

# IN ADDITION

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

## Comptroller of Public Accounts

### Certification of the Average Closing Price of Gas and Oil - June 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 June 2016 is \$29.52 per barrel for the three-month period beginning on March 1, 2016, and ending May 31, 2016. Therefore, pursuant to Tax Code, §202.058, crude oil produced during the month of June 2016 from a qualified low-producing oil lease is eligible for a 25% credit on the crude oil production tax imposed by Tax Code, Chapter 202.

The Comptroller of Public Accounts, administering agency for the collection of the Natural Gas Production Tax, has determined, as required by Tax Code, §201.059, that the average taxable price of gas for reporting period June 2016 is \$1.10 per mcf for the three-month period beginning on March 1, 2016, and ending May 31, 2016. Therefore, pursuant to Tax Code, §201.059, gas produced during the month of June 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 June 2016 is \$48.84 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 June 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 June 2016 is \$2.63 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 June 2016 from a qualified low-producing gas well.

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

TRD-201603537

Lita Gonzalez  
General Counsel  
Comptroller of Public Accounts  
Filed: July 18, 2016



### Notice of Request for Proposals

Pursuant to Chapters 403 and 2116 of the Texas Government Code, the Texas Comptroller of Public Accounts ("Comptroller") announces the issuance of its Request for Proposals No. 218h ("RFP") from qualified, independent firms interested in providing services related to the establishment, operation and maintenance of the Texas Bullion Depository.

The successful respondent will be expected to begin performance of the contract(s), if any, awarded under this RFP on or about December 1, 2016.

Contact: The RFP will be available electronically on the Electronic State Business Daily ("ESBD") at: <http://esbd.cpa.state.tx.us> on Friday, July 29, 2016, after 10:00 a.m., Central Time ("CT"). Parties interested in a hard copy of the RFP should contact Jason Frizzell, Interim Deputy General Counsel, Contracts, Texas Comptroller of Public Accounts, 111 E. 17th St., Room 201, Austin, Texas 78774 ("Issuing Office"), telephone number: (512) 305-8673.

Questions: All written questions must be received at the above-referenced address not later than 2:00 p.m. CT on Friday, August 19, 2016. Questions received after this time and date will not be considered. Prospective respondents are encouraged to fax or e-mail Questions to (512) 463-3669 or [contracts@cpa.texas.gov](mailto:contracts@cpa.texas.gov) to ensure timely receipt. On or about Friday, August 26, 2016, Comptroller expects to post responses to questions as an addendum to the Electronic State Business Daily notice on the issuance of the RFP.

Closing Date: Proposals must be delivered to the Issuing Office no later than 2:00 p.m. CT, on Friday, September 30, 2016. Proposals received in the Issuing Office after this time and date will not be considered. Respondents shall be solely responsible for ensuring the timely receipt of their proposals in the Issuing Office.

Evaluation Criteria: Proposals will be evaluated under the evaluation criteria outlined in the RFP. Comptroller shall make the final decision on any contract award or awards resulting from the RFP. Comptroller reserves the right, in its sole discretion, to accept or reject any or all proposals submitted. Comptroller is not obligated to award or execute any contracts on the basis of this notice or the distribution of any RFP. Comptroller shall not pay for any costs incurred by any entity in responding to this notice or the RFP.

The anticipated schedule of events is as follows: Issuance of RFP - July 29, 2016, after 10:00 a.m. CT; Questions Due - August 19, 2016, 2:00 p.m. CT; Official Responses to Questions posted August 26, 2016, or as soon thereafter as practical; Proposals Due - September 30, 2016, 2:00 p.m. CT; Contract Execution - December 1, 2016, or as soon thereafter as practical; and Commencement of Project Activities - on or after December 1, 2016. Any amendment to this solicitation will be posted on the ESBD as a RFP Addendum. It is the responsibility of interested parties to periodically check the ESBD for updates to the RFP prior to submitting a Proposal.

TRD-201603545

Jason Frizzell  
Interim Deputy General Counsel, Contracts  
Comptroller of Public Accounts  
Filed: July 18, 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 07/25/16 - 07/31/16 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 07/25/16 - 07/31/16 is 18% for Commercial over \$250,000.

The judgment ceiling as prescribed by §304.003 for the period of 08/01/16 - 08/31/16 is 5.00% for Consumer/Agricultural/Commercial credit through \$250,000.

The judgment ceiling as prescribed by §304.003 for the period of 08/01/16 - 08/31/16 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-201603557

Leslie Pettijohn

Commissioner

Office of Consumer Credit Commissioner

Filed: July 19, 2016

## Credit Union Department

### Application to Expand Field of Membership

Notice is given that the following application has been filed with the Credit Union Department (Department) and is under consideration:

An application was received from Associated Credit Union of Texas, League City, Texas to expand its field of membership. The proposal would permit persons who live, work, worship or attend school within a ten mile radius of the ACUTX office located at 2509 Becker Drive, Brenham, Texas 77833, to be eligible for membership in the credit union.

Comments or a request for a meeting by any interested party relating to an application must be submitted in writing within 30 days from the date of this publication. Credit unions that wish to comment on any application must also complete a Notice of Protest form. The form may be obtained by contacting the Department at (512) 837-9236 or downloading the form at <http://www.cud.texas.gov/page/bylaw-charter-applications>. Any written comments must provide all information that the interested party wishes the Department to consider in evaluating the application. All information received will be weighed during consideration of the merits of an application. Comments or a request for a meeting should be addressed to the Credit Union Department, 914 East Anderson Lane, Austin, Texas 78752-1699.

TRD-201603580

Harold E. Feeney

Commissioner

Credit Union Department

Filed: July 20, 2016

### Notice of Final Action Taken

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

Application to Expand Field of Membership - Approved

EECU, Fort Worth, Texas (Amended) - Residents of the Dallas-Fort Worth-Arlington, Texas Metropolitan Statistical Area who are members of America's Charities.

First Service Credit Union, Houston, Texas (Amended) - Persons who live, work, worship, or attend school in, businesses and other legal entities located within the geographical boundaries of the Conroe Independent School District or the Magnolia Independent School District.

TRD-201603581

Harold E. Feeney

Commissioner

Credit Union Department

Filed: July 20, 2016

## Texas Education Agency

### Request for Applications Concerning 2016-2020 Texas Title I Priority Schools Grant, Cycle 5

Filing Date. July 20, 2016

Filing Authority. The availability of grant funds under Request for Applications (RFA) #701-16-105 is authorized as the School Improvement Grants program by P.L. 107-110, Elementary and Secondary Education Act of 1965, as amended by the No Child Left Behind Act of 2001, Section 1003(g).

The U.S. Department of Education (USDE) published final requirements for the School Improvement Grants program in the *Federal Register* on October 28, 2010 (<http://www.gpo.gov/fdsys/pkg/FR-2010-10-28/pdf/2010-27313.pdf>). In 2015, the USDE revised the final requirements to implement language in the Consolidated Appropriations Act, 2014, and the Consolidated and Further Continuing Appropriations Act, 2015.

Eligible Applicants. The Texas Education Agency (TEA) is requesting applications under Request for Applications (RFA) #701-16-105 from campuses that qualify as Title I priority schools and Title I focus schools and are not currently receiving Texas Title I Priority Schools (TTIPS) funds.

Campuses identified as priority and as focus in the state of Texas flexibility waiver are exempt from specific provisions from the USDE Elementary and Secondary Education Act. A list of eligible priority or focus campuses is posted on the TEA Grant Opportunities web page at <http://burleson.tea.state.tx.us/GrantOpportunities/forms>, along with all documents pertaining to this RFA.

Description. The purpose of the 2016-2020 Texas Title I Priority Schools Grant is to provide funding to local education agencies (LEAs) for use in eligible schools in order to substantially raise the achievement of their students and enable the schools to meet annual goals and program-term measurable objectives. Funding is intended for LEAs that demonstrate the greatest need for the funds and the strongest commitment to provide adequate resources to support schools in meeting the criteria to exit priority or focus status.

The TTIPS grant program strives to achieve lasting positive reforms in the state's most struggling campuses through highest-quality implementation of strong evidence-based interventions. These interventions are designed within a framework of one of seven school reform models.

The LEA must describe how it will use school improvement funds in its priority/focus schools to plan and effectively implement one of the following school reform models:

1. Transformation model, which addresses specific areas critical to transforming persistently lowest-achieving schools;
2. Texas state-design model, in which the campus must deliver a comprehensive school improvement strategy for all students in the school that improves student achievement or attainment. The strategy must address school leadership, teaching and learning in academic content areas, professional learning for educators, and student non-academic supports. Additionally, the strategy will be consistent with the Texas concept for developing an Early College High School (ECHS). In doing so, the LEA/campus will (1) pursue designation as a Texas ECHS with a target of earning TEA ECHS designation and full operation as an ECHS no later than the start of the second year of the TTIPS grant implementation period; (2) provide a rigorous course of study that enables students to receive a high school diploma and complete the Texas Higher Education Coordinating Board's core curriculum, an associate's degree, or at least 60 credit hours toward a baccalaureate degree during Grades 9-12; and (3) provide college credit earned through the high school years for all students at no cost, including tuition, fees, and textbook costs;
3. Early learning intervention model, in which a campus addresses specific areas critical to transforming a persistently low-achieving elementary school and additionally offers full-day kindergarten and a pre-kindergarten program that meets the requirements of a high-quality preschool program, as defined in the USDE's Preschool Development Grants program;
4. Turnaround model, which includes, among other actions, replacing the principal and rehiring no more than 50% of the school's staff, adopting a new governance structure, and implementing an instructional program that is research based and vertically aligned from one grade to the next as well as aligned with Texas' academic standards;
5. Whole-school reform model, in which the campus must implement an evidence-based whole-school reform in partnership with a model developer. The model developer is an entity or individual that either has proprietary rights to the model or an entity or individual that has a demonstrated record of success in implementing whole-school reform models in one or more low-achieving schools that are comparable on several variables to the TTIPS applicant;
6. Restart model, in which an LEA converts the school or closes and reopens it under the management of a charter school operator, a charter management organization, or an education management organization that has been selected through a rigorous review process;
7. School closure, in which an LEA closes the school and enrolls the students who attended the school in other, higher-achieving schools within the LEA; or
8. Optional modification: rural LEA applicant flexibility, in which an applicant proposes to modify one element of the Transformation or Turnaround model but only in a manner that the modification meets the original intent and purpose of the element and does not eliminate the element from the resulting implementation plan.

Prospective applicants can see a full description of all elements within each of the school intervention models in the Program-Specific Provisions and Assurances section of the Standard Application System of RFA #701-16-105.

Dates of Project. Applicants should plan for a project that will operate in a pre-implementation period from February 1, 2017, through July 31, 2017; in full implementation during the school years of 2017-2018, 2018-2019, and 2019-2020. Funding is available to grantees through all periods.

The timeline for this project is contingent upon the final approval from USDE for the Texas school improvement grant program state plan. Approval is recognized as final on the date a Grant Award Notification is issued from USDE to TEA.

Project Amount. The total amount of funding for this project is approximately \$81 million. Each awarded project could receive up to a maximum of \$8 million for operation through the school years of 2016-2017, 2017-2018, 2018-2019, and 2019-2020. A maximum funding per year for any applicant is \$2 million.

This project is funded 100% from federal funds.

Note that funding availability and final terms for this project are contingent upon approval from USDE for the Texas school improvement grant program state plan. Funding and approval are recognized as final on the date a Grant Award Notification is issued from USDE to TEA.

Selection Criteria. Applications will be selected based on the independent reviewers' assessment of each applicant's ability to carry out all requirements contained in the RFA. Reviewers will evaluate applications based on the overall quality and validity of the proposed grant programs and the extent to which the applications address the primary objectives and intent of the project. Applications must address each requirement as specified in the RFA to be considered for funding.

Applications will be scored using the standard review criteria, as described in TEA Grants Administration General and Fiscal Guidelines at [http://tea.texas.gov/Finance\\_and\\_Grants/Grants/Administering\\_a\\_Grant/General\\_and\\_Fiscal\\_Guidelines/](http://tea.texas.gov/Finance_and_Grants/Grants/Administering_a_Grant/General_and_Fiscal_Guidelines/). In addition to the standard review criteria, applications will be scored on the following grant-specific criteria:

1. Level of ability to benefit from grant resources, as demonstrated through district commitments and vision for school reform and existing structures that will allow reform to take hold;
2. Family and community member involvement in project planning, intervention selection, and ongoing program engagement;
3. Methods for selecting highest-quality staff and external providers for the project and methods for providing rigorous oversight of external providers;
4. Level of capacity gains that will create lasting, positive change to campus practices and can be sustained beyond the grant period; and
5. Quality of intervention design and strength at which interventions fulfill all requirements of the federal School Improvement Grant model selected.

Special consideration (or priority) will be given to certain applicants. TEA will give priority to campuses that have not met state accountability ratings for two or more years as of August 2016 and to campuses that select the state-designed or early-learning model. Ten priority points will be given to each LEA/campus applying to serve schools that meet any of these criteria.

TEA reserves the right to select from the highest-ranking applications those that address all requirements in the RFA and that are most advantageous to the project.

TEA is not obligated to approve an application, provide funds, or endorse any application submitted in response to this RFA. This RFA does not commit TEA to pay any costs before an application is approved. The issuance of this RFA does not obligate TEA to award a grant or pay any costs incurred in preparing a response.

Requesting the Application. The announcement letter, complete RFA, and additional applicant resources will be posted on the TEA Grant Opportunities web page at <http://burlleson.tea.state.tx.us/GrantOppor->

tunities/forms for viewing and downloading. In the "Select Search Options" box, select the name of the RFA from the drop-down list. Scroll down to the "Application and Support Information" section to view all documents that pertain to this RFA.

**Further Information.** For clarifying information about the RFA, contact Karyn Gukeisen, Division of Grants Administration, Texas Education Agency, by email at [karyn.gukeisen@tea.texas.gov](mailto:karyn.gukeisen@tea.texas.gov) or by telephone at (512) 463-8525.

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

**Deadline for Receipt of Applications.** Applications must be received in the TEA Document Control Center by 5:00 p.m. (Central Time), Thursday, September 15, 2016, to be eligible to be considered for funding.

Issued in Austin, Texas, on July 20, 2016

TRD-201603588

Cristina De La Fuente-Valadez

Director, Rulemaking

Texas Education Agency

Filed: July 20, 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 August 29, 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 August 29, 2016. Written comments may also be sent by facsimile machine to the en-

forcement 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: A + BATTERY AND CHARGER SERVICE, INCORPORATED; DOCKET NUMBER: 2016-0038-IHW-E; IDENTIFIER: RN108789942; LOCATION: Lancaster, Dallas County; TYPE OF FACILITY: battery and charger service facility; RULES VIOLATED: 30 TAC §335.2(a), by failing to not cause, suffer, allow, or permit the unauthorized storage, processing, and disposal of municipal solid waste (MSW) and municipal hazardous waste (MHW); 30 TAC §335.9(a)(1), by failing to maintain records of all MSW and MHW activities; 30 TAC §§335.62, 335.503(a), and 335.504 and 40 Code of Federal Regulations (CFR) §262.11, by failing to conduct hazardous waste determinations and waste classifications; and 40 CFR §268.7(a)(2), by failing to submit a one-time Land Disposal Restriction notification; PENALTY: \$20,250; ENFORCEMENT COORDINATOR: Holly Kneisley, (817) 588-5856; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(2) COMPANY: Anadarko E and P Onshore LLC; DOCKET NUMBER: 2016-0604-AIR-E; IDENTIFIER: RN102585965; LOCATION: Carthage, Panola County; TYPE OF FACILITY: natural gas compressor station; RULES VIOLATED: 30 TAC §116.615(2) and §122.143(4), Texas Health and Safety Code, §382.085(b), Federal Operating Permit Number O739/General Operating Permit Number 514, Site-wide Requirements (b)(9)(E)(ii), and Standard Permit Registration Number 74457, by failing to comply with the permitted hourly and permitted annual emission rates; PENALTY: \$73,200; ENFORCEMENT COORDINATOR: Amancio R. Gutierrez, (512) 239-3921; REGIONAL OFFICE: 2916 Teague Drive, Tyler, Texas 75701-3734, (903) 535-5100.

(3) COMPANY: Aqua Texas, Incorporated; DOCKET NUMBER: 2016-0319-MWD-E; IDENTIFIER: RN102343662; LOCATION: Rhome, Denton County; TYPE OF FACILITY: wastewater treatment plant; RULES VIOLATED: TWC, §26.121(a)(1), 30 TAC §305.125(1), and Texas Pollutant Discharge Elimination System Permit Number WQ0014186001, Operational Requirements Number 1 and Permit Condition Number 2.g., by failing to prevent the unauthorized discharge of untreated wastewater from the collection system into or adjacent to any water in the state; PENALTY: \$10,500; ENFORCEMENT COORDINATOR: Steven Van Landingham, (512) 239-5717; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(4) COMPANY: ARROWHEAD HILL WATER SUPPLY CORPORATION; DOCKET NUMBER: 2016-0565-PWS-E; IDENTIFIER: RN101243020; LOCATION: Belton, Bell County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.45(f)(1), (4) and (5), by failing to provide a water purchase contract that authorizes a maximum daily purchase rate, or a uniform purchase rate to meet a minimum production capacity of 0.6 gallon per minute (gpm) per connection and that authorizes a maximum hourly purchase rate plus the actual service pump capacity of at least 2.0 gpm per connection or at least 1,000 gpm and able to meet peak hourly demands, which ever is less for systems which purchase water under direct pressure; 30 TAC §290.121(a) and (b), by failing to develop and maintain an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the facility will use to comply with the monitoring requirements; 30 TAC §290.46(z), by failing to create a nitrification action plan

for systems distributing chloraminated water; 30 TAC §290.46(i), by failing to adopt an adequate plumbing ordinance, regulations, or service agreement with provisions for proper enforcement to ensure that neither cross-connections nor other unacceptable plumbing practices are permitted; and 30 TAC §290.110(c)(5)(B)(i) and (D)(i), by failing to conduct required monitoring for chloraminated water; PENALTY: \$500; ENFORCEMENT COORDINATOR: Cheryl Thompson, (817) 588-5886; REGIONAL OFFICE: 6801 Sanger Avenue, Suite 2500, Waco, Texas 76710-7826, (254) 751-0335.

(5) COMPANY: BASF Corporation; DOCKET NUMBER: 2016-0534-AIR-E; IDENTIFIER: RN100218049; LOCATION: Freeport, Brazoria County; TYPE OF FACILITY: chemical manufacturer; RULES VIOLATED: 30 TAC §§101.20(2) and (3), 113.620, 116.115(c), and 122.143(4), 40 Code of Federal Regulations §63.1219(a)(5)(i), Texas Health and Safety Code, §382.085(b), Federal Operating Permit Number O1927, Special Terms and Conditions Number 1A, and New Source Review Permit Numbers 9513A and PSDTX641M1, Special Conditions Number 4, by failing to comply with the carbon monoxide concentration limit of 100 parts per million by volume dry corrected to 7% oxygen; PENALTY: \$7,387; ENFORCEMENT COORDINATOR: Raime Hayes-Falero, (713) 767-3567; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1486, (713) 767-3500.

(6) COMPANY: BSW INVESTMENTS LLC d/b/a Bay City Food Mart; DOCKET NUMBER: 2015-1817-PST-E; IDENTIFIER: RN102790961; LOCATION: Bay City, Matagorda County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULES VIOLATED: 30 TAC §334.76, by failing to perform an initial response action within 24 hours of a release from an underground storage tank (UST) system; and 30 TAC §334.77 and §334.78, by failing to initiate required abatement measures and submit a report to the TCEQ within 20 days after a release of a regulated substance from a UST system; PENALTY: \$32,063; ENFORCEMENT COORDINATOR: Thomas Greimel, (512) 239-5690; REGIONAL OFFICE: 5425 Polk Avenue, Suite H, Houston, Texas 77023-1486, (713) 767-3500.

(7) COMPANY: City of Byers; DOCKET NUMBER: 2016-0548-MWD-E; IDENTIFIER: RN101720415; LOCATION: Byers, Clay 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 WQ0010890001, Effluent Limitations and Monitoring Requirements Number 1, by failing to comply with permitted effluent limitations; PENALTY: \$9,062; ENFORCEMENT COORDINATOR: Sandra Douglas, (512) 239-2549; REGIONAL OFFICE: 1977 Industrial Boulevard, Abilene, Texas 79602-7833, (325) 698-9674.

(8) COMPANY: City of Calvert; DOCKET NUMBER: 2015-0903-PWS-E; IDENTIFIER: RN101392355; LOCATION: Calvert, Robertson County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.109(f)(3) and Texas Health and Safety Code, §341.031(a), by failing to comply with the maximum contaminant level (MCL) for total coliform during the month of May 2015; 30 TAC §290.109(c)(4)(B) and §290.122(c)(2)(A) and (f), by failing to collect raw groundwater source *Escherichia coli* samples from all active sources within 24 hours of notification of a distribution total coliform-positive result for a routine sample during the months of July 2013 and October 2013 and failing to provide public notifications and submit a copy of the notifications to the executive director (ED) regarding the failure to collect raw groundwater source samples following notification of a coliform-positive result on a routine sample during the months of July 2013 and October 2013; 30 TAC §290.122(b)(2)(A) and (f), by failing to timely provide public notification and submit a copy of the public notification to the ED regarding the failure to com-

ply with the MCL for total coliform during the month of July 2013; 30 TAC §290.117(i)(6) and (j), by failing to timely mail consumer notification of lead tap water monitoring results to persons served at the locations that were sampled and failing to submit to the TCEQ a copy of the consumer notification and certification that the consumer notification has been distributed to the persons served at the locations in a manner consistent with TCEQ requirements for the 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 ED regarding the failure to collect a set of repeat distribution total coliform samples within 24 hours of being notified of a total coliform-positive sample result on a routine sample collected in September 2014; PENALTY: \$675; ENFORCEMENT COORDINATOR: Yuliya Dunaway, (210) 403-4077; REGIONAL OFFICE: 6801 Sanger Avenue, Suite 2500, Waco, Texas 76710-7826, (254) 751-0335.

(9) COMPANY: City of Midland; DOCKET NUMBER: 2016-0636-PST-E; IDENTIFIER: RN102244068; LOCATION: Midland, Midland County; TYPE OF FACILITY: fleet fueling facility; RULES VIOLATED: 30 TAC §334.49(a)(1) and TWC, §26.3475(d), by failing to provide corrosion protection for the underground storage tank system; PENALTY: \$2,813; ENFORCEMENT COORDINATOR: Epifanio Villarreal, (361) 825-3421; REGIONAL OFFICE: 9900 West IH-20, Suite 100, Midland, Texas 79706, (432) 570-1359.

(10) COMPANY: City of Sherman; DOCKET NUMBER: 2016-0813-PST-E; IDENTIFIER: RN102348638; LOCATION: Sherman, Grayson County; TYPE OF FACILITY: fleet fueling facility; RULES VIOLATED: 30 TAC §334.50(b)(1)(A) and TWC, §26.3475(c)(1), by failing to monitor the underground storage tanks for releases at a frequency of at least once every month; PENALTY: \$4,500; ENFORCEMENT COORDINATOR: Sandra Douglas, (512) 239-2549; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(11) COMPANY: Drillchem Drilling Solutions, LLC; DOCKET NUMBER: 2016-0707-IHW-E; IDENTIFIER: RN108839960; LOCATION: Conroe, Montgomery County; TYPE OF FACILITY: drilling lubricant storage and distribution warehouse; RULE VIOLATED: 30 TAC §335.2(b), by failing to not cause, suffer, allow, or permit the disposal of industrial solid waste at an unauthorized facility; PENALTY: \$1,575; ENFORCEMENT COORDINATOR: Keith Frank, (512) 239-1203; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1486, (713) 767-3500.

(12) COMPANY: Flint Hills Resources Houston Chemical, LLC; DOCKET NUMBER: 2016-0243-AIR-E; IDENTIFIER: RN102576063; LOCATION: Houston, Harris County; TYPE OF FACILITY: chemical plant; RULES VIOLATED: 30 TAC §§101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), Texas Health and Safety Code, §382.085(b), Federal Operating Permit Number O1251, Special Terms and Conditions Number 11 and General Terms and Conditions, and New Source Review Permit Numbers 18999, PSDTX755, and N210, Special Conditions Number 1, by failing to prevent unauthorized emissions; PENALTY: \$12,000; ENFORCEMENT COORDINATOR: Raime Hayes-Falero, (713) 767-3567; REGIONAL OFFICE: 5425 Polk Avenue, Suite H, Houston, Texas 77023-1486, (713) 767-3500.

(13) COMPANY: Harris County Water Control and Improvement District Number 21; DOCKET NUMBER: 2016-0352-PWS-E; IDENTIFIER: RN101409415; LOCATION: Channelview, Harris County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.115(f)(1) and Texas Health and Safety Code, §341.0315(c), by failing to comply with the maximum contaminant level of 0.080 milligrams per liter for total trihalomethanes, based on the locational running annual average; PENALTY: \$330; ENFORCEMENT COOR-

DINATOR: Steven Hall, (512) 239-2569; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1486, (713) 767-3500.

(14) COMPANY: Huber and Associates LLC; DOCKET NUMBER: 2016-0115-MLM-E; IDENTIFIER: RN108789827; LOCATION: Argyle, Denton County; TYPE OF FACILITY: printscreen shop; RULES VIOLATED: 30 TAC §330.15(a) and (c), and §335.4 and TWC, §26.121(a), by failing to not cause, suffer, allow, or permit the unauthorized disposal of municipal solid waste and industrial solid waste; PENALTY: \$2,500; ENFORCEMENT COORDINATOR: Danielle Porras, (713) 767-3682; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(15) COMPANY: INEOS USA LLC; DOCKET NUMBER: 2016-0391-AIR-E; IDENTIFIER: RN100238708; LOCATION: Alvin, Brazoria County; TYPE OF FACILITY: chemical manufacturer; RULES VIOLATED: 30 TAC §§101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), Texas Health and Safety Code, §382.085(b), Federal Operating Permit Number O1353, Special Terms and Conditions Number 13 and General Terms and Conditions, and New Source Review Permit Numbers 95 and PSDTX854M2, Special Conditions Number 1, by failing to prevent unauthorized emissions; PENALTY: \$13,125; Supplemental Environmental Project offset amount of \$5,250; ENFORCEMENT COORDINATOR: Amancio R. Gutierrez, (512) 239-3921; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1486, (713) 767-3500.

(16) COMPANY: Jonathan Quick; DOCKET NUMBER: 2016-1068-WOC-E; IDENTIFIER: RN109163014; LOCATION: Austin, Travis County; TYPE OF FACILITY: landscape 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, (512) 339-2929.

(17) COMPANY: Ronald Hays, Jr. and Matthew Tamplen Construction, LLC; DOCKET NUMBER: 2016-0501-MSW-E; IDENTIFIER: RN109027615; LOCATION: Vernon, Wilbarger County; TYPE OF FACILITY: unauthorized municipal solid waste (MSW) site; RULE VIOLATED: 30 TAC §330.15(c), by failing to not cause, suffer, allow or permit the unauthorized disposal of MSW; PENALTY: \$1,250; ENFORCEMENT COORDINATOR: Jessica Bland, (512) 239-4967; REGIONAL OFFICE: 1977 Industrial Boulevard, Abilene, Texas 79602-7833, (325) 698-9674.

(18) COMPANY: Rudisill Properties, LLC; DOCKET NUMBER: 2016-0572-MSW-E; IDENTIFIER: RN109088252; LOCATION: Lufkin, Angelina County; TYPE OF FACILITY: unauthorized waste disposal site; RULE VIOLATED: 30 TAC §330.15(a), by failing to not cause, suffer, allow, or permit the unauthorized disposal of municipal solid waste; PENALTY: \$938; ENFORCEMENT COORDINATOR: Catherine Grutsch, (512) 239-2607; REGIONAL OFFICE: 3870 Eastex Freeway, Beaumont, Texas 77703-1892, (409) 898-3838.

(19) COMPANY: S.S.G. FUEL SERVICE, INCORPORATED d/b/a Exxon Food Mart; DOCKET NUMBER: 2016-0605-PST-E; IDENTIFIER: RN102950565; LOCATION: Baytown, Harris County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULES VIOLATED: 30 TAC §334.50(b)(1)(A) and TWC, §26.3475(c)(1), by failing to monitor the underground storage tanks (USTs) for releases at a frequency of at least once every month; 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: \$11,250; ENFORCEMENT COORDINATOR: Epifanio Villarreal, (361) 825-3425; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1486, (713) 767-3500.

(20) COMPANY: Steven A. Campbell; DOCKET NUMBER: 2016-1067-LII-E; IDENTIFIER: RN103384764; LOCATION: Frisco, Collin County; TYPE OF FACILITY: landscape irrigation; RULES VIOLATED: 30 TAC §344.24(a) and §344.35(d)(2) and (3), by failing to comply with local landscape irrigation regulations for permitting or inspections as required by the city, town, county, special purpose district, public water supply, or political subdivision of the state; PENALTY: \$175; ENFORCEMENT COORDINATOR: David Carney, (512) 239-2583; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(21) COMPANY: Texas A&M AgriLife Research; DOCKET NUMBER: 2015-0778-IWD-E; IDENTIFIER: RN101701928; LOCATION: San Angelo, Tom Green County; TYPE OF FACILITY: research and processing center; RULES VIOLATED: TWC, §26.121(a)(1) and 30 TAC §§305.42(a), 305.65, and 305.125(2), by failing to obtain authorization to discharge wastewater into or adjacent to any water in the state; PENALTY: \$3,375; ENFORCEMENT COORDINATOR: Cheryl Thompson, (817) 588-5886; REGIONAL OFFICE: 622 South Oakes, Suite K, San Angelo, Texas 76903-7035, (325) 655-9479.

(22) COMPANY: Trinity River Authority of Texas; DOCKET NUMBER: 2016-0556-MWD-E; IDENTIFIER: RN102655560; LOCATION: Dallas, Dallas County; TYPE OF FACILITY: wastewater collection system; RULES VIOLATED: TWC, §26.121(a)(1), 30 TAC §305.125(1), and Texas Pollutant Discharge Elimination System Permit Number WQ0010303001, Permit Conditions Number 2.g., by failing to prevent the unauthorized discharge of wastewater into or adjacent to any water in the state; PENALTY: \$5,775; ENFORCEMENT COORDINATOR: Alejandro Laje, (512) 239-2547; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

TRD-201603554  
Kathleen C. Decker  
Director, Litigation Division  
Texas Commission on Environmental Quality  
Filed: July 19, 2016

◆ ◆ ◆  
**Enforcement Orders**

An agreed order was adopted regarding Blue Flamingo IV, LP d/b/a Montana Vista Mobile Home Park, Docket No. 2014-1595-MWD-E on July 19, 2016, assessing \$1,312 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting David A. Terry, 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 Mary Regina Hunt, Docket No. 2015-0705-MSW-E on July 19, 2016, assessing \$3,937 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Jim Sallans, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Complete Lube N Repair Inc. d/b/a Econo Lube N Tune and Brakes, Docket No. 2015-0776-PST-E on July 19, 2016, assessing \$3,506 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Meaghan Bailey, 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 RANGER UTILITY COMPANY, Docket No. 2015-0820-PWS-E on July 19, 2016, assessing \$659 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Meaghan Bailey, 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 Darrell Hall, Docket No. 2015-1155-PWS-E on July 19, 2016, assessing \$890 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Ryan Rutledge, 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 Charanjit S Khattria d/b/a Food Fast 1006, Docket No. 2015-1389-PST-E on July 19, 2016, assessing \$3,504 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Ian Groetsch, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding City of Como, Docket No. 2014-1023-MWD-E on July 19, 2016, assessing \$3,000 in administrative penalties with \$600 deferred. Information concerning any aspect of this order may be obtained by contacting Herbert Darling, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding HOUSTON FMC - IREIC, L.L.C. and FMC TECHNOLOGIES, INC., Docket No. 2014-1152-IWD-E on July 19, 2016, assessing \$4,725 in administrative penalties with \$945 deferred. Information concerning any aspect of this order may be obtained by contacting Sandra Lopez Hernandez, 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 PM Country Store LLC d/b/a Circle M Country Store, Docket No. 2015-1388-PST-E on July 19, 2016, assessing \$2,548 in administrative penalties with \$509 deferred. Information concerning any aspect of this order may be obtained by contacting Steven Stump, 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 Dustin Martinez d/b/a Martinez Ranch Subdivision, Docket No. 2015-1480-MLM-E on July 19, 2016, assessing \$1,610 in administrative penalties with \$322 deferred. Information concerning any aspect of this order may be obtained by contacting James Fisher, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding City of China, Docket No. 2015-1562-MWD-E on July 19, 2016, assessing \$6,525 in administrative penalties with \$1,305 deferred. Information concerning any aspect of this order may be obtained by contacting Farhaud Abbaszadeh, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding City of Clyde, Docket No. 2015-1805-PWS-E on July 19, 2016, assessing \$690 in administrative penalties with \$138 deferred. Information concerning any aspect of this order may be obtained by contacting Sarah Kim, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding City of Krum, Docket No. 2016-0014-WQ-E on July 19, 2016, assessing \$1,250 in administrative penalties with \$250 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.

An agreed order was adopted regarding Peter Wilfridus Deridder d/b/a DeRidder Dairy, Docket No. 2016-0102-AGR-E on July 19, 2016, assessing \$3,875 in administrative penalties with \$775 deferred. Information concerning any aspect of this order may be obtained by contacting Steven Van Landingham, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Barry Matthews, Docket No. 2016-0238-OSS-E on July 19, 2016, assessing \$262 in administrative penalties with \$52 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 MF & JR Investments, LLC, Docket No. 2016-0254-PWS-E on July 19, 2016, assessing \$518 in administrative penalties with \$103 deferred. Information concerning any aspect of this order may be obtained by contacting Michaelle Garza, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding TARIQ ENTERPRISES, INC. d/b/a S&S Fina Mart, Docket No. 2016-0295-PST-E on July 19, 2016, assessing \$2,438 in administrative penalties with \$487 deferred. Information concerning any aspect of this order may be obtained by contacting Catherine Grutsch, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Santa Rita KC, LLC, Docket No. 2016-0311-EAQ-E on July 19, 2016, assessing \$5,025 in administrative penalties with \$1,005 deferred. Information concerning any aspect of this order may be obtained by contacting Alejandro Laje, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Kids Shoppe International, LLC, Docket No. 2016-0330-PST-E on July 19, 2016, assessing \$876 in administrative penalties with \$175 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 Olmos Contracting I, LLC, Docket No. 2016-0340-WQ-E on July 19, 2016, assessing \$5,000 in administrative penalties with \$1,000 deferred. 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 G4J Materials LLC, Docket No. 2016-0369-WQ-E on July 19, 2016, assessing \$1,250 in administrative penalties with \$250 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.

A field citation was adopted regarding Micah S. West, Docket No. 2016-0379-LII-E on July 19, 2016, assessing \$175 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting David Carney, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A field citation was adopted regarding Ovidio Saldivar, Docket No. 2016-0396-WOC-E on July 19, 2016, assessing \$175 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting David Carney, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A field citation was adopted regarding David Roesler, Docket No. 2016-0397-WOC-E on July 19, 2016, assessing \$175 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting David Carney, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A field citation was adopted regarding Edward Hykel Jr, Docket No. 2016-0840-WOC-E on July 19, 2016, assessing \$175 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting David Carney, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A field citation was adopted regarding Jacob S. Phariss, Docket No. 2016-0841-WOC-E on July 19, 2016, assessing \$175 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting David Carney, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

TRD-201603589

Bridget C. Bohac

Chief Clerk

Texas Commission on Environmental Quality

Filed: July 20, 2016



#### Notice of Application and Public Hearing for an Air Quality Standard Permit for a Concrete Batch Plant with Enhanced Controls Proposed Air Quality Registration Number 141212

APPLICATION. Lauren Concrete Inc., 2001 Picadilly Drive, Round Rock, Texas 78664-9511 has applied to the Texas Commission on Environmental Quality (TCEQ) for an Air Quality Standard Permit for a Concrete Batch Plant with Enhanced Controls Registration Number 141212 to authorize the operation of a concrete batch plant. The facility is proposed to be located at 6975 U.S. 281 North, Burnet, Burnet County, Texas 78611. This link to an electronic map of the site or facility's general location is provided as a public courtesy and not part of the application or notice. For exact location, refer to application. <http://www.tceq.texas.gov/assets/public/hb610/index.html?lat=30.84641&lng=-98.23574&zoom=13&type=r>. This application was submitted to the TCEQ on June 13, 2016. The primary function of this plant is to manufacture concrete by mixing materials including (but not limited to) sand, aggregate, cement and water. The executive director has determined the application was technically complete on June 27, 2016.

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

email address, like your physical mailing address, will become part of the agency's public record.

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

The Public Hearing is to be held:

Monday, August 22, 2016 at 6:00 p.m.

Herman Brown Library

100 East Washington Street

Burnet, Texas 78611

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

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

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

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

Further information may also be obtained from Lauren Concrete, Inc., 2001 Picadilly Drive, Round Rock, Texas 78664-9511, or by calling Mr. Paul W. Henry, Engineer, Henry Environmental Services at (512) 281-6555.

TRD-201603584

Bridget C. Bohac

Chief Clerk

Texas Commission on Environmental Quality

Filed: July 20, 2016



#### Notice of Deletion of the EmChem Corporation Proposed State Superfund Site from Its Proposed-for-Listing Status on the State Superfund Registry

The executive director (ED) of the Texas Commission on Environmental Quality (TCEQ) is issuing this notice of deletion of the EmChem Corporation proposed state Superfund site (the site) from its pro-

posed-for-listing status on the state Superfund registry (registry). The registry is the list of state Superfund sites which may constitute an imminent and substantial endangerment to public health and safety or the environment due to a release or threatened release of hazardous substances into the environment. The site is being deleted from the registry because the ED has determined that the site has been accepted into the Voluntary Cleanup Program. Therefore, the site is eligible for deletion from the state registry of Superfund sites as provided by 30 Texas Administrative Code (TAC) §335.344(c). Notice of this deletion will be filed in the real property records in Brazoria County.

The site was originally proposed for listing on the state Superfund registry in the December 13, 2013, issue of the *Texas Register* (38 TexReg 9090). The site, including all land, structures, appurtenances, and other improvements, is located at 4308 Rice Dryer Road, Pearland, Brazoria County, Texas. The site also included any areas where hazardous substances had come to be located as a result, either directly or indirectly, of releases of hazardous substances from the site.

In accordance with 30 TAC §335.344(b), the TCEQ held a public meeting to receive comment on this proposed deletion from the registry on June 9, 2016, at the City of Pearland, Council Chambers, 3519 Liberty Drive, Pearland, Texas. The TCEQ's notice regarding this public meeting and background information for the site was published in the May 6, 2016, issue of the *Texas Register* (41 TexReg 3335). The notice was also published in the *Reporter News* newspaper on May 4, 2016.

The complete public file, including a transcript of the public meeting, may be viewed during regular business hours at the TCEQ's Central File Room Customer Service Center, Mail Code 213, Building E, First Floor, Room 103, 12100 Park 35 Circle, Austin, Texas 78753. Phone: (800) 633-9363 or (512) 239-2900. Fees are charged for photocopying information.

TRD-201603553  
Kathleen C. Decker  
Director, Litigation Division  
Texas Commission on Environmental Quality  
Filed: July 19, 2016



## Notice of Hearing

### City of Pearland

SOAH Docket No. 582-16-5061

TCEQ Docket No. 2016-0160-WR

Application No. 13071

#### APPLICATION

City of Pearland, 3519 Liberty Drive, Pearland, Texas 77581, Applicant, seeks a Water Use Permit pursuant to Texas Water Code §§11.121, 11.042, and Texas Commission on Environmental Quality Rules 30 Texas Administrative Code (TAC) §295.1, et seq.

City of Pearland has applied for a Water Use Permit to use the bed and banks of an unnamed tributary of Clear Creek and Clear Creek, San Jacinto-Brazos Coastal Basin, Brazoria County to convey return flows from the City's Far Northwest Wastewater Treatment Facility for off-channel recreation storage and subsequent diversion.

The Applicant has applied for a Water Use Permit to divert and use not to exceed 280 acre-feet per year of those historically discharged surface water and groundwater-based return flows from the Far Northwest Wastewater Treatment Facility permitted under TPDES Permit No. WQ0010134008. The Applicant also seeks to use the bed and

banks of an unnamed tributary of Clear Creek and Clear Creek, San Jacinto-Brazos Coastal Basin to convey return flows.

The return flows will be diverted from a point on Clear Creek at a maximum diversion rate of 1.546 cfs (694 gpm) for storage in off-channel recreation reservoirs and subsequent diversion for agricultural purposes to irrigate 280 acres of land in Brazoria County, Texas.

The Applicant estimates that a maximum of 60% of the return flows originate from surface water.

The Applicant and Country Place Master Community Association (CPMCA) have entered into a Transferred Water Agreement by and between Country Place Master Community Association and City of Pearland, Texas, as CPMCA owns the land inundated by the off-channel reservoirs and the land to be irrigated. The reservoirs are located approximately 29 miles north, northeast of the City of Angleton in Brazoria County, and described as follows:

Amenity Lake No. 1, is located at 29.584942°N Latitude, 95.375078°W Longitude also bearing N 80°W, 1,442.31 feet from the southeast corner of the F. Drake Original Survey, Abstract No. 503.

Amenity Lake No. 2, is located at 29.583788°N Latitude, 95.383122°W Longitude also bearing N 80°W, 1,442.31 feet from the southeast corner of the F. Drake Original Survey, Abstract No. 503.

Amenity Lake No. 3, is located at 29.582515°N Latitude, 95.364149°W Longitude also bearing S 74°E, 2,153.98 feet from the southeast corner of the F. Drake Original Survey, Abstract No. 503.

Lake No. 1, is located at 29.579256°N Latitude, 95.375280°W Longitude also bearing S 42°W, 2,378.17 feet from the southeast corner of the F. Drake Original Survey, Abstract No. 503.

Lake No. 10/11, is located at 29.582545°N Latitude, 95.368908°W Longitude also bearing S 42°E, 847.47 feet from the southeast corner of the F. Drake Original Survey, Abstract No. 503.

The proposed discharge point is located on an unnamed tributary of Clear Creek at 29.579967°N Latitude, 95.409467°W Longitude also bearing S 74°E, 969 feet from the northwest corner of the T.C.R.R Co Original Survey, Abstract No. 678, approximately 28.5 miles north of the City of Angleton in Brazoria County, Texas.

The proposed diversion point is located on Clear Creek at 29.585118°N Latitude, 95.366299°W Longitude also bearing N 79°E, 1,395.60 feet from the southeast corner of the F. Drake Original Survey, Abstract No. 503, approximately 28.8 miles north of the City of Angleton in Brazoria County, Texas.

The application was received on August 1, 2013, and additional information and fees were received on December 13, 2013, February 25, 2014, and June 3, 2015. The application was declared administratively complete and filed with the Office of the Chief Clerk on March 7, 2014.

The Executive Director has prepared a draft permit, which, if approved, would contain special conditions, including but not limited to, streamflow restrictions and recorded daily measurement of return flows. The application and Executive Director's draft permit are available for viewing and copying at the Office of the Chief Clerk, 12100 Park 35 Circle, Building F, Austin, Texas 78753.

#### CONTESTED CASE HEARING.

SOAH will conduct a preliminary hearing on this application at:

**10:00 a.m. - August 15, 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 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.

Issued: July 13, 2016

TRD-201603583

Bridget C. Bohac

Chief Clerk

Texas Commission on Environmental Quality

Filed: July 20, 2016



### Notice of Opportunity to Comment on Agreed Orders of Administrative Enforcement Actions

The Texas Commission on Environmental Quality (TCEQ or commission) staff is providing an opportunity for written public comment on the listed Agreed 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 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 August 29, 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 A, 3rd Floor, Austin, Texas 78753, (512) 239-3400 and at the applicable regional office listed as follows. Written comments about an AO should be sent to the attorney designated for the AO at the commission's

central office at P.O. Box 13087, MC 175, Austin, Texas 78711-3087 and must be received by 5:00 p.m. on August 29, 2016. Comments may also be sent by facsimile machine to the attorney at (512) 239-3434. The designated attorney is available to discuss the AO and/or the comment procedure at the listed phone number; however, TWC, §7.075 provides that comments on an AO shall be submitted to the commission in writing.

(1) COMPANY: AIZ CORPORATION d/b/a King Food Mart; DOCKET NUMBER: 2015-1287-PST-E; TCEQ ID NUMBER: RN103143608; LOCATION: 7111 Martin Luther King Boulevard, Houston, Harris County; TYPE OF FACILITY: underground storage tank (UST) system and a convenience store with retail sales of gasoline; RULES VIOLATED: TWC, §26.3475(c)(1) and 30 TAC §334.50(b)(1)(A), by failing to monitor the USTs for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring); PENALTY: \$4,500; STAFF ATTORNEY: Jake Marx, Litigation Division, MC 175, (512) 239-5111; REGIONAL OFFICE: Houston Regional Office, 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(2) COMPANY: KRZ Texas Enterprise Inc. d/b/a County Line Trading Post; DOCKET NUMBER: 2015-1305-PST-E; TCEQ ID NUMBER: RN105487599; LOCATION: 5777 United States Highway 380, Caddo Mills, Hunt County; TYPE OF FACILITY: underground storage tank (UST) system and a convenience store with retail sales of gasoline; RULES VIOLATED: TWC, §26.3475(a) and (c)(1) and 30 TAC §334.50(b)(1)(A), (2), (2)(A)(i)(III), and (d)(9)(A)(iii), by failing to monitor the UST system for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring), provide release detection for the pressurized piping associated with the UST system by failing to conduct the annual piping tightness and line leak detector tests, and assure that a monthly analysis report is received from the Statistical Inventory Reconciliation vendor in no more than 15 calendar days following the last day of the calendar month for which the analysis is performed; 30 TAC §334.42(i), by failing to inspect all sumps, manways, overflow containers, or catchment basins associated with the UST system at least once every 60 days to assure that their sides, bottoms, and any penetration points are maintained liquid tight; 30 TAC §334.45(c)(3)(A), by failing to securely anchor the emergency shutoff valves at the base of the dispensers; TWC, §26.3475(c)(2) and 30 TAC §334.51(b)(2)(B)(ii), by failing to equip the spill containment device with a liquid-tight lid or cover; TWC, §26.3475(d) and 30 TAC §334.49(b)(2), by failing to provide corrosion protection to all underground metal components of a UST system which is designed or used to convey, contain, or store regulated substances; and 30 TAC §334.602(a), by failing to designate, train, and certify at least one named individual for each class of operator - Class A, B, and C - for the facility; PENALTY: \$14,859; STAFF ATTORNEY: David A. Terry, Litigation Division, MC 175, (512) 239-0619; REGIONAL OFFICE: Dallas-Fort Worth Regional Office, 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(3) COMPANY: MIDWAY AUTOMOTIVE, INC.; DOCKET NUMBER: 2015-1526-PST-E; TCEQ ID NUMBER: RN101783181; LOCATION: 6737 United States Highway 181 North, Floresville, Wilson County; TYPE OF FACILITY: underground storage tank (UST) system and an automotive repair shop; RULES VIOLATED: 30 TAC §334.7(d)(3), by failing to notify the agency of any change or additional information regarding the USTs within 30 days from the date of the occurrence of the change or addition; TWC, §26.3475(d) and 30 TAC §334.49(a)(1), by failing to provide corrosion protection for the UST system; and 30 TAC §334.602(a), by failing to designate, train, and certify at least one named individual for each class of operator - Class A, B, and C - for the facility; PENALTY: \$8,500; STAFF ATTORNEY: Amanda Patel, Litigation Division, MC 175, (512) 239-3990;

REGIONAL OFFICE: San Antonio Regional Office, 14250 Judson Road, San Antonio, Texas 78233-4480, (210) 490-3096.

(4) COMPANY: Ranch Hand Apartments, LLC; DOCKET NUMBER: 2015-1854-PWS-E; TCEQ ID NUMBER: RN108863192; LOCATION: 10570 West United States Highway 60 near Canyon, Randall County; TYPE OF FACILITY: public water system; RULES VIOLATED: Texas Health and Safety Code, §341.035(a) and 30 TAC §290.39(e)(1), (h)(1), and (m), by failing to submit plans and specifications to the executive director for review and approval prior to the construction of a new public water system and notify the executive director of the startup of a new public water system; and 30 TAC §290.42(b)(1) and (e)(3), by failing to provide disinfection facilities for the groundwater supply for the purpose of microbiological control and distribution protection; PENALTY: \$550; STAFF ATTORNEY: Eric Grady, Litigation Division, MC 175, (512) 239-0655; REGIONAL OFFICE: Amarillo Regional Office, 3918 Canyon Drive, Amarillo, Texas 79109-4933, (806) 353-9251.

(5) COMPANY: Rathana Sarey Khey d/b/a Blue Diamond Convenience Store; DOCKET NUMBER: 2015-1487-PST-E; TCEQ ID NUMBER: RN101900678; LOCATION: 711 West Pinecrest Drive, Marshall, Harrison County; TYPE OF FACILITY: underground storage tank (UST) system and a convenience store with retail sales of gasoline; RULES VIOLATED: 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; TWC, §26.3467(a) and 30 TAC §334.8(c)(5)(A)(i), 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; 30 TAC §37.815(a) and (b), by failing to demonstrate acceptable financial assurance for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of petroleum USTs; and 30 TAC §334.602(a), by failing to identify and designate for the UST facility at least one named individual for each class of operator - Class A, B, and C; PENALTY: \$32,073; STAFF ATTORNEY: Adam Taylor, Litigation Division, MC 175, (512) 239-3345; REGIONAL OFFICE: Tyler Regional Office, 2916 Teague Drive, Tyler, Texas 75701-3734, (903) 535-5100.

(6) COMPANY: Thomas H. Stone; DOCKET NUMBER: 2015-1027-MSW-E; TCEQ ID NUMBER: RN106268055; LOCATION: 1.5 miles northeast on US 277 Business, 0.10 miles east on BW Stone Ranch Road, 0.10 miles south on dirt road, near Holliday, Archer County; TYPE OF FACILITY: unauthorized municipal solid waste (MSW) disposal site; RULES VIOLATED: 30 TAC §330.15(c) and TCEQ AO Docket Number 2012-0214-MLM-E, Ordering Provision Number 2.b., by causing, suffering, allowing, or permitting the dumping or disposal of MSW; PENALTY: \$337,500; STAFF ATTORNEY: Ryan Rutledge, Litigation Division, MC 175, (512) 239-0630; REGIONAL OFFICE: Abilene Regional Office, 1977 Industrial Boulevard, Abilene, Texas 79602-7833, (325) 698-9674.

TRD-201603551

Kathleen C. Decker  
Director, Litigation Division  
Texas Commission on Environmental Quality  
Filed: July 19, 2016



Notice of Opportunity to Comment on Default Orders of Administrative Enforcement Actions

The Texas Commission on Environmental Quality (TCEQ or commission) staff is providing an opportunity for written public comment on the listed Default Orders (DOs). The commission staff proposes a DO when the staff has sent an executive director's preliminary report and petition (EDPRP) to an entity outlining the alleged violations; the proposed penalty; the proposed technical requirements necessary to bring the entity back into compliance; and the entity fails to request a hearing on the matter within 20 days of its receipt of the EDPRP or requests a hearing and fails to participate at the hearing. Similar to the procedure followed with respect to Agreed Orders entered into by the executive director of the commission, in accordance with Texas Water Code (TWC), §7.075, this notice of the proposed order and the opportunity to comment is published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is **August 29, 2016**. The commission will consider any written comments received, and the commission may withdraw or withhold approval of a DO if a comment discloses facts or considerations that indicate that consent to the proposed DO is inappropriate, improper, inadequate, or inconsistent with the requirements of the statutes and rules within the commission's jurisdiction, or the commission's orders and permits issued in accordance with the commission's regulatory authority. Additional notice of changes to a proposed DO is not required to be published if those changes are made in response to written comments.

A copy of each proposed DO is available for public inspection at both the commission's central office, located at 12100 Park 35 Circle, Building A, 3rd Floor, Austin, Texas 78753, (512) 239-3400 and at the applicable regional office listed as follows. Written comments about the DO should be sent to the attorney designated for the DO at the commission's central office at P.O. Box 13087, MC 175, Austin, Texas 78711-3087 and must be **received by 5:00 p.m. on August 29, 2016**. Comments may also be sent by facsimile machine to the attorney at (512) 239-3434. The commission's attorneys are available to discuss the DOs and/or the comment procedure at the listed phone numbers; however, TWC, §7.075 provides that comments on the DOs shall be submitted to the commission in **writing**.

(1) COMPANY: Affordable Sand and Material LLC; DOCKET NUMBER: 2015-1695-MSW-E; TCEQ ID NUMBER: RN106038656; LOCATION: 8488 County Road 2400, Quinlan, Hunt County; TYPE OF FACILITY: sand and soil mining operation; RULES VIOLATED: 30 TAC §330.15(a) and (c), by causing, suffering, allowing, or permitting the unauthorized collection, storage and/or disposal of municipal solid waste; and TWC, §26.0291 and 30 TAC §205.6, by failing to pay outstanding General Permit Storm Water fees for TCEQ Financial Account Number 20039171; PENALTY: \$1,312; STAFF ATTORNEY: Jacquelyn Boutwell, Litigation Division, MC 175, (512) 239-5846; REGIONAL OFFICE: Dallas-Fort Worth Regional Office, 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(2) COMPANY: Roger Alan Biggs; DOCKET NUMBER: 2015-1712-LII-E; TCEQ ID NUMBER: RN103232138; LOCATIONS: 1200 Farm-to-Market Road 720, Frisco, Denton County and 3120 Osceola Drive, Plano, Collin County; TYPE OF FACILITY: landscaping business; RULES VIOLATED: 30 TAC §344.71(b), by failing to include all required information in written estimates, proposals, bids, and invoices relating to the installation or repair of an irrigation system; 30 TAC §344.42(a) and §344.71(a), by failing to include all required information in a contract to install an irrigation system; and 30 TAC §344.24(a) and §344.35(d)(2) and (3), by failing to comply with local landscape irrigation regulations for permitting or inspections as required by the city, town, county, special purpose district, public water supply, or political subdivision of the state; PENALTY: \$609; STAFF ATTORNEY: Isaac Ta, Litigation Division, MC 175, (512) 239-0683; REGIONAL OFFICE: Dallas-Fort Worth

Regional Office, 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

TRD-201603552

Kathleen C. Decker

Director, Litigation Division

Texas Commission on Environmental Quality

Filed: July 19, 2016



Notice of Public Hearing on Assessment of Administrative Penalties and Requiring Certain Actions of C & C ERAE, Inc. d/b/a Agape Cleaners

SOAH Docket No. 582-16-4933

TCEQ Docket No. 2015-1436-MLM-E

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

10:00 a.m. - August 18, 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 April 14, 2016, concerning assessing administrative penalties against and requiring certain actions of C & C ERAE, INC. d/b/a AGAPE CLEANERS, for violations in Tarrant County, Texas, of: Tex. Health & Safety Code §374.102 and 30 Tex. Admin. Code §§335.62, 335.503(a), 335.504, 337.10 and 10(b), 337.11, 337.20(e)(3)(A) and (e)(6)(B), 337.21(b), 337.70(a) and (b), and 40 C.F.R. §262.11.

The hearing will allow C & C ERAE, INC. d/b/a AGAPE CLEANERS, 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 C & C ERAE, INC. d/b/a AGAPE CLEANERS, 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 C & C ERAE, INC. d/b/a AGAPE CLEANERS 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.** C & C ERAE, INC. d/b/a AGAPE CLEANERS, the Executive Director of the Commission, and the Commission's Public Interest Counsel are the only designated parties to this proceeding.

Legal Authority: Tex. Water Code §7.054 and ch. 7, Tex. Health & Safety Code chs. 361 and 374, and 30 Tex. Admin. Code chs. 70, 335, and 337; Tex. Water Code §7.058, and the Rules of Procedure of the Texas Commission on Environmental Quality and the State Office of Administrative Hearings, including 30 Tex. Admin. Code §§70.108 and 70.109 and ch. 80, and 1 Tex. Admin. Code ch. 155.

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

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

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

Issued: July 19, 2016

TRD-201603582

Bridget C. Bohac

Chief Clerk

Texas Commission on Environmental Quality

Filed: July 20, 2016



Notice of Public Hearing on Assessment of Administrative Penalties and Requiring Certain Actions of Saguaro, Corp. d/b/a El Paso C&D Recycling Plant

SOAH Docket No. 582-16-5119

TCEQ Docket No. 2015-1544-MSW-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. - August 18, 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 April 22, 2016, concerning assessing administrative penalties against and requiring certain actions of Saguaro, Corp. d/b/a El Paso C&D Recycling Plant, for violations in El Paso County, Texas, of: 30 Tex. Admin. Code §§37.8021; 305.125(1); 330.9(a); 330.503(a)(1) and (a)(2); and MSW Registration No. 40237, Part II, Section E-Maximum Volume Available for Storage.

The hearing will allow Saguaro, Corp. d/b/a El Paso C&D Recycling Plant, 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 Saguaro, Corp. d/b/a El Paso C&D Recycling Plant, the Executive Director of the Commission, and the Commission's Public Interest Counsel an opportunity to negotiate and to es-

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 Saguaro, Corp. d/b/a El Paso C&D Recycling Plant 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.** Saguaro, Corp. d/b/a El Paso C&D Recycling Plant, the Executive Director of the Commission, and the Commission's Public Interest Counsel are the only designated parties to this proceeding.

Legal Authority: Tex. Water Code §7.054 and ch. 7; Tex. Health & Safety Code ch. 361; and 30 Tex. Admin. Code chs. 70, 305, and 330; Tex. Water Code §7.058, and the Rules of Procedure of the Texas Commission on Environmental Quality and the State Office of Administrative Hearings, including 30 Tex. Admin. Code §70.108 and §70.109 and ch. 80, and 1 Tex. Admin. Code ch. 155.

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

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

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

Issued: July 19, 2016

TRD-201603585

Bridget C. Bohac

Chief Clerk

Texas Commission on Environmental Quality

Filed: July 20, 2016



Notice of Public Hearing on Assessment of Administrative Penalties and Requiring Certain Actions of the Dynamite Inc. d/b/a Country Food Mart

SOAH Docket No. 582-16-5120

TCEQ Docket No. 2015-1656-PST-E

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

**10:00 a.m. - August 18, 2016**

**William P. Clements Building**

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

**Austin, Texas 78701**

The purpose of the hearing will be to consider the Executive Director's Preliminary Report and Petition mailed May 24, 2016, concerning assessing administrative penalties against and requiring certain actions of THE DYNAMITE INC d/b/a Country Food Mart, for violations in Montgomery County, Texas, of: Tex. Water Code §26.3475(c)(1) and 30 Tex. Admin. Code §334.50(b)(1)(A).

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

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

Further information regarding this hearing may be obtained by contacting 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.

Issued: July 19, 2016

TRD-201603586



### Notice of Receipt of Application and Intent to Obtain a Municipal Solid Waste Permit Major Amendment Permit Number 692B

APPLICATION. The City of Temple, 3210 East Avenue H, Building A, Suite 130, Temple, Bell County, Texas 76501, Owner and Site Operator of the Temple Recycling and Disposal Facility, a Type I municipal solid waste (MSW) facility, has applied to the Texas Commission on Environmental Quality (TCEQ) for a Type I MSW permit major amendment. The major amendment requests authorization for a lateral and vertical expansion of the existing facility. The Temple Recycling and Disposal facility is located at 706 Landfill Road, Temple, Bell County, Texas 76501-8429. TCEQ received this application on June 21, 2016. The permit application is available for viewing and copying at the City of Temple Public Library, 100 W. Adams Avenue, Temple, Bell County, Texas 76501, and may be viewed online at <http://www0.wm.com/wm/texas/permits.asp>. The following website which provides an electronic map of the site or facility's general location is provided as a public courtesy and is not part of the application or notice: <http://www.tceq.texas.gov/assets/public/hb610/index.html?lat=31.0725&lng=-97.3025&zoom=13&type=r>. For the exact location of the facility, refer to the application.

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

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

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

TO REQUEST A CONTESTED CASE HEARING, YOU MUST INCLUDE THE FOLLOWING ITEMS IN YOUR REQUEST: your name, address, phone number; applicant's name and permit number; the location and distance of your property/activities relative to the

facility; a specific description of how you would be adversely affected by the facility in a way not common to the general public; a list of all disputed issues of fact that you submit during the comment period; and the statement "(I/we) request a contested case hearing." If the request for contested case hearing is filed on behalf of a group or association, the request must designate the group's representative for receiving future correspondence; identify by name and physical address an individual member of the group who would be adversely affected by the facility or activity; provide the information discussed above regarding the affected member's location and distance from the facility or activity; explain how and why the member would be affected; and explain how the interests the group seeks to protect are relevant to the group's purpose. Following the close of all applicable comment and request periods, the Executive Director will forward the application and any requests for reconsideration or for a contested case hearing to the TCEQ Commissioners for their consideration at a scheduled Commission meeting. The Commission may only grant a request for a contested case hearing on issues the requestor submitted in their timely comments that were not subsequently withdrawn. If a hearing is granted, the subject of a hearing will be limited to disputed issues of fact or mixed questions of fact and law that are relevant and material to the Commission's decision on the application submitted during the comment period.

MAILING LIST. If you submit public comments, a request for a contested case hearing or a reconsideration of the Executive Director's decision, you will be added to the mailing list for this application to receive future public notices mailed by the Office of the Chief Clerk. In addition, you may request to be placed on: (1) the permanent mailing list for a specific applicant name and permit number; and/or (2) the mailing list for a specific county. To be placed on the permanent and/or the county mailing list, clearly specify which list(s) and send your request to TCEQ Office of the Chief Clerk at the address below.

AGENCY CONTACTS AND INFORMATION. All public comments and requests must be submitted either electronically at [www.tceq.texas.gov/about/comments.html](http://www.tceq.texas.gov/about/comments.html) or in writing to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC-105, P.O. Box 13087, Austin, Texas 78711-3087. If you choose to communicate with the TCEQ electronically, please be aware that your email address, like your physical mailing address, will become part of the agency's public record. For more information about this permit application or the permitting process, please call the TCEQ's Public Education Program, Toll Free, at (800) 687-4040. Si desea información en español, puede llamar al (800) 687-4040.

Further information may also be obtained from the City of Temple at the address stated above or by calling Ms. Nicole Torralva, P.E., Director of Public Works, City of Temple, at (254) 298-5621.

TRD-201603578  
Bridget C. Bohac  
Chief Clerk  
Texas Commission on Environmental Quality  
Filed: July 20, 2016



### Notice of Water Quality Application

The following notices were issued on June 28, 2016, through July 13, 2016.

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

INFORMATION SECTION

HAYS COUNTY MUNICIPAL UTILITY DISTRICT No. 5 has applied for a minor amendment to the Texas Commission on Environmental Quality (TCEQ) Permit No. WQ0014358001 to authorize the addition of 220,000 gallons per day Interim phase II. The existing permit authorizes the disposal of treated domestic wastewater at a daily average flow not to exceed 300,000 gallons per day via subsurface drip irrigation of 68.87 acres of public access land in the Final phase. The maximum daily average flow currently authorized will not change. This permit will not authorize a discharge of pollutants into water in the state. The wastewater treatment facility and disposal site are located approximately 2.3 miles south of U.S. Highway 290 and approximately 6,500 feet east of Sawyer Ranch Road. The disposal sites are located throughout the Highpoint Subdivision. The entrance to the subdivision is located on the east side of Sawyer Ranch Road, approximately 1.7 miles along Sawyer Ranch Road, south of the intersection of U.S. Highway 290 and Sawyer Ranch Road. Sawyer Ranch Road is located 8.2 miles west of the intersection of U.S. Highway 290 and Texas Highway 71 (the "Y" in Oak Hill), and 5.5 miles east of Dripping Springs, in Hays County, Texas 78737.

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.

SHERWIN ALUMINA COMPANY, LLC has applied for a minor amendment to Texas Pollutant Discharge Elimination System Permit No. WQ0004788000 to clarify in the facility description of the permit, the disposal of wastewater treatment plant (WWTP) sludge and water treatment plant (WTP) sludge via the use of spray application in addition to the current approved method of piping over the disposal site. The draft permit authorizes the disposal of WWTP sludge and WTP sludge on 3,149 acres. The sludge disposal site is located approximately 8.7 miles northeast of the City of Gregory, along State Highway 188 and bisected by Copano Retreat Road in San Patricio and Aransas counties, Texas 78359.

TRD-201603577  
Bridget C. Bohac  
Chief Clerk  
Texas Commission on Environmental Quality  
Filed: July 20, 2016



Notice of Water Rights Application

Notice issued July 19, 2016

APPLICATION NO. 12-2936B; US Department of the Army, Building 4622 Engineer Dr., Fort Hood, Texas 76544-5000, Applicant, seeks to amend Certificate of Adjudication No. 12-2936 to maintain three existing dams and reservoirs on an unnamed tributary of House Creek and unnamed tributaries of Clear Creek, to divert and use 360 acre-feet of the previously authorized water for agricultural purposes to irrigate land in Coryell County. The application was received on March 7, 2011. Additional information and fees were received on May 27, June 22, July 13, and September 23, 2011. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on September 29, 2011. 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 website at [www.tceq.texas.gov/comm\\_exec/cc/pub\\_notice.html](http://www.tceq.texas.gov/comm_exec/cc/pub_notice.html) or call the Office of the Chief Clerk at (512) 239-3300 to obtain a copy of the complete notice. When searching the website, 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 website at [www.tceq.texas.gov](http://www.tceq.texas.gov). Si desea información en español, puede llamar al (800) 687-4040.

TRD-201603579  
Bridget C. Bohac  
Chief Clerk  
Texas Commission on Environmental Quality  
Filed: July 20, 2016



Texas Facilities Commission

Request for Proposals #303-7-20575

The Texas Facilities Commission (TFC), on behalf of the Office of the Attorney General (OAG), announces the issuance of Request for Proposals (RFP) #303-7-20575. TFC seeks a five (5) or ten (10) year lease of approximately 7,765 square feet of office space in Brownsville, Texas.

The deadline for questions is August 9, 2016, and the deadline for proposals is August 23, 2016, at 3:00 p.m. The award date is September 21, 2016. TFC reserves the right to accept or reject any or all proposals submitted. TFC is under no legal or other obligation to execute a lease on the basis of this notice or the distribution of an RFP. Neither this notice nor the RFP commits TFC to pay for any costs incurred prior to the award of a grant.

Parties interested in submitting a proposal may obtain information by contacting the Program Specialist, Evelyn Esquivel, at (512) 463-6494. A copy of the RFP may be downloaded from the Electronic State Business Daily at [http://esbd.cpa.state.tx.us/bid\\_show.cfm?bidid=125990](http://esbd.cpa.state.tx.us/bid_show.cfm?bidid=125990).

TRD-201603559

Kay Molina

General Counsel

Texas Facilities Commission

Filed: July 19, 2016



### Request for Proposals #303-8-20576

The Texas Facilities Commission (TFC), on behalf of the Department of Public Safety - Driver's License Office (DPS), announces the issuance of Request for Proposals (RFP) #303-8-20576. TFC seeks a five (5) or ten (10) year lease of approximately 23,840 square feet of office space in Northwest San Antonio, Texas.

The deadline for questions is August 18, 2016, and the deadline for proposals is August 25, 2016, at 3:00 p.m. The award date is November 1, 2016. TFC reserves the right to accept or reject any or all proposals submitted. TFC is under no legal or other obligation to execute a lease on the basis of this notice or the distribution of an RFP. Neither this notice nor the RFP commits TFC to pay for any costs incurred prior to the award of a grant.

Parties interested in submitting a proposal may obtain information by contacting the Program Specialist, Evelyn Esquivel, at (512) 463-6494. A copy of the RFP may be downloaded from the Electronic State Business Daily at [http://esbd.cpa.state.tx.us/bid\\_show.cfm?bidid=125993](http://esbd.cpa.state.tx.us/bid_show.cfm?bidid=125993).

TRD-201603561

Kay Molina

General Counsel

Texas Facilities Commission

Filed: July 19, 2016



## Texas Health and Human Services Commission

### Notice of Public Hearing on Proposed Medicaid Payment Rates

**Hearing.** The Texas Health and Human Services Commission (HHSC) will conduct a public hearing on August 26, 2016, at 3 p.m. to receive public comments on proposed blended rates for Single Source Continuum Contractors (SSCC) under Foster Care Redesign (FCRD) in the 24 Hour Residential Child Care (24 RCC) program. The 24 RCC program is operated by the Texas Department of Family and Protective Services (DFPS).

The hearing will be held in compliance with Texas Human Resources Code §32.0282 and Title 1 of the Texas Administrative Code (1 TAC), §355.7103(a)(2), which require that public hearings be held on proposed reimbursement rates before such rates are approved by HHSC.

The public hearing will be held in the Public Hearing Room of the Brown Heatly Building, located at 4900 North Lamar Boulevard, Austin, Texas. Entry is through Security at the front of the building facing Lamar Boulevard. Persons requiring Americans with Disability Act (ADA) accommodation or auxiliary aids or services should contact Rate Analysis by calling (512) 730-7401 at least 72 hours prior to the hearing so appropriate arrangements can be made.

**Proposal.** HHSC proposes to increase the Region 3 blended rate for the SSCCs. The proposed rate accounts for actual and projected increases in the case-mix of the children served by the SSCC. The new

blended rate for Region 3 is proposed to be adopted effective September 1, 2016.

HHSC also proposes a blended rate and an exceptional care rate for the SSCCs for the proposed expansion of FCRD into Region 2. The proposed rates will be included in the Request for Proposals (RFP) for the expansion of FCRD for use by entities interested in submitting a proposal. The rates for Region 2 are proposed to be adopted effective September 30, 2016.

**Methodology and Justification.** The proposed rates were determined in accordance with the rate setting methodologies codified at 1 TAC §355.7103(a), relating to Rate-Setting Methodology for 24-Hour Residential Child-Care Reimbursements.

**Briefing Package.** A briefing package describing the proposed payment rates will be available at <http://www.hhsc.state.tx.us/rad/rate-packets.shtml> on July 29, 2016. Interested parties may obtain a copy of the briefing package before the hearing by contacting Rate Analysis by telephone at (512) 730-7401; by fax at (512) 730-7475; or by email at [RAD-LTSS@hhsc.state.tx.us](mailto:RAD-LTSS@hhsc.state.tx.us). The briefing package will also be available at the public hearing.

**Written Comments.** Written comments regarding the proposed payment rates may be submitted in lieu of, or in addition to, oral testimony until 5:00 p.m. the day of the hearing. Written comments may be sent by U.S. mail to the Texas Health and Human Services Commission, Rate Analysis Department, Mail Code H-400, P.O. Box 149030, Austin, Texas 78714-9030; by fax to Rate Analysis at (512) 730-7475; or by e-mail to [LTSS@hhsc.state.tx.us](mailto:LTSS@hhsc.state.tx.us). In addition, written comment may be sent by overnight mail or hand delivered to the Texas Health and Human Services Commission, Rate Analysis Department, Mail Code H-400, Brown-Heatly Building, 4900 North Lamar Blvd., Austin, Texas 78751-2316.

TRD-201603571

Karen Ray

Chief Counsel

Texas Health and Human Services Commission

Filed: July 19, 2016



### Public Notice - August 16, 2016 STAR Kids Client Information Session

The Texas Health and Human Services Commission (HHSC) will hold two client information sessions at the Chase Tower, 201 East Main St., Suite 600, Board Room, El Paso, Texas 79901 on August 16, 2016, from 9:00 a.m. to 11:00 a.m. and from 6:00 p.m. to 8:00 p.m. These information sessions are related to the transition of various Medicaid services to the STAR Kids managed care program. Beginning November 1, 2016, the STAR Kids managed care program will provide Medicaid benefits to individuals with disabilities 20 years of age and younger who receive Supplemental Security Income Medicaid or Supplemental Security Income and Medicare, receive services through the Medicaid Buy-in for Children, live in a community-based intermediate care facility for individuals with an intellectual disability or related condition (ICF/IID) or nursing facility, or are enrolled in home and community-based services waiver programs, including:

Medically Dependent Children Program

Home and Community-based Services

Community Living Assistance and Support Services

Deaf Blind with Multiple Disabilities

Texas Home Living

## Youth Empowerment Services

Because this new program may change the way providers and other services are accessed, HHSC invites those who may be impacted by this new program to join us for an information session to learn more. Information sessions will provide details on STAR Kids, as well as provide the opportunity for attendees to ask questions pertaining to this new managed care program. Separate sessions will be held for families and providers.

Questions regarding content or meeting arrangements should be directed to Heather Kuhlman, Communications Specialist, Health and Human Services Commission, (512) 438-6356, [Heather.Kuhlman@hhsc.state.tx.us](mailto:Heather.Kuhlman@hhsc.state.tx.us).

This meeting is open to the public. No reservations are required, and there is no cost to attend this meeting.

People with disabilities who wish to attend the meeting and require auxiliary aids or services should contact Charles Bredwell, Program Specialist, at (512) 462-6337 at least 72 hours before the meeting so appropriate arrangements can be made.

TRD-201603506

Karen Ray

Chief Counsel

Texas Health and Human Services Commission

Filed: July 15, 2016



## Public Notice - August 16, 2016 STAR Kids Provider Information Session

The Texas Health and Human Services Commission (HHSC) will hold a provider information session at the Chase Tower, 201 East Main St., Suite 600, Board Room, El Paso, Texas 79902 on August 16, 2016, from 2:00 p.m. to 4:00 p.m. This information session is related to the transition of various Medicaid services to the STAR Kids managed care program. Beginning November 1, 2016, the STAR Kids managed care program will provide Medicaid benefits to individuals with disabilities 20 years of age and younger who receive Supplemental Security Income Medicaid or Supplemental Security Income and Medicare, receive services through the Medicaid Buy-in for Children, live in a community-based intermediate care facility for individuals with an intellectual disability or related condition (ICF/IID) or nursing facility, or are enrolled in home and community-based services waiver programs, including:

Medically Dependent Children Program

Home and Community-based Services

Community Living Assistance and Support Services

Deaf Blind with Multiple Disabilities

Texas Home Living

Youth Empowerment Services

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TRD-201603507

Karen Ray

Chief Counsel

Texas Health and Human Services Commission

Filed: July 15, 2016



## Public Notice - August 18, 2016 STAR Kids Client Information Session

The Texas Health and Human Services Commission (HHSC) will hold two client information sessions at McLane Children's Hospital, Multipurpose Room 1.105, 1901 SW H.K. Dodgen Loop, Temple, Texas 76502 on August 18, 2016, from 9:00 a.m. to 11:00 a.m. and from 6:00 p.m. to 8:00 p.m. These information sessions are related to the transition of various Medicaid services to the STAR Kids managed care program. Beginning November 1, 2016, the STAR Kids managed care program will provide Medicaid benefits to individuals with disabilities 20 years of age and younger who receive Supplemental Security Income Medicaid or Supplemental Security Income and Medicare, receive services through the Medicaid Buy-in for Children, live in a community-based intermediate care facility for individuals with an intellectual disability or related condition (ICF/IID) or nursing facility, or are enrolled in home and community-based services waiver programs, including:

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Home and Community-based Services

Community Living Assistance and Support Services

Deaf Blind with Multiple Disabilities

Texas Home Living

Youth Empowerment Services

Because this new program may change the way providers and other services are accessed, HHSC invites those who may be impacted by this new program to join us for an information session to learn more. Information sessions will provide details on STAR Kids, as well as provide the opportunity for attendees to ask questions pertaining to this new managed care program. Separate sessions will be held for families and providers.

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This meeting is open to the public. No reservations are required, and there is no cost to attend this meeting.

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TRD-201603508

Karen Ray  
Chief Counsel  
Texas Health and Human Services Commission  
Filed: July 15, 2016



### Public Notice - August 18, 2016 STAR Kids Provider Information Session

The Texas Health and Human Services Commission (HHSC) will hold a provider information session at McLane Children's Hospital, Multipurpose Room 1.105, 1901 SW H.K. Dodgen Loop, Temple, Texas 76502 on August 18, 2016, from 2:00 p.m. to 4:00 p.m. This information session is related to the transition of various Medicaid services to the STAR Kids managed care program. Beginning November 1, 2016, the STAR Kids managed care program will provide Medicaid benefits to individuals with disabilities 20 years of age and younger who receive Supplemental Security Income Medicaid or Supplemental Security Income and Medicare, receive services through the Medicaid Buy-in for Children, live in a community-based intermediate care facility for individuals with an intellectual disability or related condition (ICF/IID) or nursing facility, or are enrolled in home and community-based services waiver programs, including:

- Medically Dependent Children Program
- Home and Community-based Services
- Community Living Assistance and Support Services
- Deaf Blind with Multiple Disabilities
- Texas Home Living
- Youth Empowerment Services

Because this new program may change the way providers and other services are accessed, HHSC invites those who may be impacted by this new program to join us for an information session to learn more. Information sessions will provide details on STAR Kids, as well as provide the opportunity for attendees to ask questions pertaining to this new managed care program. Separate sessions will be held for families and providers.

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TRD-201603509

Karen Ray  
Chief Counsel  
Texas Health and Human Services Commission  
Filed: July 15, 2016



### Public Notice - August 19, 2016 STAR Kids Client Information Session

The Texas Health and Human Services Commission (HHSC) will hold a client information session at The University of Texas Rio Grande

Valley, Auditorium Room 1.100, 2102 Treasure Hills Blvd., Harlingen, Texas 78550 on August 19, 2016, from 11:00 a.m. to 1:00 p.m. This information session is related to the transition of various Medicaid services to the STAR Kids managed care program. Beginning November 1, 2016, the STAR Kids managed care program will provide Medicaid benefits to individuals with disabilities 20 years of age and younger who receive Supplemental Security Income Medicaid or Supplemental Security Income and Medicare, receive services through the Medicaid Buy-in for Children, live in a community-based intermediate care facility for individuals with an intellectual disability or related condition (ICF/IID) or nursing facility, or are enrolled in home and community-based services waiver programs, including:

- Medically Dependent Children Program
- Home and Community-based Services
- Community Living Assistance and Support Services
- Deaf Blind with Multiple Disabilities
- Texas Home Living
- Youth Empowerment Services

Because this new program may change the way providers and other services are accessed, HHSC invites those who may be impacted by this new program to join us for an information session to learn more. Information sessions will provide details on STAR Kids, as well as provide the opportunity for attendees to ask questions pertaining to this new managed care program. Separate sessions will be held for families and providers.

Questions regarding content or meeting arrangements should be directed to Heather Kuhlman, Communications Specialist, Health and Human Services Commission, (512) 438-6356, [Heather.Kuhlman@hhsc.state.tx.us](mailto:Heather.Kuhlman@hhsc.state.tx.us).

This meeting is open to the public. No reservations are required, and there is no cost to attend this meeting.

People with disabilities who wish to attend the meeting and require auxiliary aids or services should contact Charles Bredwell, Program Specialist, at (512) 462-6337 at least 72 hours before the meeting so appropriate arrangements can be made.

TRD-201603510

Karen Ray  
Chief Counsel  
Texas Health and Human Services Commission  
Filed: July 15, 2016



### Public Notice - August 19, 2016 STAR Kids Provider Information Session

The Texas Health and Human Services Commission (HHSC) will hold a provider information session at The University of Texas Rio Grande Valley, Auditorium Room 1.100, 2102 Treasure Hills Blvd., Harlingen, Texas 78550 on August 19, 2016, from 2:00 p.m. to 4:00 p.m. This information session is related to the transition of various Medicaid services to the STAR Kids managed care program. Beginning November 1, 2016, the STAR Kids managed care program will provide Medicaid benefits to individuals with disabilities 20 years of age and younger who receive Supplemental Security Income Medicaid or Supplemental Security Income and Medicare, receive services through the Medicaid Buy-in for Children, live in a community-based intermediate care facility for individuals with an intellectual disability or related condition (ICF/IID) or nursing facility, or are enrolled in home and community-based services waiver programs, including:

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Deaf Blind with Multiple Disabilities  
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Youth Empowerment Services

Because this new program may change the way providers and other services are accessed, HHSC invites those who may be impacted by this new program to join us for an information session to learn more. Information sessions will provide details on STAR Kids, as well as provide the opportunity for attendees to ask questions pertaining to this new managed care program. Separate sessions will be held for families and providers.

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This meeting is open to the public. No reservations are required, and there is no cost to attend this meeting.

People with disabilities who wish to attend the meeting and require auxiliary aids or services should contact Charles Bredwell, Program Specialist, at (512) 462-6337 at least 72 hours before the meeting so appropriate arrangements can be made.

TRD-201603511  
Karen Ray  
Chief Counsel  
Texas Health and Human Services Commission  
Filed: July 15, 2016



## Texas Department of Housing and Community Affairs

Notice of Public Hearing and Public Comment Period on the Draft National Housing Trust Fund Allocation Plan, Draft Amended 2015-2019 State of Texas Consolidated Plan, and Draft Amended 2016 One-Year Action Plan

The Texas Department of Housing and Community Affairs ("TDHCA") will hold a public hearing to accept public comment on the Draft National Housing Trust Fund ("NHTF") Allocation Plan, Draft Amended 2015-2019 State of Texas Consolidated Plan ("Con Plan"), and Draft Amended 2016 One-Year Action Plan ("OYAP").

The public hearing will take place as follows:

Thursday, August 4, 2016  
1:30 p.m. Austin local time  
Stephen F. Austin Building  
1700 North Congress Avenue, Room 170  
Austin, Texas 78701

TDHCA compiled the Draft NHTF Allocation Plan and drafted substantial amendments to the 2015-2019 Con Plan, and the 2016 OYAP in accordance with 24 CFR §91.220(1)(5) as a result of the State receiving its first annual allocation of the NHTF. The Draft Amended 2015-2019 Con Plan, and the Draft Amended 2016 OYAP now include the State's administration of NHTF Program by TDHCA and reflect the intended uses of NHTF received by the State of Texas from the U.S. Department

of Housing and Urban Development for Program Year 2016. The Program Year begins on February 1, 2016, and ends on January 31, 2017.

The Draft Amended 2015-2019 Con Plan and the Draft Amended 2016 OYAP also illustrate the State's strategies in addressing the priority needs and specific goals and objectives for the NHTF as identified in the 2015-2019 State of Texas Consolidated Plan.

The public comment period for the Draft NHTF Allocation Plan, Draft Amended 2015-2019 Con Plan and the Draft Amended 2016 OYAP will be open from July 15, 2016, through August 15, 2016. Anyone may submit comments regarding specific changes to these plans as a result of NHTF funding in written form or oral testimony at the August 4, 2016 public hearing. Written comments concerning the plans may be submitted by mail to the Texas Department of Housing and Community Affairs, Housing Resource Center, P.O. Box 13941, Austin, Texas 78711-3941, by email to [info@tdhca.state.tx.us](mailto:info@tdhca.state.tx.us), or by fax to (512) 475-0070. Comments must be received no later than August 15, 2016, at 6:00 p.m. Austin local time.

Individuals who require auxiliary aids or services at the public hearing should contact Ms. Gina Esteves, ADA responsible employee, at (512) 475-3943 or Relay Texas at 1-800-735-2989 at least three (3) days before the meeting so that appropriate arrangements can be made.

Non-English speaking individuals who require interpreters at the public hearing should contact Elena Peinado by phone at (512) 475-3814 or by email at [elena.peinado@tdhca.state.tx.us](mailto:elena.peinado@tdhca.state.tx.us) at least three (3) days before the meeting so that appropriate arrangements can be made.

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

TRD-201603555  
Timothy K. Irvine  
Executive Director  
Texas Department of Housing and Community Affairs  
Filed: July 19, 2016



## Texas Department of Licensing and Regulation

Public Notice - Criminal Conviction Guidelines

The Texas Commission of Licensing and Regulation (Commission) provides this public notice that, at its regularly scheduled meeting held June 22, 2016, the Commission adopted amendments to the Texas Department of Licensing and Regulation's (Department's) Criminal Conviction Guidelines pursuant to Texas Occupations Code §53.025(a). The Criminal Conviction Guidelines are updated from the original guidelines published on December 5, 2003 (28 TexReg 11018) to include the Orthotics and Prosthetics program.

The Criminal Conviction Guidelines (guidelines) describe the process by which the Department determines whether a criminal conviction renders an applicant an unsuitable candidate for the license, or whether a conviction warrants revocation or suspension of a license previously granted. The guidelines present the general factors that are considered in all cases and the reasons why particular crimes are considered to relate to each type of license issued by the Department.

Senate Bill 202, 84th Legislature, Regular Session (2015), transferred the Orthotics and Prosthetics program from the Texas Department of State Health Services to the Texas Department of Licensing and Regulation and amended Texas Occupations Code, Chapter 605. The statutory changes were effective September 1, 2015; the adopted rules will be effective October 1, 2016; and the Department will officially com-

mence all regulatory functions for the Orthotics and Prosthetics program on October 3, 2016.

The Criminal Conviction Guidelines for the Orthotics and Prosthetics program will become a part of the overall guidelines that are already in place for other Department programs. The Department presented the applicable guidelines to the Orthotists and Prosthetists Advisory Board at its meeting on May 19, 2016, and received the Board's recommendation of approval.

The Criminal Conviction Guidelines for the Orthotics and Prosthetics program are as follows:

Crimes against the person such as homicide, kidnapping and assault.

*Reasons:*

1. Licensees interact with adults, the elderly, the disabled and children in a medical provider/patient role. Persons who have a history of committing such crimes would pose a danger to the patients or others.
2. These occupations involve close proximity to and physical contact with patients and their caregivers, family and friends in residences and private offices.
3. These occupations provide persons with this type of criminal history the opportunity to engage in further similar conduct.

Crimes involving prohibited sexual conduct.

*Reasons:*

1. Licensees interact with adults, the elderly, the disabled and children in a medical provider/patient role. Persons who have a history of committing such crimes would pose a danger to the patients or others.
2. These occupations involve close proximity to and physical contact with patients and their caregivers, family and friends in residences and private offices.
3. These occupations provide persons with this type of criminal history the opportunity to engage in further similar conduct.

Crimes involving children, the elderly or the disabled as victims.

*Reasons:*

1. Licensees interact with adults, the elderly, the disabled and children in a medical provider/patient role. Persons who have a history of committing such crimes would pose a danger to the patients or others.
2. These occupations involve close proximity to and physical contact with patients and their caregivers, family and friends in residences and private offices.
3. These occupations provide persons with this type of criminal history the opportunity to engage in further similar conduct.

Crimes against property such as theft or burglary.

*Reasons:*

1. Licensees interact with adults, the elderly, the disabled and children in a medical provider/patient role. Persons who have a history of committing such crimes would pose a risk to the property of the patients.
2. These occupations involve close proximity to and physical contact with patients and their caregivers, family and friends in residences and private offices.
3. Licensees would have access to the property of patients and their caregivers, family and friends.
4. These occupations provide persons with this type of criminal history the opportunity to engage in further similar conduct.

Crimes involving fraud or deceptive trade practices.

*Reasons:*

1. Licensees interact with adults, the elderly, the disabled and children in a medical provider/patient role. Persons who have a history of committing such crimes would pose a danger to the patients and their property.
2. These occupations involve close proximity to and physical contact with patients and their caregivers, family and friends in residences and private offices.
3. Licensees would have access to the property of patients and their caregivers, family and friends in residences and offices.
4. Licensees are potentially involved in the billing of clients, filing of insurance claims and filing of government documents.
5. These occupations provide persons with this type of criminal history the opportunity to engage in further similar conduct.

Crimes involving the possession, possession with intent to deliver, possession with intent to distribute, delivery, distribution or manufacture of drugs.

*Reasons:*

1. Licensees interact with adults, the elderly, the disabled and children in a medical provider/patient role. Persons who have a history of committing such crimes would pose a danger to the patients or others.
2. These occupations involve close proximity to and physical contact with patients and their caregivers, family and friends in residences and private offices.
3. Children and adult patients who use pain medication or other medications are potentially vulnerable to someone who may wish to illegally sell or otherwise distribute drugs, or to enlist the aid of a patient in obtaining drugs for the licensee.
4. Persons who have a history of drug possession or dealing could potentially have drugs in their systems which would make them a danger to themselves or others.
5. These occupations provide persons with this type of criminal history the opportunity to engage in further similar conduct.

Crimes involving being under the influence of alcohol or drugs.

*Reasons:*

1. Licensees interact with adults, the elderly, the disabled and children in a medical service provider/patient role. Persons who have a history of committing such crimes would pose a danger to the patients or others.
2. These occupations involve close proximity to and/or physical contact with patients and their caregivers, family and friends in residences and private offices.
3. While working with patients, licensees use dangerous instruments such as knives, scalpels and other blades.
4. Persons with this type of criminal history could potentially have alcohol or drugs in their systems which would make them a danger to their patients or others.

A copy of the complete Criminal Conviction Guidelines is posted on the Department's website and may be obtained at [www.tdlr.texas.gov](http://www.tdlr.texas.gov). You may also contact the Enforcement Division at (512) 539-5600 or by email at [enforcement@tdlr.texas.gov](mailto:enforcement@tdlr.texas.gov) to obtain a copy of the complete guidelines.

TRD-201603587



## Public Notice - Criminal Conviction Guidelines

The Texas Commission of Licensing and Regulation (Commission) provides this public notice that, at its regularly scheduled meeting held June 22, 2016, the Commission adopted amendments to the Texas Department of Licensing and Regulation's (Department's) Criminal Conviction Guidelines pursuant to Texas Occupations Code §53.025(a). The Criminal Conviction Guidelines are updated from the original guidelines published on December 5, 2003 (28 TexReg 11018) to include the Athletic Trainers program.

The Criminal Conviction Guidelines (guidelines) describe the process by which the Department determines whether a criminal conviction renders an applicant an unsuitable candidate for the license, or whether a conviction warrants revocation or suspension of a license previously granted. The guidelines present the general factors that are considered in all cases and the reasons why particular crimes are considered to relate to each type of license issued by the Department.

Senate Bill 202, 84th Legislature, Regular Session (2015), transferred the Athletic Trainers program from the Texas Department of State Health Services to the Texas Department of Licensing and Regulation and amended Texas Occupations Code, Chapter 451. The statutory changes were effective September 1, 2015; the adopted rules will be effective October 1, 2016; and the Department will commence all regulatory functions for the Athletic Trainers program on October 3, 2016.

The Criminal Conviction Guidelines for the Athletic Trainers program will become a part of the overall guidelines that are already in place for other Department programs. The Department presented the applicable guidelines to the Advisory Board of Athletic Trainers at its meeting on May 23, 2016, and received the Board's recommendation of approval.

The Criminal Conviction Guidelines for the Athletic Trainers program are as follows:

Crimes against the person such as homicide, kidnapping and assault.

### *Reasons:*

1. Licensees physically interact with adults and children in an athletic trainer/client role. Individuals who have committed crimes of this nature would pose a potential danger to the clients.
2. Licensees are in a relationship of trust with their clients.
3. The occupation involves close proximity to and physical contact with clients, sometimes in a private setting, and thereby provides an opportunity to engage in further similar conduct.

Crimes involving prohibited sexual conduct.

### *Reasons:*

1. Licensees physically interact with adults and children in an athletic trainer/client role. Individuals who have committed crimes of this nature would pose a potential danger to the clients.
2. A majority of athletic trainers can and do have contact with minors.
3. Licensees are in a relationship of trust with their clients.
4. The occupation involves regular close proximity to and regular physical contact with clients, sometimes in a private setting.

5. The interaction sometimes lasts for extended periods of time and bonds of friendship sometimes develop.

6. The occupation provides an opportunity to engage in further similar conduct.

Crimes involving children as victims.

### *Reasons:*

1. Licensees physically interact with adults and children in an athletic trainer/client role. Individuals who have committed crimes of this nature would pose a potential danger to the clients.
2. A majority of athletic trainers can and do have contact with minors.
3. Licensees are in a relationship of trust with their clients.
4. The occupation involves regular close proximity to and regular physical contact with clients, sometimes in a private setting.
5. The interaction sometimes lasts for extended periods of time and bonds of friendship sometimes develop.

Crimes against property such as theft or burglary.

### *Reasons:*

1. Licensees interact with adults and children in an athletic trainer/client role. Individuals who have committed such crimes would pose a potential danger to the clients' property.
2. Licensees would potentially have access to the property of clients.
3. Licensees are in a relationship of trust with their clients.
4. The occupation provides an opportunity to engage in further similar conduct.

Crimes involving fraud or deceptive trade practices

### *Reasons:*

1. Licensees interact with adults and children in an athletic trainer/client role. Individuals who have committed such crimes would pose a potential danger to the clients' property.
2. Licensees are in a relationship of trust with their clients and employers.
3. Licensees are sometimes involved in the billing of clients and others, such as, school districts, hospitals and clinics.
4. Licensees are sometimes involved in the filing of insurance claims.
5. Licensees may be in a position to advertise or otherwise make representations about services, products, insurance benefits, costs, and other matters related to athletic training services.
6. The occupation provides an opportunity to engage in further similar conduct.

Crimes involving the possession, possession with intent to deliver, possession with intent to distribute, delivery, distribution or manufacture of drugs.

### *Reasons:*

1. Licensees interact with adults and children in an athletic trainer/client role. Individuals who have committed crimes of this nature would pose a potential danger to the clients.
2. A majority of athletic trainers can and do have contact with minors.
3. Licensees are in a relationship of trust with their clients.

4. The occupation involves close proximity to and physical contact with clients, sometimes in a private setting, and thereby provides an opportunity to engage in further similar conduct.
5. The interaction sometimes lasts for extended periods of time and bonds of friendship sometimes develop.
6. Children and adult clients who use pain medications or other medications are potentially vulnerable to someone who may wish to illegally sell or otherwise distribute drugs or to enlist the aid of a client in obtaining drugs for the licensee.
7. Licensees at times may have access to controlled substances at treatment locations.
8. This occupation provides persons with this type of criminal history the opportunity to engage in further similar conduct.

Crimes involving being under the influence of alcohol or drugs.

*Reasons:*

1. Licensees interact with adults and children in an athletic trainer/client role. Individuals who have committed crimes of this nature would pose a potential danger to the clients.
2. The occupation involves close proximity to and physical contact with clients.
3. Persons with this type of criminal history could potentially have alcohol or drugs in their systems while providing athletic training services, which would make them a danger to their clients or others.
4. This occupation provides an opportunity to engage in further similar conduct.

A copy of the complete Criminal Conviction Guidelines is posted on the Department's website and may be obtained at [www.tdlr.texas.gov](http://www.tdlr.texas.gov). You may also contact the Enforcement Division at (512) 539-5600 or by email at [enforcement@tdlr.texas.gov](mailto:enforcement@tdlr.texas.gov) to obtain a copy of the complete guidelines.

TRD-201603591

William H. Kuntz, Jr.  
Executive Director

Texas Department of Licensing and Regulation  
Filed: July 20, 2016



**Public Notice - Criminal Conviction Guidelines**

The Texas Commission of Licensing and Regulation (Commission) provides this public notice that, at its regularly scheduled meeting held June 22, 2016, the Commission adopted amendments to the Texas Department of Licensing and Regulation's (Department's) Criminal Conviction Guidelines pursuant to Texas Occupations Code §53.025(a). The Criminal Conviction Guidelines are updated from the original guidelines published on December 5, 2003 (28 TexReg 11018) to include the Hearing Instrument Fitters and Dispensers program.

The Criminal Conviction Guidelines (guidelines) describe the process by which the Department determines whether a criminal conviction renders an applicant an unsuitable candidate for the license, or whether a conviction warrants revocation or suspension of a license previously granted. The guidelines present the general factors that are considered in all cases and the reasons why particular crimes are considered to relate to each type of license issued by the Department.

Senate Bill 202, 84th Legislature, Regular Session (2015), transferred the Hearing Instrument Fitters and Dispensers program from the Texas Department of State Health Services to the Texas Department of Li-

censing and Regulation and amended Texas Occupations Code, Chapter 402. The statutory changes were effective September 1, 2015; the adopted rules will be effective October 1, 2016; and the Department will officially commence all regulatory functions for the Hearing Instrument Fitters and Dispensers program on October 3, 2016.

The Criminal Conviction Guidelines for the Hearing Instrument Fitters and Dispensers program will become a part of the overall guidelines that are already in place for other Department programs. The Department presented the applicable guidelines to the Hearing Instrument Fitters and Dispensers Advisory Board at its meeting on May 24, 2016, and received the Board's recommendation of approval.

The Criminal Conviction Guidelines for the Hearing Instrument Fitters and Dispensers program are as follows:

Crimes against the person such as homicide, kidnapping and assault.

*Reasons:*

1. Licensees interact with adults, the elderly, the disabled and children in a provider/patient role. Persons who have a history of committing such crimes would pose a danger to the patients or others.
2. These occupations involve close proximity to and physical contact with patients and their caregivers, family, friends, and others in residences, private offices, and assisted living facilities.
3. These occupations provide persons with this type of criminal history the opportunity to engage in further similar conduct.

Crimes involving prohibited sexual conduct.

*Reasons:*

1. Licensees interact with adults, the elderly, the disabled and children in a provider/patient role. Persons who have a history of committing such crimes would pose a danger to the patients or others.
2. These occupations involve close proximity to and physical contact with patients and their caregivers, family, friends, and others in residences, private offices, and assisted living facilities.
3. These occupations provide persons with this type of criminal history the opportunity to engage in further similar conduct.

Crimes involving children, the elderly or the disabled as victims.

*Reasons:*

1. Licensees interact with adults, the elderly, the disabled and children in a provider/patient role. Persons who have a history of committing such crimes would pose a danger to the patients or others.
2. These occupations involve close proximity to and physical contact with patients and their caregivers, family, friends, and others in residences, private offices, and assisted living facilities.
3. These occupations provide persons with this type of criminal history the opportunity to engage in further similar conduct.

Crimes against property such as theft or burglary.

*Reasons:*

1. Licensees interact with adults, the elderly, the disabled and children in a provider/patient role. Persons who have a history of committing such crimes would pose a risk to the property of the patients.
2. These occupations involve close proximity to and physical contact with patients and their caregivers, family, friends, and others in residences, private offices, and assisted living facilities.
3. Licensees would have access to the property of patients and their caregivers, family, friends, and others.

4. These occupations provide persons with this type of criminal history the opportunity to engage in further similar conduct.

Crimes involving fraud or deceptive trade practices.

*Reasons:*

1. Licensees interact with adults, the elderly, the disabled and children in a provider/patient role. Persons who have a history of committing such crimes would pose a danger to the patients and their property.

2. These occupations involve close proximity to and physical contact with patients and their caregivers, family, friends, and others in residences, private offices, and assisted living facilities.

3. Licensees would have access to the property of patients and their caregivers, family, friends and others in residences, private offices, and assisted living facilities.

4. Licensees are potentially involved in the billing of clients, filing of insurance claims and filing of government documents.

5. These occupations provide persons with this type of criminal history the opportunity to engage in further similar conduct.

Crimes involving the possession, possession with intent to deliver, possession with intent to distribute, delivery, distribution or manufacture of drugs.

*Reasons:*

1. Licensees interact with adults, the elderly, the disabled and children in a provider/patient role. Persons who have a history of committing such crimes would pose a danger to the patients or others.

2. These occupations involve close proximity to and physical contact with patients and their caregivers, family and friends in residences, private offices, and assisted living facilities.

3. Persons who have a history of drug possession or dealing could potentially have drugs in their systems which would make them a danger to themselves or others.

4. These occupations provide persons with this type of criminal history the opportunity to engage in further similar conduct.

Crimes involving being under the influence of alcohol or drugs.

*Reasons:*

1. Licensees interact with adults, the elderly, the disabled and children in a provider/client role. Persons who have a history of committing such crimes would pose a danger to the patients or others.

2. These occupations involve close proximity to and physical contact with patients and their caregivers, family and friends in residences, private offices, and assisted living facilities.

3. Persons with this type of criminal history could potentially have alcohol or drugs in their systems which would make them a danger to their patients or others.

A copy of the complete Criminal Conviction Guidelines is posted on the Department's website and may be obtained at [www.tdlr.texas.gov](http://www.tdlr.texas.gov). You may also contact the Enforcement Division at (512) 539-5600 or by email at [enforcement@tdlr.texas.gov](mailto:enforcement@tdlr.texas.gov) to obtain a copy of the complete guidelines.

TRD-201603592

William H. Kuntz, Jr.

Executive Director

Texas Department of Licensing and Regulation

Filed: July 20, 2016

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**Public Notice - Criminal Conviction Guidelines**

The Texas Commission of Licensing and Regulation (Commission) provides this public notice that, at its regularly scheduled meeting held June 22, 2016, the Commission adopted amendments to the Texas Department of Licensing and Regulation's (Department's) Criminal Conviction Guidelines pursuant to Texas Occupations Code §53.025(a). The Criminal Conviction Guidelines are updated from the original guidelines published on December 5, 2003 (28 TexReg 11018) to include the Speech-Language Pathologists and Audiologists program.

The Criminal Conviction Guidelines (guidelines) describe the process by which the Department determines whether a criminal conviction renders an applicant an unsuitable candidate for the license, or whether a conviction warrants revocation or suspension of a license previously granted. The guidelines present the general factors that are considered in all cases and the reasons why particular crimes are considered to relate to each type of license issued by the Department.

Senate Bill 202, 84th Legislature, Regular Session (2015), transferred the Speech-Language Pathologists and Audiologists program from the Texas Department of State Health Services to the Texas Department of Licensing and Regulation and amended Texas Occupations Code, Chapter 401. The statutory changes were effective September 1, 2015; the adopted rules will be effective October 1, 2016; and the Department will officially commence all regulatory functions for the Speech-Language Pathologists and Audiologists program on October 3, 2016.

The Criminal Conviction Guidelines for the Speech-Language Pathologists and Audiologists program will become a part of the overall guidelines that are already in place for other Department programs. The Department presented the applicable guidelines to the Speech-Language Pathologists and Audiologists Advisory Board at its meeting on May 23, 2016, and received the Board's recommendation of approval.

The Criminal Conviction Guidelines for the Speech-Language Pathologists and Audiologists program are as follows:

Crimes against the person such as homicide, kidnapping and assault.

*Reasons:*

1. Licensees interact with adults, the elderly, the disabled, and children in a variety of settings. Speech-language pathologists interact with students in schools, and with clients in their homes or in clinical settings. Audiologists interact with patients in a clinical or school setting.

2. These occupations involve close proximity to and physical contact with students, clients and patients, as well as their caregivers, family members and friends.

3. Persons who have a history of committing such crimes would pose a danger to the students, clients and patients, as well as their caregivers, family members and friends.

4. These occupations provide persons with this type of criminal history the opportunity to engage in further similar conduct.

Crimes involving prohibited sexual conduct.

*Reasons:*

1. Licensees interact with adults, the elderly, the disabled, and children in a variety of settings. Speech-language pathologists interact with students in schools, and with clients in their homes or in clinical settings. Audiologists interact with patients in a clinical or school setting.

2. These occupations involve close proximity to and physical contact with students, clients and patients, as well as their caregivers, family members and friends.

3. Persons who have a history of committing such crimes would pose a danger to the students, clients and patients, as well as their caregivers, family members and friends.

4. These occupations provide persons with this type of criminal history the opportunity to engage in further similar conduct.

Crimes involving children, the elderly or the disabled as victims.

*Reasons:*

1. Licensees interact with adults, the elderly, the disabled, and children in a variety of settings. Speech-language pathologists interact with students in schools, and with clients in their homes or in clinical settings. Audiologists interact with patients in a clinical or school setting.

2. These occupations involve close proximity to and physical contact with students, clients and patients, as well as their caregivers, family members and friends.

3. Persons who have a history of committing such crimes would pose a danger to the students, clients and patients, as well as their caregivers, family members and friends.

4. These occupations provide persons with this type of criminal history the opportunity to engage in further similar conduct.

Crimes against property such as theft or burglary.

*Reasons:*

1. Licensees interact with adults, the elderly, the disabled, and children in a variety of settings. Speech-language pathologists interact with students in schools, and with clients in their homes or in clinical settings. Audiologists interact with patients in a clinical or school setting.

2. These occupations involve close proximity to and physical contact with students, clients and patients, as well as their caregivers, family members and friends.

3. Licensees would have access to the property of students, clients and patients, and their care givers, family, friends and others.

4. Persons who have a history of committing such crimes would pose a danger to the property of students, clients and patients, as well as their caregivers, family members and friends.

5. These occupations provide persons with this type of criminal history the opportunity to engage in further similar conduct.

Crimes involving fraud or deceptive trade practices.

*Reasons:*

1. Licensees interact with adults, the elderly, the disabled, and children in a variety of settings. Speech-language pathologists interact with students in schools, and with clients in their homes or in clinical settings. Audiologists interact with patients in a clinical or school setting.

2. These occupations involve close proximity to and physical contact with students, clients and patients, as well as their caregivers, family members and friends.

3. Licensees would have access to the property of students, clients and patients, and their care givers, family, friends and others.

4. Licensees are potentially involved in the billing of students, clients and patients, filing of insurance claims and filing of government documents.

5. Persons who have a history of committing such crimes would pose a danger to the property of students, clients and patients, as well as their caregivers, family members and friends.

6. These occupations provide persons with this type of criminal history the opportunity to engage in further similar conduct.

Crimes involving the possession, possession with intent to deliver, possession with intent to distribute, delivery, distribution or manufacture of drugs.

*Reasons:*

1. Licensees interact with adults, the elderly, the disabled, and children in a variety of settings. Speech-language pathologists interact with students in schools, and with clients in their homes or in clinical settings. Audiologists interact with patients in a clinical or school setting.

2. These occupations involve close proximity to and physical contact with students, clients and patients, as well as their caregivers, family members and friends.

3. Persons who have a history of committing such crimes would pose a danger to the students, clients and patients, as well as their caregivers, family members and friends.

4. These occupations provide persons with this type of criminal history the opportunity to engage in further similar conduct.

Crimes involving being under the influence of alcohol or drugs.

*Reasons:*

1. Licensees interact with adults, the elderly, the disabled, and children in a variety of settings. Speech-language pathologists interact with students in schools, and with clients in their homes or in clinical settings. Audiologists interact with patients in a clinical or school setting.

2. These occupations involve close proximity to and physical contact with students, clients and patients, as well as their caregivers, family members and friends.

3. Persons with this type of criminal history could potentially have alcohol or drugs in their systems which would make them a danger to their students, clients and patients, and others.

A copy of the complete Criminal Conviction Guidelines is posted on the Department's website and may be obtained at [www.tdlr.texas.gov](http://www.tdlr.texas.gov). You may also contact the Enforcement Division at (512) 539-5600 or by email at [enforcement@tdlr.texas.gov](mailto:enforcement@tdlr.texas.gov) to obtain a copy of the complete guidelines.

TRD-201603593

William H. Kuntz, Jr.

Executive Director

Texas Department of Licensing and Regulation

Filed: July 20, 2016

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**Texas Lottery Commission**

Scratch Ticket Game Number 1808 "Bonus Break the Bank"

1.0 Name and Style of Scratch Ticket Game.

A. The name of Scratch Ticket Game No. 1808 is "BONUS BREAK THE BANK". The play style is "key number match".

1.1 Price of Scratch Ticket Game.

A. The price for Scratch Ticket Game No. 1808 shall be \$5.00 per Scratch Ticket.

1.2 Definitions in Scratch Ticket Game No. 1808.

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

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

C. Play Symbol - The printed data under the latex on the front of the Scratch Ticket that is used to determine eligibility for a prize. Each Play Symbol is printed in Symbol font in black ink in positive except for dual-image games. The possible black Play Symbols are: 01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21,

22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, MONEY STACK SYMBOL, \$5.00, \$10.00, \$15.00, \$20.00, \$50.00, \$100, \$500, \$1,000, \$7,500 and \$100,000.

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

Figure 1: GAME NO. 1808 - 1.2D

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

\$100	ONHN
\$500	FVHN
\$1,000	ONTH
\$7,500	75HN
\$100,000	100TH

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

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

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

H. High-Tier Prize - A prize of \$1,000, \$7,500 or \$100,000.

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

J. Pack-Ticket Number - A 14 (fourteen) digit number consisting of the four (4) digit game number (1808), a seven (7) digit Pack number, and a three (3) digit Scratch Ticket number. Scratch Ticket numbers start with 001 and end with 075 within each Pack. The format will be: 1808-0000001-001.

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

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

M. Scratch Game Ticket, Scratch Ticket or Ticket - Texas Lottery "BONUS BREAK THE BANK" Scratch Ticket Game No. 1808.

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 "BONUS BREAK THE BANK" Scratch Ticket Game is determined once the latex on the Scratch Ticket is scratched off to expose 38 (thirty-eight) Play Symbols. If any of YOUR NUMBERS Play Symbols match any of the 3 LUCKY NUMBERS Play Symbols within the same GAME, the player wins the prize for that number. If a player reveals a "MONEY STACK" Play Symbol, the player wins the prize for that symbol 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 38 (thirty-eight) 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 38 (thirty-eight) 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 38 (thirty-eight) Play Symbols must be exactly one of those described in Section 1.2.C of these Game Procedures;

17. Each of the 38 (thirty-eight) Play Symbols on the Scratch Ticket must be printed in the Symbol font and must correspond precisely to the artwork on file at the Texas Lottery; the Scratch Ticket Serial Numbers must be printed in the Serial font and must correspond precisely to the artwork on file at the Texas Lottery; and the Pack-Scratch Ticket Number must be printed in the Pack-Scratch Ticket Number font and must correspond precisely to the artwork on file at the Texas Lottery;

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

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

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

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

## 2.2 Programmed Game Parameters.

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

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

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

D. No matching LUCKY NUMBERS Play Symbols on a Ticket.

E. A Ticket may have up to three (3) matching non-winning Prize Symbols unless restricted by other parameters, play action or prize structure.

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

G. No prize amount in a non-winning spot will correspond with the YOUR NUMBERS Play Symbol (i.e., 5 and \$5).

H. The "MONEY STACK" (WIN) Play Symbol will never appear more than once in a game, but may appear once in both games on Tickets that win 2 or more times.

I. No YOUR NUMBERS Play Symbol in one game will match a LUCKY NUMBERS Play Symbol in the other game.

## 2.3 Procedure for Claiming Prizes.

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

B. To claim a "BONUS BREAK THE BANK" Scratch Ticket Game prize of \$1,000, \$7,500 or \$100,000, the claimant must sign the winning Scratch Ticket and present it at one of the Texas Lottery's Claim

Centers. If the claim is validated by the Texas Lottery, payment will be made to the bearer of the validated winning Scratch Ticket for that prize upon presentation of proper identification. When paying a prize of \$600 or more, the Texas Lottery shall file the appropriate income reporting form with the Internal Revenue Service (IRS) and shall withhold federal income tax at a rate set by the IRS if required. In the event that the claim is not validated by the Texas Lottery, the claim shall be denied and the claimant shall be notified promptly.

C. As an alternative method of claiming a "BONUS BREAK THE BANK" 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 "BONUS BREAK THE BANK" 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 "BONUS BREAK THE BANK" Scratch Ticket Game, the Texas Lottery shall deposit the amount of the prize in a custodial bank account, with an adult member of the minor's family or the minor's guardian serving as custodian for the minor.

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

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

3.0 Scratch Ticket Ownership.

A. Until such time as a signature is placed upon the back portion of a Scratch Ticket in the space designated, a Scratch Ticket shall be owned by the physical possessor of said Scratch Ticket. When a signature is

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

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

4.0 Number and Value of Scratch Prizes. There will be approximately 18,000,000 Scratch Tickets in Scratch Ticket Game No. 1808. The approximate number and value of prizes in the game are as follows:

Figure 2: GAME NO. 1808 - 4.0

Prize Amount	Approximate Number of Winners*	Approximate Odds are 1 in**
\$5	1,560,000	11.54
\$10	1,320,000	13.64
\$15	600,000	30.00
\$20	360,000	50.00
\$50	300,000	60.00
\$100	54,000	333.33
\$500	3,000	6,000.00
\$1,000	450	40,000.00
\$7,500	60	300,000.00
\$100,000	12	1,500,000.00

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

\*\*The overall odds of winning a prize are 1 in 4.29. 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. 1808 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. 1808, 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-201603590

Bob Biard  
 General Counsel  
 Texas Lottery Commission  
 Filed: July 20, 2016

**Panhandle Regional Planning Commission**

Legal Notice

The Panhandle Regional Planning Commission (PRPC) is requesting proposals for a contract to provide general building maintenance services for the Workforce Solutions Panhandle offices located at 1206 W. 7th Street in Amarillo, Texas and 1315 W. Wilson in the North Park Shopping Center in Borger, Texas.

A copy of the Request for Proposals (RFP) can be obtained Monday through Friday, 8:00 a.m. to 5:00 p.m., at 415 Southwest Eighth Ave., Amarillo, Texas 79101 or by contacting Leslie Hardin, PRPC's Workforce Development Facilities Coordinator at (806) 372-3381 or

*lhardin@theprpc.org*. Proposals must be received at PRPC by 3:00 p.m. on Friday, August 12, 2016.

TRD-201603505

Leslie Hardin

WFD Contracts Coordinator

Panhandle Regional Planning Commission

Filed: July 14, 2016

◆ ◆ ◆  
**Texas Department of Public Safety**

**Request for Proposals**

Pursuant to §2167.054, Texas Government Code, the Texas Department of Public Safety (TXDPS) announces the issuance of Request for Proposal (RFP) #405-16-R047402. TXDPS seeks a lease with an initial term that is effective from date of award until August 31, 2022, for warehouse and office space in close proximity to McAllen, Texas, Hidalgo County, to allow quick response time to the Rio Grande River in the general McAllen area. The awarded lease will have two (2) two (2) year options to renew.

The deadline for questions is August 04, 2016, at 5:00 p.m. CT and the deadline for proposals is August 22, 2016, at 3:00 p.m. CT. TXDPS reserves the right to accept or reject any or all proposals submitted. TXDPS 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 TXDPS to pay for any costs incurred prior to the award of a contract.

Parties interested in obtaining a hard copy of the RFP should contact Deborah Goree, CTCM, PMP, Procurement & Contract Services, at (512) 462-6136 or *Deborah.Goree@dps.texas.gov*. The RFP will be released and available electronically on the Electronic State Business Daily at <http://esbd.cpa/state/tx/us> on July 29, 2016. Interested parties should periodically check the ESBD for updates to the RFP prior to submitting a response.

TRD-201603550

D. Phillip Adkins

General Counsel

Texas Department of Public Safety

Filed: July 19, 2016

◆ ◆ ◆  
**Public Utility Commission of Texas**

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

Notice is given to the public of the filing with the Public Utility Commission of Texas of an application on July 18, 2016, for a service provider certificate of operating authority, pursuant to the Public Utility Regulatory Act. Applicant intends to provide facilities-based and resale services in the services areas of all incumbent local exchange companies in Texas.

Docket Title and Number: Application of Sonic Communication, Inc. for a Service Provider Certificate of Operating Authority, Docket Number 46182.

Persons who wish to comment upon the action sought should contact the Public Utility Commission of Texas by mail at P.O. Box 13326, Austin, Texas 78711-3326 or by phone at (512) 936-7120 or toll-free at (888) 782-8477 no later than August 5, 2016. Hearing and speech impaired individuals with text telephones (TTY) may contact the com-

mission through Relay Texas by dialing 7-1-1. All comments should reference Docket Number 46182.

TRD-201603595

Adriana Gonzales

Rules Coordinator

Public Utility Commission of Texas

Filed: July 20, 2016

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**Notice of Application for Designation as an Eligible Telecommunications Carrier**

Notice is given to the public of a petition filed with the Public Utility Commission of Texas on July 14, 2016, for designation as a low-income eligible telecommunications carrier (ETC) in the State of Texas pursuant to 16 TAC §26.418.

Docket Title and Number: Application of Plains Internet, LLC for Designation as an Eligible Telecommunications Carrier for the Limited Purpose of Offering Lifeline Service, Docket Number 46166.

The Application: Plains Internet, LLC filed an application with the Public Utility Commission of Texas for designation as an eligible telecommunications carrier (ETC), pursuant to 47 U.S.C. §214(e) and 16 Tex. Admin. Code §26.418. The Commission designates qualified carriers as ETCs pursuant to 47 U.S.C. §214(e)(2).

Plains is a facilities-based telecommunications carrier that seeks designation as an ETC for the purpose of offering Lifeline service to eligible customers in certain areas of Texas. Plains' requested designated ETC service area is its wireless coverage area, as shown in Exhibits A, B, and C attached to the application.

Persons who wish to comment on this application should notify the Public Utility Commission of Texas by August 18, 2016. Requests for further information should be mailed to the Public Utility Commission of Texas, P.O. Box 13326, Austin, Texas 78711-3326 or you may call the Public Utility Commission's Customer Protection Division at (512) 936-7120 or toll-free at 1-888-782-8477. Hearing and speech-impaired individuals with text telephones (TTY) may contact the commission through Relay Texas by dialing 7-1-1. All comments should reference Docket Number 46166.

TRD-201603549

Adriana Gonzales

Rules Coordinator

Public Utility Commission of Texas

Filed: July 18, 2016

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**Notice of Application for Exempt Utility Registration**

Notice is given to the public of the filing with the Public Utility Commission of Texas (commission) on October 16, 2015, of an application for exempt utility registration.

Docket Style and Number: Application of House Hahl Commercial Owners Association for Exempt Utility Registration, Docket Number 45266.

The Application: House Hahl Commercial Owners Association (House Hahl) filed an application for exempt utility registration pursuant to Texas Water Code §13.242(c) and 16 Texas Administrative Code §24.103(d). House Hahl has less than 15 potential service connections.

Persons wishing to intervene or comment on the action sought should contact the commission by mail at P.O. Box 13326, Austin, Texas

78711-3326 or by phone at (512) 936-7120 or toll-free at (888) 782-8477. Hearing and speech-impaired individuals with text telephones (TTY) may contact the commission through Relay Texas by dialing 7-1-1. All comments should reference Docket Number 45266.

TRD-201603556  
Adriana Gonzales  
Rules Coordinator  
Public Utility Commission of Texas  
Filed: July 19, 2016



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

Notice is given to the public of an application filed with the Public Utility Commission of Texas (commission) on July 14, 2016, pursuant to the Texas Water Code.

Docket Style and Number: Application of Las Playa and Simply Aquatics, Inc. for Sale, Transfer, or Merger of Facilities and Certificate Rights in San Augustine County, Docket Number 46168.

The Application: Las Playa Subdivision Water System and Simply Aquatics, Inc. filed an application for the sale, transfer, or merger of facilities and certificate rights in San Augustine County. Specifically, Simply Aquatics seeks approval to acquire all of the water system assets of Las Playa held under water certificate of convenience and necessity (CCN) number 11701, and the certificate itself.

Persons who wish to intervene in the proceeding or comment upon the action sought should contact the commission as soon as possible as an intervention deadline will be imposed. A comment or request to intervene should be mailed to Public Utility Commission of Texas, P.O. Box 13326, Austin, Texas 78711-3326. Further information may also be obtained by calling the commission's Office of Customer Protection at (512) 936-7120 or (888) 782-8477. Hearing and speech-impaired individuals with text telephones (TTY) may contact the commission through Relay Texas by dialing 7-1-1. All correspondence should refer to Docket Number 46168.

TRD-201603546  
Adriana Gonzales  
Rules Coordinator  
Public Utility Commission of Texas  
Filed: July 18, 2016



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

Notice is given to the public of an application filed with the Public Utility Commission of Texas (commission) on July 14, 2016, pursuant to the Texas Water Code.

Docket Style and Number: Application of El Pinion Water Supply and Simply Aquatics, Inc. for Sale, Transfer, or Merger of Facilities and Certificate Rights in San Augustine County, Docket Number 46169.

The Application: El Pinion Water Supply (El Pinion) and Simply Aquatics, Inc. filed an application for the sale, transfer, or merger of facilities and certificate rights in San Augustine County. Specifically, Simply Aquatics seeks approval to acquire all of the water system assets of El Pinion held under water certificate of convenience and necessity (CCN) No. 12206, and the certificate itself. The total area being requested includes approximately 25 acres and serves 76 current customers.

Persons who wish to intervene in the proceeding or comment upon the action sought should contact the commission as soon as possible as

an intervention deadline will be imposed. A comment or request to intervene should be mailed to Public Utility Commission of Texas, P.O. Box 13326, Austin, Texas 78711-3326. Further information may also be obtained by calling the commission's Office of Customer Protection at (512) 936-7120 or (888) 782-8477. Hearing and speech-impaired individuals with text telephones (TTY) may contact the commission through Relay Texas by dialing 7-1-1. All correspondence should refer to Docket Number 46169.

TRD-201603547  
Adriana Gonzales  
Rules Coordinator  
Public Utility Commission of Texas  
Filed: July 18, 2016



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

Notice is given to the public of an application filed with the Public Utility Commission of Texas (commission) on July 14, 2016, pursuant to the Texas Water Code.

Docket Style and Number: Application of Vista Verde Water Systems, Inc. and Simply Aquatics, Inc. for Sale, Transfer, or Merger of Facilities and Certificate Rights in Montgomery County, Docket Number 46170.

The Application: Vista Verde Water Systems, Inc. and Simply Aquatics, Inc. filed an application for the sale, transfer, or merger of facilities and certificate rights in Montgomery County. Specifically, Simply Aquatics seeks approval to acquire all of the water system assets of Vista Verde held under water certificate of convenience and necessity (CCN) No. 13034, and the certificate itself. The total area being requested includes approximately 25 acres and serves 45 current customers.

Persons who wish to intervene in the proceeding or comment upon the action sought should contact the commission as soon as possible as an intervention deadline will be imposed. A comment or request to intervene should be mailed to Public Utility Commission of Texas, P.O. Box 13326, Austin, Texas 78711-3326. Further information may also be obtained by calling the commission's Office of Customer Protection at (512) 936-7120 or (888) 782-8477. Hearing and speech-impaired individuals with text telephones (TTY) may contact the commission through Relay Texas by dialing 7-1-1. All correspondence should refer to Docket Number 46170.

TRD-201603548  
Adriana Gonzales  
Rules Coordinator  
Public Utility Commission of Texas  
Filed: July 18, 2016



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

On July 18, 2016, UCN, Inc., inContact, Inc., and NICE Systems, Inc. filed a joint application with the Public Utility Commission of Texas for approval of an amendment to service provider certificate of operating authority number 60714 for a change in name and a change in ownership/control.

Docket Style and Number: Joint Application of UCN, Inc., inContact, Inc., and NICE Systems, Inc. for an Amendment to a Service Provider Certificate of Operating Authority, Docket Number 46175.

Persons wishing to comment on the action sought should contact the Public Utility Commission of Texas by mail at P.O. Box 13326, Austin, Texas, 78711-3326 or by phone at (512) 936-7120 or toll-free at 1-888-782-8477 no later than August 5, 2016. Hearing and speech-impaired individuals with text telephones (TTY) may contact the commission through Relay Texas by dialing 7-1-1. All comments should reference Docket Number 46175.

TRD-201603596  
Adriana Gonzales  
Rules Coordinator  
Public Utility Commission of Texas  
Filed: July 20, 2016



#### Notice of Application to Amend Certificated Service Area Boundaries

Notice is given to the public of the filing with the Public Utility Commission of Texas (commission) of an application on July 11, 2016, for an amendment to certificated service area boundaries within Walker County, Texas.

Docket Style and Number: Joint Application of Entergy Texas, Inc. and Mid-South Synergy to Amend a Certificate of Convenience and Necessity for Electric Service Area Boundaries within Walker County. Docket Number 46149.

The Application: Entergy Texas, Inc. and Mid-South Synergy filed a joint application for a service area boundary exception to amend their certificated boundaries in a new development being platted so that services may be provided without duplication of facilities and allow each utility to provide services in an efficient and cost effective manner. There are currently no consumers in the affected areas of the proposed boundary change.

Persons wishing to comment on the action sought or intervene should contact the commission no later than July 29, 2016, by mail at P.O. Box 13326, Austin, Texas 78711-3326 or by phone at (512) 936-7120 or toll-free at (888) 782-8477. Hearing and speech-impaired individuals with text telephones (TTY) may contact the commission through Relay Texas by dialing 7-1-1. All comments should reference Docket Number 46149.

TRD-201603504  
Adriana Gonzales  
Rules Coordinator  
Public Utility Commission of Texas  
Filed: July 14, 2016



#### Notice of Application to Amend Certificates of Convenience and Necessity

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

Docket Style and Number: Application of Aqua Texas, Inc. d/b/a Aqua Texas (Aqua Texas) to Amend Certificates of Convenience and Necessity in Chambers County, Docket Number 46181.

The Application: Aqua Texas filed an application to amend its water certificate of convenience (CCN) No. 13203 and sewer CCN No. 21065 in Chambers County to include 93.49 acres and no current cus-

tomers to its service area. Aqua Texas proposes the amendment for provision of services to the proposed Joseph's Cove development.

Persons wishing to intervene or comment on the action sought should contact the Commission by mail at P.O. Box 13326, Austin, Texas 78711-3326 or by phone at (512) 936-7120 or toll-free at (888) 782-8477. A deadline for intervention in this proceeding will be established. Hearing and speech-impaired individuals with text telephones (TTY) may contact the Commission through Relay Texas by dialing 7-1-1. All comments should reference Docket Number 46181.

TRD-201603570  
Adriana Gonzales  
Rules Coordinator  
Public Utility Commission of Texas  
Filed: July 19, 2016



#### Notice of Application to Amend Water Certificate of Convenience and Necessity

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

Docket Style and Number: Application of Quadvest, L.P. to Amend its Water and Sewer Certificates of Convenience and Necessity and to Decertify a Portion of Orchard Crossing's Water and Sewer Certificates in Liberty County, Docket Number 46135.

The Application: Quadvest, L.P. filed an application to amend its water CCN No. 11612 and sewer CCN No. 20952 and to decertify a portion of Orchard Crossing's water CCN No. 12671 and sewer CCN No. 20765 in Liberty County, Texas. Quadvest seeks to amend its CCNs to provide water and sewer utility services to Camino Real Subdivision, Sections 1-3, a planned subdivision consisting of 1,698.65 acres with zero current customers.

Persons wishing to intervene or comment on the action sought should contact the commission by mail at P.O. Box 13326, Austin, Texas 78711-3326 or by phone at (512) 936-7120 or toll-free at (888) 782-8477. A deadline for intervention in this proceeding will be established. Hearing and speech-impaired individuals with text telephones (TTY) may contact the commission through Relay Texas by dialing 7-1-1. All comments should reference Docket Number 46135.

TRD-201603503  
Adriana Gonzales  
Rules Coordinator  
Public Utility Commission of Texas  
Filed: July 14, 2016



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

Notice is given to the public of the filing with the Public Utility Commission of Texas (commission) on July 11, 2016, a petition to amend a certificate of convenience and necessity (CCN) by expedited release in Hays County by expedited release.

Docket Style and Number: Petition of Las Colinas San Marcos Phase I LLC to Amend Crystal Clear Special Utility District's Certificate of Convenience and Necessity in Hays County by Expedited Release, Docket Number 46148.

The Application: Las Colinas San Marcos filed an application for expedited release of approximately 79.964 acres from the Crystal Clear Special Utility District's water CCN No. 10297 in Hays County pursuant to Tex. Water Code §13.254(a-5) and 16 Tex. Admin. Code §24.113(r).

Persons wishing to comment on the action sought should contact the Commission no later than August 11, 2016, by mail at P.O. Box 13326, Austin, Texas 78711-3326 or by phone at (512) 936-7120 or toll-free at (888) 782-8477. Hearing and speech-impaired individuals with text telephones (TTY) may contact the Commission through Relay Texas by dialing 7-1-1. All comments should reference Docket Number 46148.

TRD-201603533  
Adriana Gonzales  
Rules Coordinator  
Public Utility Commission of Texas  
Filed: July 15, 2016

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**Texas Department of Transportation**

**Public Notice - Photographic Traffic Signal Enforcement  
Systems: Municipal Reporting of Traffic Crashes**

The Texas Department of Transportation (department) is requesting that each municipality subject to the requirements contained in Transportation Code, §707.004 provide the required data to the department **no later than October 28, 2016**, in order for the department to meet the mandated deadline for an annual report to the Texas Legislature.

Pursuant to Transportation Code, §707.004, each municipality operating a photographic traffic signal enforcement system or planning to install such a system must compile and submit to the department certain statistical information. Before installing such a system, the municipality is required to submit a written report on the number and type of traffic crashes that have occurred at the intersection over the last 18 months prior to installation. The municipality is also required to provide annual reports to the department after installation showing the number and type of crashes that have occurred at the intersection.

The department is required by Transportation Code, §707.004 to produce an annual report of the information submitted to the department by December 1 of each year.

The department has created a web page detailing municipal reporting requirements and to allow the required data to be submitted electronically:

<http://www.txdot.gov/driver/laws/red-light.html>

For additional information, contact the Texas Department of Transportation, Traffic Operations Division, 125 East 11th Street, Austin, Texas 78701-2483 or call (512) 486-5702.

TRD-201603560  
Angie Parker  
Associate General Counsel  
Texas Department of Transportation  
Filed: July 19, 2016

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