

# TEXAS REGISTER

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Texas Register



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How to Use the Texas Register

Information Available. The 11 sections of the Texas Register represent various facets of state government. Documents contained within them include:

Governor - Appointments, executive orders, and proclamations.

Attorney General - summaries of requests for opinions, opinions, and open records decisions.

Secretary of State - opinions based on the election laws.

Texas Ethics Commission - summaries of requests for opinions and opinions.

Emergency Rules- sections adopted by state agencies on an emergency basis.

Proposed Rules - sections proposed for adoption.

Withdrawn Rules - sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the Texas Register six months after the proposal publication date.

Adopted Rules - sections adopted following a 30-day public comment period

Tables and Graphics - graphic material from the proposed, emergency and adopted sections.

Open Meetings - notices of open meetings.

In Addition - miscellaneous information required to be published by statute or provided as a public service.

Specific explanation on the contents of each section can be found on the beginning page of the section. The division also publishes cumulative quarterly and annual indexes to aid in researching material published

How to Cite: Material published in the Texas Register is referenced by citing the volume in which the document appears, the words "TexReg" and the beginning page number on which that document was published. For example, a document published on page 2402 of Volume 19 (1994) is cited as follows: 19 TexReg 2402.

In order that readers may cite material more easily, page numbers are now written as citations. Example, on page 2 in the lower-left hand corner of the page, would be written "19 TexReg 2 issue date," while on the opposite page, page 3, in the lower right-hand corner, would be written "issue date 19 TexReg 3."

How to Research: The public is invited to research rules and information of interest between 8 a.m. and 5 p.m. weekdays at the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos, Austin. Material can be found using Texas Register indexes, the Texas Administrative Code, section numbers, or TRD number.

Texas Administrative Code

The Texas Administrative Code (TAC) is the official compilation of all final state agency rules published in the Texas Register. Following its effective date, a rule is entered into the Texas Administrative Code. Emergency rules, which may be adopted by an agency on an interim basis, are not codified within the TAC. West Publishing Company, the official publisher of the TAC, publishes on an annual basis.

The TAC volumes are arranged into Titles (using Arabic numerals) and Parts (using Roman numerals)

The Titles are broad subject categories into which the agencies are grouped as a matter of convenience. Each Part represents an individual state agency. The Official TAC also is available on WESTLAW, West's computerized legal research service, in the TX-ADC database.

To purchase printed volumes of the TAC or to inquire about WESTLAW access to the TAC call West: 1-800-328-9352.

The Titles of the TAC, and their respective Title numbers are:

- 1. Administration
4. Agriculture
7. Banking and Securities
10. Community Development
13. Cultural Resources
16. Economic Regulation
19. Education
22. Examining Boards
25. Health Services
28. Insurance
30. Environmental Quality
31. Natural Resources and Conservation
34. Public Finance
37. Public Safety and Corrections
40. Social Services and Assistance
43. Transportation

How to Cite: Under the TAC scheme, each section is designated by a TAC number. For example in the citation 1 TAC §27.15:

1 indicates the title under which the agency appears in the Texas Administrative Code; TAC stands for the Texas Administrative Code, §27.15 is the section number of the rule (27 indicates that the section is under Chapter 27 of Title 1; 15 represents the individual section within the chapter).

How to update: To find out if a rule has changed since the publication of the current supplement to the Texas Administrative Code, please look at the Table of TAC Titles Affected. The table is published cumulatively in the blue-cover quarterly indexes to the Texas Register (January 21, April 15, July 12, and October 11, 1994). In its second issue each month the Texas Register contains a cumulative Table of TAC Titles Affected for the preceding month. If a rule has changed during the time period covered by the table, the rule's TAC number will be printed with one or more Texas Register page numbers, as shown in the following example

TITLE 40. SOCIAL SERVICES AND ASSISTANCE
Part I. Texas Department of Human Services
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The Table of TAC Titles Affected is cumulative for each volume of the Texas Register (calendar year).

Update by FAX. An up-to-date Table of TAC Titles Affected is available by FAX upon request. Please specify the state agency and the TAC number(s) you wish to update. This service is free to Texas Register subscribers. Please have your subscription number ready when you make your request. For non-subscribers there will be a fee of \$2.00 per page (VISA, MasterCard) (512) 463-5561

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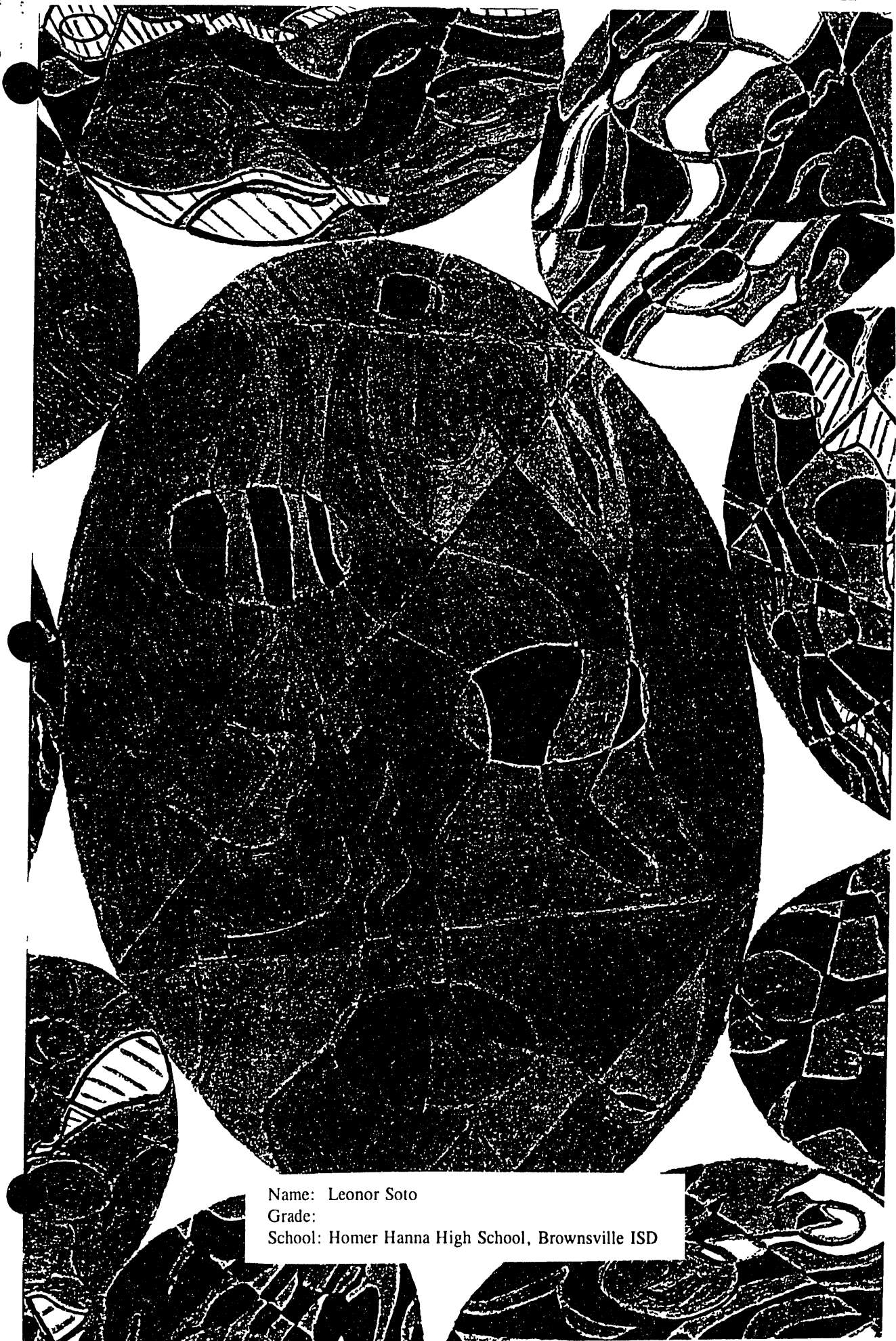
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Name: Leonor Soto  
Grade:  
School: Homer Hanna High School, Brownsville ISD



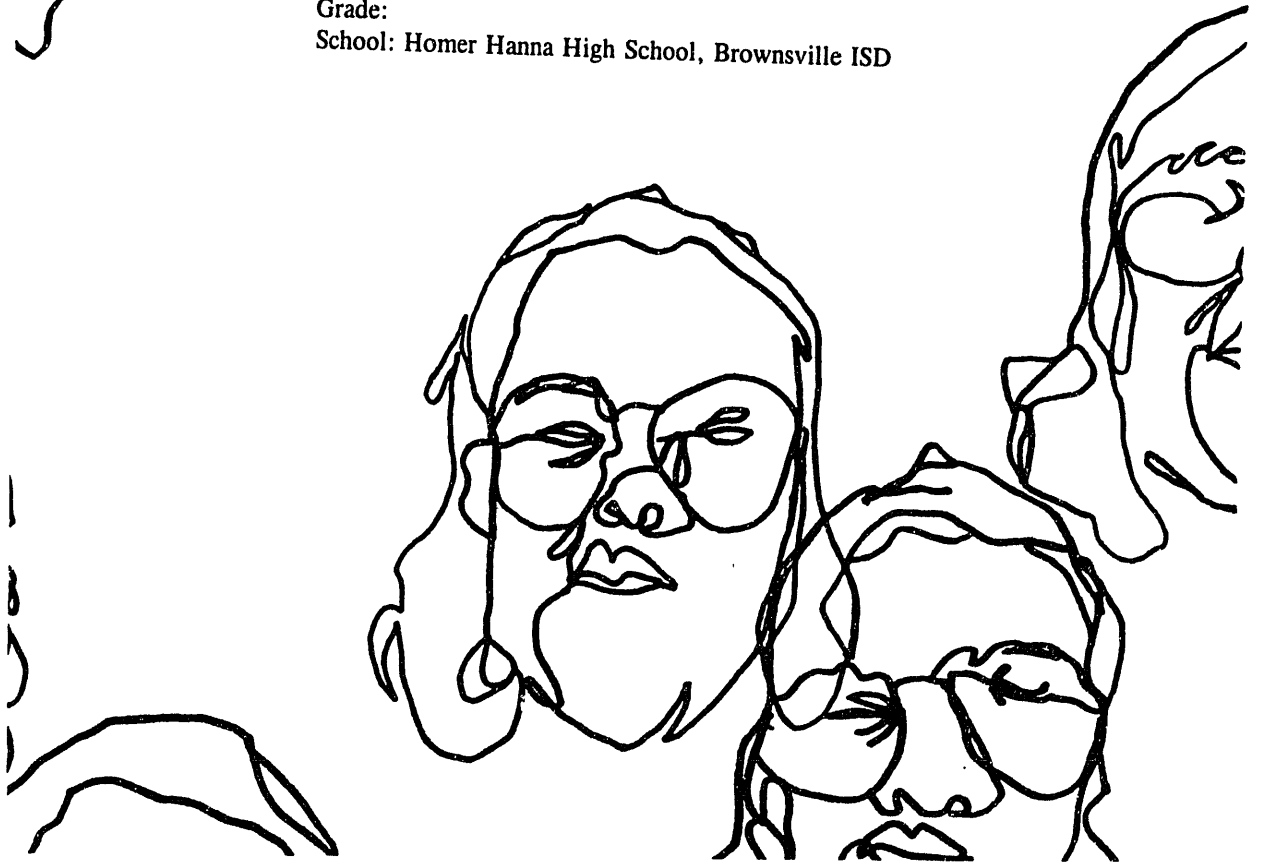
Name: Celena Ruiz

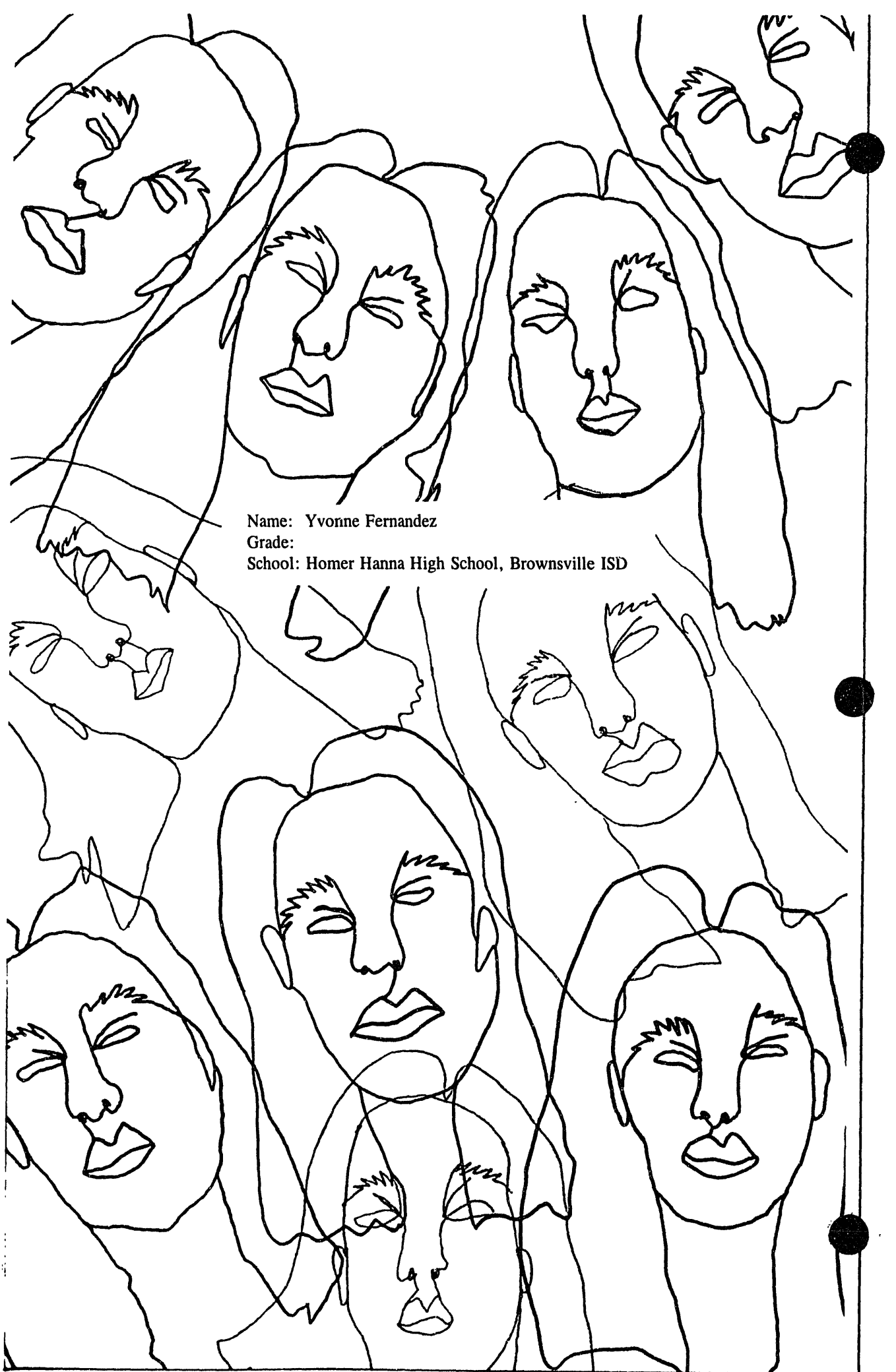
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# THE GOVERNOR

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As required by Texas Civil Statutes, Article 6252-13a, §6, the *Texas Register* publishes executive orders issued by the Governor of Texas. Appointments and proclamations are also published. Appointments are published in chronological order. Additional information on documents submitted for publication by the Governor's Office can be obtained by calling (512) 463-1828.

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## Appointments Made May 30, 1995

To be a member of the **Governing Board of the Texas School for the Blind and Visually Impaired** for a term to expire January 31, 2001: Anita Bonanno, 8910 Willow Meadow, Houston, Texas 77031-1828. Mrs. Bonanno will be replacing Chris D. Prentice of Lubbock whose term expired.

To be a member of the **Public Counsel of the Office of Public Utility Counsel** for a term to expire February 1, 1997: Suzi Ray McClellan, 2637 Deerfoot Trail, Austin, Texas 78704. Mrs. McClellan will be replacing Walter Washington of Austin whose term expired.

To be a member of the **State Aircraft Pooling Board** for a term to expire January 31, 2001: Joe B. McShane, III, 4507 Teakwood Trace, Midland, Texas 79707. Mr. McShane will be replacing Dr. Richard Box of Austin whose term expired.

To be a member of the **Texas State Board of Public Accountancy** for a term to expire January 31, 2001: Lou Miller, 4314 Katrina Street, San Antonio, Texas 78220. Mr. Miller will be replacing William R. Cox of Houston whose term expired.

## Appointments Made June 2, 1995

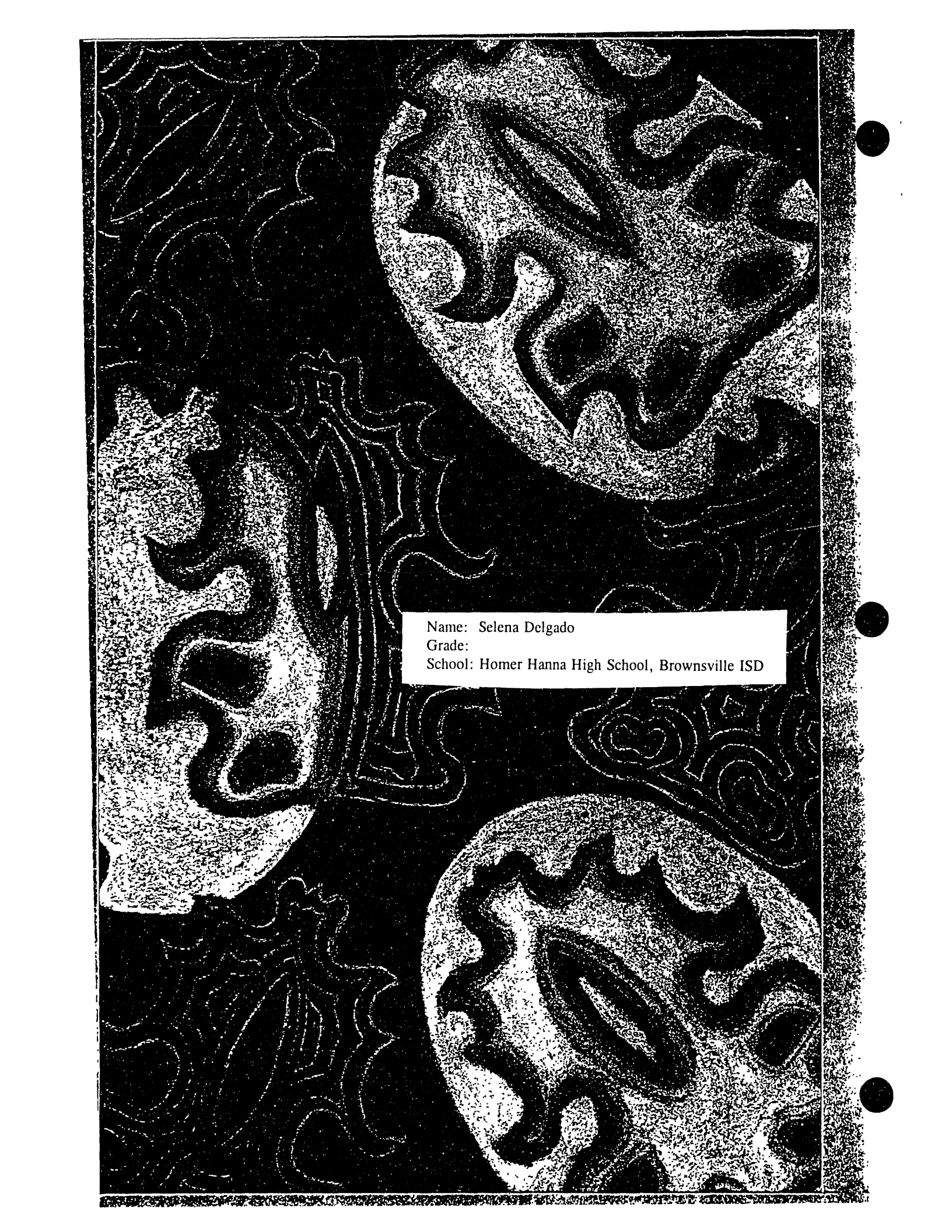
To be a member of the **General Services Commission** for a term at the pleasure of the Governor. Mr. Jackson of Dallas will be replacing Paul Hobby of Houston as chairman. Mr. Hobby will continue to serve on the commission.

Issued in Austin, Texas, on June 6, 1995.

TRD-9506791

George W. Bush  
Governor of Texas





Name: Selena Delgado  
Grade:  
School: Homer Hanna High School, Brownsville ISD

# EMERGENCY RULES

An agency may adopt a new or amended section or repeal an existing section on an emergency basis if it determines that such action is necessary for the public health, safety, or welfare of this state. The section may become effective immediately upon filing with the **Texas Register**, or on a stated date less than 20 days after filing and remaining in effect no more than 120 days. The emergency action is renewable once for no more than 60 additional days.

**Symbology in amended emergency sections.** New language added to an existing section is indicated by the use of **bold text**. [Brackets] indicate deletion of existing material within a section.

## TITLE 37. PUBLIC SAFETY AND CORRECTIONS

### Part I. Texas Department of Public Safety

#### Chapter ~~23~~. Vehicle Inspection

##### Parameter Vehicle Emission Inspection and Maintenance Program

###### • 37 TAC §23.91, §23.92

The Texas Department of Public Safety adopts on an emergency basis new §23.91 and §23.92, concerning Parameter Motor Vehicle Emission Inspection and Maintenance Program. The adoptions are necessary to implement the provisions of Senate Bill 178, 74th Legislature, 1995, which requires the Texas Department of Public Safety to establish a parameter motor vehicle emission inspection and maintenance program effective June 1, 1995.

Section 23.91 establishes a parameter motor vehicle emission inspection and maintenance program for vehicles registered in Collin, Dallas, Denton, Harris, El Paso, and Tarrant Counties, because such counties do not meet national ambient air quality standards for ozone. The program will be designated to facilitate these counties compliance with the Federal Clean Air Act. Section 23.91 would require inspection of 1968 through 1979 model vehicles for thermostatic air intake system, exhaust gas recirculation system (EGR valve), PCV valves and hoses, air injection system, and evaporative emission system (canister). Beginning with the 1980 year model, vehicles would be inspected for the presence of catalysts and choke systems. In addition, 1984 and later year model passenger cars and light-duty trucks would be inspected for misfire, oxygen sensor and valves, emission-related recall, and emission-related maintenance.

Section 23.92 establishes an Idle Emissions Inspection and Maintenance Program for vehicles registered in Dallas, Tarrant, and El Paso Counties in order to reduce carbon monoxide emissions from automobiles, because these counties do not meet national ambient air quality standards. The program will be designed to facilitate the compliance of these counties with the Federal Clean Air Act.

This rule will require inspection of 1975 and newer model year passenger cars and light-duty trucks for excessive carbon monoxide emissions in addition to those items of inspection required in §23.91. The idle emissions inspection will be accomplished by use of a four-gas analyzer. An additional vehicle inspection fee is proposed and will be retained by the vehicle inspection station.

The rules are adopted on an emergency basis under the Health and Safety Code, §382.0371 and §382.038, and Texas Civil Statutes, Article 6701d, §§140-142 which provides the Public Safety Commission with the authority to establish any motor vehicle emissions inspection and maintenance program required by federal law or by a rule or order adopted under federal law. See also Attorney General Opinion JM-138, dated March 16, 1984.

#### §23.91 Parameter Vehicle Emission Inspection and Maintenance Program.

(a) All 1968 and newer year model passenger cars and light-duty trucks registered in any designated county or presented for inspection in any designated county must be inspected, as part of, and at the time of, the required annual vehicle inspection, under the Parameter Vehicle Emission Inspection and Maintenance Program and the rules of the department applicable to the particular year model. Provided, that a vehicle is not subject to an initial parameter vehicle emission inspection until after the date of the second anniversary of the vehicle's first sale. On vehicles originally sold and registered in Texas, it will be presumed that the date of the second anniversary of the vehicle's first sale will be upon the expiration of the two year safety inspection certificate unless the person seeking the safety inspection presents appropriate proof otherwise. On all vehicles that do not have a two year safety certificate it will be presumed that the date of the second anniversary of the vehicle's first sale will be the last day of September of the year model of the vehicle, unless the person seeking the safety inspection certificate presents appropriate proof otherwise. Appropriate proof will be in the form of any one of the following documents that include the date of the first sale: a bill of sale; a retail

installment contract; the manufacturer's statement of origin; a purchase agreement; an extended warranty contract; or the first issued registration receipt. After the date of the second anniversary of the vehicle's first sale a vehicle may not be issued an annual safety inspection certificate until the vehicle has passed the appropriate vehicle emissions inspection required for that vehicle. A person seeking a safety inspection certificate may present appropriate proof in a form approved by the department that the vehicle has passed the vehicle emissions inspection required for that vehicle. The following vehicles are exempt from all vehicle emission inspection requirements:

(1) a vehicle registered as an antique motor vehicle under Texas Civil Statutes, Article 6675a-5a,

(2) a vehicle registered as a classic motor vehicle under Texas Civil Statutes, Article 6675a-5n.;

(3) a vehicle required to display a slow-moving emblem by Texas Civil Statutes, Article 6701-d, §139B; or

(4) a circus vehicle that is registered to an entity engaged in the business of a commercial variety show featuring animal acts for public entertainment, and which is licensed by the Texas Board of Health under Chapter 824 of the Health and Safety Code.

(b) Certified inspectors that have completed the training for the Parameter Vehicle Emission Inspection and Maintenance Program in designated counties must perform the parameter vehicle emission inspection and maintenance inspection on all 1968 and later model year passenger cars and light-duty trucks presented for inspection. For the purpose of the Parameter Vehicle Emission Inspection and Maintenance Program described in this section, the term "designated counties" shall mean the counties of Collin, Dallas, Denton, El Paso, Harris, and Tarrant. Vehicle emission inspections shall be conducted only in certified Official Texas Vehicle Inspection Stations.

(c) Certified inspectors in all counties other than designated counties must

perform the parameter vehicle emission inspection and maintenance inspection on all 1968 and later model year passenger cars and light-duty trucks presented for inspection which are currently registered and operated in designated counties, provided that the certified inspectors have completed the training for the Parameter Vehicle Emission Inspection and Maintenance Program and hold the department's current inspector's certificate for such training.

(d) In order to determine whether a vehicle is currently registered in a designated county, registration will be verified. Vehicles registered in designated counties will be identified by a distinguishing validation sticker as determined by the Texas Department of Transportation. Certified inspectors in the counties named in subsection (b) of this section and certified inspectors in counties adjoining designated counties will verify the registration validation stickers of each 1968 or later model year passenger car or light-duty truck presented for inspection.

(e) Except for those vehicles registered in designated counties which must also be inspected under the Vehicle Idle Emissions Inspection and Maintenance Program, in accordance with §23.92 of this title (relating to Vehicle Idle Emissions Inspection and Maintenance Program), vehicles having been inspected under the Parameter Vehicle Emission Inspection and Maintenance Program and found to have met the requirements of such program in addition to all other vehicle inspection requirements will be approved by the certified inspector, who will thereafter affix to the windshield an inspection certificate with a blue numeral insert designating the month in which the vehicle was inspected. The only valid inspection certificate for vehicles subject to the Parameter Vehicle Emission Inspection and Maintenance Program shall be an inspection certificate with the appropriate and currently effective blue numeral insert, except that vehicles registered in counties designated in §23.92 of this title (relating to the Vehicle Idle Emissions Inspection and Maintenance Program) shall bear an inspection certificate with a green numeral insert.

(f) Provided, that a vehicle which is registered in a designated county and which is otherwise subject to the Parameter Vehicle Emission Inspection and Maintenance Program need not display an inspection certificate with a blue or green numeral insert if:

(1) the vehicle is owned by a person (or persons) who does not reside within any of the territorial boundaries of a designated county; and

(2) the vehicle is operated within the territorial boundaries of designated counties on not more than 15 days per calendar year.

(g) If a person claiming to be covered by subsection (f) of this section is prosecuted for operating a vehicle on the highways in a designated county without displaying a valid inspection certificate, the defendant must prove by a preponderance of the evidence that the circumstances, as provided in subsection (f)(1) and (2) of this section, exist.

(h) Only those certified inspectors who have successfully completed the training and testing for the Parameter Vehicle Emission Inspection and Maintenance Program and who have received certification for such training and testing may perform the parameter vehicle emission inspection and maintenance inspections.

(i) Certified inspectors in any designated county in the state who have been certified to perform the parameter vehicle emission inspection and maintenance inspections shall accurately complete forms provided by the department.

(j) For purposes of the Parameter Vehicle Emission Inspection and Maintenance Program, the term "passenger car" shall have the meaning ascribed to it by Texas Civil Statutes, Article 6701d, §2(j), except that motor vehicles powered by diesel fuel or any fuel other than gasoline or gasohol are not included in the meaning of the term "passenger car" if their design precludes the use of gasoline or gasohol without modification.

(k) For purposes of the Parameter Vehicle Emission Inspection and Maintenance Program, the term "light-duty truck" means a motor vehicle with a manufacturer's gross weight of 8,500 pounds or less, which shall include but not be limited to, pickup trucks, panel delivery trucks, and carry-all trucks, except that motor vehicles powered by diesel fuel or any fuel other than gasoline or gasohol are not included in the meaning of the term "light-duty truck" if their design precludes the use of gasoline or gasohol without modification.

(l) Specific inspection requirements for passenger cars and light-duty trucks in the Parameter Vehicle Emission Inspection and Maintenance Program are as follows:

(1) 1968-1979 year models.

(A) Inspection parameters are thermostatic air intake system, exhaust gas recirculation system (EGR valve), PCV valves and hoses, air injection system, and evaporative emission control system (cristister).

(B) No inspection fee increase.

(2) 1980-1983 year models. Inspection parameters, in addition to items in

paragraph (1)(A) of this subsection, are choke system, heater, and rod. In addition, vehicles originally equipped with a catalytic converter at the time of manufacture shall be inspected by checking for the presence of the catalytic converter.

(3) 1984 and later year models.

(A) Inspection parameters, in addition to items in paragraphs (1)(A) and (2) of this subsection, are misfire, oxygen sensor, emission-related recall, and emission-related maintenance.

(B) If a vehicle is rejected and is not immediately repaired, a rejection receipt shall be issued which lists items rejected and other required information.

(C) The certified inspector shall mark the back of the inspection certificate which is presently affixed to the vehicle's windshield with a large "X," using a laundry marking pen, if the vehicle failed the inspection.

(m) The parameter vehicle emission inspection and maintenance fee is established, for purposes of this section, as \$2.75, which is in addition to the statutory inspection fee. The additional fee shall be charged upon completion of the parameter vehicle emission inspection and maintenance inspection, whether or not the vehicle passed the inspection.

(n) Pursuant to Texas Civil Statutes, Article 6701d, §141(f), willful failure to comply with these rules may result in revocation or suspension of an inspection station's certificate of appointment or the certified inspector's certificate.

(o) Pursuant to Texas Civil Statutes, Article 6701d, §140(g), any person operating on the highways in designated counties, a passenger car or light-duty truck currently registered in any of those counties and required by this section to be inspected under the Parameter Vehicle Emission Inspection and Maintenance Program, without the valid inspection certificate as described in subsection (e) of this section, may be subject to prosecution and, if convicted, may be punished by a fine in an amount not to exceed that set out in Texas Civil Statutes, Article 6701d, §143.

(p) Inspection certificates issued prior to the effective date of these rules shall be valid and shall remain in effect until the expiration date thereof.

(q) The Public Safety Commission authorizes the director of the Department of Public Safety to promulgate, publish, and distribute necessary manuals of instruction for the implementation of the Parameter Vehicle Emission Inspection and Maintenance Program in a manner not inconsistent

with these rules. Such manuals shall be available for public inspection at reasonable times at offices of the department, as designated by the director, throughout the state

(r) In the case of a dual-fuel conversion, which allows a passenger car or light-duty truck to run on either gasoline (or gasohol) or liquefied petroleum gas (LPG) or natural gas (NG), removal of emission control system items required to be inspected under subsection (l) of this section will not be permitted, provided that the thermostatic air intake system, the original air cleaner, when replaced by an air cleaner compatible with the LPG/NG carburetor and any other item accepted by the United States Environmental Protection Agency, may be removed. The only dual-fuel conversion systems which will be deemed to comply with the requirements of the Parameter Vehicle Emission Inspection and Maintenance Program are those systems which have been accepted by the United States Environmental Protection Agency as meeting the requirements of the Federal Clean Air Act. A list, including those dual-fuel conversion systems meeting the requirements of federal law, in its current form and as the list may hereafter be modified as administratively necessary, is hereby adopted and is available for inspection at the headquarters of the Texas Department of Public Safety, 5805 North Lamar, Austin, Texas 78752-4422.

#### *§23 92 Vehicle Idle Emissions Inspection and Maintenance Program*

(a) All 1975 and newer year model passenger cars and light-duty trucks registered in any designated county or presented for inspection in any designated county must be inspected, as part of, and at the time of, the required annual vehicle inspection and parameter vehicle inspection under the Vehicle Idle Emissions Inspection and Maintenance Program and the rules of the department applicable to the particular year model. Provided, that a vehicle is not subject to an initial vehicle idle emission inspection until after the date of the second anniversary of the vehicle's first sale. On vehicles originally sold and registered in Texas, it will be presumed that the date of the second anniversary of the vehicle's first sale will be upon the expiration of the two year safety inspection certificate unless the person seeking the safety inspection presents appropriate proof otherwise. On all vehicles that do not have a two year safety certificate it will be presumed that the date of the second anniversary of the vehicle's first sale will be the last day of September of the year model of the vehicle, unless the person seeking the safety inspection certificate presents appropriate proof otherwise. Appropriate proof will be in the form of any one of the following documents that include the date of the first sale: a bill of sale; a

retail installment contract; the manufacturer's statement of origin, a purchase agreement; an extended warranty contract, or the first issued registration receipt. After the date of the second anniversary of the vehicle's first sale a vehicle may not be issued an annual safety inspection certificate until the vehicle has passed the appropriate vehicle idle emissions inspection required for that vehicle. A person seeking a safety inspection certificate may present appropriate proof in a form approved by the department that the vehicle has passed the vehicle emissions inspection required for that vehicle. The following vehicles are exempt from all vehicle idle emission inspection requirements:

(1) a vehicle registered as an antique motor vehicle under Texas Civil Statutes, Article 6675a-5a;

(2) a vehicle registered as a classic motor vehicle under Texas Civil Statutes, Article 6675a-5n,

(3) a vehicle required to display a slow-moving emblem by Texas Civil Statutes, Article 6701-d, §139B; or

(4) a circus vehicle that is registered to an entity engaged in the business of a commercial variety show featuring animal acts for public entertainment, and which is licensed by the Texas Board of Health under Chapter 824 of the Health and Safety Code.

(b) Certified inspectors who have successfully completed the training and testing for the Vehicle Idle Emission Inspection and Maintenance Program in designated counties must perform the vehicle idle emissions inspection and maintenance inspection on all 1975 and newer-year-model passenger cars and light-duty trucks presented for inspection. For purposes of the Vehicle Idle Emission Inspection and Maintenance Program described in this section, the term "designated counties" means Dallas, Tarrant and El Paso counties. Vehicle idle emission inspections shall be conducted only in certified Official Texas Vehicle Inspection Stations.

(c) Certified inspectors in designated counties must perform the vehicle idle emissions inspection and maintenance inspection on all 1975 and newer-year-model passenger cars and light-duty trucks presented for inspection, provided that the certified inspectors have completed the training for the Vehicle Idle Emissions Inspection and Maintenance Program and hold the department's current inspector's certificate for such training.

(d) In order to determine whether a vehicle is currently registered in a designated county, certified inspectors in designated counties and in adjoining counties shall verify the registration. Vehicles registered in designated counties will be identi-

fied by a distinguishing validation sticker as determined by the Texas Department of Transportation.

(e) Vehicles having been inspected under the Vehicle Idle Emissions Inspection and Maintenance Program and found to have met the requirements of such program in addition to all other vehicle inspection requirements will be approved by the certified inspector, who will thereafter affix to the windshield an inspection certificate with a green numeral insert designating the month in which the vehicle was inspected. The only valid inspection certificate for those vehicles subject to the Vehicle Idle Emissions Inspection and Maintenance Program shall be an inspection certificate with the appropriate and currently effective green numeral insert.

(f) Provided, that a vehicle which is registered in a designated county and which is otherwise subject to the Vehicle Idle Emissions Inspection and Maintenance Program need not display an inspection certificate with a green numeral insert if:

(1) the vehicle is owned by a person (or persons) who does not reside within any of the territorial boundaries of the designated county; and

(2) the vehicle is operated within the territorial boundaries of the designated county on not more than 15 days per calendar year.

(g) If a person claiming to be covered by subsection (f) of this section is prosecuted for operating a vehicle on the highways in a designated county without displaying a valid inspection certificate, the defendant must prove by a preponderance of the evidence that the circumstances as provided in subsection (f)(1) and (2) of this section exist.

(h) Only those certified inspectors who have successfully completed the training and testing for the Vehicle Idle Emissions Inspection and Maintenance Program and who have received certification for such training and testing may perform the vehicle idle emissions inspection and maintenance inspections.

(i) For the purposes of the Vehicle Idle Emissions Inspection and Maintenance Program, the term "passenger car" shall have the meaning ascribed to it by Texas Civil Statutes, Article 6701d, §2(j), except that motor vehicles powered by diesel fuel or any fuel other than gasoline or gasohol are not included in the meaning of passenger car, if their design precludes the use of gasoline or gasohol without modification.

(j) For purposes of the Vehicle Idle Emissions Inspection and Maintenance Program, light-duty truck means a motor vehicle with a manufacturer's gross weight of 8,500 pounds or less, which shall include,

but not be limited to, pickup trucks, panel delivery trucks, and carry-all trucks, except that motor vehicles powered by diesel fuel or any fuel other than gasoline or gasohol are not included in the meaning of light-duty truck if their design precludes the use of gasoline or gasohol without modification.

(k) Specific inspection requirements for passenger cars and light-duty trucks in the Vehicle Idle Emissions Inspection and Maintenance Program are as follows:

(1) Only 1975 and newer-year-model vehicles will be inspected under this program. A vehicle's idle emissions standards shall be determined by the year model of the motor vehicle's chassis or motor vehicle's engine, whichever is the newer of the two, beginning with year model 1968.

(2) The exhaust emissions of all applicable vehicles shall be tested for carbon monoxide and hydrocarbon levels according to Figure 1: 37 TAC §23.92(k)(2), Vehicle Idle Emissions Standards.

(3) The test will be performed with the vehicle motor at idle only after completing manufacturer's preconditioning requirements as necessary.

(4) The test shall be conducted by a certified idle emissions inspector

(5) The test shall be conducted on an approved infrared four-gas exhaust gas emissions analyzer

(6) The test results - pass/fail determination - will be made available as follows

(A) One copy will be given to the motorist

(B) One copy will be retained by the inspection station.

(7) If a vehicle fails the idle emissions testing or any other vehicle inspection procedure, and is not immediately repaired, a rejection receipt shall be issued which lists items for which the vehicle was rejected, along with a copy of the emissions test results. The certified inspector shall mark the back of the inspection certificate which is presently affixed to the vehicle's windshield with a large "X," using a laundry marking pen.

(8) The Vehicle Idle Emissions Inspection and Maintenance Program does allow for a temporary waiver system, provided the motorist has completed and shows proof to the Department of Public Safety of the completed required repairs. The DPS vehicle inspection office in designated counties may issue a written temporary waiver for a specified vehicle to allow the owner additional time to complete the mandatory repair requirements of the program if the following conditions are met:

(A) the vehicle has failed the initial emissions inspection and the mandatory retest;

(B) all tampering has been corrected in accordance with the provisions of the Parameter Vehicle Inspection Program (tampering is not included in the total cost adjustments);

(C) repairs of all malfunctions authorized under the Federal Vehicle Design and Defects Warranty Program recalls or the Federal Vehicle Performance Warranty Program have been made; and

(D) all of the following reasonable repairs and adjustments have been satisfactorily performed and certified, in writing, to manufacturer's specifications:

(i) ow emissions tune-up including timing and adjustment, spark plug replacement (if necessary), idle speed adjustment, fuel mixture adjustment (if applicable), and all other emission-related adjustments or replacements recommended by the vehicle manufacturer under normal maintenance procedures;

(ii) examination and replacement (if necessary) of the air cleaner filter;

(iii) examination and repair (if necessary) of the positive crankcase ventilation system and related components; and

(iv) diagnosis of any other malfunctions which may have resulted in, or contributed to, elevated concentrations of carbon monoxide and hydrocarbon above the applicable emission standard and repair of all malfunctions which, in combination with the repairs identified in clauses (i)-(iii) of this subparagraph have cost \$250 or less.

(9) Vehicles which have been issued a temporary waiver by the DPS vehicle inspection office indicating that the above conditions have been satisfied, and otherwise have passed all other inspection requirements, will be issued a punched inspection certificate. Certificates will not be reissued to such vehicles at the next annual inspection unless one of the following conditions is met:

(A) the vehicle passes all inspection requirements including an applicable idle emissions test; or

(B) the owner provides evidence to the DPS vehicle inspection office in the designated county that all additional diagnosed malfunctions identified in paragraph (8)(D)(iv) of this subsection which,

when combined with the repair performed in accordance with paragraph (8)(D)(iv) of this subsection, costs less than or equal to \$450, have been properly repaired and certified, in writing, to manufacturer's specifications and that all of the annual maintenance requirements identified in paragraph (8)(D)(i)-(iv) of this subsection have been recently performed. After meeting these requirements, a vehicle will receive another temporary waiver from the DPS vehicle inspection office.

(l) The vehicle idle emissions inspection and maintenance fee is established, for the purposes of this section, as \$6.00 which is in addition to the statutory inspection fee. The additional fee shall be charged upon completion of the vehicle idle emissions inspection and maintenance inspection, whether or not the vehicle passed the inspection.

(m) Pursuant to Texas Civil Statutes, Article 670ld, §141(f), willful failure to comply with these rules may result in revocation or suspension of an inspection station's certificate of appointment or the certified inspector's certificate.

(n) Pursuant to Texas Civil Statutes, Article 670ld, §140(g), any person operating on the highways in a designated county, a passenger car or light-duty truck currently registered in that county and required by this section to be inspected under the Vehicle Idle Emissions Inspection and Maintenance Program, without the valid inspection certificate as described in subsection (e) of this section, may be subject to prosecution and, if convicted, may be punished by a fine in an amount not to exceed that set out in Texas Civil Statutes, Article 670ld, §143.

(o) Inspection certificates issued prior to the effective date of this section shall be valid and shall remain in effect until the expiration date thereof.

(p) The Public Safety Commission authorizes the director of the Department of Public Safety to promulgate, publish, and distribute necessary manuals of instruction for the implementation of the Vehicle Idle Emissions Inspection and Maintenance Program in a manner not inconsistent with these rules. Such manuals shall be available for public inspection at reasonable times at offices of the department, as designated by the director, throughout the state.

Issued in Austin, Texas, on June 2, 1995.

TRD-9506789 James R Wilson  
Director  
Texas Department of  
Public Safety

Effective date: October 4, 1995

Expiration date: July 1, 1995

For further information, please call: (512) 465-2890



# PROPOSED RULES

Before an agency may permanently adopt a new or amended section or repeal an existing section, a proposal detailing the action must be published in the *Texas Register* at least 30 days before action is taken. The 30-day time period gives interested persons an opportunity to review and make oral or written comments on the section. Also, in the case of substantive action, a public hearing must be granted if requested by at least 25 persons, a governmental subdivision or agency, or an association having at least 25 members.

**Symbology in proposed amendments.** New language added to an existing section is indicated by the use of **bold text**. [Brackets] indicate deletion of existing material within a section.

## TITLE 25. HEALTH SERVICES

### Part I. Texas Department of Health

#### Chapter 29. Purchased Health Services

##### Subchapter G. Hospital Services

###### • 25 TAC §29.610

On behalf of the State Medicaid Director, the Texas Department of Health (department) submits a proposed amendment to §29.610, concerning disproportionate share reimbursement methodology for state-owned teaching hospitals. Specifically, the amendment implements the Omnibus Budget Reconciliation Act of 1993 (effective September 1, 1995), which requires Medicaid inpatient utilization of at least 1.0%.

This amendment is being proposed to apply the requirements of the Omnibus Budget Reconciliation Act of 1993 (OBRA 1993) to the reimbursement methodology for state-owned teaching hospitals. After September 1, 1995, all disproportionate share state-owned teaching hospitals must have Medicaid inpatient utilization rates, at a minimum, of 1.0%. Disproportionate share hospitals reimbursed after September 1, 1995, also must have limits to how much hospitals can be reimbursed during a state fiscal year. The limit is the sum of two numbers. The first number is a hospital's Medicaid shortfall (the difference between reimbursement and Medicaid allowed costs). The second number is the cost of providing care to patients who have no health insurance or source of third party payments for services provided during the year, less the amount of payments made by these patients. The changes relating to hospital specific limits include definitions of "cost of service," "hospital overall ratios of cost to charges," Medicaid "shortfall," and "payments received" by a hospital from patients without health insurance or source of third party payment for services. Additional changes allow the department to pay a hospital its projected reimbursement, plus its percentage of any additional available funds.

Gary Bego, Health Care Financing Budget Director, has determined that for the first five-

year period the section is in effect there will be minimal, if any, fiscal implication for state or local governments as a result of enforcing or administering the section.

Mr. Bego also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be the continuation, according to federal directives, of reimbursing state-owned teaching hospitals that provide a disproportionate share of indigent care. There will be no effect on small businesses. There is no anticipated economic cost persons who are required to comply with the proposed section. There is no anticipated effect on local employment.

Comments on the proposal may be sent to Brenda Salisbery, Health Care Financing, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756, (512) 338-6521. Comments will be accepted for 30 days following publication of this proposal in the *Texas Register*. Federal regulations require the department to have a copy of the proposed amendment available in each county for public review and comment. A copy of this proposal is being sent to each Texas Department of Human Services field office where it will be available for public review and comment.

The amendment is proposed under the Human Resources Code, §32.021 and Texas Civil Statutes, Article 4413(502), §16, which provide the Health and Human Services Commission with the authority to adopt rules to administer the state's medical assistance program and is submitted to the Texas Department of Health under its agreement with the Health and Human Services Commission to operate the purchased health services program and as authorized under Chapter 15, §1.07, Acts of the 72nd Legislature, First Called Session (1991).

The amendment affects the Human Resources Code, Chapter 32.

*§29.610. Disproportionate Share Hospital Reimbursement Methodology for State-Owned Teaching Hospitals.*

(a) The single state agency or its designee shall provide [provides] additional disproportionate share reimbursement to state-owned teaching hospitals through a supplemental disproportionate share pro-

gram. A state-owned teaching hospital is a hospital owned and operated by a state university or other agency of the state. Additional reimbursement shall be [is] provided to each state-owned teaching hospital on a monthly basis using the following formula. Figure 1: 25 TAC §29.610(a)

(b) Each hospital must have Medicaid inpatient utilization rate, at a minimum, of 1.0%.

(c) The Texas Department of Health (department) or its designee shall determine the adjusted hospital specific limits for each disproportionate share hospital. These limits shall be the sum of a hospital's Medicaid shortfall and its cost of services to patients who have no health insurance or source of third party payments for services provided during the year, multiplied by the appropriate inflation update factor.

(d) The department or its designee shall determine the Medicaid shortfall for each hospital by using the appropriate part of the hospital's Medicare cost report that was submitted for the fiscal year ending in the previous calendar year. The department or its designee shall use the latest available Medicare cost report in the absence of the Medicare cost report submitted in the fiscal year ending in the previous calendar year.

(1) The department or its designee shall determine the cost of services to patients who have no health insurance or source of third party payments for services provided during the year for each hospital. The department or its designee shall survey hospitals each year to determine charges that can be attributed to patients without insurance or other third party resources. Hospitals that do not respond to the survey, or that are unable to determine accurately the charges attributed to patients without insurance, shall have their bad debt and charity charges reduced by a percentage derived from a representative sample of hospitals that shall be determined annually by the department or its designee.

(A) After the department or its designee has identified the charges for each hospital that can be attributed to patients without insurance, or other third party resources, the department or its designee shall multiply those charges by each hospital's cost-to-charge ratio.

(B) After the department or its designee has determined each disproportionate share hospital's cost of services to patients who have no health insurance or source of third party payments for services provided during the year, the department shall subtract from each hospital's cost of services the amount of payments made by those patients who have no health insurance or source of third party payments for services provided during the year.

(2) The department or its designee shall trend each hospital's "hospital specific limit" by calculating from the hospital's historical base period cost report to the state fiscal year disproportionate share program.

(A) The department or its designee shall:

(i) use the inflation rates described in §29.606(n)(2) of this title (relating to Reimbursement Methodology for Inpatient Hospital Services) to calculate the inflation update factor that the department will use to determine the adjusted hospital specific limit;

(ii) calculate the number of months from the mid-point of the hospital's cost reporting period to the mid-point of the state fiscal year disproportionate share program; and

(iii) then multiply the portion of the hospital's cost report year occurring in the state fiscal year by the inflation update factor used for each state fiscal year in the calculation of hospital reimbursement rates for each state fiscal year; and

(iv) then multiply the product of these calculations by the each hospital's "hospital specific limit" to obtain each hospital's "adjusted hospital specific limit."

(B) For hospitals without a full 12-month fiscal year cost report, the department or its designee shall convert the hospital's reported uncompensated care data by the reciprocal of the number of days covered by the reporting period divided by 365.

(3) The department or its designee shall compare the projected pay-

ment for each disproportionate share hospital with its "hospital specific limit."

(A) If a hospital's calculated payment is less than its limit, the department or its designee shall reimburse the calculated payment to the hospital, plus its percentage of any additional available funds.

(B) If the calculated payment is greater than the limit, the department or its designee will reduce the hospital's payment to equal its limit.

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

Issued in Austin, Texas, on June 7, 1995.

TRD-9506858

Susan K Steeg  
General Counsel  
Texas Department of  
Health

Earliest possible date of adoption: July 14, 1995

For further information, please call: (512) 458-7236

## TITLE 30.

### ENVIRONMENTAL QUALITY

#### Part I. Texas Natural Resource Conservation Commission

##### Chapter 290. Water Hygiene

The Texas Natural Resource Conservation Commission (Commission) proposes the repeal of §§290.47, 290.48, 290.49, and 290.50, amendments to §§290.38, 290.39, 290.41-290.46 and new §290.47 and §290.121, relating to the regulation of public water supply systems. The purpose of the proposed rules is to conform to new state and federal legislation, to clarify the language, and to streamline the organization of the sections. This is to be accomplished by referencing new State Plumbing Codes; establishing new exception criteria; strengthening the cross connection control, plumbing inspection, and lead ban provisions; incorporating definitions to define new terms; clarifying separation distances between water supply mains and other utilities; providing greater protection to well sites from potential sources of contamination; and incorporating various policies and rule interpretations which have been established since the last revision.

Section 290.38, Definitions, contains the definitions and meanings of key words and phrases found throughout the chapter. The following new definitions are being added: ABPA, ASSE, Emergency Power, High Health Hazard, NFPA standards, Plumbing Inspector, Plumbing Ordinance, Registered

Professional Engineer, Transient Noncommunity Water System, and Water Supply Protection Specialist.

Section 290.39, General Provisions, is revised to allow political entities the ability to forego the submission of planning material for distribution line extensions when the review of plans is already being performed on the local level. This prevents duplication of effort. This proposed section also requires notification to the commission of water system startup or reactivation.

Section 290.41, Water Sources, is revised to provide greater protection of well sites and surface water intakes from potential sources of pollution. Criteria are added for reporting abandoned or inoperative well surveys, as well as, existing or potential pollution hazards within a 1/4-mile radius of public water wells. In addition, approved public water well pressure cementing methods have been included. The section concerning the location of raw water intakes has been reorganized for clarification.

Section 290.42, Water Treatment, has been significantly reorganized for clarification. Many of the existing paragraphs have been relocated within the section and most of the substantive changes pertain to surface water treatment. For filtration units, slow opening valves or other means of automatically preventing flow surges are to be required after July 1, 1995. Also filters are to be equipped with sampling taps so the effluent turbidity of each filter can be individually monitored. Gravity filters installed after July 1, 1995, shall be equipped with air scour backwash or surface wash facilities.

This section also establishes requirements for housing ammonia feed equipment and stipulates that emergency evacuation procedures must be established for bulk ammonia storage installations which are located within 1/4-mile of residential or high-density developments. Where innovative/alternate treatment systems are proposed, the design engineer must provide pilot test data, data collected at similar full-scale operations, and proof of a one-year manufacturer's performance warranty/guarantee. A plant operations manual must be compiled and kept current for operator review and reference. This manual should be of sufficient detail to provide the operator with routine maintenance and repair procedures, as well as, provide telephone numbers of water system personnel, system officials, and local/state/federal agencies to be contacted in the event of an emergency.

Section 290.43, Water Storage, remains largely unchanged with the following significant exceptions. Clearwells used for disinfectant contact time shall be appropriately baffled and service pump installations taking suction from storage tanks shall provide automatic low water level cutoff devices to prevent damage to the pumps.

Revisions to §290.44, Water Distribution, increase the minimum bury depth for water lines from 12 inches to 24 inches. Also, if a release device are used, all openings to the atmosphere shall be covered with 16-mesh or finer corrosion-resistant screening material.

Location of Waterlines, §290.44(e), has been completely reorganized for clarification. Some of the distancing requirements have been revised and certain construction and bedding requirements have been specified depending upon existing construction materials, orientation, and condition of existing lines. In some instances, minimum pipe stiffness and deflections are specified.

Effective July 1, 1995, all backflow prevention assemblies shall be tested upon installation by a recognized backflow prevention assembly tester. High health hazard applications shall require annual device testing. Recognized testers must complete a commission approved course and must pass an examination administered by the commission or its designated agent. Two categories of testers shall be recognized: the "General Tester" and the "Fireline Tester". Testers are required to renew their accreditation every three years, however, individuals who can show proof of ABPA or ASSE certification, prior to the effective date of this section, may be recognized as accredited for the terms of their current certification (not to exceed three years).

Gauges used in testing of backflow prevention assemblies shall be tested for accuracy on an annual basis. The recognized tester must complete a report for each assembly tested and the signed and dated original must be submitted to the public water supplier for recordkeeping purposes. Appendix F of this title provides a suggested reporting format. All test and maintenance reports must be retained for a minimum of three years.

Repairs to assemblies must be performed by authorized individuals as recognized by the Texas Board of Plumbing Examiners, the Texas Irrigators Advisory Council, or the Texas Commission on Fire Protection, depending upon application and use.

Section 290.45, Minimum Water System Capacity Requirements, is amended to specify that additional supply, storage, service pumping and pressure maintenance facilities will be required if the system's maximum daily demand exceeds its total production and treatment capacity. Ground water systems with less than 50 connections shall be required to have two or more service pumps with a total capacity of 2.0 gpm, per connection, rather than the single pump required previously.

The term "emergency power" has replaced "auxiliary power" in the proposed rules. Minimum operational requirements have been added to better assure that the emergency facilities are maintained in operational status and are available in case of an emergency.

Criteria also has been established for exceptions to the commission's minimum elevated storage requirements.

Section 290.46, Minimum Acceptable Operating Practices for Public Drinking Water Systems, has been amended to require that all systems, except transient noncommunity systems, which utilize ground or purchased water be under the supervision of a certified water works operator. In addition, all systems which treat surface water must employ at least one grade "B" or higher surface water operator or at least one grade "C" surface

water operator who has completed a commission recognized 20-hour Water Laboratory course. Systems which are deemed to be "groundwater under the influence of surface water" must have at least a grade "C" surface water operator on duty when the plant is in operation or be provided with continuous monitors equipped with automatic plant shut down and alarms. Certified operators must provide the commission with a written, dated, and signed notice of all public water systems which they operate, or with which they are employed, when applying for, renewing, or upgrading their certification.

The proposed revisions also stipulate that only chlorine residual tests taken at sites specified in their sample siting plan can be used for compliance monitoring.

Effective July 1, 1995, a customer service inspection certification must be completed prior to providing continuous water service to new construction, or an existing service when the water purveyor has reason to believe that cross connections or other undesirable plumbing hazards exist, or after any material improvement, connection, or addition to the private plumbing facilities. The rule establishes minimum qualifications for recognized customer service inspectors and sets forth minimum reporting requirements for certification of customer service inspections.

For Boil Water Notices, the proposed revisions establish minimum reporting requirements which specify when these notices are required and when they may be lifted, and they refer to a prescribed notification format.

Abandoned public water wells owned by the system must be properly plugged. Wells that are not in use and are non-deteriorated must be tested every five years to prove that they are in a non-deteriorated condition. Deteriorated wells must be plugged with cement or repaired to a non-deteriorated condition. In addition, all water system electrical wiring must be installed in a securely mounted conduit in compliance with local or national electrical codes.

Sections 290.47-290.49 are repealed. New §290.47, Appendices, combines the former §§290.47-290.49 with four new Appendices under one section: Appendix D, Sample Service Inspection Agreement; Appendix E, Boil Water Notification; Appendix F, Backflow Prevention Assembly Test and Maintenance Report; and Appendix G, Operator and/or Employment Notice.

The commission also proposes to repeal §290.50 and to renumber the section §290.121. This section addresses analytical procedures specified for regulated chemical constituents listed in §290.103. No substantive changes are proposed for this section, but renumbering is needed to place the section within the series of sections that refer to chemical and bacteriological monitoring.

Stephen Minick, Strategic Planning and Appropriations Division, has determined that, for the first five years these sections as proposed are in effect, there will be fiscal implications as a result of enforcement and administration of the sections. The effects on state government will include minor increases in costs, primarily associated with recordkeeping re-

quirements related to certification of qualified inspection and testing personnel. The increased workload is anticipated to be met within existing budgetary resources. Only nominal increases in state revenues are anticipated. Many public water system operators potentially subject to these proposed sections are local units of government. The effects on local governments are equivalent to those for any class of operator, whether public or private.

The effects anticipated for public water system operators in general involve both increased costs and potential cost savings. Generally, these sections strengthen the requirements and standards for operation of public water systems and will have cost implications associated with more stringent well siting requirements, inspection requirements for backflow prevention devices and requirements for additional certification of qualified public water system operators and certain plumbing inspection personnel. These costs will vary with each individual system depending upon the extent to which new requirements apply, if at all. Any potential cost increases are not anticipated to represent a substantial percentage of current operating costs. The costs to perform customer service inspections required under these rules is anticipated to be between \$25 and \$75 in most cases. These costs to system operators can be mitigated by recovery of inspection costs from those customers whose installations are subject to the inspection requirements. Costs to certified operators or inspectors for additional professional certification requirements, primarily training and testing costs, have not been determined. The costs recovered by the state from certification fees is less than \$10 per year for any affected operator. Local governments which already implement a local plumbing code will be only minimally impacted.

These proposed rules also represent potential cost savings. The proposed requirements for abandoned and inoperative well surveys and potential pollution hazard surveys will reduce long term sampling costs to public water systems following the development of new sources. The proposed exception criteria for pressure maintenance facilities may enable qualified systems to defer or avoid capital costs of at least \$50,000. Although the net effect of the proposed sections on any one system cannot be determined, it is anticipated that the potential cost savings will significantly offset the potential costs to systems in general. Many private systems are small businesses and the effects of these rules will vary on a case-by-case basis with each system. The proposed limitations on the requirements for abandoned and inoperative well surveys and potential pollution hazard surveys are anticipated to reduce costs to these small businesses.

Mr. Minick also has determined that, for the first five years these sections as proposed are in effect, the public benefit anticipated as a result of enforcement of and compliance with the sections will be improved consistency of state regulations governing public water systems with federal requirements, clarification of system operating regulations, and improved protection of the quality of

groundwater sources and public water supplies and public health and safety. There are no anticipated costs to any person required to comply with these sections as proposed not identified above. Individuals who are served by public water systems subject to these rules may realize certain costs to the extent that system operators pass on or recover increased costs of operation or inspection from affected customers and rate payers.

Written comments on the proposal should mention Log Number 95049-290-WT and may be submitted to Lutrecia Oshoko, Texas Natural Resource Conservation Commission, Office of Policy and Regulatory Development, MC-205, P.O. Box 13087, Austin, Texas 78711-3087, (512)239-4640. Written comments must be received by 5:00 pm 30 days from the date of publication of this proposal in the *Texas Register*. For further information or questions concerning this proposal, please contact James Pope at 239-6020.

### Rules and Regulations for Public Water Systems

- 30 TAC §§290.38, 290.39, 290.41-29.47

The amendments and new sections are proposed under Texas Water Code, §5, 103, which provides the commission the authority to adopt and enforce rules necessary to carry out its powers and duties under the laws of this state.

The sections are also proposed under the Texas Health and Safety Code, Chapter 341, Subchapter C, which governs sanitary standards of drinking water, protection of public water supplies, and bodies of water.

**§290.38. Definitions.** The following words and terms, when used in this chapter shall have the following meanings, unless the context clearly indicates otherwise. If a word or term used in this title is not contained in the following list, its definition shall be as shown in Title 40 Code of Federal Regulations §141.2. Other technical terms used shall have the meanings or definitions listed in the latest edition of "Glossary, Water and Wastewater Control Engineering," prepared by a joint editorial board representing the American Public Health Association, American Society of Civil Engineers, American Water Works Association, and the Water Pollution Control Foundation.

**ABPA**—The American Backflow Prevention Association, P.O. Box 1563, Akron, Ohio 44309-1563.

**ASSE**—The American Society of Sanitary Engineering, P.O. Box 40362, Bay Village, Ohio 44140.

**[Auxiliary power]**—Either mechanical power or electric generators which can enable the system to provide water under pressure to the distribution system in the event of a local power failure. With the approval of the Executive Director, dual primary electric service may be considered as auxiliary power in areas which are not subject to

large scale power outages due to natural disasters.]

**Commission**—The Texas Natural Resource Conservation Commission [Texas Water Commission]

**Drinking water standards**—The commission rules covering drinking water standards in §§290.101-290.119 [§§290.1-290.19] of this title (relating to Drinking Water Standards Governing Drinking Water Quality and Reporting Requirements for Public Water Supply Systems).

**Emergency power**—Either mechanical power or electric generators which can enable the system to provide water under pressure to the distribution system in the event of a local power failure. With the approval of the Executive Director, dual primary electric service may be considered as emergency power in areas which are not subject to large scale power outages due to natural disasters.

**High health hazard**—A cross-connection, potential cross-connection, or other situation involving any substance that could cause death, illness, spread of disease, or has a high probability of causing such effects if introduced into the potable drinking water supply.

**Intruder-resistant fence**—A fence six feet or more in height, constructed of wood, concrete, masonry, or metal with three strands of barbed wire extending outward from the top of the fence at a 45 degree angle and have the smooth side of the fence on the outside wall. In lieu of the barbed wire, the fence must be eight feet in height. The fence must be in good repair and close enough to surface grade to prevent intruder passage.

**NFPA standards**—The standards of the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts, 02269-9101.

**Plumbing Inspector**—Any person employed by a political subdivision for the purpose of inspecting plumbing work and installations in connection with health and safety laws and ordinances, who has no financial or advisory interest in any plumbing company, and who has successfully fulfilled the examinations and requirements of the Texas State Board of Plumbing Examiners.

**Plumbing Ordinance**—A set of rules governing plumbing practices which are at least as stringent and comprehensive as one of the following nationally recognized codes:

- (A) Southern Standard Plumbing Code.
- (B) Uniform Plumbing Code.
- (C) National Standard Plumbing Code.

**Registered Professional Engineer**—An engineer who maintains a current license through the Texas State Board of Registration for Professional Engineers in accordance with its requirements for professional practice.

**Transient noncommunity water system**—A public water system that is not a community water system and serves at least 25 persons at least 60 days out of the year, yet by its characteristics, does not meet the definition of a nontransient noncommunity water system.

**Water Supply Protection Specialist**—Any person who holds a license endorsement issued by the Texas State Board of Plumbing Examiners to engage in the inspection, in connection with health and safety laws and ordinances, of the plumbing work or installation of a public water system distribution facility or of customer owned plumbing connected to that system's water distribution lines.

### §290.39. General Provisions.

(a)-(c) (No change.)

(d) Submission of planning material. In general, the planning material submitted shall conform to the following requirements.

(1)-(3) (No change.)

(4) Copies of each fully executed sanitary control easement shall accompany plans for all wells. Each original easement document must be recorded in the deed records at the county courthouse. See §290.47(c) of this title (relating to Appendices) [§290.49. of this title (relating to Appendix C—Sample Sanitary Control Easement Document for a Public Water Well)] for a suggested form.

(e)-(f) (No change.)

(g) Changes in existing systems or supplies. Changes or additions to existing systems which result in an increase in production, treatment, or storage capacity shall require written notification to the executive director. Changes or additions in existing distribution systems shall require written notification to the executive director when the change or addition is greater than 10% of the existing distribution capacity or 250 connections, whichever is smaller. The executive director shall determine whether engineering plans and specifications will be required after initial notification of the extent of the modifications. The owner shall submit plans and specifications as determined by the executive director in accordance with subsection (c) of this section. The commission will not require planning material on distribution line extensions from a political entity (county, municipality, district or water authority) when the entity has its own internal engineering re-

view staff or is required, by local ordinance, to submit the material to another political entity for review and approval. The review staff must be separate and apart from the engineering staff or firm charged with the design of the distribution extension under review. The planning material must be reviewed and certified to be in compliance with §290.44 of this title (relating to Water Distribution) by a registered professional engineer in the employ of the review entity. The effect of the distribution system improvements on compliance with §290.45 of this title (relating to Minimum Water System Capacity Requirements) must be evaluated. Should the proposed distribution system improvements result in an exceedance of the capacity requirements, written notice of the extent of the proposed improvements must be submitted to the executive director.

(h)-(i) (No change.)

(j) Notification of system startup or reactivation. The owner or responsible official must provide written notification to the commission of the startup of a new public water supply system or reactivation of an existing public water supply system. This notification must be made immediately upon meeting the definition of a public water system as defined in §290.38 of this title (relating to Definitions).

#### §290.41. Water Sources.

(a)-(b) (No change.)

(c) Ground water sources and development.

(1) Ground water sources shall be located so that there will be no danger of pollution from flooding or from insanitary surroundings, such as privies, sewage, sewage treatment plants, livestock and animal pens, solid waste disposal sites or underground petroleum and chemical [fuel] storage tanks and transmission pipelines, or abandoned and improperly sealed wells.

(A) No well site which is within 50 feet of a tile or concrete sanitary sewer, sewerage appurtenance, septic tank, [or] storm sewer, or cemetery; or which is within 150 feet of a septic tank perforated drainfield, areas irrigated by low dosage, low angle spray on-site sewage facilities, absorption bed, evapotranspiration bed, improperly constructed water well or underground [fuel] petroleum and chemical [petrochemical] storage tank or transmission pipeline will be acceptable for use as a public drinking water supply or storm sewers constructed of ductile iron or PVC pipe meeting AWWA standards, having a minimum working pressure of 150 psi or greater, and equipped with pressure type

joints may be located at distances of less than 50 feet from a proposed well site but in no case shall the distance be less than ten feet.

(B)-(D) (No change.)

(E) Abandoned or inoperative wells within one quarter mile of a proposed wellsite shall be reported to the commission along with existing or potential pollution hazards. Unless exceptions are requested to the requirements of §290.41, these reports are only required for community and nontransient, noncommunity ground water sources. Examples of existing or potential pollution hazards which may affect ground water quality include, but are not limited to: landfill and dump sites, animal feedlots, military facilities, industrial facilities, wood-treatment facilities, petroleum and petrochemical production, storage, and transmission facilities, Class 1, 2, 3, and four injection wells, and pesticide storage and mixing facilities. This information must be submitted prior to construction or as required by the executive director.

(i) An abandoned or inoperative well inventory shall be compiled and reported to the commission. At a minimum, each property owner within one quarter mile of a proposed wellsite shall be contacted by written or verbal communication. Property lessees may be contacted if the property owner does not respond to written or verbal requests. Property owners/lessees do not have to be contacted if public drinking water was provided to a property at the time of residential development. The inventory may be augmented by well record searches of federal, state, and local agencies. The radius of the abandoned/inoperative well inventory may be extended beyond one-quarter mile in certain areas at the discretion of the executive director.

(ii) The survey for existing or potential pollution hazards will be conducted utilizing historical and existing land use information. Where feasible, property owners will be interviewed, except in cases where the sole use of the property has been residential, agricultural fields, or rangeland, in which case interviews are not required. Each existing or potential hazard will be recorded on a map of the area and pertinent information about each site will accompany the map. The map shall have a scale of 1:24,000 or larger and shall show all features contained on a United States Geological Survey 7.5-minute topographic map. Site information shall include the property owner's name and address, name of lessee (if applicable), description of the existing or potential source of

ground water contamination, and any applicable local, state, or federal permit numbers for the site. A unique identification number should be used to cross-reference sites plotted on the map and described in attached documents.

(iii) A thorough well-head protection program inventory can be substituted for the above information if it was conducted within the last three years and if it encompasses the area within one quarter mile of the proposed wellsite; inventories older than three years should be updated prior to submission. The radius of the existing/potential pollution hazard survey may be extended beyond one quarter mile in areas required by the executive director.

(F) A sanitary control easement covering that portion of the lands within 150 feet of the well location shall be secured from all such property owners and recorded in the deed records at the county courthouse. The easement shall provide that none of the pollution hazards covered in subparagraphs (A)-(E) of this paragraph, or any facilities that might create a danger of pollution to the water to be produced from the well will be located thereon. The easement shall provide that all newly constructed wells meet the surface and subsurface construction standards for public water supply wells. Copies of the recorded easements shall be included with plans and specifications submitted for review.

(2) (No change.)

(3) Special attention must be given to the construction, disinfection, protection, and testing of a well to be used as a public water supply source.

(A) Before placing the well into service, the commission's Water Utilities Division shall be furnished a copy of the well completion data, which includes the following items: the Driller's Log (geological log and material setting report); a cementing certificate; the results of a 36-hour pump test; the results of the microbiological and chemical analyses required by subparagraphs (F) and (G) of this paragraph; a copy of the Sanitary Control Easement; and an original or legible copy of a United States Geological Survey 7.5-minute topographic quadrangle showing the accurate well location. All the documents listed in this paragraph must be approved by the executive director before final approval is granted for the use of the well.

(B) (No change.)

(C) The space between the casing and drill hole shall be sealed by

using enough cement under pressure to completely fill and seal the annular space between the casing and the drill hole. The well casing shall be cemented in this manner from the top of the shallowest formation to be developed to the earth's surface. The driller will utilize the following pressure cementation methods in accordance with the AWWA Standard for Water Wells (A100-90), Appendix B: Section B.3 (Positive displacement-exterior method); Section B.4 (Interior method-without a plug); Section B.5 (Positive placement-interior method-drillable plug); or Section B.6 (Placement through float shoe attached to the bottom of the casing). Cementation methods other than those listed in this subparagraph must be approved by the executive director prior to the construction of the well. A cement bonding log, as well as any other documentation deemed necessary, may be required by the executive director to assure complete sealing of the annular space.

(D)-(F) (No change.)

(G) A complete physical and chemical analysis of the water produced from a new well shall be made after 36 hours of continuous pumping at the design withdrawal rate. Shorter pump test periods can be accepted for large capacity wells producing from areas of known groundwater production and quality so as to prevent wasting of water. Samples must be submitted to the Texas Department of Health approved laboratory for chemical analyses. Tentative approval may be given on the basis of tests performed by in-plant or private laboratories but final acceptance by the commission shall be on the basis of results from the Texas Department of Health laboratory. Appropriate treatment shall be provided if the analyses reveal that the water from the well fails to meet the water quality criteria as prescribed by the drinking water standards. These criteria include turbidity, color and threshold odor limitations, and excessive hydrogen sulfide, carbon dioxide or other constituents or minerals which make the water undesirable or unsuited for domestic use. Additional chemical and microbiological tests may be required after the Commission's Water Utilities Division conducts a vulnerability assessment of the well.

(H)-(P) (No change.)

(Q) If an air release device is provided on the discharge piping, it shall be installed in such a manner as to preclude the possibility of submergence or possible entrance of contaminants. In this respect, all openings to the atmosphere shall be covered with 16-mesh or

finer, corrosion-resistant screening material or an acceptable equivalent.

(4) (No change.)

(d) (No change.)

(e) Surface water sources and development.

(1) To determine the degree of pollution from all sources within the watershed, an evaluation shall be made of the proposed surface water impoundment or flowing supply in the area of diversion and its tributary streams.

(A) Where surface water sources [which] are subject to continuous or intermittent contamination by municipal, agricultural, or industrial wastes and/or treated effluent [are contemplated for development for public water systems], the adverse effects of the contamination on the quality of the raw water reaching the treatment plant shall be determined by [sanitary surveys] site evaluations and laboratory procedures. [These findings shall be submitted with the planning material and will be used to determine whether or not the proposed raw water intake is adequately protected from all sources of contamination.]

(B) The disposal of all liquid or solid wastes from any source on the watershed must be in conformity with applicable regulations and state statutes. [Additionally, pesticides or herbicides which are used within the watershed shall be applied in strict accordance with the product label restrictions.]

(C)-(D) (No change.)

(E) Pesticides or herbicides which are used within the watershed shall be applied in strict accordance with the product label restrictions.

(2) Intakes shall be located and constructed in a manner which will ensure a reliable supply of raw water which is free of deleterious matter.

(A) Intakes shall not be located in areas subject to excessive siltation or in areas subject to receiving immediate runoff from wooded sloughs or swamps.

(B) Raw water intakes shall not be located within 1,000 feet of public boat launching ramps, marinas, docks or floating fishing piers.

(C) A restricted zone of 200 feet radius from the raw water intake works shall be established and all recre-

ational activities and trespassing shall be prohibited in this area. Regulations governing this zone shall be in the city ordinances or the rules and regulations promulgated by a water district or similar regulatory agency. The restricted zone shall be designated with signs recounting these restrictions. The signs shall be maintained in plain view of the public and shall be visible from all parts of the restricted area. In addition, special buoys may be required as deemed necessary by the executive director. Provisions shall be made for the strict enforcement of such ordinances or regulations.

(D) Commission staff shall make an on-site evaluation of any proposed raw water intake location. The evaluation must be requested prior to final design and must be supported by preliminary design drawings. Once the final intake location has been selected, the Commission's Water Utilities Division shall be furnished with an original or legible copy of a United States Geological Survey 7.5-minute topographic quadrangle showing the accurate intake location.

(E) Intakes shall be located and constructed in a manner which will allow raw water to be taken from a variety of depths and which will permit withdrawal of water when reservoir levels are very low. Fixed level intakes are acceptable if water quality data is available to establish that the effect on raw water quality will be minimal.

(F) Water intake works shall be provided with screens or grates to minimize the amount of debris entering the plant.

(2) Intakes shall be located and constructed in a manner which will allow raw water to be taken from a variety of depths and which will permit withdrawal of water when reservoir levels are very low. Fixed level intakes are acceptable if water quality data is available to establish that the effect on raw water quality will be minimal.

[(A) Insofar as possible, intakes shall be located in areas not subject to excessive siltation and areas not subject to receiving immediate runoff from wooded sloughs and swamps.

[(B) Water intake works shall be provided with screens or grates to minimize the amount of debris entering the plant.

[(C) No public boat launching ramps, marinas, docks or floating fish-

ing piers shall be located within 1,000 feet of the raw water intake.

(D) A restricted zone of 200 feet radius from the raw water intake works shall be established and all recreational activities and trespassing shall be prohibited in this area. Regulations governing this zone shall be in the city ordinances or the rules and regulations promulgated by a water district or similar regulatory agency. Provisions shall be made for the strict enforcement of such ordinances or regulations. The restricted zone shall be designated with signs recounting these restrictions. The signs shall be maintained in plain view of the public and shall be visible from all parts of the restricted area. In addition, special buoys may be required as deemed necessary by the executive director.

(E) Commission Staff shall make an on-site evaluation of any proposed raw water intake location. The evaluation must be requested prior to final design and must be supported by preliminary design drawings. Once the final intake location has been selected, the Commission's Water Utilities Division shall be furnished with an original or legible copy of a United States Geological Survey 7.5-minute topographic quadrangle showing the accurate intake location.

(3) The water treatment plant and all pumping units shall be located in well-drained areas not subject to flooding and away from seepage areas or where the underground water table is near the surface.

(A)-(D) (No change.)

(E) Flow measuring devices shall be provided to measure the raw water supplied to the plant and to measure the treated water discharged from the plant. These devices shall be located to facilitate use and to assist in the determination of chemical dosages, the accumulation of water production data, and the operation of plant facilities.]

#### §290.42. Water Treatment.

(a)-(c) (No change.)

(d) Surface water.

(1) All water secured from surface sources shall be given complete treatment at a plant which provides facilities for pretreatment disinfection, taste and odor control, continuous coagulation, sedimentation, filtration, covered clearwell storage and terminal disinfection of the water with chlorine or suitable chlorine compounds. In all cases, the treatment process must achieve at least a 3-log removal or inactivation

of Giardia cysts and a 4-log removal or inactivation of viruses before the water is supplied to any consumer.

(2) No cross-connection or interconnection shall be permitted to exist in a filtration plant between a conduit carrying filtered or post-chlorinated water and another conduit carrying raw water or water in any prior stage of treatment.

(A) Vacuum breakers must be provided on each hose bibb within the plant facility.

(B) No conduit or basin containing raw water or any water in a prior stage of treatment shall be located directly above, or be permitted to have a single common partition wall with another conduit or basin containing finished water.

(C) Make-up water supply lines to chemical feeder solution mixing chambers shall be provided with an air gap or other acceptable backflow prevention device.

(D) Filters shall be located so that common walls will not exist between them and aerators, mixing and sedimentation basins or clear wells. This rule is not strictly applicable, however, to partitions open to view and readily accessible for inspection and repair.

(E) Filter-to-waste connections, if included, shall be provided with an air gap connection to waste.

(2) No cross-connection or interconnection shall be permitted to exist in a filtration plant between a conduit carrying filtered or post-chlorinated water and another conduit carrying raw water or water in any prior stage of treatment. Vacuum breakers must be provided on each hose bibb within the plant facility. No conduit or basin containing raw water or any water in a prior stage]

(3) All drainage conduits shall be constructed so as to be thoroughly tight against leakage. Return of the decanted water and/or sludge to the raw water [should] shall be adequately controlled so that there will be a minimum of interference with the treatment process. Any discharge of wastewater shall be in accordance with the appropriate statutes and regulations.

(4) Reservoirs for pretreatment and/or selective quality control shall be provided where complete treatment facilities fail to operate satisfactorily at times of maximum turbidities or other abnormal raw wa-

ter quality conditions exist. Recreational activities at such reservoirs shall be prohibited.

(5) Flow measuring devices shall be provided to measure the raw water supplied to the plant and to measure the treated water discharged from the plant. These devices shall be located to facilitate use and to assist in the determination of chemical dosages, the accumulation of water production data, and the operation of plant facilities.

(6) Chemical storage facilities shall be located so as to help in the handling of bulk chemicals by operators and the transfer of chemicals to day tanks and chemical feeders. Also, the movement of chemicals from storage to feed machines shall be done in a manner that facilitates good housekeeping.

(A) Bulk storage facilities at the plant shall be adequate to store at least one month's supply of chemicals. However, local resupply ability may dictate the requirements for plant inventories.

(B) All chemical bulk and day tanks shall be clearly labeled to indicate the tank's contents.

(C) Dry chemicals shall be stored off the floor in a separate, dry, above ground level room and protected against flooding or wetting from floors, walls, and ceilings.

(D) Day tanks shall be provided to minimize the possibility of severely overfeeding liquid chemicals. Day tanks will not be required if adequate process control instrumentation and procedures are employed to prevent chemical overfeed incidents.

(E) When liquid chemicals are to be used, special precautions must be taken and the following concerns must be addressed both during the plan review and approval process for new facilities and during the operation of existing plants:

(i) issues involving bulk storage tank design such as the materials of construction, capacity, overflow, and containment;

(ii) issues involving transfer pump design including the bulk storage tank design, day tank capacity, type, materials of construction, and controls;

(iii) issues involving the day tanks such as the materials of con-

struction, overflow, containment, capacity, and controls;

(iv) issues involving metering pump design such as the materials of construction, calibration, controls, capacity, and anti-siphon protection; and

(v) issues involving piping and valves including their compatibility with solutions.

(6) Chemical application points at the raw water source and beyond the mixing basin or chamber shall be provided for quality control, taste and odor control, stabilization, and disinfection for quality control.

(7)(5) Treatment plants shall be provided with efficient devices for measuring and applying chemicals to the water being treated.

(A) Each chemical feeder shall have a standby or reserve unit. Common standby feeders are permissible, but, generally, more than one standby feeder must be provided due to the incompatibility of chemicals or the state in which they are being fed (solid, liquid or gas).

(B) [Accurate flow meters shall be provided for determining rate of treatment and total amount of water treated.] All chemical feed equipment shall be capable of easily adjusting to variations in the flow of water being treated.

(C) Dry chemical feeders shall be in a separate room and be provided with facilities for dust control.

(D) Chemical feeders shall be provided with dissolving tanks when applicable.

(E) Where practical, the transport of chemical solutions between the feeder and the application point should be accomplished through open channels. If enclosed feed lines must be used, they shall be designed and installed so as to prevent clogging and facilitate cleaning.

(F) Coagulants shall be applied to the water in the mixing basins or chambers so as to permit their complete mixing with the water. Coagulants shall be applied continuously during treatment plant operation.

(G) Chlorine feed units, ammonia feed units, and storage facilities shall be separated by solid, sealed walls.

(H) Chemical application points at the raw water source and be-

yond the mixing basin or chamber shall be provided for quality control, taste and odor control, stabilization, and disinfection for quality control.

[(H) Make-up water supply lines to chemical feeder solution mixing chambers shall be provided with an air gap or other acceptable backflow prevention device.]

(7) Chemicals shall be stored off the floor in a separate, dry, above ground level room and protected against flooding or wetting from floors, walls, and ceilings.

(A) Storage facilities at the plant shall be adequate to store at least one month's supply of chemicals. However, local resupply ability may dictate the requirements for plant inventories.

(B) Chemical storage facilities shall be located so as to help in the handling of bulk chemicals by operators and the transfer of chemicals to the feeders. Also, the movement of chemicals from storage to feed machines shall be done in a manner that facilitates good housekeeping.

(C) When liquid chemicals are to be used, special precautions must be taken. The following concerns must be addressed both during the plan review and approval process for new facilities and during the operation of existing plants:

(i) issues involving bulk storage tank design such as the materials of construction, capacity, overflow, and containment;

(ii) issues involving transfer pump design including the bulk storage tank design, day tank capacity, type, materials of construction, and controls;

(iii) issues involving the day tanks such as the materials of construction, overflow, containment, capacity, and controls;

(iv) issues involving metering pump design such as the materials of construction, calibration, controls, capacity, and anti-siphon protection; and

(v) issues involving piping and valves including their compatibility with solutions.]

(8) Flash mixing and flocculation equipment shall be provided. This equipment must be [which is] capable of adequate flexibility or adjustment to provide optimum flocculation under varying raw water characteristics and rates of raw water treatment.

(A)-(C) (No change.)

(D) Coagulated water or water from flocculators shall be transported to sedimentation basins in such a manner as to prevent destruction of floc. Piping, flumes and troughs shall be designed to provide a flow velocity of 0.5 to 1.5 feet per second. Gates, ports and valves shall be designed at a maximum flow velocity of four feet per second in the transfer of water between units.

(9) Basins for straight-flow sedimentation of coagulated waters shall provide a theoretical detention time of at least six hours for clarification plants and 4.5 hours for softening plants. The settling chamber of a solids contact clarification unit shall provide a theoretical detention time of at least two hours. Where shorter detention times are desired; engineering data, pilot plant test data, full scale installation data and other information as required by the commission shall be submitted to the executive director for review and approval of the alternate process.

(A) (No change.)

(B) Basins shall be designed to prevent the short-circuiting of flow or the destruction of floc. [Coagulated water or water from flocculators shall be transported to sedimentation basins in such a manner as to prevent destruction of floc. Piping, flumes and troughs shall be designed to provide a flow velocity of 0.5 to 1.5 feet per second. Gates, ports and valves shall be designed at a maximum flow velocity of four feet per second in the transfer of water between units.]

(C) Sedimentation basins may be square, rectangular, round or other shapes approved by the executive director. The length of rectangular settling basins shall preferably be at least twice their width with a side wall water depth of ten feet to 12 feet in nonsoftening water treatment. Square and round sedimentation basins may also be used for clarification and softening plants; however, the detention time must comply with the requirements of this paragraph.

(D)-(E) (No change.)

(10) Gravity or pressure type filters shall be provided. However, the use of pressure filters shall be limited to installations with a treatment capacity of less than 0.50 million gallons per day.

(A) The depth of filter sand, anthracite or other filtering materials shall be 24 inches or greater. This filtering material shall be free from clay, dirt, organic matter and other impurities.



Its effective size shall range from 0.35 to 0.45 mm for fine sand, 0.45 to 0.55 mm for medium sand and 0.55 to 0.65 mm for coarse sand. Its uniformity coefficient shall not exceed 1.7. The grain size distribution shall also be as prescribed by AWWA standards. Material for dual or mixed media filters shall conform to AWWA standards.

(B) Under the filtering material, at least 12 inches of gravel shall be placed varying in size from 1/16 inch to 2.5 inches. The gravel may be arranged in three to five layers such that each layer contains material about twice the size of the material above it. Other support material may be approved on an individual basis.

(C) The filter shall be provided with facilities to regulate the filtration rate and monitor the performance of the filter.

(i) The design of gravity rapid sand filters shall be based on a maximum design filtration rate of two gallons per square foot per minute. At the beginning of filter runs for declining rate filters, a maximum filtration rate of three gallons per square foot per minute is allowed. The filter discharge piping shall be designed with an orifice or other permanently installed flow limiting device to ensure that the maximum filter rate cannot be exceeded.

(ii) Where high-rate dual or multiple media gravity filters are used, a maximum design filtration rate of five gallons per square foot per minute must be used. At the beginning of filter runs for declining rate filters, a maximum filtration rate of 6.5 gallons per square foot per minute is allowed. The filter discharge piping shall be designed with an orifice or other permanently installed limiting device to ensure that the maximum filter rate cannot be exceeded.

(iii) The design of pressure filters shall be based on a maximum filtration rate of two gallons per square foot per minute. When used, the pressure filters shall be installed such that duplicate capacity is available to furnish the design capacity with one filter out of service.

(iv) With the exception of declining rate filters, each filter unit shall be equipped with a manually adjustable rate-of-flow controller with rate-of-flow indication or control valves with indicators.

(v) Each filter unit shall be equipped with a device to indicate loss of head through the filter. In lieu of loss-of-head indicators, declining rate filter

units may be equipped with rate-of-flow indicators to monitor filter condition.

(vi) The effluent line of each filter installed after July 1, 1995, must be equipped with a slow opening valve or another means of automatically preventing flow surges when the filter begins operation.

(vii) Filters shall be equipped with sampling taps so that the effluent turbidity of each filter can be individually monitored.

(D) Filters shall be designed to ensure adequate cleaning during the backwash cycle.

(i) Only fully treated water shall be used to backwash the filters. This water may be supplied by elevated wash water tanks or by pumps which take suction from the clearwell and are provided for backwashing filters only. For installations having a treatment capacity no greater than 150,000 gallons per day, water for backwashing may be secured directly from the distribution system if proper controls and rate-of-flow limiters are provided.

(ii) The rate of filter backwashing shall be regulated by rate-of-flow controllers.

(iii) The rate of flow of backwash water shall not be less than 20 inches vertical rise per minute (12.5 gpm/sq. ft.) and usually not more than 30 inches vertical rise per minute (18.7 gpm/sq. ft.). This shall expand the filtering bed 30 to 50 percent. The freeboard in inches shall exceed the wash rate in inches of vertical rise per minute.

(iv) When used, surface filter wash systems shall be installed with an atmospheric vacuum breaker or a reduced pressure principle backflow preventer in the supply line. If an atmospheric vacuum breaker is used it shall be installed in a section of the supply line through which all the water passes and which is located above the overflow level of the filter.

(v) Gravity filters installed after July 1, 1995, shall be equipped with air scour backwash or surface wash facilities.

[(10) Filters shall be gravity or pressure type

[(A) The design of gravity rapid sand filters shall be based on a maximum design filtration rate of two gallons per square foot per minute. At the beginning of filter runs for declining rate filters, a maximum filtration rate of three gallons per square foot per minute is allowed. The filter

discharge piping shall be designed with an orifice or other permanently installed flow limiting device to ensure that the maximum filter rate cannot be exceeded.

[(B) Where high-rate dual or multiple media gravity filters are used, a maximum design filtration rate of five gallons per square foot per minute must be used. At the beginning of filter runs for declining rate filters, a maximum filtration rate of 6.5 gallons per square foot per minute is allowed. The filter discharge piping shall be designed with an orifice or other permanently installed limiting device to ensure that the maximum filter rate cannot be exceeded.

[(C) Pressure sand filters shall be subject to the loading provisions in subparagraph (A) of this paragraph for gravity sand filters. When used, the pressure filters shall be installed such that duplicate capacity is available to furnish the design capacity with one filter out of service. The use of pressure filters shall be limited to installations with less than 0.50 million gallons per day capacity

[(D) The depth of filter sand, anthracite or other filtering materials shall be 24 inches or greater. This filtering material shall be free from clay, dirt, organic matter and other impurities. Its effective size shall range from 0.35 to 0.45 mm for fine sand, 0.45 to 0.55 mm for medium sand and 0.55 to 0.65 mm for coarse sand. Its uniformity coefficient shall not exceed 1.7. The grain size distribution shall also be as prescribed by AWWA standards. Material for dual or mixed media filters shall conform to AWWA standards.

[(E) Under the filtering material, at least 12 inches of gravel shall be placed varying in size from 1/16 inch to 2.5 inches. The gravel may be arranged in three to five layers such that each layer contains material about twice the size of the material above it. Other support material may be approved on an individual basis.

[(F) The rate of flow of backwash water shall not be less than 20 inches vertical rise per minute (12.5 gpm/sq. ft.) and usually not more than 30 inches vertical rise per minute (18.7 gpm/sq. ft.). This shall expand the filtering bed 30 to 50 percent. The free board in inches shall exceed the wash rate in inches of vertical rise per minute.

[(i) Only fully treated water shall be used to backwash the filters. This water may be supplied by elevated wash water tanks or by pumps which take suction from the clearwell and are provided

for backwashing filters only. For installations having a treatment capacity no greater than 150,000 gallons per day, water for backwashing may be secured directly from the distribution system if proper controls and rate-of-flow limiters are provided.

[(ii) The rate of filter backwashing shall be regulated by rate-of-flow controllers.

[(G) When used, surface filter wash systems shall be installed with an atmospheric vacuum breaker or a reduced pressure principle backflow preventer in the supply line. If an atmospheric vacuum breaker is used it shall be installed in a section of the supply line through which all the water passes and which is located above the overflow level of the filter.

[(H) With the exception of declining rate filters, each filter unit shall be equipped with a manually adjustable rate-of-flow controller with rate-of-flow indication or control valves with indicators.

[(I) Each filter unit shall be equipped with a device to indicate loss of head through the filter. In lieu of loss-of-head indicators, declining rate filter units may be equipped with rate-of-flow indicators to monitor filter condition.

[(J) Filter-to-waste connections, if included, shall be provided with an air gap connection to waste.

[(K) Filters shall be located so that common walls will not exist between them and aerators, mixing, and sedimentation basins or clear wells. This rule is not strictly applicable, however, to partitions open to view and readily accessible for inspection and repair.]

(11) (No change.)

(12) The identification of influent, effluent, waste backwash, and chemical feed lines shall be accomplished by use of labels or various colors of paint. Where labels are used, they shall be placed along the pipe at no greater than five foot intervals. Where colors are used they shall follow the color code prescribed below. Color coding must be by solid color or banding. If bands are used, they shall be placed along the pipe at no greater than five foot intervals. The color code is as follows:  
Figure 1: §290.42(d)(12)

(13) An adequately equipped laboratory must be available locally where daily microbiological and chemical tests can be made on water supplied by all plants serving 25,000 persons or more. For plants serving populations of less than 25,000, the facilities for making microbiological tests

may be omitted and the required microbiological samples submitted to one of the Texas Department of Health's approved laboratories. All surface water treatment plants shall be provided with equipment for making at least the following determinations: pH, temperature, disinfectant residual, alkalinity, turbidity, "Jar" tests and other tests deemed necessary to monitor specific water quality problems or to evaluate specific water treatment processes. All surface water treatment plants shall provide sampling taps for raw, settled and filtered water.

(e) Disinfection.

(1)-(4) (No change.)

(5) A full-face self-contained breathing apparatus or supplied air respirator that meets Occupational Safety and Health Administration (OSHA) standards for construction and operation, and a small bottle of fresh ammonia solution (or approved equal) for testing for chlorine leakage shall be readily [provided and] accessible outside the chlorinator room when chlorine gas is used.

(6) (No change.)

(7) Adequate ventilation which includes both high level and floor level screened vents shall be provided for all enclosures in which gas chlorine is being stored or fed. Enclosures containing more than one open 150 pound cylinder of chlorine shall also provide forced air ventilation which includes screened and louvered floor level and high level vents, a fan which is located at and draws air in through the top vent and discharges to the outside atmosphere through the floor vent, and a fan switch located outside the enclosure. Systems may install negative pressure ventilation in lieu of the above as long as the facilities also have gas containment and treatment as prescribed by the current Uniform Fire Code (UFC).

(8)-(9) (No change.)

(10) Where ammonia feed equipment is utilized, it must be housed in a separate enclosure equipped with both high and low level ventilation to the outside atmosphere. The enclosure must be provided with forced air ventilation which includes screened and louvered floor level and high level vents, a fan which is located at and draws air in through the floor vent and discharges through the top vent, and a fan switch located outside the enclosure. Systems may install negative pressure ventilation in lieu of the above as long as the facilities also have gas containment and treatment as prescribed by the current Uniform Fire Code (UFC).

(11) Emergency evacuation procedures must be established where

one ton or larger chlorine or ammonia cylinders are located within 1/4 mile of residential or other high density developments.

(f) Other treatment processes. The adjustment of fluoride ion content, special treatment for iron and manganese reduction, special methods for taste and odor control, demineralization, and other proposals covering other treatment processes will be considered on an individual basis, pursuant to §290.39(g) of this title (relating to General Provisions). Package-type treatment systems and their components shall be subject to all applicable design criteria in this section. Where innovative/alternate treatment systems are proposed, the design engineer must provide pilot test data, data collected at similar full-scale operations, and proof of a one year manufacturers performance warrantee/guarantee assuring that the plant will produce an effluent of 0.5 NTU or less in at least 95% of the measurements taken each month. Pilot test data must be representative of the actual operating conditions which can be expected over the course of the year.

(g)-(h) (No change.)

(i) Treatment chemicals and media. Chemicals [Effective January 1, 1993, all chemicals] and any additional or replacement process media used in treatment of water supplied by public water systems must conform to American National Standards Institute/National Sanitation Foundation (ANSI/NSF) Standard 60 for direct additives and ANSI/NSF Standard 61 for indirect additives. Conformance with these standards must be obtained by certification of the product by an organization accredited by ANSI.

(j) Plant operations manual. A thorough plant operations manual must be compiled and kept up to date for operator review and reference. This manual should be of sufficient detail to provide the operator with routine maintenance and repair procedures as well as provide telephone numbers of water system personnel, system officials, and local/state/federal agencies to be contacted in the event of an emergency.

#### §290.43. Water Storage

(a)-(b) (No change.)

(c) Design and construction of clear wells, standpipes, ground storage tanks, and elevated tanks. All facilities for potable water storage shall be covered and designed, fabricated, erected, tested and disinfected in strict accordance with current American Water Works Association (AWWA) standards and shall be provided with the minimum number, size and type of roof vents, manways, drains, sample con-

nections, access ladders, overflows, liquid level indicators and other appurtenances as specified in these rules. Bolted tanks shall be designed, fabricated, erected and tested in strict accordance with current AWWA Standard D103. The roof of all tanks shall be designed and erected so that no water ponds at any point on the roof and, in addition, no area of the roof shall have a slope of less than 0.75 inch in foot.

(1) (No change.)

(2) All roof openings shall be designed in accordance with current AWWA standards. If an alternate 30 inch diameter access opening is not provided in a storage tank, the primary roof access opening shall not be less than 30 inches in diameter. Other roof openings required only for ventilating purposes during cleaning, repairing or painting operations shall be not less than 24 inches in diameter or as specified by the design engineer. **An existing tank without a 30-inch in diameter access opening must be modified to meet this requirement when major repair or maintenance is performed on the tank.** Each access opening shall have a raised curbing at least four inches in height with a lockable cover that overlaps the curbing at least two inches in a downward direction. Where necessary, a gasket shall be used to make a positive seal when the hatch is closed. All hatches shall remain locked except during inspections and maintenance.

(3)-(4) (No change.)

(5) Inlet and outlet connections shall be located so as to prevent short circuiting or stagnation of water. **Clearwells used for disinfectant contact time shall be appropriately baffled.**

(6)-(7) (No change.)

(8) All clear wells, ground storage tanks, standpipes, and elevated tanks shall be painted, disinfected, and maintained in strict accordance with current AWWA standards. However, no temporary coatings, wax grease coatings, or coating materials containing lead will be allowed. No other coatings will be allowed which are not approved for use (as a contact surface with potable water) by the United States Public Health Service (USPHS), the United States Environmental Protection Agency (EPA), National Sanitation Foundation (NSF), or the United States Food and Drug Administration (FDA). **All [Effective January 1, 1993, all] newly installed coatings must conform to ANSI/NSF Standard 61 and must be certified by an organization accredited by ANSI.**

(9)-(10) (No change.)

(d) Design and construction of pressure (hydropneumatic) tanks. All hydropneumatic tanks must be located wholly above grade and must be of steel

construction with welded seams except as provided in paragraph (8) of this subsection.

(1)-(7) (No change.)

**(8) Where seamless fiberglass tanks are utilized, they shall not exceed 300 gallons in capacity.**

[(8) For systems utilizing seamless fiberglass tanks, a maximum of 300 gallons of this type tank capacity is allowed.]

(9) No more than three pressure tanks shall [can] be installed at any one site without the prior approval of the executive director.

(e) Facility fencing. All potable water storage tanks and pressure maintenance facilities must be enclosed by an intruder resistant fence with lockable gates. Pedestal-type elevated storage tanks with lockable doors and without external ladders are exempt from this requirement. The gates and doors must be kept locked whenever the facility is unattended.

**(f) Service pumps. Service pump installations taking suction from storage tanks shall provide automatic low water level cutoff devices to prevent damage to the pumps. The service pump circuitry shall also resume pumping automatically once the minimum water level is reached in the tank.**

#### *§290.44. Water Distribution.*

(a) Design and standards. All potable water distribution systems including pump stations, mains, and both ground and elevated storage tanks, shall be designed, installed and constructed in accordance with current American Water Works Association (AWWA) standards with reference to materials to be used and construction procedures to be followed. In the absence of AWWA standards, commission review may be based upon the standards of the American Society for Testing and Materials (ASTM), commercial and other recognized standards utilized by design engineers.

(1) All [Effective January 1, 1993, all] newly installed pipes and related products must conform to American National Standards Institute/National Sanitation Foundation (ANSI/NSF) Standard 61 and must be certified by an organization accredited by ANSI.

(2) All plastic pipe for use in public water systems must also bear the National Sanitation Foundation Seal of Approval (NSF-pw) and have an ASTM design pressure rating of at least 150 psi or a standard dimension ratio of 26.

(3) (No change.)

(4) Water transmission and distribution lines must be installed in accord-

ance with the manufacturer's instructions. However, the top of the water line must be located below the frost line and in no case shall the top of the water line be less than 24 [12] inches below ground surface.

(5) (No change.)

(b) (No change.)

(c) Minimum water line sizes. These are minimum requirements for domestic flows only and do not consider fire flows. These requirements should be exceeded when the design engineer deems it necessary. It should be noted that the required sizes are based strictly on the number of customers to be served and not on the distances between connections or differences in elevation or the type of pipe. No new water line under two inches in diameter will be allowed to be installed in a public water system distribution system [after April 1, 1992]. These minimum line sizes do not apply to individual customer service lines.

Figure 1: §290.44(c)

(d) Minimum pressure requirement. The system must be designed to maintain a minimum pressure of 35 psi at all points within the distribution network at flow rates of at least 15 gallons per minute per connection. When the system is intended to provide fire fighting capability, it must also be designed to maintain a minimum pressure of 20 psi under combined fire and drinking water flow conditions.

(1) Air release devices shall be installed in the distribution system at all points where topography or other factors may create air locks in the lines. All air [Where the topography of the area to be served is such that air locks in the lines may occur, air] release devices shall be installed in such a manner as to preclude the possibility of submergence or possible entrance of contaminants. **In this respect, all openings to the atmosphere shall be covered with 16-mesh or finer, corrosion-resistant screening material or an acceptable equivalent.**

(2)-(6) (No change.)

(e) Location of waterlines.

(1) The following rules apply to installations of potable water distribution lines and wastewater collection lines, wastewater force mains and other conveyances/appurtenances identified as potential sources of contamination. Furthermore, all ratings specified shall be defined by ASTM standards unless stated otherwise.

(2) When new potable water distribution lines are constructed, they shall be installed no closer than nine feet in all directions to wastewater collection facilities. All separation distances shall be

measured from the outside surface of each of the respective pieces.

(3) Potable water distribution lines and wastewater collection lines or force mains that form parallel utility lines shall be installed in separate trenches.

(4) No physical connection shall be made between a drinking water supply and a sewer line. Any appurtenance shall be designed and constructed so as to prevent any possibility of sewage entering the drinking water system.

(5) Where the nine foot separation distance cannot be achieved, the following criteria shall apply:

(A) New Waterline Installation-Parallel Lines.

(i) Where a new potable waterline parallels an existing, non-pressure or pressure rated wastewater line/force main and it is readily apparent to the certifying registered professional engineer that the existing line is not leaking, the new potable waterline shall be located at least two feet above the existing line, measured vertically, and at least four feet away, measured horizontally, from the existing line. Every effort shall be exerted not to disturb the bedding and backfill of the existing wastewater line.

(ii) Where a new potable waterline parallels an existing pressure rated wastewater line and it cannot be determined by the certifying registered professional engineer if the existing line is leaking, the existing wastewater line shall be replaced with a 150 psi pressure rated pipe meeting ASTM specifications. The new potable waterline shall be located at least two feet above the new wastewater line, measured vertically, and at least four feet away, measured horizontally, from the replaced wastewater line.

(iii) Where a new potable waterline parallels a new wastewater line/force main, the wastewater line shall be constructed of 150 psi pressure rated pipe meeting ASTM specifications. The new potable waterline shall be located at least two feet above the wastewater line, measured vertically, and at least four feet away, measured horizontally, from the wastewater line.

(B) New Waterline Installation-Crossing Lines.

(i) Where a new potable waterline crosses an existing, non-pressure rated wastewater line, one segment of the waterline pipe shall be centered over the wastewater line such that the joints of the waterline pipe are equi-

distant and at least nine feet horizontally from the centerline of the wastewater line. The potable waterline shall be at least two feet above the wastewater line. Whenever possible, the crossing shall be centered between the joints of the wastewater line. If the existing wastewater line is disturbed or shows signs of leaking, it shall be replaced for at least 15 feet in both directions (30 feet total) with materials meeting ASTM specifications and having a minimum pressure rating of 150 psi.

(ii) Where a new potable waterline crosses an existing, pressure rated wastewater line, one segment of the waterline pipe shall be centered over the wastewater line such that the joints of the waterline pipe are equidistant and at least nine feet horizontally from the centerline of the wastewater line. The potable waterline shall be at least six inches above the wastewater line. Whenever possible, the crossing shall be centered between the joints of the wastewater line. If the existing wastewater line shows signs of leaking, it shall be replaced for at least 15 feet in both directions (30 feet total) with materials meeting ASTM specifications and having a minimum pressure rating of 150 psi.

(iii) Where a new potable waterline crosses a new, non-pressure rated wastewater line and the standard pipe segment length of the wastewater line is at least 18 feet, one segment of the waterline pipe shall be centered over the wastewater line such that the joints of the waterline pipe are equidistant and at least nine feet horizontally from the centerline of the wastewater line. The potable waterline shall be at least two feet above the wastewater line. Whenever possible, the crossing shall be centered between the joints of the wastewater line. The wastewater pipe shall have a minimum pipe stiffness of 115 psi at 5.0% deflection. The wastewater line shall be embedded in cement stabilized sand (see clause (vi) of this subparagraph) for the total length of one pipe segment plus 12 inches beyond the joint on each end.

(iv) Where a new potable waterline crosses a new, non-pressure rated wastewater line and a standard length of the wastewater pipe is less than 18 feet in length, the potable water pipe segment shall be centered over the wastewater line. The materials and method of installation shall conform with one of the following options:

(I) Within nine feet horizontally of either side of the waterline, the wastewater pipe and joints shall be constructed with pipe material having a minimum pressure rating of 150 psi.

An absolute minimum vertical separation distance of two feet shall be provided. The wastewater line shall be located below the waterline.

(II) All sections of wastewater line within nine feet horizontally of the waterline shall be encased in an 18 foot section (or longer) of pipe. Flexible encasing pipe shall have a minimum pipe stiffness of 115 psi at 5.0% deflection. The encasing pipe shall be centered on the waterline and shall be at least two nominal pipe diameters larger than the wastewater line. The space around the carrier pipe shall be supported at five foot (or less) intervals with spacers or be filled to the springline with washed sand. Each end of the casing shall be sealed with water tight non-shrink cement grout or a manufactured water tight seal. An absolute minimum separation distance of six inches between the encasement pipe and the waterline shall be provided. The wastewater line shall be located below the waterline.

(III) When a new waterline crosses under a wastewater line, the waterline will be encased as described for wastewater lines in subsection (b) of this section or constructed of ductile iron or steel pipe with mechanical or welded joints as appropriate. Both the waterline and wastewater line, must pass a "zero-leak" pressure test.

(v) Where a new potable waterline crosses a new, pressure rated wastewater line, one segment of the waterline pipe shall be centered over the wastewater line such that the joints of the waterline pipe are equidistant and at least nine feet horizontally from the centerline of the wastewater line. The potable waterline shall be at least six inches above the wastewater line. Whenever possible, the crossing should be centered between the joints of the wastewater line. The wastewater pipe shall have a minimum pressure rating of 150 psi. The wastewater line shall be embedded in cement stabilized sand for the total length of one pipe segment plus 12 inches beyond the joint on each end.

(vi) Where cement stabilized sand bedding is required, the cement stabilized sand shall have a minimum of 10% cement per cubic yard of cement stabilized sand mixture, based on loose dry weight volume (at least 2.5 bags of cement per cubic yard of mixture). The cement stabilized sand bedding shall be a minimum of six inches above and one quarter of the pipe diameter below the sewer pipe. The use of brown coloring in cement stabilized sand for wastewater line bedding is recom-

mended for the identification of wastewater force mains during future construction.

(6) **Waterline and Manhole Separation.** The separation distance from a potable waterline to a manhole shall be a minimum of nine feet. Where the nine foot separation distance cannot be achieved, the potable waterline shall be encased in a joint of 150 psi pressure class pipe at least 18 feet long and two nominal sizes larger than the new conveyance. The space around the carrier pipe shall be supported at five foot intervals with spacers or be filled to the spring line with washed sand. The encasement pipe shall be centered on the crossing and both ends sealed with cement grout or manufactured seal.

(7) **Location of Fire hydrants.** Fire hydrants shall not be installed within nine feet vertically or horizontally of any sanitary sewer line regardless of construction.

(8) **Location of Supply/Suction Lines.** Suction mains to pumping equipment shall not cross wastewater lines carrying domestic or industrial wastes. Raw water supply lines shall not be installed within five feet of any tile or concrete wastewater line.

(9) **Proximity of Septic Tank Drainfields.** Waterlines shall not be installed closer than ten feet to septic tank drainfields.

**[(e) Location of water lines.**

[(1) When water lines and sanitary sewer lines are installed, they shall be installed no closer to each other than nine feet in all directions and parallel lines must be installed in separate trenches. Where the nine foot separation distance cannot be achieved, the guidelines in this subsection shall apply. The guidelines are also listed in tabular form in the following table. The minimum separation distances do not apply to individual customer service lines, although they are recommended.

Figure 2: 30 TAC §290.44(e)(1)

[(A) Where a sanitary sewer line parallels a water line, the sewer line shall be constructed of cast iron, ductile iron or PVC meeting ASTM specifications with a pressure rating for both the pipe and joints of 150 psi. The vertical separation shall be a minimum of two feet between outside diameters and the horizontal separation shall be a minimum of four feet between outside diameters. The sewer line shall be located below the water line

[(B) Where a sanitary sewer line crosses a water line and the sewer line is constructed of cast iron, ductile iron or

PVC with a minimum pressure rating of 150 psi, an absolute minimum distance of six inches between outside diameters shall be maintained. In addition, the sewer line shall be located below the water line where possible and one length of the sewer pipe must be centered on the water line.

[(C) Where a sewer line crosses under a water line and the sewer line is constructed of ABS truss pipe, similar semi-rigid plastic composite pipe, clay pipe or concrete pipe with gasketed joints, a minimum two foot separation distance shall be maintained. The initial backfill shall be cement stabilized sand (two or more bags of cement per cubic yard of sand) for all sections of sewer line within nine feet of the water line. This initial backfill shall be from one quarter diameter below the centerline of the pipe to one pipe diameter (but not less than 12 inches) above the top of the pipe.

[(D) Where a sewer line crosses over a water line all portions of the sewer line within nine feet of the water line shall be constructed of cast iron, ductile iron or PVC pipe with a pressure rating of at least 150 psi using appropriate adapters. In lieu of this procedure, the new conveyance may be encased in a joint of 150 psi pressure class pipe at least 18 feet long and two nominal sizes larger than the new conveyance. The space around the carrier pipe shall be supported at five foot intervals with spacers or be filled to the spring line with washed sand. The encasement pipe should be centered on the crossing and both ends sealed with cement grout or manufactured seal.

[(E) The sewer line need not be disturbed where a new water line is to be installed parallel to an existing sewer line that shows no evidence of leakage and the water line is installed above the sewer line a minimum of two feet vertically and four feet horizontally. Should excavation for the water line produce evidence that the sewer is leaking, the sewer line must be repaired or replaced as described in subparagraphs (A) or (D) of this paragraph.

[(F) The sewer line need not be disturbed where a new water line is to cross over (by two feet or more) existing sewer lines showing no evidence of leakage. Should excavation for the water line produce evidence that the sewer line is leaking, then the sewer line must be repaired or replaced as described in subparagraphs (C) or (D) of this paragraph.

[(2) Unless sanitary sewer manholes and the connecting sewer lines can be made watertight and tested for no leakage, they must be installed so as to provide a minimum of nine feet of horizontal clear-

ance from an existing or proposed water line. Where the nine foot separation distance cannot be achieved, an encasement pipe as described in paragraph (1)(D) of this subsection may be used for the water line.

[(3) Fire hydrants shall not be installed within nine feet vertically or horizontally of any sanitary sewer line regardless of construction.

[(4) No physical connection shall be made between a drinking water supply and a sewer line. Any appurtenance shall be designed and constructed so as to prevent any possibility of sewage entering the drinking water system.

[(5) No sewer line carrying domestic or industrial wastes shall cross suction mains to pumping equipment. Water lines shall not be installed closer than ten feet to septic tank drainfields. No raw water lines shall be installed within five feet of any tile or concrete sanitary sewer.]

(f)-(g) (No change.)

(h) Backflow, siphonage.

(1)-(3) (No change.)

(4) **Effective July 1, 1995, all backflow prevention assemblies shall be tested upon installation by a recognized backflow prevention assembly tester. Backflow prevention assemblies which are installed to provide protection against high health hazards must also be tested at least annually by a recognized backflow prevention device tester.**

(A) **Recognized testers shall have completed a commission approved course on cross connection control and backflow prevention and pass an examination administered by the TNRCC or its designated agent. Testers are required to renew their accreditation every three years. The accredited tester classification shall be broken down into two categories:**

(i) **The "General Tester" is qualified to test backflow prevention assemblies on any domestic, commercial, industrial or irrigation service. (Exception-Firelines-See "Fireline Tester" in §290.44(h)(A)(ii)).**

(ii) **The "Fireline Tester" is qualified to test backflow prevention assemblies on firelines only. The State Fire Marshall's office requires that a person performing maintenance on firelines must be employed by an Approved Fireline Contractor.**

(B) **Individuals that can show proof of completion of a course and passage of an exam based on the ABPA or ASSE National exam, prior to the effective date of these regulations, may be recognized as accredited for the term of**

their current certification (not to exceed three years). Those individuals that have not renewed their accreditation in the last three years will be required to complete a commission recognized eight hour refresher course and pass a practical exam administered by the commission or its designated agent.

(C) Gauges used in the testing of backflow prevention assemblies shall be tested for accuracy annually in accordance with the University of Southern California's Foundation of Cross Connection Control and Hydraulic Research and/or the American Water Works Association Manual of Cross Connection Control (Manual M-14). Public water systems shall require testers to include test gauge serial numbers on "Test and Maintenance" report forms and ensure testers have gauges tested for accuracy.

(D) A Test Report must be completed by the recognized backflow prevention Assembly Tester for each assembly tested. The signed and dated original must be submitted to the public water supplier for record keeping purposes. Should the tester choose to use a report format which differs from that found in Appendix F of this title, it must minimally contain all information required by the report form.

(E) Test and maintenance reports shall be retained for a minimum of three years. The public water supplier must provide these records to commission staff for inspection upon request.

(F) Repairs to backflow prevention assemblies must be performed by authorized individuals as recognized by the Texas State Board of Plumbing Examiners, the TNRCC-Texas Irrigators Advisory Council, or the Texas Commission on Fire Protection-State Fire Marshall's Office, depending upon application and use.

[(4) All backflow prevention devices shall be tested upon installation by a backflow prevention device tester as designated by the public water system. It is recommended that the designated tester be certified by the manufacturer or as specified in the public water system's regulations. It is strongly recommended that all backflow prevention devices be tested annually with their "test and maintenance" report forms retained for a minimum of three years.]

(5) (No change.)

(i) Water hauling. When drinking water is distributed by tank truck or trailer,

it must be accomplished in the following manner:

(1) (No change.)

(2) The equipment used to haul the water must be approved by the executive director and must be constructed as follows:

(A)-(K) (No change.)

(L) Operational records detailing the amount of water hauled, purchases, microbiological sampling results, chlorine residual readings, dates of disinfection source of water shall be maintained.

*§290.45. Minimum Water System Capacity Requirements.*

(a) General Provisions. The following requirements are to be used in evaluating both the total capacities for public water systems and the capacities at individual pump stations and pressure planes. The capacities listed below are minimum requirements only. Additional supply, storage, service pumping, and pressure maintenance facilities will be required by the commission if a normal operating pressure of 35 psi cannot be maintained throughout the system, or if the system's maximum daily demand exceeds its total production and treatment capacity. Additional capacities will also be required if the system is unable to maintain a minimum pressure of 20 psi during fire fighting, line flushing and other unusual conditions. In all sections governing quantity requirements, total storage capacity does not include pressure tank capacity.

(b) Community Water Systems.

(1) Ground water supply requirements are as follows:

(A) (No change.)

(B) If fewer than 50 connections with ground storage, the system must have the following:

(i)-(ii) (No change.)

(iii) two or more service pumps having a total capacity of 2.0 gallons per minute per connection; and

[(iii) a service pump capacity of 2.0 gallons per minute per connection; and]

(iv) (No change.)

(C) (No change.)

(D) For more than 250 connections, the system must meet the following requirements:

(i)-(iii) (No change.)

(iv) An elevated storage capacity of 100 gallons per connection or a pressure tank capacity of 20 gallons per connection must be provided. If pressure tanks are used, a maximum capacity of 30,000 gallons is required. An elevated storage capacity of 100 gallons per connection is required for systems with more than 2,500 connections. Systems with more than 50,000 connections which utilize multiple production plants may, with the executive director's approval, substitute additional ground storage capacity, service pumping capacity and emergency [auxiliary] power for elevated storage in excess of five million gallons. Pressure tank installations are not recommended for systems serving between 1,000 and 2,500 connections and serious consideration should be given to the provision of elevated storage.

(v) Emergency [Auxiliary] power is required for systems which serve more than 250 connections and do not meet the elevated storage requirement. Sufficient emergency [auxiliary] power must be provided to deliver a minimum of 0.35 gallons per minute per connection to the distribution system in the event of the loss of normal power supply. Alternately, an emergency interconnection can be provided with another public water system that has emergency [auxiliary] power and is able to supply at least 0.35 gallons per minute for each connection in the combined system. Emergency power facilities in systems serving 1,000 connections or greater must be serviced and maintained in accordance with current NFPA 110 standards. Although not required, compliance with NFPA 110 standards is highly recommended for systems serving less than 1,000 connections. Logs of all emergency power use and maintenance must be maintained and kept on file for a period of not less than five years. These records must be made available, upon request, for commission review.

(E)-(F) (No change.)

(2) All surface water supplies must provide the following:

(A)-(F) (No change.)

(G) An elevated storage capacity of 100 gallons per connection or a pressure tank capacity of 20 gallons per connection must be provided. If pressure tanks are used, a maximum capacity of 30,000 gallons is required. An elevated storage capacity of 100 gallons per connection is required for systems with more than 2,500 connections. Systems with more than 50,000 connections which utilize multiple production plants may, with the executive director's approval, substitute additional

ground storage capacity, service pumping capacity and emergency [auxiliary] power for elevated storage in excess of five million gallons. Pressure tank installations are not recommended for systems serving between 1,000 and 2,500 connections and serious consideration should be given to the provision of elevated storage.

(H) Emergency [auxiliary] power is required for systems which serve more than 250 connections and do not meet the elevated storage requirement. Sufficient emergency [auxiliary] power must be provided to deliver a minimum of 0.35 gallons per minute per connection to the distribution system in the event of the loss of normal power supply. Alternately, an emergency interconnection can be provided with another public water system that has emergency [auxiliary] power and is able to supply at least 0.35 gallons per minute for each connection in the combined system. Emergency power facilities in systems serving 1,000 connections or greater must be serviced and maintained in accordance with current NFPA 110 standards. Although not required, compliance with NFPA 110 standards is highly recommended for systems serving less than 1,000 connections. Logs of all emergency power use and maintenance must be maintained and kept on file for a period of not less than five years. These records must be made available, upon request, for commission review.

(c)-(d) (No change.)

(e) Water wholesalers. The following additional requirements apply to systems which supply wholesale treated water to other public water supplies.

(1)-(2) (No change.)

(3) Emergency [Auxiliary] power is required for each portion of the system which supplies more than 250 connections under direct pressure and does not provide an elevated storage capacity of at least 100 gallons per connection. If emergency [auxiliary] power is required, it must be sufficient to deliver 20% of the minimum required service pump capacity in the event of the loss of normal power supply. When the wholesaler provides water through an air gap into the purchaser's storage facilities it will be the purchaser's responsibility to meet all minimum water system capacity requirements including emergency [auxiliary] power.

(f) (No change.)

(g) Exceptions. Requests for exceptions to one or more of these Minimum Water System Capacity Requirements shall be considered on an individual basis. Any water system which requests an exception must demonstrate to the satisfaction of the executive director that the exception will

not compromise the public health or result in a degradation of service or water quality as specified in §290.39(i) of this title (relating to General Provisions).

(1) (No change.)

(2) Although elevated storage is the preferred method of pressure maintenance for systems of over 2,500 connections, it is recognized that local conditions may dictate the use of alternate methods utilizing hydropneumatic tanks and on-site emergency power equipment. Exceptions to the elevated storage requirements may be obtained based on application to and approval of the Executive Director. Special conditions apply to systems qualifying for an elevated storage exception.

(A) The system must submit documentation sufficient to assure that the alternate method of pressure maintenance is capable of providing a safe and uninterrupted supply of water under pressure to the distribution system during all demand conditions.

(i) A signed and sealed statement by a registered professional engineer must be provided which certifies that the pressure maintenance facilities are sized, designed and capable of providing a minimum pressure of at least 35 psi at all points within the distribution network at flow rates of 1.5 gpm per connection or greater. In addition, the engineer must certify that the emergency power facilities are capable of providing the greater of the average daily demand or 0.35 gpm per connection while maintaining distribution pressures of at least 35 psi, and that emergency power facilities powering production and treatment facilities are capable of supplying at least 0.35 gpm per connection to storage.

(ii) The system must conduct a hydraulic analysis of the system under peak conditions. This must include an analysis of the time lag between the loss of the normal power supply and the commencement of emergency power as well as the minimum pressure that will be maintained within the distribution system during this time lag. In no case shall this minimum pressure within the distribution system be less than 20 psi. The results of this analysis must be submitted to the commission for review.

(iii) For existing systems, the system must provide continuous 24 hour pressure chart recordings of distribution pressures maintained during past power failures. The period reviewed should not be less than three years.

(B) Emergency power facilities must be maintained and provided

with necessary appurtenances to assure immediate and dependable operation in case of normal power interruption.

(i) The facilities must be serviced and maintained in accordance with current NFPA 110 standards and the manufacturers recommendations.

(ii) The switching gear must be capable of bringing the emergency power generating equipment on line during a power interruption such that the pressure in the distribution network does not fall below 20 psi at any time.

(iii) The minimum on-site fuel storage capacity shall be determined by the fuel demand of the emergency power facilities and the frequency of fuel delivery. An amount of fuel equal to that required to operate the facilities under-load for a period of at least eight hours must always be maintained on site.

(iv) Residential rated mufflers or other means of effective noise suppression must be provided on each emergency power motor.

(C) Battery powered pressure monitors and chart recorders which are configured to activate immediately upon loss of normal power must be provided for pressure maintenance facilities. These records must be kept for a minimum of five years and made available for review by the commission. Records must include chart recordings of all power interruptions including interruptions due to periodic emergency power "under-load" testing and maintenance.

(D) An emergency response plan must be submitted detailing procedures to be followed and individuals to be contacted in the event of loss of normal power supply.

(E) An exception to the elevated storage requirement is subject to revocation if low pressures are confirmed in the distribution system or if emergency power facilities are not maintained in an operational condition.

(3) [(2)] Any exception granted pursuant to these requirements shall be subject to review at the time of each routine sanitary survey of the system. Failure to demonstrate satisfactory survey findings may result in revocation of the exception.

§290.46. *Minimum Acceptable Operating Practices for Public Drinking Water Systems.*

(a) (No change.)

(b) Microbiological. Submission of samples for microbiological analysis shall be as required by §§290.101-290.119 [§§290.1-290.19] of this title (relating to Drinking Water Standards Governing Drinking Water Quality and Reporting Requirements for Public Water Supply Systems). Microbiological samples may be required by the commission for monitoring purposes in addition to the routine samples required by the drinking water standards. These samples shall be submitted to the Texas Department of Health Bureau of Laboratories or one of its approved laboratories. (A list of the approved laboratories can be obtained by contacting the Texas Department of Health Bureau of Laboratories).

(c) (No change.)

(d) Monthly operation reports. A monthly report of water works operation must be compiled. The report shall show the amounts of various chemicals, daily distribution system pumpages, dates of dead-end main flushes, cleanings of storage tanks, results of microbiological and chemical tests performed, and other pertinent data. Systems using surface water sources must also report raw and treated water analyses and daily turbidity analyses. A copy must be kept on file for review and made available during inspections.

(1) A copy of the monthly report must be submitted to the Texas Natural Resource Conservation Commission, Water Utilities Division, P.O. Box 13087, MC 155, Capitol Station, Austin, Texas 78711-3087 by the 15th day of the following month. The copy submitted to the commission must contain all the information required by the drinking water standards and the results of any special monitoring tests which have been required.

(2) Systems serving fewer than 100 connections which utilize ground water sources [or purchase treated water] only are not required to compile monthly reports.

(e) Operation by certified personnel. All systems, except transient noncommunity systems which utilize ground or purchased water, [which charge, either directly or indirectly, for drinking water and all systems utilizing surface water] must be under the direct supervision of a certified water works operator. The operator shall ensure that the water system complies with the requirements of this section.

(1) No district, municipality, firm, corporation, or individual shall furnish to the public any drinking water for which any charge is made, unless the production, processing, treatment, and distribution is at all times under the direct daily supervision of a competent water works operator holding a valid certificate of competency issued under the direction of the commission. A

Grade "D" certificate is valid for systems with 250 or fewer connections. Systems serving in excess of 250 connections must employ an operator with a Grade "C" or higher certificate. Systems serving in excess of 1,000 connections must employ at least two Grade "C" certified operators. For all systems which treat surface water, at least one of the required operators must hold at least a grade "B" or higher surface water certificate or hold a grade "C" surface water certificate and have completed a commission recognized 20-hour Water Laboratory Course.

(2) (No change.)

(3) Systems which have sources which are classified as groundwater under the influence of surface water must be under the supervision of either an operator who has at least a Grade C Groundwater certificate and has completed additional training or an operator who has at least a Grade C surface water certificate.

(A) Those systems which utilize cartridge filters must be under the supervision of at least a Grade C Groundwater operator who has completed a commission recognized 8-hour training course on monitoring and reporting requirements.

(B) Those systems which utilize coagulant addition and direct filtration must be under the supervision of at least a Grade C Groundwater operator who has completed a commission recognized 20-hour Surface Water Production course and a commission recognized 8-hour training course on monitoring and reporting requirements.

(C) Those systems which utilize complete surface water treatment must comply with the requirements of paragraph (2) of this subsection.

(4) Certified operators must provide the commission with written, dated and signed notice of the public water systems which they operate or are employed by when applying for, renewing, or upgrading their certification. This notice must be amended in writing within ten days of any change in responsibility.

(f) Disinfectant residual and monitoring. Facilities shall be provided to maintain an adequate disinfectant residual throughout the distribution system and equipment shall be available for monitoring the concentration of the disinfectant.

(1) (No change.)

(2) The disinfectant residual in the distribution system must be tested periodically using a test kit which employs a

diethyl-p-phenylenediamine (DPD) indicator. The record of these test results shall be maintained for at least three years.

(A) Public water systems must conduct daily disinfectant residual tests at representative locations in the distribution system unless they utilize ground water or purchased water sources only and [or] serve fewer than 250 connections or 750 persons daily.

(B) Systems which utilize ground water or purchased water sources only and [those which] serve fewer than 250 connections or 750 persons daily must test the disinfectant residual at representative locations in the distribution system at least once every seven days.

(C) (No change.)

(D) Representative disinfectant residual monitoring locations shall include, but are not limited to, those identified in the bacteriological sample siting plan. Only residual tests taken at bacteriological sampling sites can be used for compliance monitoring.

(g)-(h) (No change.)

(i) Plumbing ordinance. Public water systems must adopt an adequate plumbing ordinance, regulations, or service agreement with provisions for proper enforcement to insure that neither cross-connections nor other undesirable plumbing practices are permitted. See §290.47(b) of this title (relating to Appendices) [§290.48 of this title (relating to Appendix B-Sample Service Agreement)]. Should sanitary control of the distribution system not reside with the purveyor, the entity retaining sanitary control shall be responsible for establishing and enforcing adequate regulations in this regard. The use of pipes and pipe fittings that contain more than 8.0% lead or solders and flux that contain more than 0.2% lead is prohibited for installation or repair of any public water supply and for installation or repair of any plumbing in a residential or nonresidential facility providing water for human consumption and connected to a public drinking water supply system. This requirement may be waived for lead joints that are necessary for repairs to cast iron pipe.

(j) Customer Service Inspections. Effective July 1, 1995, a customer service inspection certification shall be completed prior to providing continuous water service to new construction, on any existing service when the water purveyor has reason to believe that cross-connections or other unacceptable plumbing practices exist, or after any material improvement, correction, or ad-



dition to the private plumbing facilities. See §290.47(d) of this title (relating to Appendices).

(1) Individuals with the following credentials shall be recognized as capable of conducting a customer service inspection certification.

(A) Plumbing Inspectors and Water Supply Protection Specialists holding license endorsement issued by the Texas State Board of Plumbing Examiners.

(B) Certified Waterworks Operators and members of other water related professional groups who have completed a training course, passed an examination administered by the commission or its designated agent, and hold an endorsement granted by the commission or its designated agent.

(C) Licensed Plumbers, at the discretion of the water purveyor, may perform customer service inspections on single-family residential services.

(2) As undesirable plumbing practices are discovered, they shall be promptly eliminated to prevent possible contamination of the water supplied by the public water system. The existence of a serious threat to the integrity of the public water supply shall be considered sufficient grounds for immediate termination of water service. Service can be restored only when the source of potential contamination no longer exists, or until sufficient additional safeguards have been taken.

(3) Copies of properly completed inspection certifications must be kept on file by the water supplier and made available, upon request, for commission review. If the suggested certification form (see Appendix D, §290.47 of this title) is not used, the Inspection Certifications must minimally include the name and registration number of the inspector, the type of registration (Plumbing Inspectors, Water Supply Protection Specialists, Certified Operator, etc.), and be dated and signed. It must also certify that:

(A) No direct connection between the public drinking water supply and a potential source of contamination exists. Potential sources of contamination are isolated from the public water system by an air-gap or an appropriate backflow prevention assembly in accordance with state plumbing regulation. Additionally, all pressure relief valves and thermal expansion devices are in compliance with state plumbing codes.

(B) No cross-connection between the public drinking water supply and a private water system exists. Where an actual air gap is not maintained between the public water supply and a private water supply, an approved reduced pressure-zone backflow prevention assembly is properly installed and a service agreement exists for annual inspection and testing by a recognized backflow prevention assembly tester. See §290.44(h)(4) of this title (relating to recognized backflow prevention assembly testers).

(C) No connection exists which would allow the return of water used for condensing, cooling or industrial processes back to the public water supply.

(D) No pipe or pipe fitting which contains more than 8.0% lead exists in private plumbing facilities installed on or after July 1, 1988.

(E) No solder or flux which contains more than 0.2% lead exists in private plumbing facilities installed on or after July 1, 1988.

(j) Cross-connection control. Water system representatives shall inspect individual water facilities before providing service and periodically thereafter to prevent possible cross-connections between the potable (safe) water system and any nonpotable (unsafe) water. Continuous efforts shall be made by water system representatives to locate possible cross-connections between privately owned water systems and the public water system. As these undesirable cross-connections are located, they shall be eliminated to prevent possible contamination of the water supplied by the public water system.]

(k)-(q) (No change.)

(r) Data on water system ownership and management. The commission shall be provided with information regarding water system ownership and management.

(1) (No change.)

(2) On an annual basis, each certified operator who supervises more than one water system shall provide the executive director written notices containing their certificate number, address and telephone number, and the name and identification number of each public water system which they supervise. Each operating company shall provide this information for itself and for each of its operators. See §290.47 of this title (relating to Appendices).

(s) Boil water notification [notice]. In the event of [numerous or prolonged periods of] low distribution pressures (be-

low 20 psi), water outages, repeated unacceptable microbiological samples or failure to maintain adequate chlorine residuals, a boil water notification must be instituted by the water system owner or responsible official. [notice or other protective measures may be required at the discretion of the executive director. Once a water system has been notified by the executive director to issue a boil water notice.] The system must notify its customers within 24 hours using the prescribed notification format as specified in §290.47(e) this title (relating to Appendices). [specific language and procedures approved by the Executive Director.] Bilingual notification may be appropriate based upon local demographics. Boil water notices shall remain in effect until water distribution pressures in excess of 20 psi can consistently be maintained, a minimum of 0.2 mg/l free chlorine residual or 0.5 mg/l chloramine residual (measured as total chlorine) is present throughout the system and water samples collected for microbiological analysis are found negative for coliform organisms [lifted by the Executive Director] Once the conditions listed in this subsection are met [notice is lifted], the customers must be notified in a manner similar to the original notice. A copy of this notice [these notices] shall be provided to the executive director. Other protective measures may be required at the discretion of the executive director.

(t)-(w) (No change.)

(x) Abandoned wells. Abandoned public water supply wells owned by the system must be plugged with cement according to the Water Well Drillers Rules Chapter 338 of this title. Wells that are not in use and are non-deteriorated (as defined in Chapter 338 of this title) must be tested every five years or as required by the executive director to prove that they are in a non-deteriorated condition. The test results shall be sent to the Commission's Water Utilities Division for review and approval. Deteriorated wells must be either plugged with cement or repaired to a non-deteriorated condition.

(y) Electrical wiring. All water system electrical wiring must be installed in a securely mounted conduit in compliance with a local or national electrical code.

§290.47. Appendices.

(a) Appendix A. Recognition as a Superior or Approved Public Water System. Figure 1: 30 TAC §290.47(a)

(b) Appendix B. Sample Service Agreement. Figure 2: 30 TAC §290.47(b)

(c) Appendix C. Sample Sanitary Control Easement Document for a Public Water Well.

Figure 3: 30 TAC §290.47(c)

(d) Appendix D. Sample Service Inspection Certification.

Figure 4: 30 TAC §290.47(d)

(e) Appendix E. Boil Water Notification.

Figure 5: 30 TAC §290.47(e)

(f) Appendix F. Sample Backflow Prevention Assembly Test and Maintenance Report.

Figure 6: 30 TAC §290.47(f)

(g) Appendix G. Operator and/or Employment Notice.

Figure 7: 30 TAC §290.47(g)

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

Issued in Austin, Texas, on June 7, 1995.

TRD-9506847

Lydia Gonzalez-Gromatsky  
Acting Director, Legal  
Services Division  
Texas Natural Resource  
Conservation  
Commission

Earliest possible date of adoption: July 14, 1995

For further information, please call: (512) 239-6087

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• 30 TAC §§290.47-290.50

(Editor's note: The text of the following sections proposed for repeal will not be published. The sections may be examined in the offices of the Texas Natural Resource Conservation Commission or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)

The repeals sections are proposed under Texas Water Code, §5.103, which provides the commission the authority to adopt and enforce rules necessary to carry out its powers and duties under the laws of this state and the Texas Health and Safety Code, Chapter 341, Subchapter C, which governs sanitary standards of drinking water, protection of public water supplies, and bodies of water.

§290.47. Appendix A. Recognition as a Superior Public Water System.

§290.48. Appendix B. Sample Service Agreement.

§290.49. Appendix C. Sample Sanitary Control Easement Document for a Public Water Well.

§290.50. Laboratory Analysis.

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

Issued in Austin, Texas, on June 7, 1995.

TRD-9506848

Lydia Gonzalez-Gromatsky  
Acting Director, Legal  
Services Division  
Texas Natural Resource  
Conservation  
Commission

Earliest possible date of adoption: July 14, 1995

For further information, please call: (512) 239-6087

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**Drinking Water Standards  
Governing Drinking Water  
Quality and Reporting Re-  
quirements For Public Water  
Supply Systems**

• 30 TAC §290.121

The new section is proposed under Texas Water Code, §5.103, which provides the commission the authority to adopt and enforce rules necessary to carry out its powers and duties under the laws of this state and the Texas Health and Safety Code, Chapter 341, Subchapter C, which governs sanitary standards of drinking water, protection of public water supplies, and bodies of water.

§290.121. Laboratory Analyses.

(a) All samples used to determine compliance with the rules of the Texas Water Commission for chemical, radiological, or bacteriological analyses must be submitted to a laboratory approved by the Texas Department of Health. Non-compliance tests, such as control tests taken to operate the system, may be run in the plant or local laboratory.

(b) Methods of analysis shall be as specified in 40 Code of Federal Regulations, §141.21(f) (microbiological), §141.22(a) (turbidity), §141.23(f) (inorganics), §141.24(e)(f) and (g) (organics) and §141.25 (radionuclides) of the National Primary Drinking Water Regulations, or by any alternative analytical technique as specified by the Department and approved by the Administrator under 40 Code of Federal Regulations, §141.27.

(c) The commission adopts by reference the Federal Regulations referred to in subsection (b) of this section.

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

Issued in Austin, Texas, on June 7, 1995.

TRD-9506850

Lydia Gonzalez-Gromatsky  
Acting Director, Legal  
Services Division  
Texas Natural Resource  
Conservation  
Commission

Earliest possible date of adoption: July 14, 1995

For further information, please call: (512) 239-6087

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**Chapter 335. Industrial Solid  
Waste and Municipal  
Hazardous Waste**

**Subchapter K. Hazardous Sub-  
stance Facilities Assessment  
and Remediation**

• 30 TAC §335.352

The Texas Natural Resource Conservation Commission (the commission or TNRCC) proposes an amendment to §335.352, Subchapter K, concerning hazardous substance facilities assessment and remediation. The amendment replaces Appendix I, the State Hazardous Ranking System Guidance Document, with Appendix I, 40 Code of Federal Regulation (CFR), Part 300, Hazard Ranking System. Also, the content of existing Appendix II is clarified and both appendices are rearranged into paragraphs (1) and (2) of this section.

The commission is required, under the Texas Solid Waste Disposal Act, Texas Health and Safety Code, Chapter 361 (Vernon's Supplement 1990), Subchapter F, §§361.181-361.202, as amended, (the Act) to identify and assess facilities that may constitute an imminent and substantial endangerment to public health and safety or the environment due to a release or a threatened release of hazardous substances into the environment. The amendment increases the accuracy in assessing the relative degree of risk to human health and the environment posed by a facility and establishes policies and procedures of general applicability which the executive director of the commission will follow when scoring a facility for listing or consideration of delisting petitions. A brief summary of the effect of this rule follows.

Section 335.352, concerning Appendix I, adoption by reference is proposed to be replaced with more comprehensive regulations. In addition to the previous regulations which evaluated threats to the groundwater, surface water, and air pathways, the proposed section includes additional requirements for a soil exposure pathway, including specific benchmarks for terrestrial sensitive environments. This proposal increases the target distance limit from three miles to four miles for the groundwater and air pathways, increases the surface water pathway target distance limit from 3 miles to 15 miles downstream, and adds specific benchmarks for wetlands, fisheries, and other sensitive environments to the air pathway. The entire content of 40 CFR, Part 300, effective date March 14, 1991, is adopted by reference.

Stephen Minick, Strategic Planning and Appropriations Division, has determined that for the first five years this section as proposed is in effect, there will be fiscal implications as a result of enforcement and administration of the section. Costs to state government to implement the section are estimated to be \$50,000 in each year of the five-year period.

Cost savings to state government will also result from adoption of the section. The exact amount of the savings cannot be determined, but it is anticipated that a significant percentage of the costs will be mitigated by savings. In addition, the adoption of the section as proposed may have further implications for the availability of federal reimbursement of site remediation costs. These potential contributions cannot be determined at this time, however, and are not included in any estimate of cost savings to the state. There are no fiscal implications anticipated for local governments or small businesses.

Mr. Minick also has determined that for the first five years this section as proposed is in effect, the public benefit anticipated as a result of enforcement of and compliance with the section will be improved consistency between federal and state programs for the determination and ranking of the potential hazards posed by contaminated sites, a more efficient and cost-effective process of ranking site hazards and improvements in the accuracy of assessments of risk to human health and safety. There are no fiscal implications anticipated for any person required to comply with the section as proposed.

Please send written comments to: Bettie Mabry Bell, Texas Natural Resource Conservation Commission, Office of Policy and Regulatory Development, MC-201, P.O. Box 13087, Austin, Texas 78711-3087.

Comments will be accepted until 5:00 p.m., 30 days after the date of this publication. Refer to Rule Log Number 95069-335-WS when commenting on the proposal. For more information contact, Wesley Newberry, Team Leader, Superfund Site Discovery and Assessment Team, Emergency and Response Section, Pollution Cleanup Division, at (512) 239-2512.

The amendment is proposed under the Texas Water Code, §§5.103, 5.105, and 26.11, which provides the Texas Natural Resource Conservation Commission with the authority to adopt any rules necessary to carry out its powers and duties under the code and other laws of the State of Texas, and to establish and approve all general policy of the commission; under the Texas Solid Waste Disposal Act, Texas Health and Safety Code, §§361.017, 361.024, 361.0232, 361.0871(c), and §361.002, which gives the Texas Natural Resource Conservation Commission the authority to regulate solid and hazardous wastes and to adopt rules and promulgate rules consistent with the general intent and purposes of the Act.

The amended section effects the Health and Safety Code, Chapter 361.

§335.352. *Adoption of Appendices by Reference.* The following appendices are adopted by reference. Copies of these appendices may be obtained by contacting the Texas Natural Resource Conservation Commission [Texas Water Commission], Library, P.O. Box 13087, 12118 North IH-35 [1700 North Congress Avenue], Austin, Texas 78711-3087, (512) 239-0020. [(512) 463- 7834: Appendix I. Texas State

Superfund Hazard Ranking System Guidance Document; Appendix II. List of TWC and EPA Technical Guidance Documents.]

(1) Appendix I: 40 Code of Federal Regulations (CFR) Part 300, Hazard Ranking System; Final Rule, effective March 14, 1991.

(2) Appendix II: List of basic TNRCC and EPA Technical Guidance Documents, dated December 1, 1994.

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

Issued in Austin, Texas, on June 7, 1995.

TRD-9506849 Lydia Gonzalez-Gromatek  
Acting Director, Legal  
Services Division  
Texas Natural Resource  
Conservation  
Commission

Earliest possible date of adoption: July 14, 1995

For further information, please call: (512) 239-6087

## TITLE 43. TRANSPORTATION

### Part I. Texas Department of Transportation

#### Chapter 1. Management

#### Advisory Committees

##### • 43 TAC §1.85

The Texas Department of Transportation proposes an amendment to §1.85, concerning department advisory committees. The amendment is proposed to establish the Safety Management System Committee.

The Safety Management System Committee is proposed to comply with the Intermodal Surface Transportation Efficiency Act of 1991, the federal rules governing its implementation which require that the state administer a Safety Management System, and the department's policy and goal to promote safe transportation. The governor has appointed the executive director of the department as the official focal point for the Safety Management System which will provide identification, consideration, evaluation, recommendations, selection, and implementation of improvements to transportation safety strategies and projects. The committee will provide advice and recommendations to the department on matters of transportation safety.

Gary K. Trietsch, P.E., Director of Traffic Operations, has determined that there will be fiscal implications as a result of enforcing or administering the section. The effect on state government for the first five-year period the amendment is in effect will be an additional cost of \$8,000 each year, which includes \$1,500 travel costs. There will be no effect on local government as a result of enforcing or administering this amendment.

Mr. Trietsch has certified that there will be no significant impact on local economies or overall employment as a result of enforcing or administering the proposed amendment.

Mr. Trietsch also has determined that for each year of the first five years the amendment is in effect the public benefit anticipated as a result of implementing the amendment will be to provide a forum to facilitate communication among the department, other governmental agencies, transportation planners, transportation providers, and the public regarding transportation safety issues. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Pursuant to the Administrative Procedure Act, Government Code, Chapter 2001, the Texas Department of Transportation will conduct a public hearing to receive comments concerning the proposed amendment. A public hearing will be held at 1:30 p.m. on Friday, June 23, 1995, in Room 101, Building 200, 200 East Riverside, Austin, Texas. The hearing will be conducted in accordance with the procedures specified in 43 TAC §1.5. Those desiring to make comments or presentations may register starting at 1:00 p.m. Any interested person may appear and offer comments, either orally or in writing; however, questioning of those making presentations will be reserved exclusively to the presiding officer as may be necessary to ensure a complete record. While any person with pertinent comments will be granted an opportunity to present them during the course of the hearing, the presiding officer reserves the right to restrict testimony in terms of time and repetitive content. Organizations, associations, or groups are encouraged to present their commonly held views and identical or similar comments through a representative member where possible. Comments on the proposed text should include appropriate citations to sections, subsections, paragraphs, etc., for proper reference. Any suggestions or requests for alternative language or other revisions in the proposed text should be submitted in written form. Presentations must remain pertinent to the issues being discussed. A person may not assign a portion of his or her time to another speaker. A person who disrupts a public hearing must leave the hearing room if ordered to do so by the presiding officer. Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, large print or braille, are requested to contact Eloise Lundgren, Director of Public Information Office, at 125 East 11th Street, Austin, Texas 78701-2383, (512) 463-8588 at least two work days prior to the hearing so that appropriate arrangements can be made.

Written comments on the proposed amendment may be submitted to Gary K. Trietsch, P.E., Director of Traffic Operations, Texas Department of Transportation, 125 East 11th Street, Austin, Texas 78701-2483. The deadline for receipt of written comments will be 5:00 p.m. on July 13, 1995.

The amendment is proposed under Texas Civil Statutes, Article 6666, which provide the

Texas Transportation Commission with the authority to establish rules for the conduct of the work of the Texas Department of Transportation, and more specifically Texas Civil Statutes, Article 6252-33, which provide that a state agency that is advised by an advisory committee shall adopt rules that state the purpose of the committee and describe the task of the committee and the manner in which the committee will report to the agency.

Texas Civil Statutes, Article 6252-33 is affected by this proposed amendment.

*§1.85. Department Advisory Committees.*

(a) Creation. The following committees are established as department advisory committees.

(1)-(21) (No change.)

(22) Safety Management System Committee.

(A) Purpose. The Safety Management System Committee provides advice and makes recommendations to improve transportation safety by identifying and evaluating safety issues for consideration in transportation strategies, plans, and projects.

(B) Duties. The committee shall:

(i) develop and recommend safety goals and objectives for the state through consideration of current transportation trends;

(ii) identify and recommend safety policies, procedures, and processes which affect safety-related decisions; and

(iii) coordinate and communicate transportation issues with other agencies and individuals to ensure a functional and productive safety management system.

(C) Subcommittees.

(i) The committee may appoint subcommittees to work independently on select safety issues.

(ii) A subcommittee shall report its finding or recommendation to the committee chair.

(D) Manner of reporting. The committee shall report its advice and recommendations to the participating agencies and the Director of Traffic Operations.

(E) Duration. The committee is abolished September 1, 1997, unless continued in existence by affirmative vote of the commission.

(b)-(c) (No change.)

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

Issued in Austin, Texas, on June 6, 1995.

TRD-9506842

Robert E. Shaddock  
General Counsel  
Texas Department of  
Transportation

Earliest possible date of adoption: July 14, 1995

For further information, please call: (512) 463-8630

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# ADOPTED RULES

An agency may take final action on a section 30 days after a proposal has been published in the *Texas Register*. The section becomes effective 20 days after the agency files the correct document with the *Texas Register*, unless a later date is specified or unless a federal statute or regulation requires implementation of the action on shorter notice.

If an agency adopts the section without any changes to the proposed text, only the preamble of the notice and statement of legal authority will be published. If an agency adopts the section with changes to the proposed text, the proposal will be republished with the changes.

## TITLE 13. CULTURAL RESOURCES

### Part I. Texas State Library and Archives Commission

#### Chapter 1. Library Development

#### Library Services Construction Act Annual Program and Long Range Plan

##### • 13 TAC §1.21

The Texas State Library and Archives Commission adopts an amendment to §1.21, without changes to the proposed text as published in the April 18, 1995, issue of the *Texas Register* (20 TexReg 2761).

The amendment concerns the approval of the federal Library Services and Construction Act Long Range Plan and Annual Program. The documents describe the types of financial assistance and services available to libraries and systems of libraries and the qualifications and procedures for receiving, administering and reporting on these funds. The Commission has adopted long range plans for fiscal years 1994-1999 and annual programs for fiscal years 1994, 1995, and 1996 by reference.

Ramiro Salazar of Dallas Public Library commented, requesting a change in the criteria for the Major Urban Resource Libraries grant programs; Rebecca Sullivan of Terrell Public Library represented the Library Services and Construction Act Advisory Council commented against this requested change. The commission received no other comments regarding adoption of the amendment.

The amendment is adopted under the Government Code, §441.009, that provides Texas State Library and Archives Commission with authority to adopt a state plan for improving library services in Texas.

Government Code, §1.21 is affected by the amendment.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on June 6, 1995.

TRD-9506810

Raymond Hitt  
Assistant State Librarian  
Texas State Library and  
Archives Commission

Effective date: June 27, 1995

Proposal publication date: April 18, 1995

For further information, please call: (512) 463-5460

#### Minimum Standards for Accreditation of Libraries in the State Library System

##### • 13 TAC §§1.75, 1.81, 1.86

The Texas State Library and Archives Commission adopts new §1.86, and amendments to §1.75 and §1.81, without changes to the proposed text as published in the February 10, 1995, issue of the *Texas Register* (20 TexReg 925).

The new rule and amendments concern the standards for accreditation of non-public libraries in the state library system. With the passage of House Bill 1589 (Acts 73rd Legislature-Regular Session §155) in the last legislative session, membership in the Texas Library System can now be offered to non-public libraries (those libraries operated by public school districts, institutions of higher education, or units of state or local government). This new rule and amendments specify the criteria for the accreditation of these libraries as members of the state library system.

The commission received no comments regarding adoption of the new rule or amendments.

The new section and the amendments are adopted under the Government Code, §441.136, that provides the Texas State Library and Archives Commission with the authority to adopt rules for the administration of the Texas Library System.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on June 6, 1995.

TRD-9506812

Raymond Hitt  
Assistant State Librarian  
Texas State Library and  
Archives Commission

Effective date: June 27, 1995

Proposal publication date: February 10, 1995

For further information, please call: (512) 463-5460

#### System Advisory Council

##### • 13 TAC §1.112

The Texas State Library and Archives Commission adopts an amendment to §1.112, without changes to the proposed text as published in the February 10, 1995, issue of the *Texas Register* (20 TexReg 926).

The amendment concerns the election of advisory councils and the appointment of lay representatives for libraries in the state library system. With the passage of House Bill 1589 (Acts 73rd Legislature-Regular Session §155) in the last legislative session, membership in the Texas Library System can now be offered to non-public libraries (those libraries operated by public school districts, institutions of higher education, or units of state or local government). This amendment specifies the procedures and requirements for appointment of lay representatives by members of the state library system.

The commission received no comments regarding adoption of the amendment.

The amendment is adopted under the Government Code, §441.136, that provides the Texas State Library and Archives Commission with the authority to adopt rules for the administration of the Texas Library System.

The Government Code, §§441.121-441.138 is affected by the amendment.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on June 6, 1995.

TRD-9506811

Raymond Hitt  
Assistant State Librarian  
Texas State Library and  
Archives Commission

Effective date: June 27, 1995

Proposal publication date: February 10, 1995

For further information, please call: (512) 463-5460

## TITLE 22. EXAMINING BOARDS

### Part V. State Board of Dental Examiners

#### Chapter 102. Fees

##### • 22 TAC §102.1

The State Board of Dental Examiners, adopts new §102.1, concerning fees, without changes to the proposed text as published in the March 31, 1995, issue of the *Texas Register* (20 TexReg 2376).

The new rule is being adopted to establish agency fees by rule pursuant to the newly enacted Dental Practice Act.

The new rule establishes the fee schedule for the processing of various licensing and examination applications for dentists, dental hygienists and dental laboratories.

The Dental Hygiene Advisory Committee and the Dental Laboratory Certification Council were in favor of this rule.

The new rule is adopted under the Texas Government Code, §2001.034; Texas Civil Statutes, Article 4544, §1; Article 4545a, §1; Article 4545a, §2; Article 4550a, §1; Article 4550a, §2; Article 4551; Article 4551e, §5; Article 4551f, §6(a); Texas Health and Safety Code, §467.004; and §467.0041, which provides the State Board of Dental Examiners with the authority to promulgate rules consistent with the Code.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on June 5, 1995.

TRD-9506856 Douglas A. Beran, Ph D.  
Executive Director  
State Board of Dental  
Examiners

Effective date: June 28, 1995

Proposal publication date: March 31, 1995

For further information, please call: (512) 463-6400

## Part XXVI. Texas Board of Licensure for Professional Medical Physicists

### Chapter 601. Medical Physicists

The Texas Board of Licensure for Professional Medical Physicists (board) with the approval of the Texas Department of Health (department) adopts amendments to §§601.1-601.6, 601.8, 601.10, 601.13-601.17; the repeal of §601.7; and new §601.7, concerning professional medical physicists. Section 601.5 is adopted with changes to the proposed text as published in the March 7, 1995, issue of the *Texas Register*

(20 TexReg 1612). Sections 601.1-601.4, 601.6, 601.8, 601.10, 601.13-601.17; the repeal of §601.7; and new §601.7 are adopted without changes and will not be republished.

The amendments update and clarify the board's relating to purpose and scope; definitions; the board's operation; fees; exemptions; application procedures; licensure by examination; license issuance and license holder requirements; petition for adoption of rules; code of ethics; criminal background; violations, complaints, and subsequent actions; and surrender of license. The repeal of existing §601.7 concerns licensure without examination. The new §601.7 concerns reciprocity which was previously included in the section being repealed.

The amendments insure that the wording in the rules is parallel with the Act, increase fees, allow an applicant to submit sworn evidence of a degree if a transcript is not issued, add an open book examination for all applicants, allow the board to disapprove an application if the applicant does not make a passing score of 80% on the open book examination, allow the board to disapprove an application if an applicant lacks professional ethics, necessary skills and abilities in the specialty area requested, and require an applicant with a foreign degree to have an evaluation and translation of the degree. The new section will cover an administrative procedure for licensure by reciprocity. The section for repeal covered reciprocity and licensure without examination, an application procedure which expired on August 31, 1994.

No comments were received regarding the proposal of the amendments, the repeal, or the new section. Minor editorial changes were made for clarification purposes.

##### • 22 TAC §§601.1-601.8, 601.10, 601.13-601.17

The amendments and new section are adopted under the Texas Medical Physics Practice Act, Texas Civil Statutes, Article 4512n, §11, which require the Texas Board of Licensure for Professional Medical Physicists to adopt rules, with the approval of the Texas Department of Health, that are reasonably necessary for the proper performance of its duties under the Act.

#### §601.5. Exemptions.

(a) The purpose of this section is to set out who is exempt from the Texas Medical Physics Practice Act (Act) and who must be licensed under the Act.

(b)-(d) (No change.)

This agency hereby certifies that the rule has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on June 6, 1995.

TRD-9506817 Susan K. Støeg  
General Counsel  
Texas Department of  
Health

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Proposal publication date: March 7, 1995

For further information, please call: (512) 458-7236

##### •22 TAC §601.7

The repeal is adopted under the Texas Medical Physics Practice Act, Texas Civil Statutes, Article 4512n, §11, which require the Texas Board of Licensure for Professional Medical Physicists to adopt rules, with the approval of the Texas Department of Health, that are reasonably necessary for the proper performance of its duties under the Act.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

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TRD-9506818 Susan K. Støeg  
General Counsel  
Texas Department of  
Health

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For further information, please call: (512) 458-7236

## TITLE 25. HEALTH SER- VICES

### Part I. Texas Department of Health

#### Chapter 97. Communicable Diseases

##### • 25 TAC §§97.61-97.63, 97.66, 97.67, 97.71, 97.73, 97.75, 97. 77

The Texas Department of Health adopts amendments to §§97.61-97.63, 97.66, 97.67, 97.71, 97.73, 97.75, and 97.77; and the repeal of §97.64, concerning immunization requirements for all children and students in Texas enrolled in child-care facilities, elementary and secondary schools, and institutions of higher education; including children admitted, detained or committed in Texas Department of Criminal Justice, Texas Mental Health and Mental Retardation, and Texas Youth Commission facilities. Sections 97.62, 97.63, 97.66, 97.73, and 97.77 are adopted with changes to the proposed text as published in the December 9, 1994, issue of the *Texas Register* (19 TexReg 9711). Sections 97.61, 97.67, 97.71, and 97.75 are adopted without changes and will not be republished.

The amendments update and clarify or delete existing immunization requirements for vaccine-preventable diseases in Texas. For clarity, the requirements for boosters have been incorporated in the amended sections as appropriate, necessitating the repeal of §97.64. Many of the changes, including the addition of a fourth dose of diphtheria-tetanus-pertussis (DTP) vaccine, bring the minimum school immunization requirements into closer agreement with the recommended medical optimum as outlined in the document

titled "General Recommendations on Immunization" as recommended by the Advisory Committee on Immunization Practices (ACIP) dated January 28, 1994.

The amended sections cover: scope; exclusions from compliance; required immunizations; inactivated polio vaccine (IPV) and combined schedule of polio vaccines; verification of measles illness, rubella illness or mumps illness; provisional enrollment; acceptable documents of immunizations; assistance and review of records; and remarks and special recommendations.

No comments were received. There were minor editorial changes made for clarification purposes. In addition, the department added an effective date of August 1, 1996 to §97.63(c)(1)(E)(ii) and (2)(B)(ii) in order to provide ample opportunity for those covered by the requirements to incorporate the changes into their recordkeeping, computer programs, and internal review and notification processes.

### Immunization Requirements in Texas Elementary and Secondary Schools and Institutions of Higher Education

- 25 TAC §§97.61-97.63, 97.66, 97.67, 97.71, 97.73, 97.75, 97.77

The amendments are adopted under the Education Code, §2.09(b) and (e), which requires the department to develop rules relating to the admission of persons to elementary or secondary schools, §2.091(c), which requires the department to develop the form for a required annual report of the immunization status of students; Human Resources Code, §42.043(c), which requires the department to develop rules for the admission of children to child care facilities; Health and Safety Code, §161.005(b), which requires the board to develop rules for the admission of children to facilities of the Texas Department of Mental Health and Mental Retardation, Texas Department of Criminal Justice, and Texas Youth Commission, §81.023(a) and §161.004(a), which requires the board to develop immunization requirements for all children, §81.004(b), which allows the board to adopt rules necessary to protect the public from communicable disease; and §12.001, which provides the board with the authority to adopt rules for the performance of every duty imposed by law on the Texas Board of Health, the Texas Department of Health and the Commissioner of Health.

§97.62. *Exclusions from Compliance.* Exclusions from compliance are allowable on an individual basis for medical contraindications, religious conflicts, and active duty with the armed forces of the United States. Children and students in these categories must submit evidence for exclusion from compliance as specified in Texas Education Code, §2.09, and the Human Resources Code, Chapter 42.

(1) Medical contraindications. The child or student must present an affida-

vit or certificate signed by a physician, duly registered and licensed to practice medicine in the United States, in which it is stated that, in the physician's opinion, the immunization required would be injurious to the health and well-being of the applicant or any member of his or her family or household. Unless a lifelong condition is specified, the affidavit or certificate is valid for only one year from the date signed by the physician and must be renewed every year for the exclusion to remain in effect.

(2) Religious conflicts. A signed affidavit must be presented by the child's parent or guardian stating that the immunization conflicts with the tenets and practices of a recognized religious organization of which the applicant is an adherent or member. This exemption does not apply in times of emergency or outbreak declared by the commissioner of health or local health authority.

(3) (No change.)

#### §97.63. *Required Immunizations.*

(a) For further information see §97.71 of this title (relating to Provisional Enrollment) and §97.77 of this title (relating to Remarks and Special Recommendations).

(b) Oral polio vaccine (OPV) is the usual vaccine of choice for preventing polio; however, enhanced-potency inactivated polio vaccine (eIPV) may be medically indicated for some children and students. For further information see §97.65 of this title (relating to Inactivated Polio Vaccine eIPV/IPV and Combined Schedule of Polio Vaccines).

(c) The following immunizations are required in the respective age groupings.

(1) Children less than five years of age: polio vaccine, diphtheria-tetanus-pertussis (DTP) or diphtheria-tetanus-acellular pertussis (DTaP) vaccine, and measles, mumps, and rubella vaccine (MMR). For further information see §97.66 of this title.

(A) Children less than two months old: no immunizations are required.

(B) Children two months of age, but not yet four months of age: one dose each of OPV and DTP vaccine are required.

(C) Children four months of age, but not yet six months of age: two doses each of OPV and DTP vaccine are required.

(D) Children six months of age, but not yet 18 months of age: three

doses of OPV and three doses of DTP vaccine are required.

(E) All children 18 months of age, but not yet five years of age (18 months through four years of age):

(i) three doses of OPV; three doses of DTP vaccine; and

(ii) effective August 1, 1996: three doses of OPV; a combination of four doses of DTP vaccine. Any combination of four doses of DTP/DTaP will meet this requirement, provided that the DTaP doses were given as the fourth and/or fifth dose in the recommended series and on or after 15 months of age.

(F) Children 18 months of age, but not yet five years of age (18 months of age through four years of age): one dose of measles vaccine, one dose of mumps vaccine, and one dose of rubella vaccine are required.

(i) Beginning September 1, 1990, a dose of measles vaccine, mumps vaccine, and rubella vaccine (MMR) must have been received on or after the first birthday.

(ii) A physician-validated history of measles illness or serologic confirmation of measles disease will substitute for the measles vaccine requirement. A physician-validated history of mumps illness or serologic confirmation of mumps disease will substitute for the mumps vaccine requirement. Serologic confirmation of rubella disease will substitute for the rubella vaccine requirement. A physician-validated history of rubella illness will not substitute for the rubella vaccine requirement. For further information see §97.67 of this title (relating to Verification of Measles Illness, Rubella Illness, or Mumps Illness).

(G) Children less than five years of age: *Haemophilus influenzae* type b conjugate vaccine (HibCV).

(i) Beginning September 1, 1991, the following HibCV immunizations are required in addition to the immunization requirements in this paragraph.

(I) Children less than two months old: no immunizations required.

(II) Children two months of age, but not yet four months of age: one dose is required.

(III) Children four months of age, but not yet 15 months of age: two doses are required.

(IV) Children 15 months of age, but not yet five years of age; one dose on or after 15 months of age is required unless a schedule for a primary series and booster was completed prior to or at 15 months of age.

(ii) A physician-validated history of invasive *Haemophilus influenzae* type b disease, on or after the second birthday will substitute for the vaccine requirement for children two years of age through four years of age.

(2) Children and students five years of age or older.

(A) Polio. At least three doses of oral polio vaccine (OPV) are required, provided at least one dose has been received on or after the fourth birthday. Polio vaccine is not required for persons 18 years of age or older. For further information see §97.65 of this title (relating to Pregnancy), §97.66 of this title, and §97.77(c) and (d) of this title.

(B) Tetanus/Diphtheria.

(i) At least three doses of DTP, DT and/or Td vaccine are required, provided at least one dose has been received on or after the fourth birthday. Pertussis vaccine is not required for children/students who are five years of age and older. One dose of DTP, DTaP, DT, or Td is required within the last ten years. For further information see §97.77(c) and (d) of this title.

(ii) Effective August 1, 1996, at least four doses of DTP or DTaP, DT, and/or Td vaccine are required, provided at least one dose has been received on or after the fourth birthday. Pertussis vaccine is not required for children/students who are five years of age and older. Any combination of four doses of DTP/DTaP will meet the DTP portion of this requirement, provided that any DTaP doses were given as the fourth and/or fifth dose in the recommended series and on or after 15 months of age. The requirement of at least four doses of DTP or DTaP, DT, and/or Td doses applies to students six years of age and younger. Only three doses of DTP, DTaP, DT and/or Td doses are required for children seven years of age and older provided at least one dose has been received on or after the fourth birthday. One dose of DTP, DTaP, DT or Td is required within the last ten years. For further information see §97.77(c) and (d) of this title.

(C) Measles.

(i) Beginning September 1, 1990:

(I) all children and students must have received measles vac-

cine on or after their first birthday or provide a physician-validated history of measles illness, or serologic confirmation of measles immunity; and

(II) the requirement for measles vaccine administered on or after the first birthday will apply if a child's/student's immunization record is updated; a child/student enters a child-care facility or school for the first time; or a child/student transfers from another state into a Texas school or child-care facility.

(ii) Beginning January 1, 1991, children and students born on or after September 1, 1978 will be required to show proof of measles immunity or receipt of two doses of measles vaccine administered on or after the first birthday. This proof is not required until the child's 12th birthday. The two doses of measles vaccine must have been administered at least 30 days apart. Children and students may have 30 days past their 12th birthday to be in compliance with this clause. For further information see §97.65 of this title and §97.67 of this title.

(D) Rubella. Beginning September 1, 1991:

(i) all children and students must have received rubella vaccine on or after their first birthday or provide serologic confirmation of rubella immunity; and

(ii) the requirement for rubella vaccine administered on or after the first birthday will apply if a child's/student's immunization record is updated; a child/student enters a child-care facility or school for the first time; or a child/student transfers from another state into a Texas school or child-care facility. For further information see §97.65 of this title and §97.67 of this title.

(E) Mumps. Beginning September 1, 1990:

(i) all children or students will be required to have received mumps vaccine administered on or after their first birthday or provide a physician-validated history of mumps illness or serologic confirmation of mumps immunity; and

(ii) the requirement for mumps vaccine administered on or after the first birthday will apply if a child's/student's immunization record is updated, a child/student enters a child-care facility or school for the first time; or a child/student transfers from another state into a Texas school or child-care facility. For further information see §97.65 of this title and §97.67 of this title.

(3) Students in institutions of higher education (colleges, universities, and

other teaching facilities above the high school level).

(A) Applicability. This paragraph applies to all students enrolled in health-related courses which will involve direct patient contact in medical or dental care facilities. This includes all medical interns; residents; fellows; and others who are being trained in medical schools, hospitals, and health science centers listed in the Texas Higher Education Coordinating Board's list of higher education in Texas; and students attending two-year and four-year colleges whose course work involves direct patient contact regardless of: number of courses taken; number of hours taken; and classification of student. Subparagraph (I) of this paragraph also applies to veterinary medical students whose course work involves direct contact with animals or animal remains regardless of number of courses taken; number of hours taken; and classification of student. The department will assist institutions of higher education to educate all students of the need for immunizations and will assist in the provision of vaccines as resources allow.

(B) Provisional enrollment. Students referenced in this paragraph may be provisionally enrolled for up to one semester or one quarter. The provisional enrollment will allow students to attend classes while obtaining the required immunizations and documentation (immunization records) of required immunizations. Student health care providers cannot be provisionally enrolled without receipt of at least one dose of MMR vaccine if direct patient contact will occur during the provisional enrollment period. For further information see §97.62 of this title (relating to Exclusions from Compliance); §97.65 of this title; §97.67 of this title; §97.73 of this title (relating to Acceptable Documents of Immunizations); and §97.77 of this title. Other sections of this chapter regarding immunizations also affect college/university students and institutions of higher education.

(C) Polio. Polio vaccine is not required for any student. All students enrolled in health-related courses are encouraged to ascertain that they are immune to poliomyelitis.

(D) Tetanus/Diphtheria. Beginning January 1, 1992, tetanus/diphtheria toxoid (Td) is required for medical interns, residents, fellows, and students enrolled in health-related courses as defined in subparagraph (A) of this paragraph. Students enrolled in health-related courses must have received one dose of Td within the past ten years. For recordkeeping, only



one date (month, day, year) for Td must be recorded, this dose is the Td dose administered within the past ten years.

(E) Measles. Beginning January 1, 1992:

(i) all students defined previously in subparagraph (A) of this paragraph who were born on or after January 1, 1957, must show proof of either:

(I) two doses of measles vaccine administered since January 1, 1968 and on or after their first birthday and at least 30 days apart; or

(II) at least one dose of measles vaccine administered on or after their first birthday, which must be received by students enrolled in health-related courses prior to direct patient contact and completion of the measles requirement must be accomplished as rapidly as is medically feasible; or

(III) immunity to measles (physician-validated history or serologic confirmation); and

(ii) for further information see §97.65 of this title and also §97.67 of this title.

(F) Rubella. Beginning January 1, 1992:

(i) all students enrolled in health-related courses defined previously in subparagraph (A) of this paragraph must show, prior to patient contact, proof of either:

(I) one dose of rubella vaccine administered on or after their first birthday; or

(II) serologic confirmation of rubella immunity; and

(ii) for further information see §97.65 of this title and also §97.67 of this title.

(G) Mumps. Beginning January 1, 1992:

(i) all students defined previously in subparagraph (A) of this paragraph who were born on or after January 1, 1957, must show, prior to patient contact, proof of either:

(I) one dose of mumps vaccine administered on or after their first birthday; or

(II) immunity to mumps (physician-validated history or serologic confirmation); and

(ii) for further information see §97.65 of this title and also §97.67 of this title.

(H) Hepatitis B. Beginning January 1, 1992:

(i) all medical and dental students, residents, and interns shall receive a complete series of hepatitis B vaccine prior to the start of direct patient care or show serologic confirmation of immunity to hepatitis B virus. All other students enrolled in health-related courses are encouraged to receive the complete series of hepatitis B vaccine; and

(ii) all medical and dental interns and residents who are incompletely immunized to hepatitis B virus prior to the start of direct patient care shall complete the series as rapidly as is medically feasible or show serologic confirmation of immunity to hepatitis B virus.

(I) Rabies. Beginning January 1, 1992:

(i) all students enrolled in schools of veterinary medicine shall receive a complete primary series of rabies vaccine prior to the start of contact with animals or their remains; and

(ii) a booster dose of rabies vaccine is to be obtained by the student every two years unless protective serum antibody levels are documented.

§97.66. *Enhanced-Potency Inactivated Polio Vaccine (eIPV/IPV) and Combined Schedule of Polio Vaccines.* eIPV/IPV is the injectable type of polio vaccine which is usually recorded as "IPV" or eIPV or "Salk vaccine" on immunization records. A few children or students may need this type of polio vaccine instead of oral polio vaccine (OPV) because of medical considerations. A child or student may be provisionally enrolled with a history of one dose of eIPV/IPV, provided two more doses of eIPV are received as rapidly as is medically feasible. A child or student will be in full compliance with the polio vaccine requirements whenever he or she has received four IPV or three eIPV doses, and any recommended boosters. Four doses of IPV or three doses of eIPV are required for children and students with one dose administered since the fourth birthday. A combination of three doses of eIPV and OPV or four doses of conventional IPV and OPV constitute a primary series. In both cases, one dose must have been administered on or after the fourth birthday. For further information see §97.63 of this title (relating to Required Immunizations).

§97.73. *Acceptable Documents of Immunizations.* Any validated document of immunization presented by a student is acceptable, provided it shows the month, day, and year when each immunization was received. The month, day, and year that the vaccine was administered or history of disease must be recorded in all new school immunization records created and in existing records updated after September 1, 1991. For the purposes of this section updating of a record will mean the creation of new immunization records or the entry onto an existing immunization record of doses administered on or after September 1, 1991. All new entries in immunization files must be based upon a certificate of immunization that has been validated by, or for, a physician or public health personnel. All immunization records created on or after September 1, 1995, must be a complete and accurate record of all validated immunization histories available for each child. These records must include all doses administered to a child, including all doses that exceed the minimum mandated requirements. The validated record should be returned to the student or the student's parent or guardian after the immunization history has been entered in school records. The Texas Department of Health and local health departments/districts will provide record-keeping cards free of charge for maintaining school immunization files. Commercially or locally produced immunization record cards may be used.

§97.77. *Remarks and Special Recommendations.*

(a) Immunization recommendations vary from state-to-state and from physician to physician. The immunization requirements specified in this section will assure protection against the vaccine-preventable diseases for the majority of students. Some physicians and local health departments/districts adhere to an immunization schedule which may require more doses than other physicians; therefore, many students will have received more doses of vaccine than those specified in this chapter.

(b) (No change.)

(c) If a dose of polio vaccine or DTP/DTaP/DT/Td vaccine is administered within the calendar month prior to, or of, the fourth birthday it will satisfy the requirement for a dose on or after the fourth birthday.

(d) When a validated immunization record contains only one vaccine date for OPV, IPV or eIPV, or DTP/DTaP/DT/Td, and a "B" or the word "booster," or the words "series completed" (or similar wording) appears by the immunization date, as-

sume that three doses of OPV, four doses of IPV or three doses of eIPV, or four doses of DTP/DTaP,DT,Td have been administered. If the date is within the month prior to, or of the fourth birthday, then the requirement for a dose on or after the fourth birthday is met under these circumstances. For further information see §97.73 of this title (relating to Acceptable Documents of Immunizations.)

(e) Authorities in child-care facilities, schools, and institutions of higher education are required by Health and Safety Code, Chapter 81, Subchapter C, to report, on the day of recognition, all suspected or known cases of vaccine-preventable diseases that occur among students/children or staff, to the local health authority, the city or county health department/district, the city or county health officer, the public health regional office, or the Texas Department of Health in Austin, thus alerting health officials to possible outbreaks of these diseases.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on June 6, 1995.

TRD-9506794 Susan K. Steeg  
General Counsel  
Texas Department of  
Health

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For further information, please call: (512) 458-7236

◆ ◆ ◆  
• 25 TAC §97.64

The repeal is adopted under the Education Code, §2.09(b) and (e), which requires the department to develop rules relating to the admission of persons to elementary or secondary schools, §2.091(c), which requires the department to develop the form for a required annual report of the immunization status of students; Human Resources Code, §42.043(c), which requires the department to develop rules for the admission of children to child care facilities; Health and Safety Code, §161.005(b), which requires the board to develop rules for the admission of children to facilities of the Texas Department of Mental Health and Mental Retardation, Texas Department of Criminal Justice, and Texas Youth Commission, §81.023(a) and §161.004(a), which requires the board to develop immunization requirements for all children, §81.004(b), which allows the board to adopt rules necessary to protect the public from communicable disease; and §12.001, which provides the board with the authority to adopt rules for the performance of every duty imposed by law on the Texas Board of Health, the Texas Department of Health and the Commissioner of Health.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on June 6, 1995.

TRD-9506795 Susan K. Steeg  
General Counsel  
Texas Department of  
Health

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For further information, please call: (512) 458-7236

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Chapter 337. Water Hygiene

The Texas Department of Health (department) adopts the repeal of §337.182 and new §337.182, concerning the Sanitarian/Code Enforcement Officers' Advisory Committee, without change to the proposed text as published in the December 27, 1994, issue of the *Texas Register* (19 TexReg 10306).

In accordance with Texas Civil Statutes, Article 6252-33, the department must evaluate each of its advisory committees to determine whether the committee should be continued, modified, consolidated with other committees, or abolished. This new advisory committee is a combination of the Sanitarian Advisory Committee and Code Enforcement Officers Advisory Committee. Upon review by the Board of Health (board) the committee's structure has been revised to reflect the subject matter that the committee is to address. The number of members has increased from seven to nine members.

The new section concerns the Sanitarian/Code Enforcement Officers' Advisory Committee and covers its' applicable law, purpose, tasks, abolishment, terms of office, officers, meetings, attendance, staff, procedures, subcommittees, statements by members, reports to the board, and reimbursement of members' expenses.

The following is a summary of the comments received and the department's responses to the comments on the proposal.

Comment: A commenter, a current member of the Code Enforcement Officers' Advisory Committee, while agreeing with the concept of the new advisory committee, requested consideration be given to a better balance of representation between registered sanitarians and code enforcement officers.

Response: The agency disagrees and believes the new advisory committee composition of two consumer representatives, two code enforcement officers and five registered sanitarians will conduct committee business in a fair, professional manner. Additionally, the ratio of registered sanitarians to code enforcement officers on the new advisory committee is representative of the number of persons licensed in each profession by the department.

Comment: A commenter, representing the Texas Association of Municipal Health Officers (TAMHO), wrote that he had conducted a telephone survey of TAMHO's Board of Directors and found a majority of them opposed the new advisory committee. The

commenter stated that TAMHO and other environmental health professional associations were looking into revising the Sanitarian Registration Act. The commenter stated if TAMHO proceeds with the task of revising the Act, they would then revisit the issue of combining the two advisory committees.

Response: In accordance with Texas Civil Statutes, Article 6252-33, the agency evaluated the two advisory committees and believes it must pursue the consolidation of the committees.

Comments were received from a member of the Code Enforcement Officers Advisory Committee and a representative of the Texas Association of Municipal Health Officials. Based on the comments received, no changes were made to the proposal.

Registration of Professional  
Sanitarians

• 25 TAC §337.182

The repeal is adopted under Texas Civil Statutes, Article 6252-33, which set standards for the evaluation of advisory committees by the agencies for which they function; and under Health and Safety Code, §12.001, which provides the board with authority to adopt rules for the performance of every duty imposed by law upon the board, the department, and the Commissioner of Health.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on June 6, 1995.

TRD-9506792 Susan K. Steeg  
General Counsel  
Texas Department of  
Health

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Proposal publication date: December 27, 1994

For further information, please call: (512) 458-7236

◆ ◆ ◆  
The new section is adopted under Texas Civil Statutes, Article 6252-33, which set standards for the evaluation of advisory committees by the agencies for which they function, and under Health and Safety Code, §12.001, which provides the board with authority to adopt rules for the performance of every duty imposed by law upon the board, the department, and the Commissioner of Health.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on June 6, 1995.

TRD-9506793 Susan K. Steeg  
General Counsel  
Texas Department of  
Health

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For further information, please call: (512) 458-7236

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**TITLE 31. NATURAL RESOURCES AND CONSERVATION**

**Part I. General Land Office**

**Chapter 7. Surveying**

• **31 TAC §7.2**

The Texas General Land Office adopts an amendment to §7.2, concerning surveying procedures for coastal land, without changes to the proposed text as published in the May 5, 1995, issue of the *Texas Register* (20 TexReg 3320).

The General Land Office adopts the amended section in order to allow for modifications in surveying requirements and implementation of the most efficient, timely, and appropriate surveying techniques and methodologies for determination of littoral boundaries. This flexibility in surveying requirements will enable the General Land Office to better protect, preserve, and enhance state real property assets.

No comments were received regarding adoption of the proposed amendment.

The amended section is adopted under Texas Natural Resources Code, §31.051, which provides the General Land Office with the authority to execute and perform all acts and other things relating to public state land and to make and enforce rules consistent with the law.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on June 6, 1995.

TRD-9506827      Garry Mauro  
                         Commissioner  
                         General Land Office

Effective date: June 27, 1995

Proposal publication date: May 5, 1995

For further information, please call: (512) 305-9129



**Chapter 15. Coastal Area Planning**

**Subchapter A. Management of the Beach/Dune System**

• **31 TAC §15.11**

The General Land Office (GLO) adopts an amendment to §15.11, concerning certification of the Town of South Padre Island's ("Town") dune protection and beach access plan ("plan"), without changes to the proposed text as published in the December 16, 1994, issue of the *Texas Register* (19 TexReg 9956).

The rule has been amended to add the Town to §15.11(a)(9), which contains the list of local governments with certified plans. The local plans are designed to assist Texans in protecting private property, structures, and public beaches from the ravages of erosion, flooding, and a dwindling sand budget. The local plans are the product of a state and local government partnership which recognizes the economic and environmental benefits in protecting the beach/dune system and preserving and enhancing the public's right to use and have access to and from Texas' public beaches. The coast of the Gulf of Mexico provides critical estuarine habitat for wildlife and marine life, attracting sportsfishermen, birders, naturalists, and scientists. It is a tribute to Texas' public beaches that their beauty attracts tourists from around the world, enhancing local economies. It is economically smart to protect the Texas coast. The beach/dune system is an invaluable and irreplaceable part of the fragile, dynamic ecology of the Texas coast. Sand dunes are buffers against windblown salt and spray, and are vitally important in protecting the property that lies behind them against storms and floods. Sand dunes store sand which is critical to replenishing Texas' eroding beaches and the sediment budget. The local plans certified in §15.11 are a critical component of the effort to preserve the dynamic and fragile Texas coast.

Pursuant to the Open Beaches Act and the Dune Protection Act (Texas Natural Resources Code, Chapters 61 and 63) and the beach/dune rules, (31 TAC §§15.1-15.10), all local governments with jurisdiction over gulf beaches must submit plans to the GLO. As directed by the Texas Legislature, and after considering more than 1,000 comments during the public comment period, the GLO

adopted the beach/dune rules in February, 1993 (18 TexReg 661), providing the minimum standards for protecting gulf beaches and dune systems through the content and implementation of local plans.

The GLO has reviewed the Town's plan identified in subsection (a)(9) and hereby certifies that it is consistent with state law. In subsection (a), the GLO has now unconditionally certified nine local governments' plans

Only one comment was received regarding the proposed amendment to §15.11. The commenter asked how the certification of the Town of South Padre Island Dune Protection and Beach Access Plan would be handled in the event that the Town fails to complete a beach nourishment project. This subchapter allows local governments to adopt orders and ordinances for master-planned projects located in the beach/dune system. As stated in the Town's master plan, Ordinance 161-B adopted on May 18, 1994, 40% of the Town's beaches are eroding at rates of up to eight feet per year and the Town's most critical coastal management issues are coastal erosion, beach nourishment, dune protection, and beach access. As a result, the South Padre Island Board of Aldermen adopted a resolution supporting a beach nourishment project. Because no construction date was provided to the GLO by the Town, the certification of the plan will be withdrawn should the Town not commit to funding a beach nourishment project by November 1, 1996.

This section is adopted pursuant to the Texas Natural Resources Code, §61.011(d)(5) and §63.121, in which the Texas Legislature authorized the GLO to promulgate rules for the certification of local government beach access and use plans and for the identification and protection of critical dune areas.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on June 6, 1995.

TRD-9506826      Garry Mauro  
                         Commissioner  
                         General Land Office

Effective date: June 27, 1995

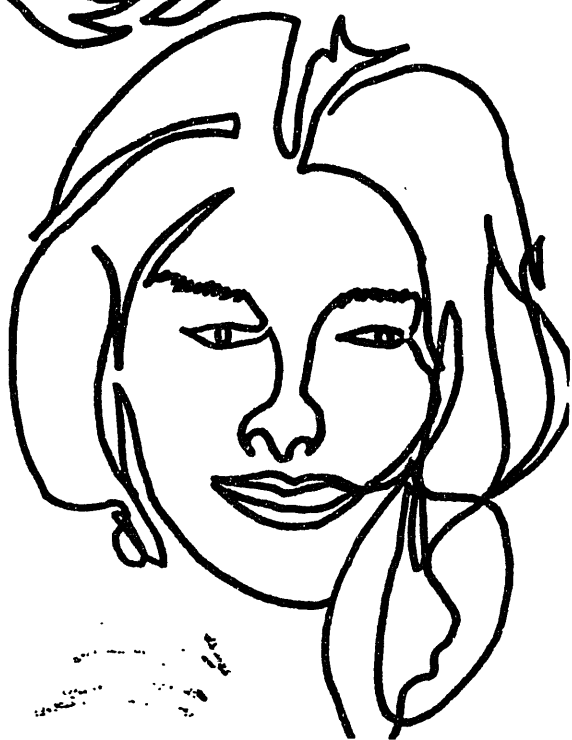
Proposal publication date: December 16, 1994

For further information, please call: (512) 305-9129





Name: Jennifer Cornejo  
Grade:  
School: Homer Hanna High School, Brownsville ISD



# TABLES AND GRAPHICS

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Graphic material from the emergency, proposed, and adopted sections is published separately in this tables and graphics section. Graphic material is arranged in this section in the following order: Title Number, Part Number, Chapter Number and Section Number.

Graphic material is indicated in the text of the emergency, proposed, and adopted rules by the following tag: the word "Figure" followed by the TAC citation, rule number, and the appropriate subsection, paragraph, subparagraph and so on. Multiple graphics in a rule are designated as "Figure 1" followed by the TAC citation, "Figure 2" followed by the TAC citation.

Figure 1:25 TAC §29.610(a)

<u>Monthly Charity Charges of the State-Owned Teaching Hospital</u>	X	Allocated
Total Monthly Charity Charges of All State-Owned Teaching Hospitals		Fund

Figure 1: 30 TAC §290.42(d)(12))

LETTERS

Potable Water  
Compressed Air  
Instrument Air

Chlorine (gas,  
liquid, or vent)  
Chlorine (solution)

Liquid Alum

Alum (solution)

Ammonia

Settled Water  
Filter Effluent  
Backwash  
Drain  
Raw Water

COLOR OF PIPE

Light Blue  
Light Green  
Light Green with  
Dark Green Bands

Yellow  
Yellow with Red  
Bands  
Yellow with Orange  
Bands

Yellow with Green  
Bands  
Yellow with Brown  
Bands

Green  
Light Blue  
Light Blue  
Dark Gray  
Tan

Figure 1: 30 TAC§290.44 (c)

Maximum Number of Connections	Minimum Line Size (inches)
10	2
25	2.5
50	3
100	4
150	5
250	6
>250	8 and larger

[ TABLE I  
Separation of Water and Sewer Lines

CONDITION	LOCATION	MATERIAL		SEPARATION (MIN)		COMMENTS
		WATER	SEWER	VERT	HORIZ	
<b><u>NEW WATER &amp; NEW SEWER SYSTEM</u></b>						
Sewer Force Main and Gravity Sanitary Sewer Parallel to Water Main	Water Above Sewer	Std	Cl DI PVC 150 psi	2	4	Separate trenches
Gravity Sanitary Sewer Crossing Water Main	Water Above Sewer or Sewer Above Water	Std	Cl DI PVC 150 psi	0.5	NA	Center one joint of sewer pipe on water main.
Gravity Sewer Crossing Water Main	Water Above Sewer	Std	ABS, Clay Conc Composite	2	NA	Cement stabilize sand backfill initial backfill zone of sewer for 9 ft. each side of crossing. Center one joint of sewer pipe on water main.
<b><u>NEW WATER &amp; EXISTING SANITARY SEWER</u></b>						
New Water Parallel Existing Sewer	Water Above Sewer	Std	Clay, Conc, ABS, Cl DI PVC	2	4	If sewer shows no sign of leakage, then leave sewer alone. If sewer shows signs of leakage, then repair or replace.
New Water Crossing Existing Sewer	Water Above Sewer	Std	ABS, Clay, Conc, Composite	2	NA	If sewer shows no sign of leakage, then leave sewer alone. If sewer shows signs of leakage, then repair or replace.
New Water Crossing Existing Sewer	Sewer Above Water	Std	ABS, Clay, Conc, Composite	2	NA	Replace existing sewer with one joint Cl, Cl, PVC-150 PSI, centered over waterline.
New Water Parallel to Existing Sewer	Sewer Above Water	Std	ABS, Clay, Conc, Composite	2	4	Replace existing sewer with Cl, DI, PVC-150 PSI or cement stabilized sand backfill in initial backfill zone of sewer where parallel closer than 9 ft., or encase the water in 150 PSI Pipe two nominal sizes larger.
<b><u>EXISTING WATER &amp; NEW SANITARY SEWER</u></b>						
New Sewer Parallel Existing Water	Water Above Sewer or Sewer Above Water	Std	Cl DI PVC 150 PSI	2	4	Separate trenches.
New Sewer Crossing Existing Water	Water Above Sewer or Sewer Above Water	Std	Cl DI PVC 150 PSI	0.5	NA	Center one joint of sewer pipe on waterline.
New Sewer Crossing Existing Water	Water Above Sewer	Std	ABS, Clay, Conc, Composite	2	NA	Cement stabilize sand backfill initial zone of sewer for 9 ft. each side of crossing. Center one joint of sewer pipe on water main. ]



**Appendix A**  
**Recognition as a Superior or Approved Public Water System**

**Appendix A. Recognition as a Superior or Approved Public Water System.**

- (a) **Requirements.** Public water supply systems which achieve and maintain recognition must exceed the minimum acceptable standards of the commission in these sections.
- (1) To attain recognition as a "Superior Public Water System", the following additional requirements must be met:
- (A) Physical facilities shall comply with the requirements in these sections.
  - (B) There shall be a minimum of two certified operators with additional operators required for larger systems.
  - (C) The system's microbiological record for the previous 24 months period shall indicate no violations (frequency, number or MCL) of the drinking water standards.
  - (D) The quality of the water shall comply with all primary water quality parameters listed in the drinking water standards.
  - (E) The chemical quality of the water shall comply with all secondary constituent levels listed in the drinking water standards.
  - (F) The system's operation shall comply with applicable state statutes and minimum acceptable operating practices set forth in §290.46 of this title (relating to Minimum Acceptable Operating Practices for Public Drinking Water Supplies).
  - (G) The system's capacities shall meet or exceed minimum water system capacity requirements set forth in §290.45 of this title (relating to Minimum Water System Capacity Requirements).
  - (H) The system shall have at least two wells, two raw water pumps or a combination of these with enough capacity to provide average daily consumption with the largest well or pump out of service. This requirement shall also apply to treatment plant pumps necessary for operation in accordance with §290.42 of this title (relating to Water Treatment).
  - (I) The water system shall be well maintained and the facilities shall present a pleasing appearance to the public.
- (2) To attain recognition as an "Approved Public Water System," all additional requirements listed under subsection (a)(1) of this section with exception of secondary constituents, subsection (a)(1)(E) of this section must be met. Public water systems which provide water quality that exceeds the secondary chemical standards may be excluded from this recognition program at the discretion of the Executive Director.
- (b) **Signs.** Systems which have met the requirements for recognition as a superior or approved system may erect signs denoting this honor.

- (c) **Inspections.** To receive or maintain recognition as a superior or approved water system, the system must be inspected and evaluated by Commission personnel as to physical facilities, appearance and operation. Systems which fail to meet or the above requirements in this section will be denied recognition or will have their recognition revoked. The signs shall be immediately removed on notice from the Executive Director.

Appendix B  
Sample Service Agreement

**SERVICE AGREEMENT**

- I. **PURPOSE.** The **NAME OF WATER SYSTEM** is responsible for protecting the drinking water supply from contamination or pollution which could result from improper plumbing practices. The purpose of this service agreement is to notify each customer of the plumbing restrictions which are in place to provide this protection. The utility enforces these restrictions to ensure the public health and welfare. Each customer must sign this agreement before the **NAME OF WATER SYSTEM** will begin service. In addition, when service to an existing connection has been suspended or terminated, the water system will not re-establish service unless it has a signed copy of this agreement.
- II. **PLUMBING RESTRICTIONS.** The following undesirable plumbing practices are prohibited by State regulations.
  - A. No direct connection between the public drinking water supply and a potential source of contamination is permitted. Potential sources of contamination shall be isolated from the public water system by an air-gap or an appropriate backflow prevention device.
  - B. No cross-connection between the public drinking water supply and a private water system is permitted. These potential threats to the public drinking water supply shall be eliminated at the service connection by the installation of an air-gap or a reduced pressure-zone backflow prevention device.
  - C. No connection which allows water to be returned to the public drinking water supply is permitted.
  - D. No pipe or pipe fitting which contains more than 8.0% lead may be used for the installation or repair of plumbing at any connection which provides water for human use.
  - E. No solder or flux which contains more than 0.2 percent lead can be used for the installation or repair of plumbing at any connection which provides water for human use.
- III. **SERVICE AGREEMENT.** The following are the terms of the service agreement between the **NAME OF WATER SYSTEM** (the Water System) and **NAME OF CUSTOMER** (the Customer).
  - A. The Water System will maintain a copy of this agreement as long as the Customer and/or the premises is connected to the Water System.
  - B. The Customer shall allow his property to be inspected for possible cross-connections and other undesirable plumbing practices. These inspections shall be conducted by the Water System or its designated agent prior to initiating service and periodically thereafter. The inspections shall be conducted during the Water System's normal business hours.

- C. The Water System shall notify the Customer in writing of any cross-connection or other undesirable plumbing practice which has been identified during the initial inspection or the periodic reinspection.
  - D. The Customer shall immediately correct any undesirable plumbing practice on his premises.
  - E. The Customer shall, at his expense, properly install, test, and maintain any backflow prevention device required by the Water System. Copies of all testing and maintenance records shall be provided to the Water System.
- IV. **ENFORCEMENT.** If the Customer fails to comply with the terms of the Service Agreement, the Water System shall, at its option, either terminate service or properly install, test, and maintain an appropriate backflow prevention device at the service connection. Any expenses associated with the enforcement of this agreement shall be billed to the Customer.

CUSTOMER'S SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

**Appendix C**  
**Sample Sanitary Control Easement Document for a Public Water Well**

THE STATE OF TEXAS  
COUNTY OF \_\_\_\_\_

**KNOW ALL MEN BY THESE PRESENTS:**

That \_\_\_\_\_ being the owners of Lot \_\_\_\_\_ and Lot \_\_\_\_\_ of the \_\_\_\_\_ survey, in \_\_\_\_\_ County, Texas, as shown on the map or plat recorded in Vol. \_\_\_\_\_, page \_\_\_\_\_ of the Deed Records of \_\_\_\_\_ County, Texas, do hereby declare such property bound by the hereinafter set out restrictions and covenants and agree that said purchasers and subsequent owners of said lots or parts thereof shall comply with same. These covenants are to run with the land and shall be binding on all parties and all persons claiming under them for two years from the date that these covenants are recorded, after which time said covenants shall be automatically extended until the use of this water well as a source of water for a public water system ceases.

Enforcement shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any covenant either to restrain violation or to recover damages.

Invalidation of any one of these covenants by judgment or court order shall not in any way affect any of the other provisions which shall remain in full force and effect.

Such restrictions are as follows, to wit:

1. Sanitation control upon all of that area of land of said Lot \_\_\_\_\_ and Lot \_\_\_\_\_ as is included within a 150 foot radius of a proposed deep water well located \_\_\_\_\_ feet at a radial of \_\_\_\_\_ degrees from the \_\_\_\_\_ corner of said Lot(s) \_\_\_\_\_ and specifically prohibiting the construction and/or operation of underground petroleum and chemical storage tanks and transmission pipelines, stock pens, feed lots, dump grounds, privies, cesspools, septic tank drainfields, drilling of improperly constructed water wells of any depth and all other construction or operation that could create an insanitary condition within, upon or across the above described tract of land;
2. Tile or concrete sanitary sewers, sewer appurtenances, septic tanks, storm sewers and cemeteries are specifically prohibited within a 50 foot radius of the deep water well described and located above.
3. This sanitation control permits the construction of homes or buildings upon same, provided, however, that all underground petrochemical storage tanks, stock pens, feed lots, privies, tile or concrete sanitation sewers, cesspools, septic tanks, storm sewers, septic tank drainfields, drilling of improperly constructed wells of any depth and other construction and/or operations that could create an insanitary condition within, upon or across same are specifically prohibited within the designated distances. For the purpose of these covenants, improperly constructed wells are those wells which do not meet the surface and subsurface construction standards for a public water supply well.
4. Normal farming and ranching operations are permitted except that livestock shall not be allowed within 50 feet of the proposed well.

IN WITNESS WHEREOF the said owners have executed this instrument this \_\_\_\_ day  
of \_\_\_\_\_ 19 \_\_\_\_.

THE STATE OF TEXAS  
COUNTY OF \_\_\_\_\_

BEFORE ME, the undersigned authority, on this day personally appeared  
\_\_\_\_\_ known to me to be the person(s) whose name(s) are  
subscribed to the foregoing instrument and acknowledged to me that they (he/she) executed the  
same for the purpose and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the \_\_\_\_ day of  
\_\_\_\_\_ 19 \_\_\_\_.

Notary Public in and for \_\_\_\_\_  
\_\_\_\_\_ County, Texas

Recorded at \_\_\_\_\_ Courthouse, \_\_\_\_\_, Texas on  
\_\_\_\_\_ 19 \_\_\_\_.

Figure 4: 30 TAC §290.47(d)

## Appendix D Sample Service Inspection Certification

Name of PWS \_\_\_\_\_

PWS I.D.# \_\_\_\_\_

Location of Service \_\_\_\_\_

I \_\_\_\_\_, upon inspection of the private plumbing facilities connected to the aforementioned public water supply do hereby certify that, to the best of my knowledge:

- |  | Compliance               | Non-Compliance           |
|--|--------------------------|--------------------------|
| (1) No direct connection between the public drinking water supply and a potential source of contamination exists. Potential sources of contamination are isolated from the public water system by an air gap or an appropriate backflow prevention assembly in accordance with state plumbing regulations. Additionally, all pressure relief valves and thermal expansion devices are in compliance with state plumbing codes. | <input type="checkbox"/> | <input type="checkbox"/> |
| (2) No cross-connection between the public drinking water supply and a private water system exists. Where an actual air gap is not maintained between the public water supply and a private water supply, an approved reduced pressure-zone backflow prevention assembly is properly installed and a service agreement exists for annual inspection and testing by a certified backflow prevention device tester.              | <input type="checkbox"/> | <input type="checkbox"/> |
| (3) No connection exists which would allow the return of water used for condensing, cooling or industrial processes back to the public water supply.   | <input type="checkbox"/> | <input type="checkbox"/> |
| (4) No pipe or pipe fitting which contains more than 8.0% lead exists in private plumbing facilities installed on or after July 1, 1988.   | <input type="checkbox"/> | <input type="checkbox"/> |
| (5) No solder or flux which contains more than 0.2% lead exists in private plumbing facilities installed on or after July 1, 1988.   | <input type="checkbox"/> | <input type="checkbox"/> |

Water service shall not be provided or restored to the private plumbing facilities until the above conditions are determined to be in compliance.

I further certify that the following materials were used in the installation of the plumbing facilities:

Service lines	Lead <input type="checkbox"/>	Copper	<input type="checkbox"/>	PVC	<input type="checkbox"/>	Other	<input type="checkbox"/>
Solder	Lead <input type="checkbox"/>	Lead Free	<input type="checkbox"/>	Solvent Weld	<input type="checkbox"/>	Other	<input type="checkbox"/>

I recognize that this document shall become a permanent record of the aforementioned Public Water System and that I am legally responsible for the validity of the information I have provided.

\_\_\_\_\_  
Signature of Inspector

\_\_\_\_\_  
Registration Number

\_\_\_\_\_  
Title

\_\_\_\_\_  
Type of Registration

\_\_\_\_\_  
te

**Appendix E**  
**Boil Water Notification**

Due to conditions which have occurred recently in the water system, the Texas Natural Resource Conservation Commission has required the system to notify all customers to boil their water prior to consumption.

To ensure destruction of all harmful bacteria and other microbes, water for drinking, cooking, and ice making should be boiled and cooled prior to consumption. The water should be brought to a vigorous rolling boil and then boiled for two minutes. In lieu of boiling, you may purchase bottled water or obtain water from some other suitable source. When it is no longer necessary to boil the water, water system officials will notify you.

If you have questions regarding this matter you may contact \_\_\_\_\_ (a) \_\_\_\_\_ at \_\_\_\_\_ (b) \_\_\_\_\_.

(a) Utility Official(s)    (b) Phone Number(s)

**INSTRUCTIONS:**

List more than one utility official and phone number. Do not list the Commission as the primary contact. If a customer wishes to call the Commission, please have them call 512/239-6020.



**Appendix F  
Backflow Prevention Assembly Test and Maintenance Report**

The following form must be completed for each assembly tested. A signed and dated original must be submitted to the public water supplier for recordkeeping purposes:

**BACKFLOW PREVENTION ASSEMBLY TEST AND MAINTENANCE REPORT**

NAME OF PWS: \_\_\_\_\_

PWS I.D. # \_\_\_\_\_

LOCATION OF SERVICE: \_\_\_\_\_

The backflow prevention assembly detailed below has been tested and maintained as required by TNRCC regulations and is certified to be operating within acceptable parameters.

TYPE OF ASSEMBLY

- |   |  |
|---|--|
| <input type="checkbox"/> Reduced Pressure Principle | <input type="checkbox"/> Pressure Vacuum Breaker   |
| <input type="checkbox"/> Double Check Valve         | <input type="checkbox"/> Atmosphere Vacuum Breaker |

Manufacturer \_\_\_\_\_ Size \_\_\_\_\_

Model Number \_\_\_\_\_ Located At \_\_\_\_\_

Serial Number \_\_\_\_\_

	Reduced Pressure Principle Assembly			Pressure Vacuum Breaker	
	Double Check Valve Assembly		Relief Valve	Air Inlet	Check Valve
	1st Check	2nd Check		Opened at _____psid	_____psid
Initial Test	DC-Closed Tight <input type="checkbox"/> RP- _____psid Leaked <input type="checkbox"/>	Closed Tight <input type="checkbox"/> Leaked <input type="checkbox"/>	Opened at _____psid	Did not Open <input type="checkbox"/>	Leaked <input type="checkbox"/>
Repairs and Materials Used					
Test After Repair	DC-Closed Tight <input type="checkbox"/> RP- _____psid	Closed Tight <input type="checkbox"/>	Opened at _____psid	Opened at _____psid	_____psid

The above is certified to be true.

Firm Name \_\_\_\_\_ Certified Tester \_\_\_\_\_

Firm Address \_\_\_\_\_ Cert. Tester No. \_\_\_\_\_ Date \_\_\_\_\_

**Appendix G  
Operator and/or Employment Notice**

Section 290.46(e), Operation by Certified Personnel, paragraph 4, requires certified operators to provide a written, dated, and signed notice listing the public water systems which they operate or are employed. This is required when applying for, renewing, or upgrading a certificate of competency. This notice must be amended in writing within 10 days of any change in responsibility.

SYSTEM NAME	I.D. #	COUNTY
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		

\_\_\_\_\_  
Signature of Operator

\_\_\_\_\_  
Social Security Number

\_\_\_\_\_  
Grade of Certificate

\_\_\_\_\_  
Expiration Date

This notice should be submitted to the Occupational Certification Section, Environmental Training Division, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087.

# OPEN MEETINGS

Agencies with statewide jurisdiction must give at least seven days notice before an impending meeting. Institutions of higher education or political subdivisions covering all or part of four or more counties (regional agencies) must post notice at least 72 hours before a scheduled meeting time. Some notices may be received too late to be published before the meeting is held, but all notices are published in the **Texas Register**.

**Emergency meetings and agendas.** Any of the governmental entities listed above must have notice of an emergency meeting, an emergency revision to an agenda, and the reason for such emergency posted for at least two hours before the meeting is convened. All emergency meeting notices filed by governmental agencies will be published.

**Posting of open meeting notices.** All notices are posted on the bulletin board at the main office of the Secretary of State in lobby of the James Earl Rudder Building, 1019 Brazos, Austin. These notices may contain a more detailed agenda than what is published in the **Texas Register**.

**Meeting Accessibility.** Under the Americans with Disabilities Act, an individual with a disability must have an equal opportunity for effective communication and participation in public meetings. Upon request, agencies must provide auxiliary aids and services, such as interpreters for the deaf and hearing impaired, readers, large print or braille documents. In determining type of auxiliary aid or service, agencies must give primary consideration to the individual's request. Those requesting auxiliary aids or services should notify the contact person listed on the meeting summary several days prior to the meeting by mail, telephone, or RELAY Texas (1-800-735-2989).

## Texas Department of Agriculture

Wednesday, June 28, 1995, 1:00 p.m.

Texas Department of Agriculture, 1700 North Congress Avenue, Room 928B

Austin

Office of Hearings

### AGENDA:

Administrative hearing to review alleged violation of Texas Agriculture Code, §§103.001-103.015 (Vernon 1982) by Alamo Produce Distributors, Incorporated as petitioned by Griffin and Brand Sales Agency, Incorporated.

Contact: Joyce Arnold, P.O. Box 12847, Austin, Texas 78711, (512) 475-1668.

Filed: June 6, 1995, 2:24 p.m.

TRD-9506799

## Texas State Board of Examiners of Professional Counselors

Friday, June 30, 1995, 8:30 a.m.

Medallion Hotel, 4099 Valley View Lane  
Dallas

Ad Hoc Examinations Committee

### AGENDA:

The committee will discuss and possibly act on: review of pilot item performances; sta-

tus report of electronic testing conversion; report on Ohio Licensed Professional Counselors and the Licensed Professional Clinical Counselors examinations; summary report of April 29, 1995 examination; and selection on next meeting date.

Contact: Dr. Jim Zukowski, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6628. For ADA assistance, call Richard Butler (512) 458-7695 or T.D.D. (512) 458-7708 at least two days prior to the meeting.

Filed: June 6, 1995, 4:48 p.m.

TRD-9506837

## Credit Union Department

Friday, June 16, 1995, 10:00 a.m.

Credit Union Department Building, 914 East Anderson Lane

Austin

Credit Union Commission

### AGENDA:

To invite: Public input for future consideration. To receive: Minutes of April 7, 1995, commission meeting; communications; legislative update; and committee report from the Texas Share Guaranty Credit Union (TSGCU) Oversight Committee and Commissioner Evaluation Committee. To consider: Operating fee proposal and vote on matters discussed in executive session, if

necessary. To conduct: An executive session to discuss credit unions and problem cases; to consult with legal counsel regarding contemplated legal action, and existing litigation and administrative actions; and discuss the commissioner's performance.

Contact: James W. Ratzman, 914 East Anderson Lane, Austin, Texas 78752-1699, (512) 837-9236.

Filed: June 7, 1995, 3:02 p.m.

TRD-9506890

Friday, June 16, 1995, immediately following commission meeting scheduled for 10:00 a.m.

Credit Union Department Building, 914 East Anderson Lane

Austin

Commissioner Evaluation Committee

### AGENDA:

To take action on evaluation or determine the need and date of next committee meeting, if any.

Contact: James W. Ratzman, 914 East Anderson Lane, Austin, Texas 78752-1699, (512) 837-9236.

Filed: June 7, 1995, 3:02 p.m.

TRD-9506891

## Texas State Board of Examiners of Dietitians

Thursday, June 22, 1995, 1:30 p.m.

Orchid Room, El Paso Airport Hilton, 2027 Airway Boulevard

El Paso

Complaint Committee

### AGENDA:

The committee will discuss and possibly act on: course approval for Tracy Tippitt; order for Olivia Olivarez-Taylor; complaints #DT95-002; DT 95-003, DT 95-004; application of Robert Santori; and setting of next meeting date.

Contact: Becky Berryhill, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6601. For ADA assistance, contact Richard Butler at (512) 458-6410 or T.D.D. (512) 458-7708 at least two days prior to the meeting.

Filed: June 6, 1995, 4:48 p.m.

TRD-9506836

Thursday, June 22, 1995, 2:30 p.m.

Orchid Room, El Paso Airport Hilton, 2027 Airway Boulevard

El Paso

Program Approval Committee

### AGENDA:

The committee will discuss and possibly act on: review of programs (LeAnn Cisneros); request for evaluation of prior training by Shannon McKeon; and setting of the next meeting date.

Contact: Becky Berryhill, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6601. For ADA assistance, contact Richard Butler at (512) 458-6410 or T.D.D. (512) 458-7708 at least two days prior to the meeting.

Filed: June 6, 1995, 4:48 p.m.

TRD-9506833

Thursday, June 22, 1995, 4:00 p.m.

Orchid Room, El Paso Airport Hilton, 2027 Airway Boulevard

El Paso

Finance Committee

### AGENDA:

The committee will discuss and possibly act on: fiscal year 1995 budget revisions; and fees.

Contact: Becky Berryhill, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6601. For ADA assistance, contact Richard Butler at (512) 458-6410 or T.D.D. (512) 458-7708 at least two days prior to the meeting.

Filed: June 6, 1995, 4:48 p.m.

TRD-9506834

Friday, June 23, 1995, 8:30 a.m.

Orchid Room, El Paso Airport Hilton, 2027 Airway Boulevard

El Paso

Rules Committee

### AGENDA:

The committee will discuss and possibly act on: final adoption of amendments to 22 Texas Administrative Code (TAC) Chapter 711; proposed amendments to 22 TAC Chapter 711; and setting of the next meeting date.

Contact: Becky Berryhill, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6601. For ADA assistance, contact Richard Butler at (512) 458-6410 or T.D.D. (512) 458-7708 at least two days prior to the meeting.

Filed: June 6, 1995, 4:48 p.m.

TRD-9506832

Friday, June 23, 1995, 9:15 a.m.

Orchid Room, El Paso Airport Hilton, 2027 Airway Boulevard

El Paso

Consumer Information Committee

### AGENDA:

The committee will discuss and possibly act on newsletter; display at 1995 Texas Dietitians Association meeting; and consumer information activities.

Contact: Becky Berryhill, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6601. For ADA assistance, contact Richard Butler at (512) 458-6410 or T.D.D. (512) 458-7708 at least two days prior to the meeting.

Filed: June 6, 1995, 4:48 p.m.

TRD-9506835

Friday, June 23, 1995, 10:00 a.m.

Orchid Room, El Paso Airport Hilton, 2027 Airway Boulevard

El Paso

### AGENDA:

The committee will discuss and possibly act on: approval of the agenda; approval of the minutes from January 13, 1995 meeting; chairman's report; executive secretary's report (ratification of applications approved by the executive secretary); standing committee reports (Rules Committee (final adoption of amendments to 22 Texas Administrative Code (TAC) Chapter 711; and proposed amendments to 22 TAC Chapter 711); Complaint Committee (DT 95-001 Diane Pfeil); Program Approval Committee

(ratification of programs; LeAnn Cisneros); and Consumer Information Committee); Finance Committee report; Continuing Education Committee report; applications for licensure, provisional licensure, examination eligibility, preplanned professional experience program and license renewal (Robert Santori); PEER Assistance Program; 1995 Clearinghouse on Licensure, Enforcement and Regulation (CLEAR) Conference; order relating to Olivarez-Taylor; election of officers; announcements and comments not requiring board action; and setting of next meeting date.

Contact: Becky Berryhill, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6601. For ADA assistance, contact Richard Butler at (512) 458-6410 or T.D.D. (512) 458-7708 at least two days prior to the meeting.

Filed: June 5, 1995, 4:48 p.m.

TRD-9506831

## State Employee Charitable Campaign

Friday, June 9, 1995, 3:00 p.m.

3801 Campus Drive, Texas State Technical College

Waco

Emergency Meeting

Local Employee Campaign-Waco

### AGENDA:

Approval of LCM

Approval of participating agencies/federations

Budget approval

Co-chair nomination

Discussion of campaign plan

June 15th statewide training in Austin

Reason for emergency: Committee unable to meet previously.

Contact: Fred Williams, 3801 Campus Drive, Waco, Texas 76705, (817) 867-4800, Fax: (817) 867-2006.

Filed: June 7, 1995, 2:04 p.m.

TRD-9506883

Wednesday, June 14, 1995, 10:30 a.m.

2201 19th Street

Lubbock

Emergency Meeting

Local Employee Committee-Lubbock

### AGENDA:

Review 1995 goal, materials and campaign budget

Reason for emergency: Deadline for submission of 1995 budget is June 14, 1995. This is the first available date open to form a quorum.

Contact: Dianna Stewart, 2201 19th Street, Lubbock, Texas 79401, (806) 747-2711. Fax: (806) 747-2716.

Filed: June 7, 1995, 1:21 p.m.

TRD-9506873

### Fire Fighters' Pension Commission

Thursday-Friday, June 29-30, 1995, 1:00 p.m. and 8:30 a.m., respectively.

Wyndham Hotel, IH-35 South at Ben White Boulevard

Austin

Administrative Division

#### AGENDA:

The Senate Bill 411 Statewide Volunteer Fire Fighters' Retirement Fund Board of Trustees will meet for the purpose of presentations by the consultant, actuary, and CPA, as well as staff reports; actuary contract; EMS question; delinquent departments; and 1996-1997 appropriations.

Contact: Helen Campbell, 3910 South IH-35, #235, Austin, Texas 78704, (512) 462-0222.

Filed: June 6, 1995, 3:28 p.m.

TRD-9506814

### Texas Department of Health

Friday, June 16, 1995, 10:00 a.m.

Room M-739, Texas Department of Health, 1100 West 49th Street

Austin

Home and Community Support Services Advisory Council

#### AGENDA:

The council will discuss and possibly act on: approval of minutes from the last meeting; Health Facility Licensing Division director report (new licensing division and staff); legislation update; rules update; and overview of upcoming workshop); elect vice chairperson; memoranda of understanding between the Texas Department of Health, Texas Department of Human Services, Texas Department of Mental Health and Mental Retardation, Texas Department of Protective and Regulatory Services, Texas Department of Aging, Texas Rehabilitation Commission, and the Texas Commission for the Blind as required by the Health and Safety Code, Chapter 142; dis-

cussion not requiring council action; and public comment.

Contact: Becky Beechinor, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6670. For ADA assistance, contact Richard Butler (512) 458-7695 or T.D.D. (512) 458-7708 at least two days prior to the meeting.

Filed: June 6, 1995, 4:49 p.m.

TRD-9506839

### State Committee of Examiners in the Fitting and Dispensing of Hearing Instruments

Thursday, June 22, 1995, 7:00 p.m.

First Floor Meeting Room, Texas Department of Health Annex, The Exchange Building, 8407 Wall Street

Austin

#### AGENDA:

The committee will discuss and possibly act on examination proposal from Applied Measurement Services.

Contact: Bobby Schmidt, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6484. For ADA assistance, contact Richard Butler (512) 458-6410 or T.D.D. (512) 458-7708 at least two days prior to the meeting.

Filed: June 6, 1995, 4:49 p.m.

TRD-9506838

### Texas Department of Human Services

Friday, June 23, 1995, 9:00 a.m.

701 West 51st Street, Room 121 East Tower

Austin

Family Violence Advisory Committee

#### AGENDA:

1. Call to order. 2. Welcome and introductions. 3. Review and approval of minutes of April 3, 1995 meeting. 4. Announcements: explanation of absences, and scheduling of agenda items. 5. New business: discussion of Advisory Committee meetings in fiscal year 1996. 6. Old business: discussion of shelter survey, and discussion of provider handbook presentation to board. 7. Reports from DHS, Family Violence Contract Unit, and Texas Council on Family Violence. 8. Adjourn at 4:00 p.m.

Contact: Cynthia Henton, P.O. Box 149030, Austin, Texas 78714-9030, (512) 450-4184.

Filed: June 7, 1995, 3:05 p.m.

TRD-9506892

### Texas Board of Professional Land Surveying

Friday, June 16, 1995, 9:00 a.m.

7701 North Lamar Boulevard, Suite 400

Austin

Board Meeting

#### AGENDA:

The board will meet to approve the minutes of the previous meeting; to consider and act upon presentations from Houton Jalayer concerning examinations and expired status, Charles Styron concerning certifications and Eugene Baker concerning experience requirements; to hear a report from the executive director; to consider and act upon active complaints and show cause actions, recommendations from committee reports and revisions of Board Rules 663.19(e), 663.18(a) and (b) and 661.121; to consider and act upon correspondence to and from the board, old business and to receive comments from the public. Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, large print or braille, are requested to contact Sandy Smith at (512) 452-9427 two work days prior to the meeting so that appropriate arrangements can be made.

Contact: Sandy Smith, 7701 North Lamar Boulevard, Suite 400, Austin, Texas 78752, (512) 452-9427.

Filed: June 6, 1995, 2:39 p.m.

TRD-9506802

### Texas Department of Licensing and Regulation

Tuesday, June 27, 1995, 9:00 a.m.

920 Colorado, E.O. Thompson Building, Fourth Floor

Austin

Inspections and Investigations: Air Conditioning

#### AGENDA:

According to the complete agenda, the department will hold an administrative hearing to consider the application of John Allen Agnew for an air conditioning license in accordance with the Statutes, Articles 8861, §4(e) and 9100; 16 Texas Administrative

Code (TAC), Chapter 75, and the Texas Government Code, Chapter 2001.

Contact: Paula Hamje, 920 Colorado, Austin, Texas 78701, (512) 463-3192.

Filed: June 7, 1995, 8:33 a.m.

TRD-9506845

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**Texas Council on Offenders  
with Mental Impairments**

Monday, June 26, 1995, 1:30 p.m.

8100 Cameron Road, Building B

Austin

Full Council Meeting

AGENDA:

Council Agenda

I. Call to order/roll call

II. Introductions/public comments

III. Approval of minutes

IV. Presentation by Dr. Linda Teplin on prevalence rates of persons with mental illnesses in jail

V. Committee reports

Executive Committee

Draft operating procedures

Fiscal year 1996 draft operating budget

Update TDCJ audit

Council communication

-Planning/Legislative Committee

-Program/Research Committee

-Finance Committee

-Nominating Committee

VI. Executive director report

Each item above includes discussion and action as necessary.

Contact: Dee Kifowit, 8610 Shoal Creek Boulevard, Austin, Texas 78757, (512) 406-5406.

Filed: June 7, 1995, 1:21 p.m.

TRD-9506874

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**Texas Municipal Retirement  
System**

Friday, June 30, 1995, 9:00 a.m.

Texas Municipal Retirement System, 1200 North IH-35

Austin

Regular Meeting, Board of Trustees

AGENDA:

To hear and approve minutes of the regular March 10, 1995, meeting and joint meeting

with Advisory Committee on May 13, 1995; review and approve service retirements, disability retirements; supplemental death benefits payments; review and approve extended supplemental death benefits coverage; consider, review and act on financial statements; receive audit report and consider and act on recommendations in auditor's letter on internal control and accounting procedures; presentation of Actuarial Valuation Report and approval of 1996 city contribution rates; presentation of 1994 Annual Report; consider and act on proposal from Holbein and Associates to provide investment performance evaluation services; director and staff reports; report by legal counsel; and adjourn.

Contact: Gary W. Anderson, P.O. Box 149153, Austin, Texas 78714-9153, (512) 476-7577.

Filed: June 8, 1995, 8:31 a.m.

TRD-9506910

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**Texas Natural Resource Conservation Commission**

Monday, July 10, 1995, 10:00 a.m.

Room 131E, Building C, 12118 North IH-35, TNRCC, Park 35 Location

Austin

Office of Hearings Examiners

Revised Agenda

AGENDA:

Virgil B. Pettigrew; TNRCC Docket Number 95-0787-REC, Application Number RE-0293 for approval of plans pursuant to Texas Water Code, §16.236 and 30 TAC 301 for repairing and raising 22,400 linear feet of an existing levee located immediately south of FM 85 at the Trinity River, Trinity River Basin, Navarro County, Texas. The project is approximately ten miles west of the town of Seven Points. Applicant seeks to raise by three feet the existing 22,400 linear feet of levee (commonly referred to as the Navarro County Levee Improvement District Number 3 levee) and thereby change the levee protection from nine-year to 25-year flood protection for 3,800 acres of agricultural land. The current levee was repaired to the existing grade by the Corps of Engineers in 1992-1994. If approved, the construction will begin within one year and be completed within six months (weather permitting), according to the applicant. All construction operations have been and will be supervised by the Fort Worth District Corps of Engineers for compliance with environmental and wetland requirements. Cooperation with the U.S. Fish and Wildlife has resulted in the ranch setting aside acreage as a waterfowl habitat.

Contact: Leslie Limes, Mail Code 103, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-4100

Filed: June 6, 1995, 1:00 p.m.

TRD-9506787

Thursday, July 13, 1995, 10:00 a.m.

Building C, Room 131E, TNRCC, 12124 Park 35 Circle

Austin

Office of Hearings Examiners

AGENDA:

For a hearing before a hearings examiner on an application by Westwood Landowners Association, Inc. for a water rate increase effective March 1, 1995, for its service area located in Montgomery County, Texas

TNRCC Docket Number 95-0727-UCR.

Contact: Alexandre Bourgeois, Mail Code 102, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-4100.

Filed: June 6, 1995, 11:02 a.m.

TRD-9506782

Thursday, July 20, 1995, 9:00 a.m.

Castro County Courthouse, District Courtroom, 100 East Bedford

Dimmitt

Office of Hearings Examiners

AGENDA:

For a hearing before a hearings examiner on an application by Sunnyside Feedyard, L.C. for an amendment to Permit Number 01387 to authorize an increase in the number of cattle at the feedlot from 10,000 head to 20,000 head. Stormwater will be retained in three storage ponds. Wastewater from the ponds is to be disposed of by evaporation and/or irrigation on 113 acres of agricultural land. Manure/solids will be disposed of as fertilizer on agricultural land by contract manure haulers. No discharge of pollutants into the waters of the State is authorized by this permit. The feedlot is on the east side of U.S. Highway 385 approximately 3-1/2 miles south of the intersection of U.S. Highway 385 and FM Road 145 and 15 miles south of the City of Dimmitt, in Castro County, Texas

TNRCC Docket Number 95-0910-AGR.

Contact: Sylvia McClellan, Mail Code 102, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-4100

Filed: June 6, 1995, 11:02 a.m.

TRD-9506784

**Thursday, July 20, 1995, 10:00 a.m.**

Building A, Room 310A and D, TNRCC,  
12124 Park 35 Circle

Austin

Office of Hearings Examiners

AGENDA:

For a hearing before a hearings examiner on an application by Yaupon Cove Water System for a water rate increase effective May 15, 1995, for its service area located in Polk County, Texas.

TNRCC Docket Number 95-0871-UCR.

Contact: Linda Sorrells, Mail Code 102,  
P.O. Box 13087, Austin, Texas  
78711-3087, (512) 239-4100.

Filed: June 6, 1995, 11:02 a.m.

TRD-9506783

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**Board of Nurse Examiners**

**Tuesday, June 13, 1995, 9:00 a.m.**

9101 Burnet Road, Suite 104

Austin

Emergency Revised Agenda

Eligibility and Disciplinary Committee

AGENDA:

The Eligibility and Disciplinary Committee will consider Steven Louis Miller's application for registration by endorsement.

Reason for emergency: Name of individual inadvertently omitted from agenda filed on June 2, 1995.

Contact: Erlene Fisher, Box 140466,  
Austin, Texas 78714, (512) 835-8675.

Filed: June 7, 1995, 2:04 p.m.;

TRD-9506897

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**Public Utility Commission of Texas**

**Friday, June 23, 1995, 10:00 a.m.**

7800 Shoal Creek Boulevard

Austin

Hearings Division

AGENDA:

A prehearing conference will be held on the above date and time in Docket Number 14266: Application of Brazos Electric Power Cooperative, Inc. to amend Certificate of Convenience and Necessity for a proposed transmission line and substation within Cooke County.

Contact: John M. Renfrow, 7800 Shoal Creek, Austin, Texas 78757, (512) 458-0100.

Filed: June 7, 1995, 3:59 p.m.

TRD-9506899

**Wednesday, September 6, 1995, 9:00 a.m.**

7800 Shoal Creek Boulevard

Austin

Hearings Division

AGENDA:

A hearing on the merits has been scheduled in Docket Number 14020-Petition of GTE Southwest, Inc. for a waiver of the one-party line service requirements under Substantial Rule 23.61.

Contact: John M. Renfrow, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: June 7, 1995, 2:04 p.m.

TRD-9506884

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**Center for Rural Health Initiatives**

**Friday, June 16, 1995, 9:30 a.m.**

211 East Seventh Street, First Floor Conference Room

Austin

Outstanding Rural Scholar Advisory Committee

AGENDA:

Center for Rural Health Initiatives Outstanding Rural Scholar Advisory Committee will meet to discuss and possibly act on: Minutes from previous meeting; Advisory Committee business; program status report; review of 1995 application; selection of next meeting date; and adjourn.

Contact: Carol Peters, P.O. Drawer 1708,  
Austin, Texas 78767, (512) 479-8891.

Filed: June 6, 1995, 2:26 p.m.

TRD-9506801

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**Teacher Retirement System of Texas**

**Wednesday, June 14, 1995, 2:00 p.m.**

1000 Red River, Room 514

Austin

Board of Trustees Search Committee

AGENDA:

Approval of minutes of March 21, 1995, meeting; executive session to review applications of candidates for executive director; consideration of recommendation of candi-

dates for executive director to be interviewed by the Board of Trustees.

Contact: Mary Godzik, 1000 Red River, Austin, Texas 78701-2698, (512) 397-6400.

Filed: June 6, 1995, 2:24 p.m.

TRD-9506796

**Thursday, June 15, 1995, 8:30 a.m.**

1000 Red River, Fifth Floor, Board Room

Austin

Board of Trustees Investment

AGENDA:

Approval of minutes of May 19, 1995, meeting; interviews of potential investment counsel; discussion and consideration of investment in second series of the Texas Growth Fund; review of investment outlook and market conditions; discussion of investment activities; review of investments; consideration of proposed changes to approved common stock lists; consideration of recommended allocation of cash flow for current quarter; and review of portfolio performance.

Contact: Mary Godzik, 1000 Red River, Austin, Texas 78701-2698, (512) 397-6400.

Filed: June 7, 1995, 3:35 p.m.

TRD-9506896

**Thursday, June 15, 1995, 3:00 p.m.**

1000 Red River, Room 514

Austin

Board of Trustees Real Estate Committee

AGENDA:

Approval of minutes of May 19, 1995, meeting; consideration of loan modification for Arco Center; consideration of loan modification for San Jacinto Center; update on risk rating changes; update on mortgage risk ratings; consideration of the sale of Denver Tech Center Hyatt Regency Hotel; and consideration of sale and loan terms of One American.

Contact: Mary Godzik, 1000 Red River, Austin, Texas 78701-2698, (512) 397-6400.

Filed: June 7, 1995, 3:35 p.m.

TRD-9506895

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**University of Houston**

**Monday, June 12, 1995, 9:00 a.m.**

Optometry Building, Room 2199B, University of Houston, 4800 Calhoun Boulevard

Houston

Animal Care Committee

AGENDA:

To discuss and/or act upon the following:

Approval of May minutes

Renewal protocols

Inspection and program review

Contact: Rosemary Grimmet, 4800 Calhoun Boulevard, Houston, Texas 77204, (713) 743-9222.

Filed: June 7, 1995, 3:02 p.m.

TRD-9506886

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**Texas Board of Veterinary  
Medical Examiners**

Thursday-Friday, June 8-9, 1995, 8:30 a.m.

Fourth Floor Conference Room, 1946 South IH-35

Austin

Emergency Revised Agenda

Board

AGENDA:

The agenda is being revised to include consideration of a Peer Assistance Program and to obtain the board's direction concerning practitioners failing to obtain the required continuing education when renewing their license to practice. In addition, Dr. L.A. Ford's negotiated settlement has been removed from the agenda.

Reason for emergency: This emergency revision is necessitated since the Peer Assistance proposal has just been finalized by the Texas Veterinary Medical Association for presentation to the board. The Veterinary Licensing Act, Article 8890, §19 requires that the board establish fees sufficient to cover the costs of administering the Act. Since participation in the program will impact the license renewal fees, the board must consider the proposal at this time in order to adopt the appropriate fees at its October meeting.

Persons requiring reasonable accommodations are requested to contact Judy Smith, 1946 South IH-35, #306, Austin, Texas 78704, (512) 447-1183 or TDD 1-800-735-2989 within 72 hours of the meeting to make appropriate arrangements.

Contact: Ron Allen, 1946 South IH-35, #306, Austin, Texas 78704, (512) 447-1183.

Filed: June 6, 1995, 4:14 p.m.

TRD-9506816

**Texas Water Development  
Board**

Wednesday, June 14, 1995, 3:00 p.m.

San Antonio Water Systems Office, 1001 East Market

San Antonio

Finance Committee

AGENDA:

1. Consider approval of the minutes of the meeting of May 17, 1995.

2. Consider a \$5,750,441 grant/loan to City of El Paso-El Paso Water Control and Improvement District-Westway (El Paso County) for the construction of improvements to the existing water distribution and collection system (Economically Distressed Areas Account and Border Regionalization Fund).

3. Consider a \$8,725,000 grant/loan to City of Weslaco (Hidalgo County) for the design and construction of water and wastewater improvements to the existing system (Economically Distressed Areas Account and Water Quality Enhancement Account, Texas Water Development Fund).

4. Briefing on present and future EDAP projects.

5. Report on the status of approved contracts.

6. May consider items on the agenda of the June 15, 1995 board and/or Texas Water Resources Finance Authority meetings.

Contact: Craig D. Pedersen, P.O. Box 13231, Austin, Texas 78711, (512) 463-7847.

Filed: June 6, 1995, 4:36 p.m.

TRD-9506828

Thursday, June 15, 1995, 9:00 a.m.

San Antonio Water Systems Office, 1001 East Market

San Antonio

Texas Water Development Board

AGENDA:

The board will consider: minutes; executive, financial and committee reports; extension of loan commitments for City of Del Rio and Sebastian Municipal Utility District; financial assistance for cities of Saint Jo, Needville, Whitehouse, and The Colony; contracts with El Paso Water Utilities Public Service Board and City of Brownsville Public Utilities Board and transfer of funds; amendments to contracts with the City of Weslaco, University of Texas Marine Science Institute, Carter and Burgess, Inc., and El Paso Water Utilities Public Service Board and transfer of funds; partial release of lien of Combined Consumers Water Sup-

ply Corporation; appointment of a financial institution to service Board and TWRFA accounts; amendment to the fiscal year 1995 Intended Use Plan; amendments to 31 TAC Chapters 363 and 375 relating to consistency with plans developed under the Clean Water Act and requiring EDAP recipients to require property owners served by the system to connect to the service; proposed site assessment rules; and briefing and discussion on Edwards Aquifer issues.

Contact: Craig D. Pedersen, P.O. Box 13231, Austin, Texas 78711, (512) 463-7847.

Filed: June 7, 1995, 3:02 p.m.

TRD-9506889

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**Texas Water Resources Fi-  
nance Authority**

Thursday, June 15, 1995, 9:00 a.m.

San Antonio Water Systems Office, 1001 East Market

San Antonio

AGENDA:

1. Consider approval of the minutes of the meeting of March 23, 1995.

2. Consider the recommendation of the appointment of a financial institution to service the Board and TWRFA accounts.

Contact: Craig D. Pedersen, P.O. Box 13231, Austin, Texas 78711, (512) 463-7847.

Filed: June 7, 1995, 3:02 p.m.

TRD-9506888

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**Texas Workers' Compensa-  
tion Research Center**

Wednesday, June 14, 1995, 10:00 a.m.

Capitol Extension, Room B1.028

Austin

Board of Directors

AGENDA:

The Board of Directors of the Texas Workers' Compensation Research Center will meet to discuss and act on the following items: call to order; approval of minutes of meeting of May 3, 1995; public participation; announcements; research progress report including consideration and acceptance of the following reports *Litigation and Controversy: An Analysis of the Texas Workers' Compensation Dispute Resolution System and Attorney Involvement in the Texas Workers' Compensation System*; fiscal year 1995 research agenda; confirmation of July 5 meeting; and adjournment.



Individuals who may require auxiliary aids or services for this meeting should contact Lavon Guerrero at (512) 469-7811 at least two days prior to the meeting so that appropriate arrangements can be made.

**Contact:** Lavon Guerrero, 105 West Riverside Drive, Suite 100, Austin, Texas 78704, (512) 469-7811.

**Filed:** June 6, 1995, 1:00 p.m.

TRD-9506788

## Regional Meetings

### Meetings Filed June 6, 1995

**The Bandera County Appraisal District Board of Directors** will meet at 1116 Main Street, Bandera, June 16, 1995, at 3:00 p.m. Information may be obtained from P. H. Coates, IV, P.O. Box 1119, Bandera, Texas 78003, (210) 796-3039, Fax: (210) 796-3672. TRD-9506813.

**The Bandera County Appraisal District Appraisal Review Board** will meet at 1116 Main Street, Bandera, June 27, 1995, at 9:00 a.m. Information may be obtained from P. H. Coates, IV, P.O. Box 1119, Bandera, Texas 78003, (210) 796-3039, Fax: (210) 796-3672. TRD-9506815.

**The Bexar-Medina-Atascosa Counties Water Control and Improvement District #1 Board of Directors** met at 221 Highway 132, Natalia, June 12, 1995, at 8:00 a.m. Information may be obtained from John W. Ward III, P.O. Box 170, Natalia, Texas 78059, (210) 665-2132. TRD-9506790.

**The Elm Creek WSC (Revised Agenda.) Board** met at 508 Avenue E, Moody, June 12, 1995, at 7:00 p.m. Information may be obtained from Debra Williams, 508 Avenue E, Moody, Texas 76557, (817) 853-3838. TRD-9506777.

**The Golden Crescent Private Industry Council Executive Committee** met at 2705 Houston Highway, Holiday Inn, Room #1, Victoria, June 9, 1995, at 12:30 p.m. Information may be obtained from Sandy Heiermann, 2401 Houston Highway, Victoria, Texas 77901, (512) 576-5872. TRD-9506785.

**The Guadalupe-Blanco River Authority Executive Committee** met at Victoria Bank and Trust, 307 North Esplanade, Cuero, June 12, 1995, at 3:00 p. m. Information may be obtained from W. E. West, Jr., P.O. Box 271, Seguin, Texas 78156-0271, (210) 379-5822. TRD-9506809.

**The Henderson County Appraisal District Appraisal Review Board** met at 1751 Enterprise Street, Athens, June 12, 1995, at 8:30 a.m. Information may be obtained from Lori Fetterman, 1751 Enterprise, Athens, Texas 75751, (903) 675-9296. TRD-9506803.

**The Henderson County Appraisal District Appraisal Review Board** will meet at 1751 Enterprise Street, Athens, June 13-15, 1995, at 8:30 a.m. Information may be obtained from Lori Fetterman, 1751 Enterprise, Athens, Texas 75751, (903) 675-9296. TRD-9506804.

**The Henderson County Appraisal District Appraisal Review Board** will meet at 1751 Enterprise Street, Athens, June 19-22, 1995, at 8:30 a.m. Information may be obtained from Lori Fetterman, 1751 Enterprise Street, Athens, Texas 75751, (903) 675-9296. TRD-9506805.

**The Henderson County Appraisal District Appraisal Review Board** will meet at 1751 Enterprise Street, Athens, June 26-29, 1995, at 8:30 a.m. Information may be obtained from Lori Fetterman, 1751 Enterprise Street, Athens, Texas 75751, (903) 675-9296. TRD-9506806.

**The Henderson County Appraisal District Appraisal Review Board** will meet at 1751 Enterprise Street, Athens, July 3, 1995, at 8:30 a.m. Information may be obtained from Lori Fetterman, 1751 Enterprise Street, Athens, Texas 75751, (903) 675-9296. TRD-9506807.

**The Henderson County Appraisal District Appraisal Review Board** will meet at 1751 Enterprise Street, Athens, July 5-7, 1995, at 8:30 a.m. Information may be obtained from Lori Fetterman, 1751 Enterprise, Athens, Texas 75751, (903) 675-9296. TRD-9506808.

**The High Plains Underground Water Conservation District Number 1 Board** will meet at 2930 Avenue Q, Board Room, Lubbock, June 13, 1995, at 10:00 a.m. Information may be obtained from A. Wayne Wyatt, 2930 Avenue Q, Lubbock, Texas 79405, (806) 762-0181. TRD-9506786.

**The Houston-Galveston Area Council Projects Review** will meet at 3555 Timmons Lane, Conference Room A, Houston, June 13, 1995, at 9:00 a.m. Information may be obtained from Rowena Ballas, 3555 Timmons Lane, Suite 500, Houston, Texas 77027-2777, (713) 627-3200 TRD-9506780.

**The Lampasas County Appraisal District (Emergency Meeting.) Appraisal Review Board** met at 109 East Fifth Street, Lampasas, June 8, 1995, at 8:30 a.m. (Reason for emergency: Protesters have already been notified.) Information may be obtained from Tommy L. Watson, P.O. Box 175, Lampasas, Texas 76550, (512) 556-8058. TRD-9506781.

**The Limestone County Appraisal District Board of Directors** will meet at 200 State Street, LCAD Office, Ground Floor, County Courthouse, Groesbeck, June 13, 1995, at 1:30 p.m. Information may be obtained from Karen Wietzikoski, P.O. Drawer 831, Groesbeck, Texas 76642. TRD-9506778.

**The Permian Basin Regional Planning Commission Policy Advisory Committee** met at 2910 LaForce Boulevard, Midland, June 12, 1995, at 9:00 a.m. Information may be obtained from Jerry Tschauer, P.O. Box 60660, Midland, Texas 79711, (915) 563-1061 TRD-9506829.

**The Permian Basin Regional Planning Commission Board of Directors** will meet at 2910 LaForce Boulevard, Midland, June 14, 1995, at 1:30 p.m. Information may be obtained from Terri Moore, P.O. Box 60660, Midland, Texas 79711, (915) 563-1061. TRD-9506830

**The South Franklin Water Supply Corporation Board of Directors** will meet at the Office of South Franklin Water Supply Corporation, 4430 Highway 115, South of Mount Vernon, June 13, 1995, at 7:00 p.m. Information may be obtained from Richard Zachary, P.O. Box 591, Mount Vernon, Texas 75457, (903) 860-3400. TRD-9506800.

**The South Plains Association of Governments Executive Committee** will meet at 1323 58th Street, Lubbock, June 13, 1995, at 9:00 a.m. Information may be obtained from Jerry D Casstevens, P.O. Box 3780, Freedom Station, Lubbock, Texas 79452-3730, (806) 762-8721 TRD-9506798

**The South Plains Association of Governments Board of Directors** will meet at 1323 58th Street, Lubbock, June 13, 1995, at 10:00 a.m. Information may be obtained from Jerry D. Casstevens, P.O. box 3730, Freedom Station, Lubbock, Texas 79452-3730, (806) 762-8721. TRD-9506797.

### Meetings Filed June 7, 1995

**The Bastrop Central Appraisal District Appraisal Review Board** will meet at 1200 Cedar Street, Bastrop, June 13, 1995, at 8:30 a.m. Information may be obtained from Dana Ripley, 1200 Cedar Street, Bastrop, Texas 78602, (512) 321-3925. TRD-9506868.

**The Bexar Appraisal District Board of Directors** will meet at 535 South Main Street, San Antonio, June 13, 1995, at 5:00 p.m. Information may be obtained from Beverly M. Houston, P.O. Box 830248, San Antonio, Texas 78283-0248, (210) 224-8511. TRD-9506901.

**The Bosque County Central Appraisal District Appraisal Review Board** will meet at 202 South Highway 6, Meridian, June 14, 1995, at 9:00 a.m. Information may be obtained from Janice Henry, P.O. Box 393, Meridian, Texas 76665-0393, (817) 435-2304. TRD-9506867.

**The Brazos Valley Development Council** Board of Directors will meet in the BVDC Conference Room, 1706 East 29th Street, Bryan, June 14, 1995, at 1:30 p.m. Information may be obtained from Tom Wilkinson, Jr., P.O. Drawer 4128, Bryan, Texas 77805-4128. (409) 775-4244. TRD-9506881

**The Brown County Appraisal District** Board of Directors met at 403 Fisk Avenue, Brownwood, June 12, 1995, at 7:00 p.m. Information may be obtained from Doran E. Lemke, 403 Fisk Avenue, Brownwood, Texas 76801. (915) 643-5676. TRD-9506843

**The Comal Appraisal District Appraisal Review Board** will meet at 178 East Mill Street #102, New Braunfels, June 23, 1995, at 9:00 a.m. Information may be obtained from Curtis Koehler, P.O. Box 311222, New Braunfels, Texas 78131-1222, (210) 625-8597. TRD-9506852.

**The Comal Appraisal District Appraisal Review Board** will meet at 178 East Mill Street #102, New Braunfels, June 30, 1995, at 9:00 a.m. Information may be obtained from Curtis Koehler, P.O. Box 311222, New Braunfels, Texas 78131-1222, (210) 625-8597. TRD-9506854.

**The Comal Appraisal District Appraisal Review Board** will meet at 178 East Mill Street #102, New Braunfels, July 14, 1995, at 9:00 a.m. Information may be obtained from Curtis Koehler, P.O. Box 311222, New Braunfels, Texas 78131-1222, (210) 625-8597. TRD-9506853.

**The Comal Appraisal District Appraisal Review Board** will meet at 178 East Mill Street #102, New Braunfels, July 17, 1995, at 9:00 a.m. Information may be obtained from Curtis Koehler, P.O. Box 311222, New Braunfels, Texas 78131-1222, (210) 625-8597. TRD-9506875.

**The Concho Valley Council of Governments Private Industry Council** will meet at 5014 Knickerbocker Road, San Angelo, June 14, 1995, at Noon. Information may be obtained from Monette Molinar, 5002 Knickerbocker Road, San Angelo, Texas 76904. (915) 944-9666. TRD-9506861.

**The Coryell City Water Supply District** Board of Directors will meet at F.M. 929, Coryell City, June 15, 1995, at 7:30 p.m. Information may be obtained from Helen Swift, Route 2, Box 93, Gatesville, Texas 76528. (817) 865-6089. TRD-9506900.

**The Coryell County Appraisal District** Appraisal Review Board will meet at 113 North Seventh Street, Gatesville, June 14, 1995, at 9:30 a.m. Information may be obtained from Darrell Lisenbe, P.O. Box 142, Gatesville, Texas 76528. (817) 865-6593. TRD-9506894

**The Education Service Center, Region I** Region One ESC Board will meet at 1900 West Schunior, Edinburg, June 13, 1995, at 7:00 p.m. Information may be obtained from Dr. Roberto Zamora, 1900 West Schunior, Edinburg, Texas 78539 (210) 383-5611. TRD-9506902.

**The Hale County Appraisal District** Board of Directors will meet at 3314 Olton Road, Plainview, June 22, 1995, at 7:30 p.m. Information may be obtained from Linda Jaynes, P.O. Box 329, Plainview, Texas 79073. (806) 293-4226. TRD-9506877.

**The Hansford Appraisal Review Board** ARB will meet at 709 West Seventh Street, Spearman, June 14, 1995, at 10:30 a.m. Information may be obtained from Lovida Giblin, P.O. Box 519, Spearman, Texas 79081. (806) 659-5575. TRD-9506876.

**The Hood County Appraisal District Appraisal Review Board** will meet at 1902 West Pearl Street, District Office, Granbury, June 15, 1995, at 9:30 a.m. Information may be obtained from Harold Chesnut, P.O. Box 819, Granbury, Texas 76048. (817) 573-2471. TRD-9506862.

**The Hood County Appraisal District Appraisal Review Board** will meet at 1902 West Pearl Street, District Office, Granbury, June 15, 1995, at 9:30 a.m. Information may be obtained from Harold Chesnut, P.O. Box 819, Granbury, Texas 76048. (817) 573-2471. TRD-9506859.

**The Hood County Appraisal District Appraisal Review Board** will meet at 1902 West Pearl Street, District Office, Granbury, June 27-29, 1995, at 8:10 a.m. Information may be obtained from Harold Chesnut, P.O. Box 819, Granbury, Texas 76048. (817) 573-2471. TRD-9506863.

**The Houston-Galveston Area Council (Revised Agenda.)** Projects Review Committee will meet at 3555 Timmons Lane, Conference Room A, Second Floor, Houston, June 13, 1995, at 9:15 a.m. Information may be obtained from Rowena Ballas, P.O. Box 22777, Houston, Texas 77227. (713) 627-3200. TRD-9506869.

**The Houston-Galveston Area Council** Board of Directors will meet at 3555 Timmons Lane, Conference Room A, Second Floor, Houston, June 13, 1995, at 10:00 a.m. Information may be obtained from Cynthia Marquez, P.O. Box 22777, Houston, Texas 77227. (713) 627-3200. TRD-9506870.

**The Lometa Rural Water Supply Corporation** Board of Directors met at 506 West Main Street, Lometa, June 12, 1995, at 7:00 p.m. Information may be obtained from Levi G. Cash or Tina L. Hodge, P.O. Box 158, Lometa, Texas 76853. (512) 752-3505. TRD-9506866.

**The Lower Rio Grande Valley Tech Prep Associate Degree Consortium** (also known as Tech Prep of the Rio Grande Valley, Inc.) Board of Directors will meet in the Board Room, Conference Center, Texas State Technical College, corner of Loop 499 and Oak Street, Harlingen, June 13, 1995, at Noon. Information may be obtained from Pat Bubb, TSTC Conference Center, Harlingen, Texas 78550-3697. (210) 425-0729. TRD-9506893.

**The Rio Grande Council of Governments** Board of Directors will meet at the Rio Grande Council of Governments, 1100 North Stanton, Fourth Floor, El Paso, June 16, 1995, at 1:00 p.m. Information may be obtained from Lidia Flynn, 1100 North Stanton, Suite 610, El Paso, Texas 79902. (915) 533-0098. TRD-9506871.

**The San Antonio-Bexar County Metropolitan Planning Organization Technical Advisory Committee** will meet at 434 South Main, Suite 205, San Antonio, June 13, 1995, at 9:00 a.m. Information may be obtained from Charlotte A. Roszelle, 434 South Main, Suite 205, San Antonio, Texas 78204. (210) 227-8651. TRD-9506872.

**The San Antonio-Bexar County Metropolitan Planning Organization (Revised Agenda.)** Technical Advisory Committee will meet at 434 South Main, Suite 205, San Antonio, June 13, 1995, at 9:00 a.m. Information may be obtained from Charlotte A. Roszelle, 434 South Main, Suite 205, San Antonio, Texas 78204. (210) 227-8651. TRD-9506887.

**The Texas Water Conservation Association Risk Management Fund** Board of Directors will meet at J. I. Specialty Services, Inc., 9420 Research Boulevard, Echelon III, Suite 300, Austin, June 13, 1995, at 9:30 a.m. Information may be obtained from Leroy Goodson, 221 East Ninth, Suite 206, Austin, Texas 78701. (512) 472-7216. TRD-9506851.

**The Wise County Appraisal District** Board of Directors will meet at 206 South State Street, Decatur, June 13, 1995, at 8:00 p.m. Information may be obtained from Freddie Triplett, 206 South State Street, Decatur, Texas 76234. (817) 627-0381. TRD-9506885.

**The Wood County Appraisal District** Appraisal Review Board met at 217 North Main, Quitman, June 12-16, 1995, at 9:00 a.m. Information may be obtained from W. Carson Wages or Lou Brooke, P.O. Box 518, Quitman, Texas 75783-0518. (903) 763-4891. TRD-9506855.

**Meetings Filed June 8, 1995**

**The Concho Valley Council of Governments Executive Committee** will meet at 5014 Knickerbocker Road, San Angelo, June 14, 1995, at 7:00 p.m. Information may be obtained from Robert R. Weaver, P.O. Box 60050, San Angelo, Texas 76906, (915) 944-9666. TRD-9506912.

**The El Oso Water Supply Corporation Board of Directors** will meet at FM 99, Karnes City, June 13, 1995, at 7:30 p.m. Information may be obtained from Judith Zimmermann, P.O. Box 309, Karnes City, Texas 78118, (210) 780-3539. TRD-9506911.





Name: Deeann Spieckermann  
Grade:  
School: Homer Hanna High School, Brownsville ISD

# 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, changes in interest rate and applications to install remote service units, and consultant proposal requests and awards.

To aid agencies in communicating information quickly and effectively, other information of general interest to the public is published as space allows.

## Texas Department of Criminal Justice Request for Professional Services

**Invitation.** The Texas Department of Criminal Justice (TDCJ) invites offers to provide professional medical services; to include a medical review officer and services related to drug and alcohol testing programs. These services will assist TDCJ in the required alcohol and drug testing of employees and inmates who operate commercial vehicles requiring a commercial drivers license (CDL). The provision of services requested by this RFP will conform in all respects to the requirements of 49 Code of Federal Regulations Part 40, "Procedures for Transportation Workplace Drug and Alcohol Testing Programs." The firm of Forward Edge, Inc. currently provides the requested services. TDCJ intends to enter into a contract for services requested hereby with Forward Edge, Inc. unless a proposal is received that is more beneficial to the State of Texas.

**Scope of Services.** Services to be provided shall comply with applicable federal law, regulations and guidelines as well as the following.

- (1) Provide Medical Review Officer (the "MRO") who is a licensed physician, responsible for receiving laboratory results generated by the drug and alcohol testing program, to interpret and evaluate test results in accordance with federal law, regulations and guidelines applicable to TDCJ;
- (2) Provide specimen collection sites acceptable to TDCJ and the employment of laboratory services to analyze and provide test results to the MRO. Successful proposer will be required to arrange for all necessary forms and supplies including chain of custody forms and any transportation of specimens to the laboratory. Collection sites to be provided at the following or within a reasonably close proximity thereto: Tennessee Colony, Huntsville, Teague, Sugarland, Beeville, Amarillo, Snyder, Rosharon, Fort Stockton, Gatesville, Brownwood, Richmond, Abilene, Angleton, Cuero, Childress, Hondo, Colorado City, other locations as may be determined.
- (3) Conduct monthly random selection of TDCJ commercial drivers to be subject to such random drug and breath alcohol testing in accordance with identified federal regulations and guidelines. Selection of drivers to be tested to be conducted in a manner to ensure that each driver has a substantially equal chance of being selected on a scientifically valid basis.
- (4) Conduct pre-employment screening of prospective employees to be employed by TDCJ who will operate commercial vehicles as well as the screening of inmates who will operate commercial vehicles, such screening to

be in accordance with applicable federal regulations and guidelines.

- (5) Conduct post-accident and Reasonable Suspicion testing of commercial drivers utilized by TDCJ, such testing to be in accordance with applicable federal regulations and guidelines.
- (6) Contact designated TDCJ officers by telephone and provide notification to them of testing results of all drug tests.
- (7) Electronically transmit results by secure means of all drug tests to the TDCJ designated representative of TDCJ's Technical Assistance Section (Human Resources Department) within 48 hours of review. Forward hard copies to TDCJ representatives within five working days.
- (8) Maintain all necessary records, logs, and statistics in accordance with applicable federal and state regulations and guidelines. Make such records available to TDCJ's authorized representative within 48 hours of request.
- (9) Conduct such other activities related to the required drug and alcohol testing program to comply with applicable federal laws, regulations, and guidelines.

**Payment for Services.** Payments will be made within 30 days from the date of receipt of invoice. Late payment charges shall be in accordance with Texas Government Code, §2251.021.

**Insurance and Indemnification.** Successful proposer will be required to provide liability insurance coverage for its work under a resulting contract and will additionally be required to agree to indemnify TDCJ and its officers and employees for any and all claims and liability due to the negligent acts of itself, its agents or employees

**Contract term.** Any resulting contract will commence on September 1, 1995 and terminate on August 31, 1997, unless sooner terminated in accordance with applicable provisions of the contract.

**Further Information.** Further information may be obtained by contacting James E. Bush, Assistant Director for Human Resources and Staff Development, P. O. Box 99, Huntsville, Texas 77342-0099; (409) 291-4136.

**Proposal Submission.** Sealed Proposals must be submitted to the Assistant Director for Human Resources and Staff Development at the previous address or in person at the TDCJ Personnel Annex, Huntsville, Texas not later than 5:00 p. m. on Friday, June 30, 1995.

Issued in Huntsville, Texas, on June 5, 1995.

Filed: June 5, 1995

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## Texas Education Agency Correction of Error

The Texas Education Agency submitted notices of open meetings for publication in the June 6, 1995, issue of the *Texas Register* (20 TexReg 4139).

Due to an error by the *Texas Register* there is an error in the notice for the State Board of Education (SBOE) Committee on the Permanent School Fund. The word "balance" in the phrase "active balance global-core manager(s)" should read "balanced."

Two errors appear in the notice for the Committee of the Whole. In the phrase "...Texas Government Code, §551.074, and will concern personnel matters of the Texas Education Agency, and Texas Government Code, §551.074, and will concern personnel matters of the Texas Education Agency, and Texas Government Code §551.075, to conference with employees..." the italicized words should be omitted. Also, the word "Caslas" in the phrase "Caslas, et al v Moses" should read "Casias."

An error appears in the same notice concerning the time of the meeting. The time should read 1:00 p.m., not 1:00 a.m.

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## Texas Environmental Awareness Network

### Notice of Monthly Meeting

The Texas Environmental Awareness Network, an association of state agencies and environmental and educational organizations, will meet June 20, 1995, at 9:00 a.m. at Texas Parks and Wildlife Department, Wild Basin Preserve Offices, 805 South Capital of Texas Highway, Austin, Texas 78746.

Tentative agenda items include:

1. Introductions
2. Mailing List Update
3. Texas Classroom Map Project
4. "Eye on Earth" Program
5. Environmental Education Conference Update

For information about the meeting, or to place an item on the agenda, contact Sue Bumpous, TEAN Chair, by mail at P.O. Box 13087, MC 194, Austin, Texas 78711; by phone at (512) 239-0049; or by fax at (512) 239-0055.

Issued in Austin, Texas, on May 31, 1995.

TRD-9506879       Carol Ruthven  
Secretary  
Texas Environmental Awareness Network

Filed: June 2, 1995

## Texas Department of Health Designation of A Site Serving A Medically Underserved Population

The Department of Health is required under Texas Civil Statutes, Article 4495b, §3.06, to designate sites serving medically underserved populations. In addition, the department is required to publish notice of its designations in the *Texas Register* and to provide an opportunity for public comment on the designations.

Accordingly, the department has designated the following as a site serving a medically underserved population: Interim Health Clinic, located at 2221 East 27th, Amarillo (Potter County), Texas. Designation is based on proven eligibility as a site serving a disproportionate number of clients eligible for federal, state or locally funded health care programs.

Oral and written comments on this designation may be directed to Demetria Montgomery, M.D., Chief, Bureau of Community Oriented Primary Care, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756; (512) 458-7771. Comments will be accepted for 30 days from the date of this notice.

Issued in Austin, Texas, on June 6, 1995.

TRD-9506823       Susan K. Steeg  
General Counsel  
Texas Department of Health

Filed: June 6, 1995

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## Genetic Services in Texas—Extension of Comment Period

The Texas Department of Health (TDH), Bureau of Women and Children published an announcement regarding a public hearing to discuss long term plans for TDH-supported genetic services which appeared in the June 6, 1995, issue of the *Texas Register* (20 TexReg 4148).

The public was invited to comment in writing or to appear in person at the hearing. The deadline for written comments is being extended from July 7, 1995 to July 17, 1995. Please send the written comments to Judith Livingston, Genetics and Newborn Screening, Bureau of Women and Children, Texas Department of Health, 1100 West 49th Street, Suite M-355, Austin, Texas, 78756.

For copies of the long term plan for genetics or more information about the hearing, please contact Judith Livingston at (512) 458-7111, extension 2129.

Issued in Austin, Texas, on June 6, 1995.

TRD-9506824       Susan K. Steeg  
General Counsel  
Texas Department of Health

Filed: June 6, 1995

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## Notice of Emergency Cease and Desist Order

Notice is hereby given that the Bureau of Radiation Control (bureau) ordered Satellite Medical Center (registrant-UNREGISTERED) of Fort Worth to cease and desist using any source of radiation until all violations noted

during a recent inspection have been corrected. The bureau determined that the use of unregistered equipment by uncredentialed operators may result in excessive radiation exposure to a patient, and constitutes an immediate threat to public health and safety, and the existence of an emergency.

A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, Exchange Building, 8407 Wall Street, Austin, Monday-Friday, 8:00 a.m. to 5:00 p.m. (except holidays).

Issued in Austin, Texas, on June 6, 1995.

TRD-9506820 Susan K. Steeg  
General Counsel  
Texas Department of Health

Filed: June 6, 1995

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**Notice of Emergency Impoundment  
Order**

Notice is hereby given that the Bureau of Radiation Control (bureau) ordered Center for Family Medicine of Houston to immediately surrender to the bureau for impoundment all sources of radiation that were possessed under the facility's certificate of registration-R14538. The registration was revoked by the bureau on November 18, 1994. The order was issued because the facility's flagrant failure to comply with the Order of Revocation by not disabling or disposing of the x-ray equipment constitutes an immediate threat to public health and safety, and the existence of an emergency. The order will remain in effect until the bureau has received, reviewed and approved the actions taken to ensure compliance with the revocation order.

A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, Exchange Building, 8407 Wall Street, Austin, Monday-Friday, 8:00 a.m. to 5:00 p.m. (except holidays).

Issued in Austin, Texas, on June 6, 1995.

TRD-9506819 Susan K. Steeg  
General Counsel  
Texas Department of Health

Filed: June 6, 1995

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**Notice of Intent to Revoke Certificates  
of Registration**

Pursuant to Texas Regulations for Control of Radiation (TRCR), Part 13 (25 Texas Administrative Code §289.112), the Bureau of Radiation Control (bureau), Texas Department of Health (department), filed complaints against the following registrants: Kenneth K. Argo, D.D.S., Dallas, R08057; David B. Bradley, D.C., Hurst, R10733; William H. Adams, D.C., Irving, R10955; Robert L. Levine, D.D.S., Dallas, R10968; Stephen Ratcliff, D.D.S., Arlington, R12888; Kenneth E. Sykes, D.D.S., Fort Worth, R12893; Robert L. Beck, D.M.D., M.D., San Antonio, R14951; Stephen Hambright, D.C., Stamford, R18350; Mark A. Beaty, D.C., Nederland, R18681; Danny E. and Donald F. Wheat, D.P.M., Abilene, R18685; Christopher D. Creed, D.C., Carrollton, R20175; Micro Quality Semiconductors, Inc., Garland, Z00122; John T. Dugan, M.D., Corpus Christi, Z00412; Southwestern CT Systems, Bedford, R13570; Thomas D. Dickerson, Arlington, R09246.

The department intends to revoke the certificates of registration; order the registrants to cease and desist use of radiation machine(s); order the registrants to divest themselves of such equipment; and order the registrants to present evidence satisfactory to the bureau that they have complied with the orders and the provisions of the Health and Safety Code, Chapter 401. If the fee is paid within 30 days of the date of each complaint, the department will not issue an order.

This notice affords the opportunity to the registrants for a hearing to show cause why the certificates of registration should not be revoked. A written request for a hearing must be received by the bureau within 30 days from the date of service of the complaint to be valid. Such written request must be filed with Richard A. Ratliff, P.E., Chief, Bureau of Radiation Control (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756-3189. Should no request for a public hearing be timely filed or if the fee is not paid, the certificates of registration will be revoked at the end of the 30-day period of notice. A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, Exchange Building, 8407 Wall Street, Austin, Monday-Friday, 8:00 a.m. to 5:00 p.m. (except holidays).

Issued in Austin, Texas, on June 6, 1995.

TRD-9506821 Susan K. Steeg  
General Counsel  
Texas Department of Health

Filed: June 6, 1995

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**Notice of Intent to Revoke a Radioactive  
Material License**

Pursuant to Texas Regulations for Control of Radiation (TRCR), Part 13 (25 TAC §289.112), the Bureau of Radiation Control (bureau), Texas Department of Health (department), filed a complaint against the following licensee: Hansbury Enterprises, Inc., Stafford, L04737.

The department intends to revoke the radioactive material license; order the licensee to cease and desist use of such radioactive material; order the licensee to divest himself of the radioactive material; and order the licensee to present evidence satisfactory to the bureau that he has complied with the orders and the provisions of the Health and Safety Code, Chapter 401. If the fee is paid within 30 days of the date of the complaint, the department will not issue an order.

This notice affords the opportunity to the licensee for a hearing to show cause why the radioactive material license should not be revoked. A written request for a hearing must be received by the bureau within 30 days from the date of service of the complaint to be valid. Such written request must be filed with Richard A. Ratliff, P.E., Chief, Bureau of Radiation Control (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756-3189. Should no request for a public hearing be timely filed or if the fee is not paid, the radioactive material license will be revoked at the end of the 30-day period of notice. A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, Exchange Building, 8407 Wall Street, Austin, Monday-Friday, 8:00 a.m. to 5:00 p.m. (except holidays).

Issued in Austin, Texas, on June 6, 1995.

TRD-9506822

Susan K. Steeg  
General Counsel  
Texas Department of Health

Filed: June 6, 1995

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**Texas Higher Education Coordinating Board**

**Notice of Intent**

This is to notify interested organizations of the intent of the Texas Higher Education Coordinating Board (THECB) and the Texas Education Agency (TEA) to issue a Request for Proposal (RFP) in June 1995 for the continued administration of the TASP Test. This notification will allow prospective respondents time prior to issuance of the RFP to prepare a proposal for providing the services listed below, including services relating to computer-assisted and computer-adaptive testing. The current contract for the TASP Test expires on August 31, 1996. This RFP will provide for the continuation of test administration services.

The period of the contract to be awarded under this RFP is anticipated to be October 1, 1995 through August 31, 2006. Test administration services under this contract will commence September 1996. October 1995 through August 1996 will be used by the contractor for working with THECB and TEA staff to perform necessary start-up activities.

No state monies are available for this project. The contractor will recoup program costs solely from examinee fees collected over the course of the contract, beginning with the initial test administration in September 1996. Approximately 200,000 tests were given last year.

The anticipated due date of proposals in the Document Control Center at TEA August 15, 1995. If you wish to receive a copy of the letter of intent which lists some of the major contract requirements you may contact Dr. Ronald Swanson, Director of TASP at THECB, P.O. Box 12788, Austin, Texas 78711-2788 or call the TASP office at (512) 483-6330.

Issued in Austin, Texas, on June 6, 1995.

TRD-9506860

James McWhorter  
Assistant Commissioner for Administration  
Texas Higher Education Coordinating Board

Filed: June 7, 1995

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**Texas Department of Human Services  
Request for Proposal**

Texas Department of Human Services's (DHS) Office of Immigration and Refugee Affairs (OIRA) is pleased to announce the availability of Targeted Assistance formula grant funds from the Federal Office of Refugee Resettlement (ORR) in the Department of Health and Human Services to provide technical assistance or training for local refugee Mutual Assistance Associations in the Dallas-Fort Worth Metroplex.

Description of Services: DHS will contract with outside resources for training programs for any number of the topics listed in this RFP in an effort to improve the capabilities of Mutual Assistance Associations (MAAs). DHS has a listing of 17 MAAs in the Houston and six

MAAs in the Dallas-Fort Worth area. This is not an all-inclusive list. Contractors will be required to identify additional local MAAs and conduct outreach to solicit their attendance in any training program. Attendance may be opened to other community-based organizations, providers serving refugees and refugee community leaders, as long as MAAs are targeted for training. Contract reimbursement will be linked to attendance.

The training topics were the result of a survey taken of the MAAs in the Dallas-Fort Worth Metroplex and Houston areas and they are (not listed in order of priority) grant writing; fund raising; accounting and financial management; management/leadership; coalition building; roles and responsibilities of non-profit boards; and organizational development and capacity building.

Amount of Funds Available: A total of \$120,946 is available for all training in both sites. If the funds are only used in one of the sites, the amounts for all training may not exceed \$68,026 for Houston and \$52,902 for the Dallas-Fort Worth Metroplex. One contract or multiple contracts may be awarded (for example: one contract for grant writing, one contract for coalition building, etc.). The total amounts for all contracts must not exceed the allocation total. Contracts are cost-reimbursement contracts, with reimbursements made after the month of service. The past performance of current/recent contractors with OIRA will be considered in the final selection.

Who May Submit a Proposal: Any public or private agency or any qualified individual may submit a proposal. Preference will be given in the selection process to organizations with experience training or networking with MAAs. Subcontracts, if any, entered into by the organization or individual shall be subject to the same requirements which apply to the organization and must be approved in advance by OIRA. The organization or individual agrees that it shall be responsible for the full and satisfactory performance of any of its subcontractors.

Plan of Operation/Evaluation Criteria: Each proposal will be evaluated on the basis of responses in the proposal, including the qualifications of the applicant, the quality of the proposed services, and the costs.

Award of Contracts: The final selection of grantees for award shall be made by OIRA after careful evaluation of each proposal according to the evaluation criteria specified in this RFP and in accordance with applicable state and federal laws and regulations.

DHS does reserve the right to reasonably modify and revise proposed activities and budgets throughout the life of the contract. All funds awarded shall be monitored in accordance with the Uniform Grant and Contract Management Standards (UGCMS) and all applicable state and federal regulations.

Terms of the Contract: All contracts will be for a negotiated time period not to exceed one year. A contract must be signed by September 1, 1995; however, training can occur at any time between September, 1995, and August 1996.

Contact Person: A copy of the RFP may be requested in writing from Debbie Desmond; Refugee Program Director; Office of Immigration and Refugee Affairs; 9101 Burnet Road, Suite 216; Austin, Texas 78758. Any questions or requests for clarification on the content of the RFP must be directed in writing to Debbie Desmond. Verbal requests for information or clarification will not be addressed.



Application Deadline Date: All proposals must be mailed or hand-delivered to Debbie Desmond. NO FAXED PROPOSALS WILL BE ACCEPTED. Proposals must be received no later than 4:00 p.m., CST, July 1, 1995. Proposals received after this date/time will not be evaluated.

Issued in Austin, Texas, on June 6, 1995.

TRD-9506825 Nancy Murphy  
Section Manager for Media and Policy  
Services  
Texas Department of Human Services

Filed: June 6, 1995

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**Texas Natural Resource Conservation  
Commission**

**Notice of Consulting Contract Award**

The Texas Natural Resource Conservation Commission (TNRCC) solicited consulting firms to submit proposals describing the procedures and methodologies they would utilize if awarded a contract under a request to write, edit, and deliver a guidance or Framework Document that will summarize Texas' statewide watershed management approach under the authority granted in the Private Consultant Act, Government Code, §2254. The Texas Natural Resource Conservation Commission (TNRCC or the Commission) has entered into a Cooperative Agreement for fiscal years 1995 and 1996 with the U.S. Environmental Protection Agency Region VI (EPA) to develop a draft Framework Document that summarizes the process and mechanisms necessary to implement watershed management in the state of Texas. The TNRCC has awarded the Contract to The Cadmus Group, Inc. of Raleigh, North Carolina, due to their unique expertise in developing Framework Documents for statewide watershed management approaches. The Cadmus Group will write, edit and provide a draft guidance or Framework Document that will summarize Texas' statewide watershed management approach-Watershed Texas.

The total value of the consulting contract for this project is \$60,000. The project will begin on May 16, 1995 and end on August 31, 1996. A preliminary draft of the Watershed Texas Framework Document shall be provided by the Cadmus Group by May 1, 1996. A final draft Watershed Texas Framework Document for submittal to EPA shall be provided by the Cadmus Group by August 31, 1996.

Issued in Austin, Texas, on June 7, 1995

TRD-9506846 Lydia Gonzalez-Gromatzky  
Acting Director, Legal Division  
Texas Natural Resource Conservation  
Commission

Filed June 7, 1995

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**Texas Department of Protective and  
Regulatory Services**

**Request for Proposal**

In accordance with Texas Civil Statutes, Article 4413(503), the Texas Department of Protective and Regulatory Services (PRS) announces this Request for Proposals to provide assessment services for a project of the Supreme Court Task Force on Foster Care, entitled Court Improvement Program: State Court Assessment and Implementation of Reforms.

Services: Services to be provided include an assessment of state court proceedings relating to foster care and adoption, and a summary report of results of all information collected. The goal of the project is to ensure safety and a shorter transition to permanency for children in the protective services system by improving the state court process for handling child abuse and adoption cases. PRS is administering this project through an interagency agreement with the Texas Supreme Court

Eligible Offerors: Eligible applicants include public or private profit or non-profit agencies and individuals with demonstrated knowledge, competence, and qualifications in implementing similar projects. Demonstrated knowledge of the child protective services systems and Texas Court operations is required. Eligible applicants who may also be Historically Underutilized Businesses or Small Businesses are encouraged to apply.

Term and Total Value: The contract period is projected from August 25, 1995 through December 30, 1996. Funding will not exceed \$85,000. Funding is subject to the availability of federal funds. PRS reserves the absolute right to cancel or rescind this RFP at any time and to reject any and all offers received.

Evaluation and Selection: The selection and evaluation panel will consist of members of the Texas Supreme Court Task Force on Foster Care and PRS staff. The screening and evaluation method and criteria are predetermined. Criteria include detailed service description, relevant organizational experience and staff qualifications, and cost.

Deadline: The last day to receive offers is Monday, July 31, 1995. Proposals received after this deadline will be accepted only if mailed via next day mail and postmarked no later than the last working day prior to the deadline, i.e., Friday, July 28, 1995. Modifications to the original proposal must also be received by deadline of Monday, July 31, 1995.

Contact Person: To obtain a complete copy of the Request for Proposal, please contact Tara Schuman-Comerford, Texas Department of Protective and Regulatory Services, P.O. Box 149030 (Mail Code E-611), Austin, Texas 78714-9030, (512) 706-5541.

Issued in Austin, Texas, on June 7, 1995.

TRD-9506857 Nancy Murphy  
Section Manager, Media and Policy  
Services  
Texas Department of Protective and  
Regulatory Services

Filed: June 7, 1995

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**Public Utility Commission of Texas**

**Notice of Application to Amend  
Certificate of Convenience and  
Necessity**

Notice is given to the public of the filing with the Public Utility Commission of Texas an application on May 26, 1995, to amend a certificate of convenience and necessity pursuant to the Public Utility Regulatory Act of 1995, §§1.101, 3.051(b), 3.251, 3.253, and 3.254, Senate Bill 319, 74th Legislature, Regular Session 1995. A summary of the application follows.

Docket Title and Number: APPLICATION OF GTE SOUTHWEST, INC. TO AMEND CERTIFICATE OF

CONVENIENCE AND NECESSITY WITHIN LIVE OAK AND MCMULLEN COUNTIES, Docket Number 14272, before the Public Utility Commission of Texas.

The Application: In Docket Number 14272, GTE Southwest, Inc. seeks approval to amend the exchange area boundary between its Three Rivers exchange and Valley Telephone Cooperative, Inc.'s Annarose exchange in order to allow GTE-SW to provide telecommunications service to a single residential subscribers who currently receives only rural radio service.

Persons who wish to intervene in the proceeding or comment upon action sought, should contact the Public Utility Commission of Texas, 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757, or call the Public Utility Commission Consumer Affairs Division at (512) 458-0256, or (512) 458-0221 for teletypewriter for the deaf on or before July 13, 1995.

Issued in Austin, Texas, on June 5, 1995.

TRD-9506745 John M. Renfrow  
Secretary of the Commission

Filed: June 5, 1995

### Railroad Commission of Texas Correction of Error

The Railroad Commission of Texas proposed new 16 TAC §3.98, concerning Standards for Management of Hazardous Oil and Gas Waste, published in the May 12, 1995, *Texas Register* (20 TexReg 3529).

Due to an editing error by the *Texas Register* the word "paragraph" was substituted for the word "subsection" in subsection (w)(4)(F)(v) on page 3541. It should read "(v) a copy of the shipping paper or manifest is retained by each water (bulk shipment) transporter in accordance with the provisions of paragraph (7) of this subsection (relating to recordkeeping)."

### Notice of Intent to Reclaim Abandoned Mine Lands near Bastrop in Bastrop County, Texas

The Railroad Commission of Texas is submitting a request for funds under Title IV of the Federal Surface Mining Control and Reclamation Act of 1977 (as amended October 1, 1991) to reclaim an abandoned mine openings near Bastrop, Texas in Bastrop County. The mine opening is a result of the collapse of abandoned underground lignite mine workings. Work on the project would be accomplished in accordance with the Texas Abandoned Mine Land Program administered by the Railroad Commission of Texas.

Proposed reclamation of the site would include excavation of the sinkhole, placement of fill material in the mine opening, and revegetation of all disturbed areas. Interested persons are invited to comment on any possible impact this proposed project might have on the area or community. Comments or inquiries are to be received no later than July 14, 1995 and may be submitted to the following mailing address: Surface Mining and Reclamation Division; Railroad Commission of Texas; P.O. Box 12967; Austin, Texas 78711-2967; Attention: Melvin B. Hodgkiss, P.E., Director.

Issued in Austin, Texas, on June 6, 1995.

TRD-9506844 Mary Ross McDonald  
Assistant Director, Legal Division-Gas  
Utilities/L.P. Gas  
Railroad Commission of Texas

Filed: June 7, 1995

### The University of Texas System Request for Information (RFI)

The University of Texas System, (U.T. System) requests information from commercial and investment banks interested in assisting U.T. System and its component institutions in the preparation and sale of long-term fixed rate tax-exempt bonds. This RFI is issued for the purpose of establishing (for the biennium beginning September 1, 1995) a referral list from which U.T. System, by and through its Office of Finance, will select appropriate firm for representation on specific bond matters as needs arise. These needs include the usual and necessary services of a senior underwriter or co-manager in connection with the issuance, sale and delivery of bonds and notes in a negotiated transaction on which the interest is excludable from gross income under existing federal tax law.

Description. The U.T. System comprises six health institutions and nine academic institutions located in 11 cities in Texas. Public, tax-exempt bond issuance is conducted under two major programs by the Office of Finance of the U.T. System and is rated by three major rating agencies. Both programs utilize short term borrowings with the short term debt refunded with fixed rate debt periodically. Under the first program, bonds are issued under authority granted the U.T. System under the Texas Constitution (Permanent University Fund), Article VII, §18. Fixed rate bond sales occur each two to three years in the amount of approximately \$100 million to refund variable rate notes. Advance refunding of Permanent University Fund (PUF) bonds are conducted periodically based on potential savings opportunities. PUF bonds currently outstanding are rated Aa1, AA+ and AA+ by Moody's S&P, and Fitch respectively. Under the second financing program, authority in Texas Education Code, Chapter 55, Texas Civil Statutes, Article 717k and 717q, and other applicable laws authorize the U.T. System to issue revenue bonds for capital improvements. The U.T. system utilizes a revenue bond program which offers a combined pledge of all legally available revenues with certain exceptions (the Revenue Financing System). Bonds currently outstanding under the Revenue Financing System Program are rated Aa1, AA+ and AA+ by Moody's, S&P, and Fitch respectively. Advance refunding of bonds and escrow structures of previously defeased bonds, based on market timing, may be expected. U.T. System invites responses to this RFI from qualified firms for future transactions under the direction and supervision of U.T. System's Office of Finance.

Responses. Responses to this RFI should be limited to the following information:

- (1) A brief description of the firm and a statement as to which of the following categories best describe the firm. National, Regional, Minority-Owned, or Women-Owned.
- (2) A list of negotiated, tax-exempt higher education transactions for which firm has served as Senior Manager since September 1, 1993. Include name of issuer, size of bond

issue, and date of sale. Also include a discussion of minority-owned business and women-owned business participation for three of these transactions. The terms minority-owned business and women-owned business are defined in the Texas Education Code; Chapter 55, §55.03;

A list of negotiated, tax exempt Texas issuer transactions for which the firm has served as Co-Manager since September 1, 1993. Include name of issuer, size bond issue, and date of sale;

(4) A description of the structure of the Public Finance Group of the firm. Include organizational chart by department and the name of each department leader;

(5) A brief description of professional personnel to be assigned to The University of Texas System. Include name, years with firm, office location, and experience in public finance;

(6) A discussion of firm's capital structure. Include any present limits concerning the allocation of the firm's capital to municipal underwriting and secondary market activities;

(7) A description of the firm's capability to sell bonds. Include retail and institutional capabilities;

(8) A copy of the Affirmative Action Plan for the firm;

(9) The University of Texas System appreciates proposals and ideas submitted by the investment banking community. List proposals, seminars and publications that the firm has provided to the System since September 1, 1993;

(10) A list of three higher education or health care client references. Include the name of issuer, contact person, address, phone number, date of sale, size of issue, general structure of the issue, and the bond rating. The University of Texas System reserves the right to contact Texas issuers regarding the firms performance on transactions since September 1, 1993 and to compare bond pricing to reports distributed by the Texas Bond Review Board.

Format and Person to Contact. Two copies of the response are requested. The responses should be sent by mail or delivered in person, marked "Responses for Information", and addressed to Pamela K. Clayton, Director of Finance, Office of Finance, The University of Texas System, 201 West Seventh Street, Austin, Texas 78701 (512) 499-4334. Notice: Failure to address all of the issues previously listed (1-10) will result in removal of the response from consideration. Respondents are requested not to contact members of The University of Texas System Board of Regents or System staff (with the exception of the Office of the Finance) concerning this RFI prior to receipt of written notice of the results. Notice will be sent on or about August 1, 1995.

Deadline for Submission of Response. All responses must be received by The Office of Finance of U.T. System at the address set forth not later than 5:00 p.m., June 23, 1995.

Issued in Austin, Texas, on June 2, 1995.

TRD-9506671 Arthur H Dilly  
Executive Secretary to the Board of  
Regents  
The University of Texas System

Filed: June 2, 1995

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**Texas Water Development Board**  
**Public Hearing Notice**

An attorney with the Texas Water Development Board will conduct a public hearing beginning at 10.00 a.m., August 1, 1995, Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, in Austin, Texas on a proposed Federal Fiscal Year 1996 Intended Use Plan for the State Water Pollution Control Fund (SRF). The Intended Use Plan (IUP) contains a listing of wastewater treatment projects in alphabetical order which will be considered for funding in Fiscal Year 1996 through the State Water Pollution Control Revolving Fund program. The proposed Intended Use Plan has been prepared pursuant to rules for the State Water Pollution Control Fund Revolving Fund as adopted by the Texas Water Development Board in 31 TAC Chapter 363.

Interested persons are encouraged to attend the hearing and to present relevant and material comments concerning the proposed Intended Use Plan. In addition, persons may participate in the hearing by mailing written comments before the previously listed date to Frank R. Forsyth, Jr., Chief, Project Support Section, Engineering Division, Texas Water Development Board, P.O. Box 13231, Austin, Texas 78711. Copies of the proposed 1996 Intended Use Plan will be sent to all communities which have projects on the list on or about July 14, 1995. Additional copies will be available in Room 543 of the Stephen F. Austin Building or may be obtained from the Engineering Division, Texas Water Development Board, P.O. Box 13231, Austin, Texas 78711, on that date.

The hearing is being conducted pursuant to 31 TAC Chapter 363 (Rules of the Texas Water Development Board) and 40 Code of Federal Regulations, §25.5.

Issued in Austin, Texas, on June 5, 1995.

TRD-9506779 Craig D Pedersen  
Executive Administrator  
Texas Water Development Board

Filed: June 6, 1995

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## 1995 Publication Schedule for the *Texas Register*

Listed below are the deadline dates for the January-December 1995 issues of the *Texas Register*. Because of printing schedules, material received after the deadline for an issue cannot be published until the next issue. Generally, deadlines for a Tuesday edition of the *Texas Register* are Wednesday and Thursday of the week preceding publication, and deadlines for a Friday edition are Monday and Tuesday of the week of publication. No issues will be published on July 7, November 10, November 28, and December 29. An asterisk beside a publication date indicates that the deadlines have been moved because of state holidays.

FOR ISSUE PUBLISHED ON	ALL COPY EXCEPT NOTICES OF OPEN MEETINGS BY 10 A.M.	ALL NOTICES OF OPEN MEETINGS BY 10 A.M.
1 Tuesday, January 3	Wednesday, December 28	Thursday, December 29
2 Friday, January 6	Monday, January 2	Tuesday, January 3
3 Tuesday, January 10	Wednesday, January 4	Thursday, January 5
4 Friday, January 13	Monday, January 9	Tuesday, January 10
5 Tuesday, January 17	Wednesday, January 11	Thursday, January 12
Friday, January 20	1993 ANNUAL INDEX	
6 Tuesday, January 24	Wednesday, January 18	Thursday, January 19
7 Friday, January 27	Monday, January 23	Tuesday, January 24
8 Tuesday, January 31	Wednesday, January 25	Thursday, January 26
9 Friday, February 3	Monday, January 30	Tuesday, January 31
10 Tuesday, February 7	Wednesday, February 1	Thursday, February 2
11 Friday, February 10	Monday, February 6	Tuesday, February 7
12 Tuesday, February 14	Wednesday, February 8	Thursday, February 9
13 Friday, February 17	Monday, February 13	Tuesday, February 14
14 Tuesday, February 21	Wednesday, February 15	Thursday, February 16
15 Friday, February 24	*Friday, February 17	Tuesday, February 21
16 Tuesday, February 28	Wednesday, February 22	Thursday, February 23
17 Friday, March 3	Monday, February 27	Tuesday, February 28
18 Tuesday, March 7	Wednesday, March 1	Thursday, March 2
19 Friday, March 10	Monday, March 6	Tuesday, March 7
20 Tuesday, March 14	Wednesday, March 8	Thursday, March 9
21 Friday, March 17	Monday, March 13	Tuesday, March 14
22 Tuesday, March 21	Wednesday, March 15	Thursday, March 16
23 Friday, March 24	Monday, March 20	Tuesday, March 21
24 Tuesday, March 28	Wednesday, March 22	Thursday, March 23
25 Friday, March 31	Monday, March 27	Tuesday, March 28
26 Tuesday, April 4	Wednesday, March 29	Thursday, March 30
27 Friday, April 7	Monday, April 3	Tuesday, April 4
28 Tuesday, April 11	Wednesday, April 5	Thursday, April 6
Friday, April 14	FIRST QUARTERLY INDEX	
29 Tuesday, April 18	Wednesday, April 12	Thursday, April 13
30 Friday, April 21	Monday, April 17	Tuesday, April 18
31 Tuesday, April 25	Wednesday, April 19	Thursday, April 20