J. Scratch Game Ticket, Scratch Ticket or Ticket - Texas Lottery "\$1,000,000 HIGH ROLLER" Scratch Ticket Game No. 1869.

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 "\$1,000,000 HIGH ROLLER" Scratch Ticket Game is determined once the latex on the Scratch Ticket is scratched off to expose 62 (sixty-two) Play Symbols. BONUS QUICK WIN PLAY AREAS: If a player reveals two (2) matching symbols in the same BONUS QUICK WIN, the player wins \$500. MAIN PLAY AREA: If a player matches any of YOUR NUMBERS Play Symbols to any of the WINNING NUMBERS Play Symbols, the player wins the PRIZE for that number. If a player reveals a "MONEY BAG" Play Symbol, the player wins the PRIZE for that symbol instantly. If a player reveals a "VAULT" Play Symbol, the player WINS ALL 25 (twenty-five) PRIZES instantly. No portion of the Display Printing nor

any extraneous matter whatsoever shall be usable or playable as a part of the Scratch Ticket.

2.1 Scratch Ticket Validation Requirements.

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

1. Exactly 62 (sixty-two) 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 62 (sixty-two) 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 62 (sixty-two) Play Symbols must be exactly one of those described in Section 1.2.C of these Game Procedures;

17. Each of the 62 (sixty-two) 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-eight (28) times.

D. GENERAL: On winning and Non-Winning Tickets, the top cash prizes of \$10,000 and \$1,000,000 will each appear at least once, except on Tickets winning twenty-five (25) times or more and Tickets winning with the "VAULT" (WINALL) Play Symbol.

E. BONUS QUICK WIN PLAY AREAS: A Ticket can win up to one (1) time in each of the three (3) BONUS QUICK WIN play areas.

F. BONUS QUICK WIN PLAY AREAS: A BONUS QUICK WIN Play Symbol will not be used more than one (1) time per Ticket across all three (3) BONUS QUICK WIN play areas, unless used in a winning combination.

G. BONUS QUICK WIN PLAY AREAS: Winning combinations across all three (3) BONUS QUICK WIN play areas will be different.

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

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

J. MAIN PLAY AREA: No matching WINNING NUMBERS Play Symbols will appear on a Ticket.

K. MAIN PLAY AREA: No YOUR NUMBERS Play Symbols will match any WINNING NUMBERS Play Symbols on Tickets winning the "VAULT" (WINALL) Play Symbol.

L. MAIN PLAY AREA: The "VAULT" (WINALL) Play Symbol and the "MONEY BAG" (WIN) Play Symbol will never appear on the same Ticket.

M. MAIN PLAY AREA: The "MONEY BAG" (WIN) Play Symbol will never appear as a WINNING NUMBERS Play Symbol.

N. MAIN PLAY AREA: The "MONEY BAG" (WIN) Play Symbol will never appear on a Non-Winning Ticket.

O. MAIN PLAY AREA: No more than three (3) "MONEY BAG" (WIN) Play Symbols will appear on a Ticket.

P. MAIN PLAY AREA: The "VAULT" (WINALL) Play Symbol will never appear as a WINNING NUMBERS Play Symbol.

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

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

S. MAIN PLAY AREA: The "VAULT" (WINALL) Play Symbol will WIN ALL 25 PRIZES and will win as per the prize structure.

T. MAIN PLAY AREA: YOUR NUMBERS Play Symbols will never equal the corresponding Prize Symbol (i.e., 10 and \$10, 20 and \$20, 30 and \$30, 40 and \$40 or 50 and \$50).

U. MAIN PLAY AREA: On all Tickets, a Prize Symbol will not appear more than five (5) times except as required by the prize structure to create multiple wins.

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

## 2.3 Procedure for Claiming Prizes.

A. To claim a "\$1,000,000 HIGH ROLLER" Scratch Ticket Game prize of \$20.00, \$30.00, \$40.00, \$50.00, \$100, \$200 or \$500, a claimant shall sign the back of the Scratch Ticket in the space designated on the Scratch Ticket and present the winning Scratch Ticket to any Texas Lottery Retailer. The Texas Lottery Retailer shall verify the claim and, if valid, and upon presentation of proper identification, if appropriate, make payment of the amount due the claimant and physically void the Scratch Ticket; provided that the Texas Lottery Retailer may, but is not required, to pay a \$30.00, \$40.00, \$50.00, \$100, \$200 or \$500 Scratch Ticket Game. In the event the Texas Lottery Retailer cannot verify the claim, the Texas Lottery Retailer shall provide the claimant with a claim form and instruct the claimant on how to file a claim with the Texas Lottery. If the claim is validated by the Texas Lottery, a check shall be forwarded to the claimant in the amount due. In the event the claim is not validated, the claim shall be denied and the claimant shall be notified promptly. A claimant may also claim any of the above prizes under the procedure described in Section 2.3.B and Section 2.3.C of these Game Procedures.

B. To claim a "\$1,000,000 HIGH ROLLER" Scratch Ticket Game prize of \$1,000, \$10,000 or \$1,000,000, 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 "\$1,000,000 HIGH ROLLER" 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 "\$1,000,000

HIGH ROLLER" 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 "\$1,000,000 HIGH ROLLER" Scratch Ticket Game, the Texas Lottery shall deposit the amount of the prize in a custodial bank account, with an adult member of the minor's family or the minor's guardian serving as custodian for the minor.

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

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

3.0 Scratch Ticket Ownership.

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

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

4.0 Number and Value of Scratch Ticket Prizes. There will be approximately 6,000,000 Scratch Tickets in Scratch Ticket Game No. 1869. The approximate number and value of prizes in the game are as follows:

Figure 2: GAME NO. 1869 - 4.0

| Prize Amount | Approximate Number of Winners* | Approximate Odds are 1 in ** |
|--------------|--------------------------------|------------------------------|
| \$20         | 360,000                        | 16.67                        |
| \$30         | 140,000                        | 42.86                        |
| \$40         | 80,000                         | 75.00                        |
| \$50         | 260,000                        | 23.08                        |
| \$100        | 97,500                         | 61.54                        |
| \$200        | 2,250                          | 2,666.67                     |
| \$500        | 800                            | 7,500.00                     |
| \$1,000      | 300                            | 20,000.00                    |
| \$10,000     | 50                             | 120,000.00                   |
| \$1,000,000  | 3                              | 2,000,000.00                 |

\*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 6.38. 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. 1869 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. 1869, 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-201605419  
 Bob Biard  
 General Counsel  
 Texas Lottery Commission  
 Filed: October 17, 2016

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**Panhandle Regional Planning Commission**

Legal Notice

The Panhandle Regional Planning Commission (PRPC) is seeking proposals from qualified organizations with demonstrated competence, knowledge, qualifications, successful performance, and reasonable fees to provide fiscal monitoring services for the workforce development programs administered in the Panhandle Workforce Development

Area (PWDA). The purpose of this solicitation is to enable PRPC to evaluate and select an entity capable of performing these services and to enter into negotiation for a contract at a fair and reasonable price.

Interested proposers may obtain a copy of the solicitation packet by contacting Leslie Hardin, at (806) 372-3381/(800) 477-4562 or lhardin@theprpc.org. The proposals must be submitted to PRPC no later than November 18, 2016.

TRD-201605451  
 Leslie Hardin  
 WFD Contracts Coordinator  
 Panhandle Regional Planning Commission  
 Filed: October 19, 2016

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**Public Utility Commission of Texas**

Correction of Error

The Public Utility Commission of Texas submitted a Public Notice of Strawman and Workshop that was published in the October 21, 2016, issue of the *Texas Register* (41 TexReg 8338). The third sentence in the first paragraph of the notice was submitted with an incorrect day of the week prior to the date. The corrected sentence should read: "Initial comments may be submitted by Friday, November 4, 2016, and reply comments may be submitted by Friday, November 18, 2016, to the Filing Clerk, Public Utility Commission of Texas, 1701 North Congress Avenue, P.O. Box 13326, Austin, Texas 78711-3326."

TRD-201605354

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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 October 17, 2016, pursuant to the Public Utility Regulatory Act, Texas Util. Code Ann. §§39.154 and 39.158.

Docket Style and Number: Application of Alamo 6 Solar Holdings, LLC for Approval Pursuant to Section 39.158 of the Public Utility Regulatory Act, Docket Number 46448.

The Application On October 17, 2016, Alamo 6 Solar Holdings, LLC filed an application for approval of the purchase of 100% of the membership interests of OCI Solar San Antonio 6 LLC, and therefore indirectly 100% of the membership interests in its wholly-owned subsidiary, OCI Alamo 6 LLC, which is developing a 110.2 MW solar generation project in Pecos County that will be interconnected into the Electric Reliability Council of Texas. Following the proposed transaction, the combined generation owned and controlled by Alamo 6 Solar and its affiliates will equal approximately 460.8 MW of the installed capacity in ERCOT or capable of delivery into ERCOT.

Persons wishing to intervene or comment on the action sought should contact the Public Utility Commission of Texas as soon as possible as an intervention deadline will be imposed. A comment or request to intervene should be mailed to by mail at P.O. Box 13326, Austin, Texas 78711-3326, or by phone at (512) 936-7120 or toll-free at (888) 782-8477. Hearing and speech-impaired individuals with text telephone (TTY) may contact the commission through Relay Texas by dialing 7-1-1. All comments should reference Docket Number 46448.

TRD-201605425  
Adriana A. Gonzales  
Rules Coordinator  
Public Utility Commission of Texas  
Filed: October 18, 2016



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

Notice is given to the public of an application filed with the Public Utility Commission of Texas on October 14, 2016, to amend a certificate of convenience and necessity for a proposed transmission line in Collin County, Texas.

Docket Style and Number: Application of Brazos Electric Power Cooperative, Inc. for Amendment to its Certificate of Convenience and Necessity for a 138-kV Transmission Line in Collin County, Docket Number 46429.

The Application: The application of Brazos Electric Power Cooperative, Inc. for a proposed 138-kV transmission line in Collin County is designated as the Kittyhawk Transmission Line and Substation Project. The facilities include construction of a new 138-kV transmission line connecting a new approximately five-acre substation sited along or near SH 121 in the vicinity of Alma Drive and Exchange Parkway in western Collin County. The transmission line would connect the substation to an interconnection point located along an existing transmission line either to the east, northeast, west, or southwest of the substation, depending on the route selected. The total estimated cost for the project will be approximately \$25,486,507.

The proposed project is presented with twenty-five alternate routes and is estimated to be approximately 2.04 to 4.96 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 Public Utility Commission of Texas by mail at P.O. Box

13326, Austin, Texas 78711-3326, or by phone at (512) 936-7120 or toll-free at (888) 782-8477. The deadline for intervention in this proceeding is November 28, 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 46429.

TRD-201605400  
Adriana A. Gonzales  
Rules Coordinator  
Public Utility Commission of Texas  
Filed: October 17, 2016



#### Public Notice of Workshop

The Public Utility Commission of Texas (commission) will hold a workshop on Wednesday, November 16, 2016, regarding Project Number 46393, *Rulemaking Proceeding to Amend 16 Tex. Admin. Code §25.192, Relating to Transmission Service Rates*. The workshop will be held from 9:30 a.m. to 3:00 p.m. in the Commissioners' Hearing Room on the 7th floor of the William B. Travis Building, 1701 North Congress Avenue, Austin, Texas 78701.

On or before Wednesday, November 9, 2016, Commission Staff will make available in Central Records under Project Number 46393 a meeting agenda that will include proposed rule language for discussion at the workshop. The agenda will also be available for download by visiting the commission's website at [www.puc.texas.gov](http://www.puc.texas.gov) and clicking on the Filings and Filings Search links.

Questions concerning the workshop or this notice should be referred to Mark Filarowicz, Regulatory Accountant, at (512) 936-7248 or [mark.filarowicz@puc.texas.gov](mailto:mark.filarowicz@puc.texas.gov). Hearing and speech-impaired individuals with text telephones (TTY) may contact the commission by dialing 7-1-1.

TRD-201605266  
Adriana Gonzales  
Rules Coordinator  
Public Utility Commission of Texas  
Filed: October 13, 2016



#### Request for Proposal - Technical Consulting Services

##### RFP Number 473-17-00002

The Public Utility Commission of Texas (PUCT) is issuing a Request for Proposals (RFP) for an Evaluation, Measurement, and Verification Program Consultant.

##### Scope of Work:

The PUCT is issuing this RFP for a contractor (an individual firm or team of firms) to provide consulting services to the PUCT to assist with evaluation, measurement and verification (EM&V) by documenting the gross and net energy and demand impacts of utilities' individual energy efficiency and load management portfolios; determining cost-effectiveness; preparing and maintaining a statewide Technical Reference Manual; providing feedback for the PUCT, utilities, and other stakeholders on program portfolio performance; and providing input into the utilities' and the Electric Reliability Council of Texas' planning activities.

RFP documentation may be obtained by contacting:

Jay Stone

Public Utility Commission of Texas

P.O. Box 13326

Austin, Texas 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 Tuesday, November 29, 2016, - 2:00 p.m., CST

TRD-201605437

Adriana Gonzales

Rules Coordinator

Public Utility Commission of Texas

Filed: October 18, 2016



## Texas Department of Transportation

Aviation Division - Request for Qualifications for Professional Engineering Services

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

Airport Sponsor: City of Castroville; TxDOT CSJ No. 1715CASTR; Scope: Provide engineering/design services, including construction administration, to design and install a Jet A fuel system.

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 is 5%. The goal will be re-set for the construction phase. The TxDOT Project Manager is Ed Mayle.

To assist in your qualification statement preparation, the criteria, 5010 drawing, and most recent Airport Layout Plan are available online by selecting "Castroville Municipal Airport" at <http://www.dot.state.tx.us/avn/avninfo/notice/consult/index.html>.

### 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 November 29, 2016, 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>.

Instructions on how to respond to a solicitation in eGrants are 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.dot.state.tx.us/avn/avninfo/notice/consult/index.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 Ed Mayle, 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](mailto:avn-egrantshelp@txdot.gov).

TRD-201605265

Joanne Wright

Deputy General Counsel

Texas Department of Transportation

Filed: October 13, 2016

