

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.

Office of the Attorney General

Texas Water Code Settlement Notice

Notice is hereby given by the State of Texas of the following proposed resolution of an environmental enforcement lawsuit under the Texas Water Code. Before the State may settle a judicial enforcement action under the Texas Water Code, the State shall permit the public to comment in writing on the proposed judgment. The Attorney General will consider any written comments and may withdraw or withhold consent to the proposed agreed judgment if the comments disclose facts or considerations that indicate that the consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the Code.

Case Title and Court: *State of Texas v. Great Southern Realty Co.*; Cause No. D-1-GN-16-004699; in the 261st Judicial District, Travis County, Texas.

Nature of suit and Defendant's operations: Great Southern Realty Co. ("Great Southern") is a corporation that owns and operates Twin Lakes Dam No. 1 ("the Dam") located 3.5 miles north of Bandera, Bandera County. The State filed suit on behalf of the Texas Commission on Environmental Quality ("TCEQ") against Great Southern for its failure to maintain the Dam in a safe manner. Specifically, multiple areas of the road along the crest of the Dam had erosion and damage from an overtopping event. The downstream slope of the Dam was so severely eroded as to compromise the structural integrity of the Dam, and there were multiple areas of seepage along the base of the remaining embankment of the Dam. After suit was filed, Great Southern completely breached the Dam in accordance with a TCEQ approved breach plan.

Proposed Agreed Final Judgment: The proposed Agreed Final Judgment ("Judgment") requires Great Southern to pay the State \$35,000 in attorney's fees, and to submit to TCEQ a written notification from a professional engineer regarding the completion of the controlled breach of the Dam.

For a complete description of the proposed settlement, the complete Judgment should be reviewed. Requests for copies of the Judgment, and written comments on the proposed settlement, should be directed to Emily E. Petrick, Assistant Attorney General, Office of the Texas Attorney General, P.O. Box 12548, MC 066, Austin, Texas 78711-2548; phone (512) 463-2012; facsimile (512) 320-0911. Written comments must be received within 30 days of publication of this notice to be considered.

TRD-201803166
Amanda Crawford
General Counsel
Office of the Attorney General
Filed: July 24, 2018

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 07/30/18 - 08/05/18 is 18% for Consumer¹/Agricultural/Commercial² credit through \$250,000.

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 07/30/18 - 08/05/18 is 18% for Commercial over \$250,000.

The judgment ceiling as prescribed by §304.003 for the period of 08/01/18 - 08/31/18 is 5.00% for Consumer/Agricultural/Commercial credit through \$250,000.

The judgment ceiling as prescribed by §304.003 for the period of 08/01/18 - 08/31/18 is 5.00% for commercial over \$250,000.

¹ Credit for personal, family or household use.

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

TRD-201803167

Leslie L. Pettijohn

Commissioner

Office of Consumer Credit Commissioner

Filed: July 24, 2018

Commission on State Emergency Communications

Annual Review of §255.4: Definition of Local Exchange Access Line or an Equivalent Local Exchange Access Line

The Commission on State Emergency Communications (CSEC) is conducting its annual review of the definitions of the terms "local exchange access line" and "equivalent local exchange access line" as required by Health and Safety Code §771.063(c). Due to the potentially disruptive changes resulting from advancements in technology, particularly with respect to mobile Internet Protocol-enabled services, CSEC takes no position on whether the definitions in §255.4 sufficiently define the foregoing terms.

Persons wishing to comment on CSEC's initial determination or recommend amendments to §255.4 may do so by submitting written comments within 30 days following publication of this notice in the *Texas Register* to Patrick Tyler, General Counsel, Commission on State Emergency Communications, 333 Guadalupe Street, Suite 2-212, Austin, Texas 78701-3942; by facsimile to (512) 305-6937; or by email to patrick.tyler@csec.texas.gov. Please include "Comments on CSEC's Annual Review of Rule 255.4" in the subject line of your letter, fax, or email.

TRD-201803137

Patrick Tyler

General Counsel

Commission on State Emergency Communications

Filed: July 18, 2018

Texas Commission on Environmental Quality

Agreed Orders

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 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 September 4, 2018. 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 September 4, 2018. Written comments may also be sent by facsimile machine to the enforcement coordinator at (512) 239-2550. The commission's 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: Ag Producers Co-op; DOCKET NUMBER: 2018-0468-PST-E; IDENTIFIER: RN101886380; LOCATION: Bushland, Potter County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULES VIOLATED: 30 TAC §334.50(b)(1)(A) and TWC, §26.3475(c)(1), by failing to monitor the underground storage tanks for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring); PENALTY: \$6,750; ENFORCEMENT COORDINATOR: Chase Davenport, (512) 239-2615; REGIONAL OFFICE: 3918 Canyon Drive, Amarillo, Texas 79109-4933, (806) 353-9251.

(2) COMPANY: AXTELL WATER SUPPLY CORPORATION; DOCKET NUMBER: 2018-0579-PWS-E; IDENTIFIER: RN101442648; LOCATION: Axtell, McClennan County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.110(e)(4)(A) and (f)(3), by failing to submit a Disinfectant Level Quarterly Operating Report to the executive director (ED) by the tenth day of the month following the end of each quarter for the second, third, and fourth quarters of 2017; 30 TAC §290.117(c)(2)(C), (h), and (i)(1), by failing to collect lead and copper tap samples at the required ten sample sites, have the samples analyzed, and report the results to the ED for the January 1, 2014 - December 31, 2016, monitoring period; 30 TAC §290.117(c)(2)(B), (h) and (i)(1), by failing to collect lead and copper tap samples at the required ten sample sites, have the samples analyzed, and report the results to the ED for the January 1, 2017 - December 31, 2017, monitoring period; and 30 TAC §290.117(i)(6) and (j), by failing to provide a consumer notification of lead tap monitoring results to persons served at the sites (taps) that were tested, and failed to mail a copy of the consumer notification of tap results to the ED along with certification that the consumer notification has been distributed in a manner consistent with TCEQ requirements for the January 1, 2013 - December 31,

2013, and January 1, 2017 - December 31, 2017, monitoring periods; PENALTY: \$808; ENFORCEMENT COORDINATOR: Toni Red, (512) 239-1704; REGIONAL OFFICE: 6801 Sanger Avenue, Suite 2500, Waco, Texas 76710-7826, (254) 751-0335.

(3) COMPANY: CENTERGAS FUELS, INCORPORATED; DOCKET NUMBER: 2018-0529-PST-E; IDENTIFIER: RN102060159; LOCATION: Amarillo, Potter County; TYPE OF FACILITY: fuel wholesale 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 (not to exceed 35 days between each monitoring); PENALTY: \$3,563; ENFORCEMENT COORDINATOR: David Carney, (512) 239-2583; REGIONAL OFFICE: 3918 Canyon Drive, Amarillo, Texas 79109-4933, (806) 353-9251.

(4) COMPANY: City of Childress; DOCKET NUMBER: 2017-0264-MWD-E; IDENTIFIERS: RN101612521 and RN101612604; LOCATION: Childress, Childress County; TYPE OF FACILITIES: wastewater treatment; RULES VIOLATED: TWC, §26.121(a)(1), 30 TAC §305.125(1), Texas Commission on Environmental Quality (TCEQ) Permit Number WQ0010076003, Effluent Limitations and Monitoring Requirements A, and TCEQ Agreed Order Docket Number 2007-1932-MWD-E, Ordering Provision Number 2.b, by failing to comply with permitted effluent limitations; 30 TAC §305.125(1) and (9)(A) and TCEQ Permit Number WQ0010076003, Monitoring Requirements Number 7.c, by failing to report in writing any effluent violation which deviates from the permitted effluent by more than 40%; 30 TAC §305.125(1) and §319.5(b) and TCEQ Permit Number WQ0010076003, Monitoring Requirements Numbers 1 and 2, by failing to analyze effluent samples at the intervals specified in the permit; 30 TAC §305.125(1) and TCEQ Permit Number WQ0010076003, Special Provisions Number 4, by failing to collect and analyze and submit the results of the annual soil sample analyses to the TCEQ Regional Office and the Enforcement Division by September 30, 2016; 30 TAC §305.125(1) and (5) and TCEQ Permit Number WQ0010076003, Operational Requirements Number 1, by failing to properly operate and maintain the facility and all of its systems of collection, treatment and disposal; 30 TAC §305.125(1) and TCEQ Permit Number WQ0010076003, Monitoring Requirements Number 5, by failing to accurately calibrate all automatic flow measuring or recording devices and all totalizing meters for measuring flows by a trained person at facility start-up and as often as necessary to ensure accuracy, but not less often than annually unless authorized by the executive director for a longer period; 30 TAC §§30.331(b), 30.350(d), and 305.125(1) and TCEQ Permit Number WQ0010076003, Special Provisions Number 2, by failing to employ or contract one or more licensed wastewater treatment facility operators or wastewater systems operations companies holding a valid license or registration; TWC, §26.121(a)(1) and Texas Pollutant Discharge Elimination System Permit Number WQ0010076005, Permit Condition Number 2.g, by failing to prevent the unauthorized discharge of wastewater into or adjacent to water in the state; 30 TAC §317.4(a)(8), by failing to provide a backflow prevention device on the potable water line at the facility; and TWC, §26.121(a)(1), by failing to maintain authorization to discharge reclaimed wastewater; PENALTY: \$105,313; Supplemental Environmental Project offset amount of \$105,313; ENFORCEMENT COORDINATOR: Claudia Corrales, (432) 620-6138; REGIONAL OFFICE: 3918 Canyon Drive, Amarillo, Texas 79109-4933, (806) 353-9251.

(5) COMPANY: City of Killeen; DOCKET NUMBER: 2018-0308-WQ-E; IDENTIFIER: RN103174306; LOCATION: Killeen, Bell County; TYPE OF FACILITY: wastewater collection system; RULE VIOLATED: TWC, §26.121(a)(1), by failing to prevent the unauthorized discharge of untreated wastewater from the wastewater

collection system into or adjacent to any water in the state; PENALTY: \$7,500; ENFORCEMENT COORDINATOR: Alejandro Laje, (512) 239-2547; REGIONAL OFFICE: 6801 Sanger Avenue, Suite 2500, Waco, Texas 76710-7826, (254) 751-0335.

(6) COMPANY: CLEAN-CO SYSTEMS, INCORPORATED; DOCKET NUMBER: 2017-0969-IHW-E; IDENTIFIER: RN102161478; LOCATION: Channelview, Harris County; TYPE OF FACILITY: industrial cleaning services facility; RULES VIOLATED: 30 TAC §§335.62, 335.503, and 335.504 and 40 Code of Federal Regulations (CFR) §262.11, by failing to conduct hazardous waste determinations and waste classifications; 30 TAC §335.10(a) and (c)(1) and 40 CFR §262.20(a)(1), by failing to properly complete hazardous waste manifests; 30 TAC §335.152(c)(5) and §335.431(c) and 40 CFR §268.7(a)(2), by failing to obtain land disposal restriction (LDR) notification forms for hazardous waste manifests and maintain LDR notification forms in the facility file; 30 TAC §335.69(a)(2) and (3), by failing to label all hazardous waste containers with accumulation start dates and with the words Hazardous Waste; 30 TAC §335.6(c), by failing to update the facility's Notice of Registration; and 30 TAC §335.9(a)(2), by failing to submit to the executive director a complete and correct Annual Waste Summary detailing the management of each hazardous and Class 1 waste generated on-site during the reporting calendar year; PENALTY: \$38,165; ENFORCEMENT COORDINATOR: Epifanio Villareal, (361) 825-3421; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(7) COMPANY: CROWN Cork and Seal USA, Incorporated; DOCKET NUMBER: 2017-0910-AIR-E; IDENTIFIER: RN100711118; LOCATION: Conroe, Montgomery County; TYPE OF FACILITY: can manufacturing plant; RULES VIOLATED: 30 TAC §§116.115(b)(2)(F), 116.615(2), and 122.143(4), Federal Operating Permit (FOP) Number O1036, Special Terms and Conditions (STC) Number 10, Standard Permit Registration Number 135446, and Texas Health and Safety Code (THSC), §382.085(b), by failing to comply with the maximum allowable emissions rates; 30 TAC §116.115(c) and §122.143(4), FOP Number O1036, STC Number 10, New Source Review (NSR) Permit Number 75271, Special Conditions (SC) Number 13, and THSC, §382.085(b), by failing to attain a destruction efficiency of at least 95% at all times; and 30 TAC §116.115(b)(2)(E) and (c) and §122.143(4), FOP Number O1036, STC Number 10, NSR Permit Number 75271, SC Number 15, and THSC, §382.085(b), by failing to maintain records; PENALTY: \$86,187; ENFORCEMENT COORDINATOR: Raime Hayes-Falero, (713) 767-3567; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(8) COMPANY: ETC Field Services LLC; DOCKET NUMBER: 2018-0306-AIR-E; IDENTIFIER: RN100238633; LOCATION: Kermit, Winkler County; TYPE OF FACILITY: crude petroleum and natural gas processing plant; RULES VIOLATED: 30 TAC §101.201(a)(1)(B) and §122.143(4), Federal Operating Permit (FOP) Number O2940, Special Terms and Conditions (STC) Number 2.F, and Texas Health and Safety Code (THSC), §382.085(b), by failing to submit an initial notification within 24 hours after the discovery of an emissions event; and 30 TAC §116.115(c) and §122.143(4), Permit by Rule (PBR) Registration Numbers 73140 and 90277, New Source Review Permit Number 2724, Special Conditions Number 1, FOP Number O2940, STC Number 8, and THSC, §382.085(b), by failing to prevent unauthorized emissions; PENALTY: \$175,625; ENFORCEMENT COORDINATOR: Richard Garza, (512) 239-2697; REGIONAL OFFICE: 9900 West IH-20, Suite 100, Midland, Texas 79706, (432) 570-1359.

(9) COMPANY: Fritz Town Entertainment LLC; DOCKET NUMBER: 2018-0514-PWS-E; IDENTIFIER: RN104497466; LOCATION: Fredericksburg, Gillespie County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.46(n)(1), by failing to maintain accurate and up-to-date detailed as-built plans or record drawings and specifications for each treatment plant, pump station, and storage tank at the public water system until the facility is decommissioned; 30 TAC §290.46(n)(3), by failing to keep on file copies of well completion data as defined in 30 TAC §290.41(c)(3)(A) for as long as the well remains in service; 30 TAC §290.46(s)(1), by failing to calibrate the facility's well meter at least once every three years; 30 TAC §290.42(m), by failing to enclose each water treatment plant and all appurtenances by an intruder-resistant fence that is six feet or greater in height with three strands of barbed wire extending outward from the top of the fence; 30 TAC §290.46(m)(1)(A), by failing to conduct an annual inspection of the facility's ground storage tank; and 30 TAC §290.46(t), by failing to post a legible sign at the facility's production, treatment, and storage facilities that contains the name of the facility and an emergency telephone number where a responsible official can be contacted; PENALTY: \$458; ENFORCEMENT COORDINATOR: Yuliya Dunaway, (210) 403-4077; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, (210) 490-3096.

(10) COMPANY: Helms Trail Properties, Incorporated; DOCKET NUMBER: 2018-0368-MWD-E; IDENTIFIER: RN104624770; LOCATION: Forney, Kaufman County; TYPE OF FACILITY: wastewater treatment facility; RULES VIOLATED: 30 TAC §305.125(1), TWC, §26.121(a)(1), and Texas Pollutant Discharge Elimination System (TPDES) Permit Number WQ0014627001, Effluent Limitations and Monitoring Requirements Numbers 1, 2, and 3, by failing to comply with permitted effluent limitations; and 30 TAC §305.125(1) and §319.5(b), and TPDES Permit Number WQ0014627001, Monitoring and Reporting Requirements Number 1, by failing to collect and analyze effluent samples at the intervals specified in the permit; PENALTY: \$7,051; ENFORCEMENT COORDINATOR: Steven Van Landingham, (512) 239-5717; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(11) COMPANY: HORIZON TURF GRASS, INCORPORATED; DOCKET NUMBER: 2018-0559-WR-E; IDENTIFIER: RN110279148; LOCATION: Cameron, Milam County; TYPE OF FACILITY: turfgrass farm; RULES VIOLATED: TWC, §11.081 and 30 TAC §304.15(a) and (b), by failing to submit to the watermaster a declaration expressing the diverter's intent prior to diverting state water; PENALTY: \$555; ENFORCEMENT COORDINATOR: Sandra Douglas, (512) 239-2549; REGIONAL OFFICE: 6801 Sanger Avenue, Suite 2500, Waco, Texas 76710-7826, (254) 751-0335.

(12) COMPANY: Huzaifa, LLC dba Stop and Shop Mart; DOCKET NUMBER: 2018-0069-PST-E; IDENTIFIER: RN102960606; LOCATION: Flint, Smith 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 (not to exceed 35 days between each monitoring); and 30 TAC §334.10(b)(2), by failing to assure that all UST recordkeeping requirements are met; PENALTY: \$4,800; ENFORCEMENT COORDINATOR: Tyler Richardson, (512) 239-4872; REGIONAL OFFICE: 2916 Teague Drive, Tyler, Texas 75701-3734, (903) 535-5100.

(13) COMPANY: Javier Luis Torres dba Javier's Quick Stop; DOCKET NUMBER: 2018-0635-PST-E; IDENTIFIER: RN101446839; LOCATION: Harlingen, Cameron County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULES VIOLATED:

30 TAC §334.50(b)(2) and TWC, §26.3475(a), by failing to provide release detection for the pressurized piping associated with the underground storage tank system; PENALTY: \$2,937; ENFORCEMENT COORDINATOR: Margarita Dennis, (817) 588-5892; REGIONAL OFFICE: 1804 West Jefferson Avenue, Harlingen, Texas 78550-5247, (956) 425-6010.

(14) COMPANY: Jeffrey R. Bair, Tracy M. Savell, and James W. Savell; DOCKET NUMBER: 2018-0225-EAQ-E; IDENTIFIER: RN105452981; LOCATION: New Braunfels, Comal County; TYPE OF FACILITY: commercial development; RULE VIOLATED: 30 TAC §213.4(a)(1), by failing to obtain approval of an Edwards Aquifer Protection Plan prior to commencing a regulated activity over the Edwards Aquifer Recharge Zone; PENALTY: \$22,500; ENFORCEMENT COORDINATOR: Alejandro Laje, (512) 239-2547; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, (210) 490-3096.

(15) COMPANY: Meeker Municipal Water District; DOCKET NUMBER: 2018-0243-PWS-E; IDENTIFIER: RN101456358; LOCATION: Jefferson County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.46(z)(2) and (3), by failing to create a nitrification action plan for a system distributing chloraminated water; 30 TAC §290.46(d)(2)(B) and §290.110(b)(4) and Texas Health and Safety Code, §341.0315(c), by failing to maintain a disinfectant residual of at least 0.5 milligrams per liter of chloramine (measured as total chlorine) throughout the distribution system at all times; 30 TAC §290.110(c)(5), by failing to conduct chloramine effectiveness sampling to ensure that monochloramine is the prevailing chloramine species and that nitrification is controlled; and 30 TAC §290.44(h)(1)(A), by failing to install backflow prevention assemblies at all residences or establishments where an actual or potential contamination hazard exists, as identified in 30 TAC §290.47(f); PENALTY: \$1,444; Supplemental Environmental Project offset amount of \$1,156; ENFORCEMENT COORDINATOR: Ryan Byer, (512) 239-2571; REGIONAL OFFICE: 3870 Eastex Freeway, Beaumont, Texas 77703-1830, (409) 898-3838.

(16) COMPANY: OLIVE TREE GROUP, INCORPORATED; DOCKET NUMBER: 2018-0440-EAQ-E; IDENTIFIER: RN102749363; LOCATION: San Antonio, Bexar County; TYPE OF FACILITY: church; RULES VIOLATED: 30 TAC §213.4(a)(1) and (j)(2) and Water Pollution Abatement Plan (WPAP) Number 13-12121901, Standard Conditions Number 6, by failing to obtain approval of a modification to an approved WPAP prior to commencing a regulated activity over the Edwards Aquifer Recharge Zone; 30 TAC §213.4(i) and (k) and WPAP Number 13-12121901, Permanent Pollution Abatement Measures, by failing to construct a permanent pollution abatement measure; 30 TAC §213.4(k) and WPAP Number 13-12121901, Standard Conditions Number 19, by failing to maintain permanent best management practices (BMPs); and 30 TAC §213.4(k) and WPAP Number 13-12121901, Standard Conditions Number 19, by failing to submit a change in responsibility for maintenance of permanent BMPs; PENALTY: \$5,050; ENFORCEMENT COORDINATOR: Alejandro Laje, (512) 239-2547; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, (210) 490-3096.

(17) COMPANY: RES (CONSTRUCTION), LP; DOCKET NUMBER: 2018-0513-IHW-E; IDENTIFIER: RN109337014; LOCATION: Bishop, Nueces County; TYPE OF FACILITY: onshore wind farm; RULE VIOLATED: 30 TAC §327.5(a)(6), by failing to properly manage waste generated from a spill or discharge; PENALTY: \$854; ENFORCEMENT COORDINATOR: Danielle Porras, (713) 767-3682; REGIONAL OFFICE: 6300 Ocean Drive, Suite 1200, Corpus Christi, Texas 78412-5839, (361) 825-3100.

(18) COMPANY: Rhineland Water Supply Corporation; DOCKET NUMBER: 2018-0578-PWS-E; IDENTIFIER: RN101196376; LOCATION: Knox City, Knox 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: \$210; ENFORCEMENT COORDINATOR: Christopher Moreno, (254) 761-3038; REGIONAL OFFICE: 1977 Industrial Boulevard, Abilene, Texas 79602-7833, (325) 698-9674.

(19) COMPANY: Shannon Lynn Goins; DOCKET NUMBER: 2018-0473-MWD-E; IDENTIFIER: RN101520641; LOCATION: Polk 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 WQ0013637001, Effluent Limitations and Monitoring Requirements Number 1, by failing to comply with permitted effluent limitations; PENALTY: \$4,312; ENFORCEMENT COORDINATOR: Harley Hobson, (512) 239-1337; REGIONAL OFFICE: 3870 Eastex Freeway, Beaumont, Texas 77703-1830, (409) 898-3838.

(20) COMPANY: SSAM INDUSTRIES LLC; DOCKET NUMBER: 2018-0276-MSW-E; IDENTIFIER: RN109914929; LOCATION: El Paso, El Paso County; TYPE OF FACILITY: unauthorized tire storage and processing facility; RULES VIOLATED: 30 TAC §328.60(a) and Texas Health and Safety Code, §361.112(a), by failing to obtain a scrap tire storage site registration for the facility prior to storing more than 500 used or scrap tires on the ground or 2,000 used or scrap tires in containers; 30 TAC §328.63(c), by failing to obtain a registration to process scrap tires; and 30 TAC §324.1 and §324.4(1) and 40 Code of Federal Regulations §279.22(d)(3), by failing to prevent the disposal of used oil onto the ground and failed to clean up and manage properly the released used oil; PENALTY: \$16,012; ENFORCEMENT COORDINATOR: Danielle Porras, (713) 767-3682; REGIONAL OFFICE: 401 East Franklin Avenue, Suite 560, El Paso, Texas 79901-1212, (915) 834-4949.

(21) COMPANY: Syntech Chemicals Incorporated; DOCKET NUMBER: 2018-0394-AIR-E; IDENTIFIER: RN100664994; LOCATION: Houston, Harris County; TYPE OF FACILITY: chemical blending operation; RULES VIOLATED: 30 TAC §116.110(a) and Texas Health and Safety Code, §382.0518(a) and §382.085(b), by failing to obtain authorization prior to modifying a source of air contaminants; PENALTY: \$2,250; ENFORCEMENT COORDINATOR: Amanda Diaz, (512) 239-2601; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(22) COMPANY: TPS Parking Management, LLC dba The Parking Spot; DOCKET NUMBER: 2018-0633-PST-E; IDENTIFIER: RN101949576; LOCATION: Houston, Harris County; TYPE OF FACILITY: fleet refueling facility; RULES VIOLATED: 30 TAC §115.225 and Texas Health and Safety Code, §382.085(b), by failing to comply with annual Stage I vapor recovery testing requirements; PENALTY: \$1,338; ENFORCEMENT COORDINATOR: Danielle Porras, (713) 767-3682; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(23) COMPANY: TRINITY INDUSTRIES, INCORPORATED; DOCKET NUMBER: 2018-0548-AIR-E; IDENTIFIER: RN100225523; LOCATION: Vidor, Orange County; TYPE OF FACILITY: railcar repair and painting plant; RULES VIOLATED: 30 TAC §122.143(4) and §122.145(2)(C), Federal Operating Permit (FOP) Number O1656, General Terms and Conditions (GTC), and Texas Health and Safety Code (THSC), §382.085(b), by failing to submit a deviation report no later than 30 days after the end of each reporting period; and 30 TAC §122.143(4) and §122.146(2), THSC,

§382.085(b), and FOP Number O1656, GTC and Special Terms and Conditions Number 11, by failing to submit a permit compliance certification no later than 30 days after the end of the certification period; PENALTY: \$5,626; ENFORCEMENT COORDINATOR: Carol McGrath, (210) 403-4063; REGIONAL OFFICE: 3870 Eastex Freeway, Beaumont, Texas 77703-1830, (409) 898-3838.

(24) COMPANY: Union Tank Car Company; DOCKET NUMBER: 2018-0284-AIR-E; IDENTIFIER: RN100224575; LOCATION: Cleveland, Liberty County; TYPE OF FACILITY: railcar repair, cleaning, and restoration site; RULES VIOLATED: 30 TAC §117.2035(e)(1) and §117.9200(1)(F) and Texas Health and Safety Code, §382.085(b), by failing to comply with stack testing requirements; PENALTY: \$1,900; Supplemental Environmental Project offset amount of \$760; ENFORCEMENT COORDINATOR: David Carney, (512) 239-2583; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(25) COMPANY: Yashine Incorporated dba Corner Store; DOCKET NUMBER: 2018-0498-PST-E; IDENTIFIER: RN101722452; LOCATION: Gonzales, Gonzales County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULES VIOLATED: 30 TAC §334.50(b)(1)(A) and TWC, §26.3475(c)(1), by failing to monitor the underground storage tanks for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring); PENALTY: \$3,000; ENFORCEMENT COORDINATOR: Michaelle Garza, (210) 403-4076; REGIONAL OFFICE: 6300 Ocean Drive, Suite 1200, Corpus Christi, Texas 78412-5839, (361) 825-3100.

TRD-201803165

Charmaine Backens

Director, Litigation Division

Texas Commission on Environmental Quality

Filed: July 24, 2018



Enforcement Orders

An agreed order was adopted regarding Pasadena Refining System, Inc, Docket No. 2014-0228-MLM-E on July 25, 2018, assessing \$907,191 in administrative penalties with \$453,595 deferred. Information concerning any aspect of this order may be obtained by contacting Raime Hayes-Falero, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Town of Refugio, Docket No. 2014-1043-MWD-E on July 25, 2018, assessing \$104,275 in administrative penalties. 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 City of Austin, Docket No. 2016-0073-WQ-E on July 25, 2018, assessing \$29,312 in administrative penalties. 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 H & K JOLLY LLC, Docket No. 2016-0111-MWD-E on July 25, 2018, assessing \$29,777 in administrative penalties with \$5,955 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.

A default order was adopted regarding Huong Thi-Thu Dinh and Minh P. Nguyen dba Banana Bend Beach & Park, Docket No. 2016-0430-PWS-E on July 25, 2018, assessing \$903 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Isaac Ta, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Samuel Coronado dba Citrus Trailer Park, Docket No. 2016-0632-PWS-E on July 25, 2018, assessing \$1,176 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Audrey Liter, 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 CAN-DOO BUDJET RENTALS INCORPORATED, Docket No. 2016-0948-MLM-E on July 25, 2018, assessing \$9,500 in administrative penalties with \$1,900 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 City of Thornton, Docket No. 2016-1137-MWD-E on July 25, 2018, assessing \$10,276 in administrative penalties with \$2,055 deferred. Information concerning any aspect of this order may be obtained by contacting Ross Luedtke, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding City of Brady, Docket No. 2016-1417-IWD-E on July 25, 2018, assessing \$28,750 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Lena Roberts, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A default order was adopted regarding Albert Anthony Jamail, Docket No. 2016-1452-MSW-E on July 25, 2018, assessing \$0 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Isaac Ta, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding City of Roscoe, Docket No. 2016-1533-MWD-E on July 25, 2018, assessing \$23,700 in administrative penalties with \$4,740 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 H.N.B. BROTHERS, INC. dba Fancy Food Store, Docket No. 2016-1594-PST-E on July 25, 2018, assessing \$7,956 in administrative penalties with \$1,591 deferred. Information concerning any aspect of this order may be obtained by contacting Danielle Porras, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding LALANI'S INVESTMENT INC. dba 786 Truck Stop 1, Docket No. 2016-1623-PST-E on July 25, 2018, assessing \$13,500 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Lena Roberts, 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 RSK Group Inc. dba Clark Gas & Convenience Store, Docket No. 2016-1651-PST-E on July 25, 2018, assessing \$37,225 in administrative penalties with \$7,445 deferred. In-

formation concerning any aspect of this order may be obtained by contacting Rahim Momin, 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 UNIVERSAL ENTERPRISES, INC. dba Handi Stop 116, Docket No. 2016-1675-PST-E on July 25, 2018, assessing \$16,900 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Jess Robinson, 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 GONZALES COUNTY WATER SUPPLY CORPORATION, Docket No. 2016-1755-MLM-E on July 25, 2018, assessing \$8,055 in administrative penalties with \$1,611 deferred. Information concerning any aspect of this order may be obtained by contacting Yuliya Dunaway, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding LANDMARK INDUSTRIES ENERGY, LLC dba Timewise Food Store 5701, Docket No. 2016-1799-PST-E on July 25, 2018, assessing \$30,108 in administrative penalties with \$6,021 deferred. Information concerning any aspect of this order may be obtained by contacting Abigail Lindsey, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Whitener Enterprises, Incorporated, Docket No. 2016-1822-PST-E on July 25, 2018, assessing \$7,613 in administrative penalties with \$1,522 deferred. Information concerning any aspect of this order may be obtained by contacting Claudia Corrales, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding City of Quanah, Docket No. 2016-1864-MWD-E on July 25, 2018, assessing \$37,125 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting James Boyle, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding City of Lefors, Docket No. 2016-1968-MWD-E on July 25, 2018, assessing \$64,000 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting James Boyle, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding OCCIDENTAL PERMIAN LTD., Docket No. 2016-2015-PWS-E on July 25, 2018, assessing \$172 in administrative penalties with \$172 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.

A default order was adopted regarding Charlie Card and Magdalena White, Docket No. 2016-2135-MLM-E on July 25, 2018, assessing \$2,362 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Lena Roberts, 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 STAFFORD CHEVRON, INC. dba Jacks Grocery 16, Docket No. 2017-0113-PST-E on July 25, 2018, assessing \$17,075 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Jake Marx,

Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Hub City Convenience Stores, Inc. dba Chisum Travel Center 36, Docket No. 2017-0131-PST-E on July 25, 2018, assessing \$9,000 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Audrey Liter, 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 INSTITUTE IN BASIC LIFE PRINCIPLES, INC. and International A.L.E.R.T. Academy, Docket No. 2017-0208-MWD-E on July 25, 2018, assessing \$14,238 in administrative penalties with \$2,847 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 INVISTA S.a.r.l., Docket No. 2017-0236-IHW-E on July 25, 2018, assessing \$64,997 in administrative penalties with \$12,999 deferred. Information concerning any aspect of this order may be obtained by contacting Danielle Porras, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding City of Waelder, Docket No. 2017-0380-MWD-E on July 25, 2018, assessing \$8,733 in administrative penalties with \$1,746 deferred. Information concerning any aspect of this order may be obtained by contacting Sandra Douglas, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding City of Beeville, Docket No. 2017-0447-MWD-E on July 25, 2018, assessing \$24,250 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Alejandro Laje, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding City of Mertzon, Docket No. 2017-0603-MLM-E on July 25, 2018, assessing \$28,724 in administrative penalties with \$5,744 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 L.A. PORTER CONSTRUCTION, INC., Docket No. 2017-0764-MLM-E on July 25, 2018, assessing \$30,000 in administrative penalties with \$6,000 deferred. Information concerning any aspect of this order may be obtained by contacting Christopher Moreno, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A default and shutdown order was adopted regarding Real & Retail Unlimited, Inc. dba Johnny Joes 7, Docket No. 2017-0897-PST-E on July 25, 2018, assessing \$65,250 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Lena Roberts, 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 GIRL SCOUTS OF TEXAS OKLAHOMA PLAINS, INC., Docket No. 2017-0999-PWS-E on July 25, 2018, assessing \$385 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Jason Fraley, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding United States National Park Service, Docket No. 2017-1010-PWS-E on July 25, 2018, assessing \$650 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Tyler Gerhardt, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A default order was adopted regarding W R J CLEANERS, INC dba Deluxe Cleaners, Docket No. 2017-1050-DCL-E on July 25, 2018, assessing \$1,170 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Audrey Liter, 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 Wilmer, Docket No. 2017-1071-PWS-E on July 25, 2018, assessing \$1,512 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Ross Luedtke, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Phillips 66 Company, Docket No. 2017-1092-AIR-E on July 25, 2018, assessing \$13,688 in administrative penalties with \$2,737 deferred. Information concerning any aspect of this order may be obtained by contacting Trina Grieco, 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 Yorktown, Docket No. 2017-1112-PWS-E on July 25, 2018, assessing \$3,216 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Steven Hall, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding G.T. Sirizzotti, Ltd., Docket No. 2017-1180-PST-E on July 25, 2018, assessing \$19,542 in administrative penalties with \$3,908 deferred. Information concerning any aspect of this order may be obtained by contacting Margarita Dennis, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A default and shutdown order was adopted regarding SHADA GROUP LLC dba Lulu's Supermercado, Docket No. 2017-1230-PST-E on July 25, 2018, assessing \$8,079 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Logan Harrell, 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 TPLUBB, LLC dba Pecan Grove Mobile Home Park, Docket No. 2017-1238-PWS-E on July 25, 2018, assessing \$900 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Audrey Liter, 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 Sam Rayburn Water, Inc., Docket No. 2017-1285-PWS-E on July 25, 2018, assessing \$2,590 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 Shazaa Inc dba El Nino Foods, Docket No. 2017-1355-PST-E on July 25, 2018, assessing \$11,926 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Logan Harrell, 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 HH & BAR INVESTMENTS, INC. dba Pic-N-Sav, Docket No. 2017-1398-PST-E on July 25, 2018, assessing \$15,102 in administrative penalties with \$3,020 deferred. Information concerning any aspect of this order may be obtained by contacting Danielle Porras, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding ERICKSDAHL WATER SUPPLY CORPORATION, Docket No. 2017-1399-PWS-E on July 25, 2018, assessing \$490 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Ross Luedtke, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Explorer Pipeline Company, Docket No. 2017-1402-AIR-E on July 25, 2018, assessing \$20,626 in administrative penalties with \$4,125 deferred. Information concerning any aspect of this order may be obtained by contacting Trina Grieco, 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 DUBLIN STOP GROUP INC dba Dublin Stop, Docket No. 2017-1440-PST-E on July 25, 2018, assessing \$16,352 in administrative penalties with \$3,270 deferred. Information concerning any aspect of this order may be obtained by contacting Danielle Porras, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Monarch Utilities I L.P., Docket No. 2017-1542-PWS-E on July 25, 2018, assessing \$780 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Sarah Kim, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Ms. Molly's LLC, Docket No. 2017-1608-PWS-E on July 25, 2018, assessing \$270 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Logan Harrell, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

TRD-201803181

Bridget C. Bohac

Chief Clerk

Texas Commission on Environmental Quality

Filed: July 25, 2018



Enforcement Orders

An agreed order was adopted regarding Hedwig Francisca Leyendekker, Docket No. 2016-0602-AGR-E on July 24, 2018, assessing \$3,663 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Audrey Liter, 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 Leemak LP dba Teravista Q Mart, Docket No. 2016-1464-PST-E on July 24, 2018, assessing \$7,500 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Amanda Patel, Staff

Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Mashiana Corp. dba Lovely Food Mart, Docket No. 2017-1242-PST-E on July 24, 2018, assessing \$3,563 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Joseph Washburn, 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 MCSB INVESTMENT GROUP LLC dba New Summerfield Country Store, Docket No. 2017-1697-PST-E on July 24, 2018, assessing \$5,600 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Logan Harrell, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

TRD-201803182

Bridget C. Bohac

Chief Clerk

Texas Commission on Environmental Quality

Filed: July 25, 2018



Notice of District Petition

TCEQ Internal Control No. D-04302018-072; Grangerland Development, LLC (Petitioner) filed a petition for creation of Montgomery County Municipal Utility District No. 164 (District) with the Texas Commission on Environmental Quality (TCEQ). The petition was filed pursuant to Article XVI, §59 of the Constitution of the State of Texas; Chapters 49 and 54 of the Texas Water Code; 30 Texas Administrative Code Chapter 293; and the procedural rules of the TCEQ. The petition states that: (1) the Petitioner holds title to a majority in value of the land in the proposed District; (2) there is only one lienholder, Citizens Bank, on the property to be included in the proposed District and the aforementioned entity has consented to the petition; (3) the proposed District will contain approximately 420.119 acres located within Montgomery County, Texas; and (4) the proposed District is within the extraterritorial jurisdiction of the City of Conroe, Texas and no portion of land within the proposed District is within the corporate limits or extraterritorial jurisdiction of any other city, town or village in Texas. By Resolution No. 2394-18, passed and approved March 22, 2018, the City of Conroe gave its consent to the creation of the proposed District, pursuant to Texas Water Code §54.016. The petition further states that the proposed District will purchase, construct, acquire, maintain, own, and operate water, wastewater, drainage, road, and park and recreational facilities for commercial and residential purposes. According to the petition, a preliminary investigation has been made to determine the cost of the project, and it is estimated by the Petitioner, from the information available at this time, that the cost of said project will be approximately \$31,650,000 (\$26,100,000 for utilities plus \$3,950,000 for roads plus \$1,600,000 for park and recreational facilities).

INFORMATION SECTION

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

The TCEQ may grant a contested case hearing on the petition if a written hearing request is filed within 30 days after the newspaper publication of the notice. To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an

official representative), mailing address, daytime phone number, and fax number, if any; (2) the name of the Petitioner and the TCEQ Internal Control Number; (3) the statement "I/we request a contested case hearing"; (4) a brief description of how you would be affected by the petition in a way not common to the general public; and (5) the location of your property relative to the proposed District's boundaries. You may also submit your proposed adjustments to the petition. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below. The Executive Director may approve the petition unless a written request for a contested case hearing is filed within 30 days after the newspaper publication of this notice. If a hearing request is filed, the Executive Director will not approve the petition and will forward the petition and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting. If a contested case hearing is held, it will be a legal proceeding similar to a civil trial in state district court. Written hearing requests should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address. For additional information, individual members of the general public may contact the Districts Review Team, at (512) 239-4691. Si desea información en español, puede llamar al (512) 239-0200. General information regarding TCEQ can be found at our web site at www.tceq.state.tx.us.

TRD-201803185

Bridget C. Bohac

Chief Clerk

Texas Commission on Environmental Quality

Filed: July 25, 2018



Notice of Public Hearing on Assessment of Administrative Penalties and Requiring Certain Actions of 247 Legacy Investments, LLC dba Balcones Heights Chevron

SOAH Docket No. 582-18-4787

TCEQ Docket No. 2017-0972-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 23, 2018

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 17, 2018, concerning assessing administrative penalties against and requiring certain actions of 247 Legacy Investments, LLC dba Balcones Heights Chevron, for violations in Bexar County, Texas, of: Tex. Water Code §§26.3475(c)(1), (c)(2) and (d) and 30 Tex. Admin. Code §§334.7(d)(1); 334.8(c)(5)(C); 334.10(b)(1)(B); 334.48(a) and (g); 334.49(a)(4) and (e)(1), 334.50(b)(1)(A) and (d)(1)(B)(iii)(I), 334.51(b)(2)(C), 334.72, 334.74, and 334.602(a)(4).

The hearing will allow 247 Legacy Investments, LLC dba Balcones Heights Chevron, 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 247 Legacy Investments, LLC dba Balcones Heights Chevron, 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 **247 Legacy Investments, LLC dba Balcones Heights Chevron** 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.

247 Legacy Investments, LLC dba Balcones Heights Chevron, the Executive Director of the Commission, and the Commission's Public Interest Counsel are the only designated parties to this proceeding.

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

Further information regarding this hearing may be obtained by contacting Ian Groetsch, 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.

In accordance with 1 Texas Administrative Code §155.401(a), Notice of Hearing, "Parties that are not represented by an attorney may obtain information regarding contested case hearings on the public website of the State Office of Administrative Hearings at www.soah.texas.gov, or in printed format upon request to SOAH."

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

TRD-201803186

Bridget C. Bohac

Chief Clerk

Texas Commission on Environmental Quality

Filed: July 25, 2018



Notice of Public Hearing on Assessment of Administrative Penalties and Requiring Certain Actions of Texas Landfill Management, L.L.C.

SOAH Docket No. 582-18-4881

TCEQ Docket No. 2017-0780-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 23, 2018

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 10, 2018, concerning assessing administrative penalties against and requiring certain actions of TEXAS LANDFILL MANAGEMENT, L.L.C., for violations in Victoria County, Texas, of: 30 Texas Administrative Code §§312.46(a)(1), 312.47(a)(2), 312.48, §332.33(a)(3) and (a)(4), §332.71(j)(1), and §312.82(a)(1)(B), 40 CFR §503.32(a)(7)(ii), and Municipal Solid Waste ("MSW") Registration No. 42034, Provision Section III. A.1 - Final Product Testing, Provision Section III. B - Frequency of Monitoring, Provision Section III. C.2 - Recordkeeping, and Provision Section III. D - Reporting.

The hearing will allow TEXAS LANDFILL MANAGEMENT, L.L.C., 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 TEXAS LANDFILL MANAGEMENT, L.L.C., 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 **TEXAS LANDFILL MANAGEMENT, L.L.C.** 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. TEXAS LANDFILL MANAGEMENT, L.L.C., the Executive Director of the Commission, and the Commission's Public Interest Counsel are the only designated parties to this proceeding.

Legal Authority: Texas Water Code §7.054 and Texas Water Code ch. 7, Texas Health & Safety Code ch. 361, and 30 Texas Administrative Code chs. 70, 312, and 332; Texas Water Code §7.058, and the Rules of Procedure of the Texas Commission on Environmental Quality and the State Office of Administrative Hearings, including 30 Texas Administrative Code §§70.108 and 70.109 and ch. 80, and 1 Texas Administrative Code ch. 155.

Further information regarding this hearing may be obtained by contacting Ryan Rutledge, 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.

In accordance with 1 Texas Administrative Code §155.401(a), Notice of Hearing, "Parties that are not represented by an attorney may obtain information regarding contested case hearings on the public website of the State Office of Administrative Hearings at www.soah.texas.gov, or in printed format upon request to SOAH."

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

TRD-201803187
Bridget C. Bohac
Chief Clerk
Texas Commission on Environmental Quality
Filed: July 25, 2018



Notice of Water Rights Application

Notice issued July 23, 2018

APPLICATION NO. 06-4436A; Jefferson Railport Terminal I (Texas) LLC, 350 Pine St, Suite 1725, Beaumont, Texas 77701, Applicant, has applied for an amendment to Certificate of Adjudication 06-4436 to change the place of use to a 243-acre tract in Orange County, change the diversion point to a point on the Neches River in Orange County, to increase the authorized diversion rate and to remove limiting language from the purpose of use (cooling purposes) to allow the applicant to use the water for supplemental fire water and hydrostatic testing purposes. More information on the application and how to participate in the permitting process is given below. The application was received on September 27, 2017. Additional information and fees were received on May 29, 2018. The application was declared administratively complete and filed with the Office of the Chief Clerk on June 1, 2018. The Executive Director has completed the technical review of the application and prepared a draft permit. The draft permit, if granted, would contain special conditions including, but not limited to, installing a measuring device for diversions. The application, technical memoranda, and Executive Director's draft permit are available for viewing and copying at the Office of the Chief Clerk, 12100 Park 35 Circle, Bldg. F, Austin, TX 78753. Written public comments and requests for a public meeting should be submitted to the Office of Chief Clerk, at the address provided in the information section below, within 30 days of the date of newspaper publication of the notice.

To view the complete issued notice, view the notice on our website at www.tceq.texas.gov/agency/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. Si desea información en español, puede llamar al (800) 687-4040.

TRD-201803183
Bridget C. Bohac
Chief Clerk
Texas Commission on Environmental Quality
Filed: July 25, 2018



Notice of Water Rights Application

Notices issued July 25, 2018

APPLICATION NO. 05-4662A; The Sabine River Authority of Texas, 12777 HWY 87 N. Orange, Texas 77631, Applicant, seeks to amend Certificate of Adjudication No. 05-4662 to add an upstream diversion point and a downstream diversion reach on the Sabine River, Sabine River Basin in Newton and Orange Counties. More information on the application and how to participate in the permitting process is given below. The application was received on July 7, 2016. Additional fees were received on September 8, October 13, and November 30, 2016. The application was declared administratively complete and filed with the Office of the Chief Clerk on January 17, 2017. The Executive Director has completed the technical review of the application and prepared a draft amendment. The draft permit, if granted, would include special conditions including, but not limited to, streamflow restrictions. The application, technical memoranda, and Executive Director's draft 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 the Chief Clerk, at the address provided in the information section below by August 13, 2018.

APPLICATION NO. 13418; Aethon Energy Operating LLC, 12377 Merit Dr Suite 1200, Dallas, Texas 75251, Applicant, seeks a Temporary Water Use Permit to divert and use not to exceed 2,706.8 acre-feet of water within a period of 3 years on Ayish Bayou (Bland Lake), Neches River Basin for mining purposes in San Augustine County. More information on the application and how to participate in the permitting process is given below. The application and partial fees were received on August 10, 2017. Additional information and fees were received on September 22 and December 19 and 22, 2017. The application was declared administratively complete and filed with the Office of the Chief Clerk on January 25, 2018. The Executive Director completed the technical review of the application and prepared a draft permit. The draft permit, if granted, would include special conditions including, but not limited to, installing a measuring device for diversions. The application, technical memoranda, and Executive Director's draft permit are available for viewing and copying at the Office of

the Chief Clerk, 12100 Park 35 Circle, Bldg. F, Austin, Texas 78753. Written public comments and requests for a public meeting should be submitted to the Office of the Chief Clerk, at the address provided in the information section below by August 14, 2018.

To view the complete issued notice, view the notice on our website at www.tceq.texas.gov/agency/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. Si desea información en español, puede llamar al (800) 687-4040.

TRD-201803184
Bridget C. Bohac
Chief Clerk
Texas Commission on Environmental Quality
Filed: July 25, 2018

Texas Ethics Commission

List of Late Filers

Below is a list from the Texas Ethics Commission naming the filers who failed to pay the penalty fine for failure to file the report, or filing a late report, in reference to the specified filing deadline. If you have any questions, you may contact Sue Edwards at (512) 463-5800.

Deadline: 8-Day Pre-Election Report due February 26, 2018, for Candidates and Officeholders

Warren Blake Baker, P.O. Box 80874, Austin, Texas 78708

Deadline: Special Session Report due September 14, 2017, for Committees

Wanda J. Henszen, Texans for Chris Paddie, 215 S. Market, Carthage, Texas 75633

Deadline: Semiannual Report due January 15, 2016, for Committees

Glenda G. Turner, Coastal Bend Texas Democratic Women, P.O. Box 8396, Corpus Christi, Texas 78468

Deadline: Semiannual Report due January 16, 2018, for Committees

Jein Gadson, KEY PAC, 2429 Bissonnet, Ste. 106, Houston, Texas 77005

Deadline: Lobby Activities Report due February 12, 2018

Jennifer L. Fagan, Windstream Communications, 901 S. Mopac Expy., Bldg. 1, Austin, Texas 78746

Eric Woomer, 816 Congress Ave., Ste. 701, Austin, Texas 78701

Deadline: Lobby Activities Report due April 10, 2018

Jennifer L. Fagan, Windstream Communications, 901 S. Mopac Expy., Bldg. 1, Austin, Texas 78746

TRD-201803143
Seana Willing
Executive Director
Texas Ethics Commission
Filed: July 19, 2018

General Land Office

Notice and Opportunity to Comment on Requests for Consistency Agreement/Concurrence Under the Texas Coastal Management Program

On January 10, 1997, the State of Texas received federal approval of the Coastal Management Program (CMP) (62 *Federal Register* pp. 1439 - 1440). Under federal law, federal agency activities and actions affecting the Texas coastal zone must be consistent with the CMP goals and policies identified in 31 TAC Chapter 501. Requests for federal consistency review were deemed administratively complete for the following project(s) during the period of April 23, 2018, to April 27, 2018. As required by federal law, the public is given an opportunity to comment on the consistency of proposed activities in the coastal zone undertaken or authorized by federal agencies. Pursuant to 31 TAC §§506.25, 506.32, and 506.41, the public comment period extends 30 days from the date published on the Texas General Land Office website. The notice was published on the website on Friday, July 6, 2018. The public comment period for this project will close at 5:00 p.m. on Monday, August 6, 2018.

FEDERAL AGENCY ACTIONS:

Applicant: Port of Corpus Christi Authority

Location: Aransas Channel at Harbor Island Road in Port Aransas, Nueces County

Latitude & Longitude (NAD 83): 27.850902, -97.066514

Project Description: The applicant proposes to construct a commercial 140-foot-long by 4-foot-wide pier with a 10-foot by 10-foot terminal platform. A 0.22-acre parking lot will be constructed for pier parking/access. The parking lot construction will result in approximately 0.08 acre of permanent fill material within an estuarine high marsh. The pier and terminal platform construction will result in approximately 0.006 acre of permanent shading of sea grasses and emergent wetland. Also, an 18-inch reinforced concrete pipe will be installed perpendicular to the entry driveway and parallel to Harbor Island Road to facilitate stormwater drainage.

Type of Application: U.S. Army Corps of Engineers (USACE) permit application #SWG-2018-00280. This application will be reviewed

pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act (CWA).

CMP Project No: 18-1244-F1

Applicant: City of Port Aransas

Location: Corpus Christi Bay and adjacent wetlands on bayside of Mustang Island at the Mustang Beach Airport

Latitude & Longitude (NAD 83): 28.814528, -97.093205

Project Description: The applicant proposes to: 1) construct a taxiway turnaround on the northwest end of the existing runway; 2) extend the existing runway and parallel taxiway to the southeast; 3) construct an apron north of the extended runway; and 4) relocate an existing drainage ditch to the north of the proposed runway extension. These activities would result in permanent placement of fill material within approximately 2.11 acres of aquatic resources. The impacted resources would include: approximately 1.1 acres of palustrine emergent wetland, approximately 0.1 acre of estuarine emergent/tidal flat wetland, approximately 0.6 acre of estuarine emergent/scrub-shrub (mangrove) wetland, approximately 0.03 acre of estuarine open water, and approximately 0.28 acre of man-made ditch.

Type of Application: U.S. Army Corps of Engineers (USACE) permit application #SWG-2018-00189. This application will be reviewed pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act.

CMP Project No: 18-1245-F1

FEDERAL AGENCY ACTIVITIES:

Applicant: U.S. Army Corps of Engineers (USACE)

Project Description: USACE, in partnership with Jefferson County and Sabine Neches Navigation District, has selected a plan for ecosystem restoration. The plan incorporated marsh and Gulf Intracoastal Waterway (GIWW) shoreline restoration features which are critical to the stabilization and sustenance of the critical marsh resources. The plan includes marsh restoration and/or nourishment and construction of rock breakwater features. Construction would be on lands owned by Texas Parks and Wildlife Department JD Murphree Wildlife Management Area, U.S. Fish and Wildlife Service McFaddin National Wildlife Refuge, and private lands.

CMP Project No.: 18-1254-F2

Further information on the applications listed above, including a copy of the consistency certifications or consistency determinations for inspection, may be obtained from Ms. Allison Buchtien, P.O. Box 12873, Austin, Texas 78711-2873, or via email at federal.consistency@glo.texas.gov. Comments should be sent to Ms. Buchtien at the above address or by email.

TRD-201803178

Mark A. Havens

Chief Clerk and Deputy Land Commissioner

General Land Office

Filed: July 25, 2018

Texas Health and Human Services Commission

Notice of Adopted Medicaid Payment Rate for Pediatric Care Facility

Adopted Rate. As the single state agency for the state Medicaid program, the Texas Health and Human Services Commission (HHSC) has

adopted the following per diem reimbursement rate for the Nursing Facility program.

The reimbursement rate for the nursing facility pediatric care facility special reimbursement class for Truman W. Smith Children's Care Center is \$291.17 per day to be effective retroactive to January 1, 2018.

Hearing. HHSC conducted a public hearing on July 2, 2018, to receive public comment on the proposed rate. The hearing was held in accordance with Title 1 of the Texas Administrative Code (TAC) §355.105(g), which requires that public hearings be held on proposed Medicaid reimbursements before such rates are approved by HHSC. The public hearing notice and the notice of the proposed reimbursement rate were published in the June 15, 2018, issue of the *Texas Register* (43 TexReg 3931).

Methodology and Justification. The adopted rate was determined in accordance with the rate setting methodology codified at 1 TAC §355.307, Reimbursement Setting Methodology.

TRD-201803173

Karen Ray

Chief Counsel

Texas Health and Human Services Commission

Filed: July 24, 2018

Public Notice - Amendment to the Community Living Assistance and Support Services Waiver Program

The Texas Health and Human Services Commission (HHSC) is submitting to the Centers for Medicare & Medicaid Services (CMS) a request for an amendment to the Community Living Assistance and Support Services (CLASS) waiver program, a waiver implemented under the authority of section 1915(c) of the Social Security Act. CMS has approved this waiver through August 31, 2019. The proposed effective date for the amendment is January 1, 2019, with no changes to cost neutrality.

This amendment request proposes to amend Appendix I-2 to require provider cost reports to be submitted biennially instead of annually and to update the reviewing entity as the Cost Report Review Unit.

The CLASS waiver, first authorized September 1, 1991, provides community-based services and supports to eligible individuals as an alternative to an intermediate care facility for individuals with intellectual disabilities. CLASS waiver services are intended to, as a whole, enhance the individual's integration into the community, maintain or improve the individual's independent functioning, and prevent the individual's admission to an institution. Services and supports are intended to enhance an individual's quality of life, functional independence, health and welfare, and to supplement, rather than replace, existing informal or formal supports and resources.

An individual may obtain free copies of the proposed waiver amendment, including the CLASS settings transition plan, or if you have questions, need additional information, or wish to submit comments regarding this amendment or the CLASS settings transition plan, interested parties may contact Courtney Pool by U.S. mail, telephone, fax, or email. The addresses are as follows:

U.S. Mail

Texas Health and Human Services Commission

Attention: Courtney Pool, Waiver Coordinator, Policy Development Support

P.O. Box 13247

Mail Code H-600
Austin, Texas 78711-3247

Telephone

(512) 424-6889

Fax

Attention: Courtney Pool, Waiver Coordinator, at (512) 487-3403

Email

TX_Medicaid_Waivers@hhsc.state.tx.us

In addition, the HHSC local offices will post this notice for 30 days. The complete waiver amendment request can be found online on the HHSC website at:

<https://hhs.texas.gov/laws-regulations/policies-rules/waivers/class-waiver-applications>

TRD-201803171

Karen Ray

Chief Counsel

Texas Health and Human Services Commission

Filed: July 24, 2018



Public Notice - Amendment to the Youth Empowerment Services Waiver Program

The Texas Health and Human Services Commission (HHSC) is submitting to the Centers for Medicare & Medicaid Services (CMS) a request for an amendment to the Youth Empowerment Services (YES) waiver program, a waiver implemented under the authority of section 1915(c) of the Social Security Act. CMS has approved this waiver through March 31, 2023. The proposed effective date for the amendment is January 1, 2019, with no changes to cost neutrality.

This amendment request proposes to amend Appendix I-2 to require provider cost reports to be submitted biennially instead of annually and to correct the number of slots in the reserved capacity group in Appendix B-3.

The YES waiver program is designed to provide home and community-based services to children with serious emotional disturbances and their families, with a goal of reducing or preventing children's inpatient psychiatric treatment and the consequent removal from their families. The waiver currently serves eligible children who are at least age 3 but under age 19.

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

U.S. Mail

Texas Health and Human Services Commission

Attention: Courtney Pool, Waiver Coordinator, Policy Development Support

P.O. Box 13247

Mail Code H-600

Austin, Texas 78711-3247

Telephone

(512) 424-6889

Fax

Attention: Courtney Pool, Waiver Coordinator, at (512) 487-3403

Email

TX_Medicaid_Waivers@hhsc.state.tx.us

In addition, the HHSC local offices will post this notice for 30 days. The complete waiver amendment request can be found online on the HHSC website at:

<https://www.dshs.texas.gov/mhsa/yes/>

TRD-201803172

Karen Ray

Chief Counsel

Texas Health and Human Services Commission

Filed: July 24, 2018



Public Notice - Request for an Amendment of the Deaf Blind with Multiple Disabilities Waiver Program

The Texas Health and Human Services Commission (HHSC) is submitting to the Centers for Medicare & Medicaid Services (CMS) a request for an amendment of the Deaf Blind with Multiple Disabilities (DBMD) waiver program, a waiver implemented under the authority of section 1915(c) of the Social Security Act. CMS has approved this waiver through February 28, 2023. The proposed effective date for the amendment is January 1, 2019, with no changes to cost neutrality.

This amendment request proposes to amend Appendix I-2 to require provider cost reports to be submitted biennially instead of annually and to update the reviewing entity as the Cost Report Review Unit.

The Deaf Blind with Multiple Disabilities program serves individuals with legal blindness, deafness, or a condition that leads to deaf-blindness, and at least one additional disability that limits functional abilities. The program serves individuals in the community who would otherwise require care in an ICF/IID.

An individual may obtain free copies of the proposed waiver amendment, including the DBMD settings transition plan, or if you have questions, need additional information, or wish to submit comments regarding this amendment or the DBMD settings transition plan, interested parties may contact Courtney Pool by U.S. mail, telephone, fax, or email. The addresses are as follows:

U.S. Mail

Texas Health and Human Services Commission

Attention: Courtney Pool, Waiver Coordinator, Policy Development Support

P.O. Box 13247

Mail Code H-600

Austin, Texas 78711-3247

Telephone

(512) 424-6889

Fax

Attention: Courtney Pool, Waiver Coordinator, at (512) 487-3403

Email

TX_Medicaid_Waivers@hhsc.state.tx.us

In addition, the HHSC local offices will post this notice for 30 days. The complete waiver amendment request can be found online on the HHSC website at <https://hhs.texas.gov/laws-regulations/policies-rules/waivers/dbmd-waiver-applications>.

TRD-201803170

Karen Ray

Chief Counsel

Texas Health and Human Services Commission

Filed: July 24, 2018

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Department of State Health Services

Notice of Public Hearing on the State Plan for *Streptococcus pneumoniae*

House Bill 970, 85th Legislature, Regular Session, 2017, added Health and Safety Code, Chapter 94A, which directs the Department of State Health Services (DSHS) to develop a state plan for prevention and treatment of diseases caused by *Streptococcus pneumoniae*, including strategies for demographic groups that are disproportionately affected (persons who are elderly, children under two years of age, persons living in long-term care facilities, persons with a chronic heart or lung disease, smokers, and persons with asplenia). In developing the plan, DSHS must seek the advice of:

1. The public, including members of the public who have been infected with *Streptococcus pneumoniae*;
2. Each state agency that provides services to persons infected with *Streptococcus pneumoniae* or that is assigned duties related to diseases caused by *Streptococcus pneumoniae*, including any appropriate health and human services agency described by §531.001, Government Code, the Employees Retirement System of Texas, and the Teacher Retirement System of Texas;
3. Any advisory body that addresses issues related to diseases caused by *Streptococcus pneumoniae*;
4. Public advocates concerned with issues related to diseases caused by *Streptococcus pneumoniae*;
5. Providers of services to persons with diseases caused by *Streptococcus pneumoniae*;
6. A statewide professional association of physicians; and
7. A statewide professional association of nurses.

DSHS will conduct a public hearing in order to receive advice on prevention and treatment strategies to be included in the State Plan for *Streptococcus pneumoniae* on July 31, 2018, at 10:00 a.m. at the Texas Department of State Health Services, Moreton Building, Room M-100, 1100 West 49th Street, Austin, Texas 78756.

Parties interested in the development of the state plan for prevention and treatment of diseases caused by *Streptococcus pneumoniae* may also submit written comments. Written comments will be taken until 5:00 p.m. on Friday, August 31, 2018. Comments may be sent by U.S. mail, overnight mail, special delivery mail, or hand delivery to the Texas Department of State Health Services, Attention: Linc Allen, Bernstein Building, 1100 West 49th Street, Mail Code 1946, Austin, Texas 78756. Comments can also be submitted by fax to (512) 776-7288 with Attention: Linc Allen, or by email to Immunization.Info@dshs.texas.gov. In the subject line, please indicate "Comments for Public Hearing on the State Plan for *Streptococcus pneumoniae*."

Questions regarding agenda items, content, or meeting arrangements should be directed to Linc Allen, Public Information Team Lead, Phone (512) 776-6266, or email at Immunization.Info@dshs.texas.gov.

This hearing 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 Anne Mosher, Department of State Health Services, telephone (512) 776-2780, at least 72 hours before the meeting so appropriate arrangements can be made.

This meeting will be webcast. To access the webcast, please refer to the HHS website at <https://hhs.texas.gov/about-hhs/communications-events/live-archived-meetings> on the day and time of the meeting.

TRD-201803141

Barbara L. Klein

General Counsel

Department of State Health Services

Filed: July 19, 2018

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Texas Department of Insurance

Company Licensing

Application for incorporation in the state of Texas by JUNTOS HEALTH PLAN INC, a domestic Health Maintenance Organization. The home office is in San Antonio, Texas.

Application for SOUTHERN INSURANCE COMPANY, a domestic fire and/or casualty company, to change its name to REPUBLIC SOUTHERN INSURANCE COMPANY. The home office is in Dallas, Texas.

Application for FINANCIAL ASSURANCE LIFE INSURANCE COMPANY, a domestic life, accident and/or health company, to change its name to UPSTREAM LIFE INSURANCE COMPANY. The home office is in Dallas, Texas.

Application for HARTFORD INTERNATIONAL LIFE REASSURANCE CORPORATION, a foreign life, health and/or accident company, to change its name to TALCOTT RESOLUTION INTERNATIONAL LIFE REASSURANCE CORPORATION. The home office is in Windsor, Connecticut.

Application for HARTFORD LIFE AND ANNUITY INSURANCE COMPANY, a foreign life, health and/or accident company, to change its name to TALCOTT RESOLUTION LIFE AND ANNUITY INSURANCE COMPANY. The home office is in Windsor, Connecticut.

Application for HARTFORD LIFE INSURANCE COMPANY, a foreign life, health and/or accident company, to change its name to TALCOTT RESOLUTION LIFE INSURANCE COMPANY. The home office is in Windsor, Connecticut.

Any objections must be filed with the Texas Department of Insurance, within twenty (20) calendar days from the date of the *Texas Register* publication, addressed to the attention of Jeff Hunt, 333 Guadalupe Street, MC 103-CL, Austin, Texas 78701.

TRD-201803179

Norma Garcia

General Counsel

Texas Department of Insurance

Filed: July 25, 2018

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North Central Texas Council of Governments

Request for Proposals for Regional Trail Connections to Rail Stations - Preliminary Engineering Project

The North Central Texas Council of Governments (NCTCOG) is requesting consultant assistance for a Regional Trail Connections to Rail Stations Preliminary Engineering project. The goal of this project is to evaluate alignment options and recommend a preferred route for a Regional Veloweb shared-use path in Denton and Dallas Counties, Texas. The project study area is bounded on the north by the Denton County Transportation Authority (DCTA) Hebron Station in Lewisville and continues southward approximately 8 miles to the Campion Trail along the border of Coppell and Irving. An additional three miles of regional trail connections are included to link with the North Carrollton/Frankford Dallas Area Rapid Transit (DART) Rail Station and the Trinity Mills DART Rail Station in Carrollton, and to the North Levee Trail along Denton Creek in northern Coppell. Project deliverables will include a design development schematic, environmental summary, necessary right-of-way and/or easements, and opinions of probable costs by jurisdiction.

Proposals must be received no later than 5:00 p.m. Central Time, on Friday, August 31, 2018, to Kevin Kokes, Principal Transportation Planner, North Central Texas Council of Governments, 616 Six Flags Drive, Arlington, Texas 76011. The Request for Proposals will be available at www.nctcog.org/rfp by the close of business on Friday, August 3, 2018.

NCTCOG encourages participation by disadvantaged business enterprises and does not discriminate on the basis of age, race, color, religion, sex, national origin, or disability.

TRD-201803175

R. Michael Eastland

Executive Director

North Central Texas Council of Governments

Filed: July 24, 2018



Public Utility Commission of Texas

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 18, 2018, in accordance with the Texas Water Code.

Docket Style and Number: Application of J&S Water Company, LLC and Nerro Supply, LLC for Sale, Transfer, or Merger of Facilities and Certificate Rights in Harris, Chambers, and Liberty Counties, Docket Number 48532.

The Application: J&S Water Company, LLC (J&S Water) and Nerro Supply, LLC (Nerro Supply) filed an application for the sale, transfer, or merger of facilities and certificate rights in Harris, Chambers, and Liberty Counties. The applicants entered into an agreement for the purchase and transfer of Maple Leaf Gardens PWS, Oakland Village PWS, and Woodland Acres PWS. If approved, J&S Water will deed the PWS facilities and water service areas under water certificate of convenience and necessity (CCN) No. 12085 and sewer CCN No. 20658 to Nerro Supply's water CCN No. 12252 and sewer CCN No. 20366. This transfer includes approximately 154 acres and 553 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 48532.

TRD-201803153

Andrea Gonzalez

Assistant Rules Coordinator

Public Utility Commission of Texas

Filed: July 20, 2018



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 18, 2018, in accordance with the Texas Water Code.

Docket Style and Number: Application of Bammel Forest Utility Company and Quadvest, L.P. for Sale, Transfer, or Merger of Facilities and Certificate Rights in Harris County, Docket Number 48533.

The Application: Bammel Forest Utility Company and Quadvest, L.P. (collectively, applicants) filed an application for sale, transfer, or merger of facilities and certificate rights in Harris County. The applicants entered into an asset purchase agreement in which Bammel Forest will sell all of its water production and distribution assets to Quadvest. Bammel Forest's CCN No. 11597 will be cancelled and assets will be transferred to Quadvest's CCN No. 11612. This transfer includes approximately 324 acres and 346 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 48533.

TRD-201803176

Andrea Gonzalez

Assistant Rules Coordinator

Public Utility Commission of Texas

Filed: July 24, 2018



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

Notice is given to the public of an application filed with the Public Utility Commission of Texas (commission) on May 21, 2018, in accordance with Public Utility Regulatory Act §§54.151 - 54.156.

Docket Title and Number: Application of Mitel Cloud Services, Inc. to Amend a Service Provider Certificate of Operating Authority, Docket No. 48379.

Mitel Cloud Services, Inc. seeks approval to amend Service Provider Certificate of Operating Authority No. 60066 to reflect a change in ownership and control. Applicants request an amendment to reflect a transfer of Mitel Cloud Services, Inc. to MLN TopCo Ltd.

Persons wishing to 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 no later than

August 17, 2018. Hearing and speech-impaired individuals with text telephone (TTY) may contact the commission through Relay Texas by dialing 7-1-1. All comments should reference Docket Number 48379.

TRD-201803177

Andrea Gonzalez

Assistant Rules Coordinator

Public Utility Commission of Texas

Filed: July 24, 2018



Texas Department of Transportation

Notice of Award

In accordance with Government Code, Chapter 2254, Subchapter B, the Texas Department of Transportation (department) publishes this notice of a consultant contract award for providing Enterprise Information Management Strategic Planning services to the department. Notice of the request for proposals was published in the February 16, 2018, issue of the *Texas Register* (43 TexReg 966).

Consultant will assist the department's Information Management Division (IMD) with strategic planning, roadmap development, and organizational change management in support of the Enterprise Information Management (EIM) program.

The selected consultant for these services is Grant Thornton, LLP, 111 Congress Ave., Suite 2500, Austin, Texas 78701. The total value of the contract is \$3,322,964. The contract was executed on July 18, 2018, and will continue through August 31, 2019.

TRD-201803164

Joanne Wright

Deputy General Counsel

Texas Department of Transportation

Filed: July 23, 2018



Public Notice - Aviation

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

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

www.txdot.gov/inside-txdot/get-involved/about/hearings-meetings.html.

Or visit www.txdot.gov, and under How Do I, choose Find Hearings and Meetings, then choose Hearings and Meetings, and then choose Schedule.

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

TRD-201803169

Joanne Wright

Deputy General Counsel

Texas Department of Transportation

Filed: July 24, 2018

