

TEXAS REGISTER

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How to Use the Texas Register

Information Available: The 10 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Withdrawn Rules - sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after the proposal publication date.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.

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*, releases cumulative supplements to each printed volume of the *TAC* twice each year.

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
40 TAC §3.704.....950, 1820

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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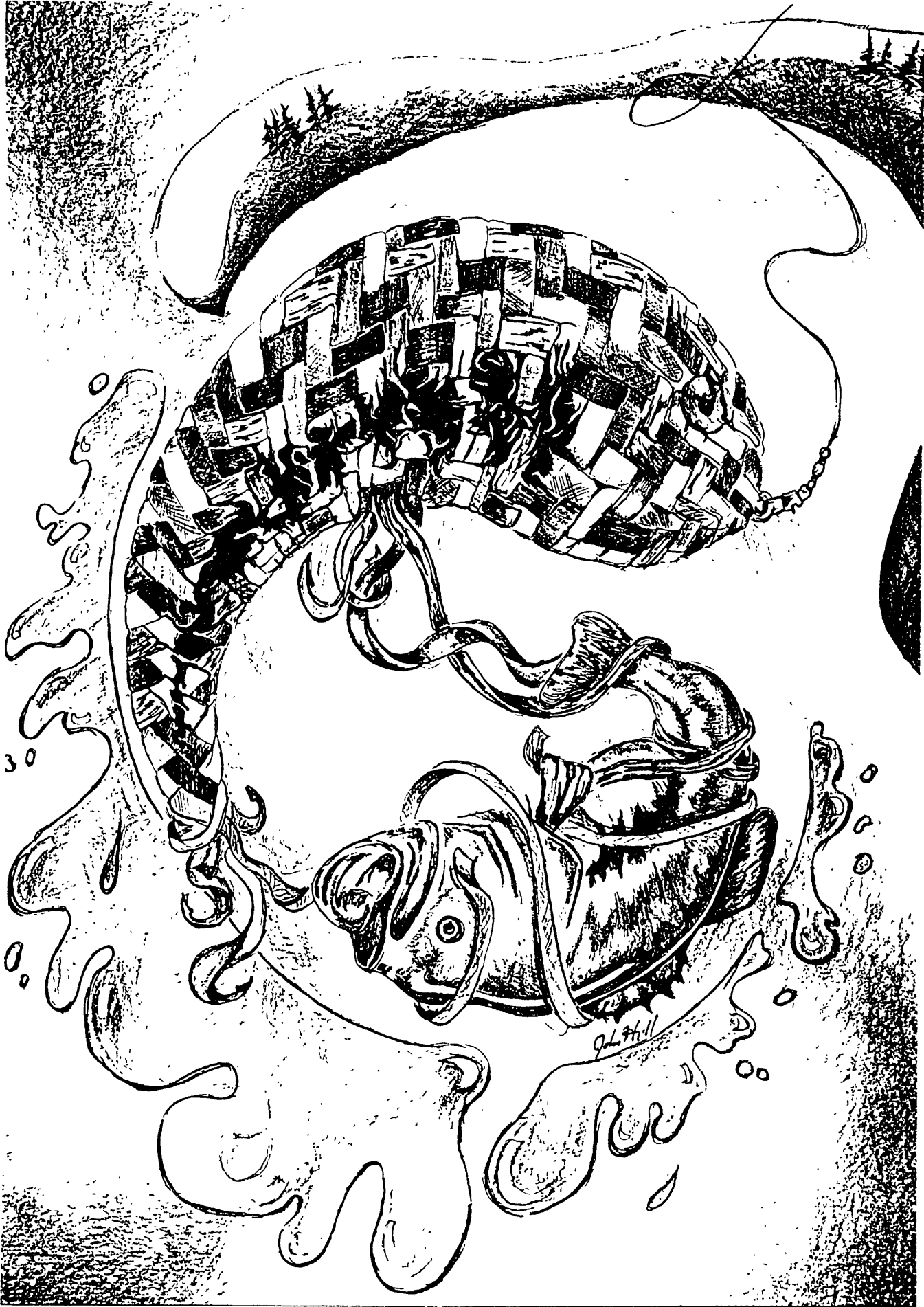
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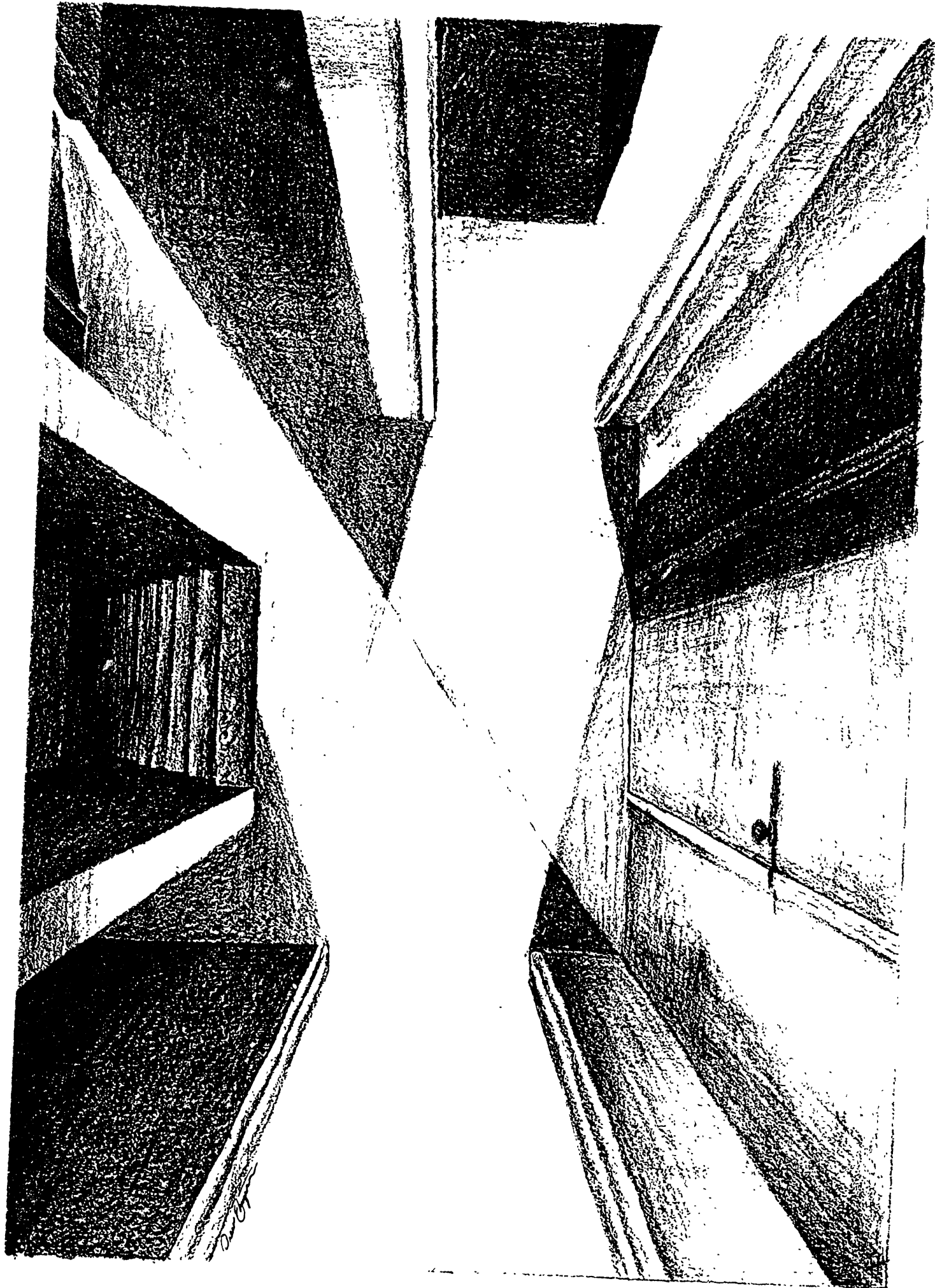
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TEXAS ETHICS COMMISSION

The Texas Ethics Commission is authorized by Government Code, §571.091, to issue advisory opinions in regard to the following statutes: the Government Code, Chapter 302; the Government Code, Chapter 305; the Government Code, Chapter 572; the Election Code, Title 15; the Penal Code, Chapter 36; and the Penal Code, Chapter 39.

Requests for copies of the full text of opinions or questions on particular submissions should be addressed to the Office of the Texas Ethics Commission, P.O. Box 12070, Austin, Texas 78711-2070, (512) 463-5800.

Texas Ethics Commission

Opinions

AOR-237. The Texas Ethics Commission has been asked to consider whether members of the Texas Aerospace Commission are required to file annual personal financial statements under the Government Code, Chapter 572.

The Texas Ethics Commission is authorized by the Government Code, Chapter 571, Subchapter D, §1.29, to issue advisory opinions in regard to the following statutes (1) the Government Code, Chapter 572, Subchapter D; (2) Government Code, Chapter 302, (1) Government Code, Chapter 305, (3) Election Code, Title 15, (5) Penal Code, Chapter 36, and (6) Penal Code, Chapter 39.

Questions on particular submissions should be addressed to the Texas Ethics Commission, P.O. Box 12070, Austin, Texas 78711-2070, (512) 463-5800.

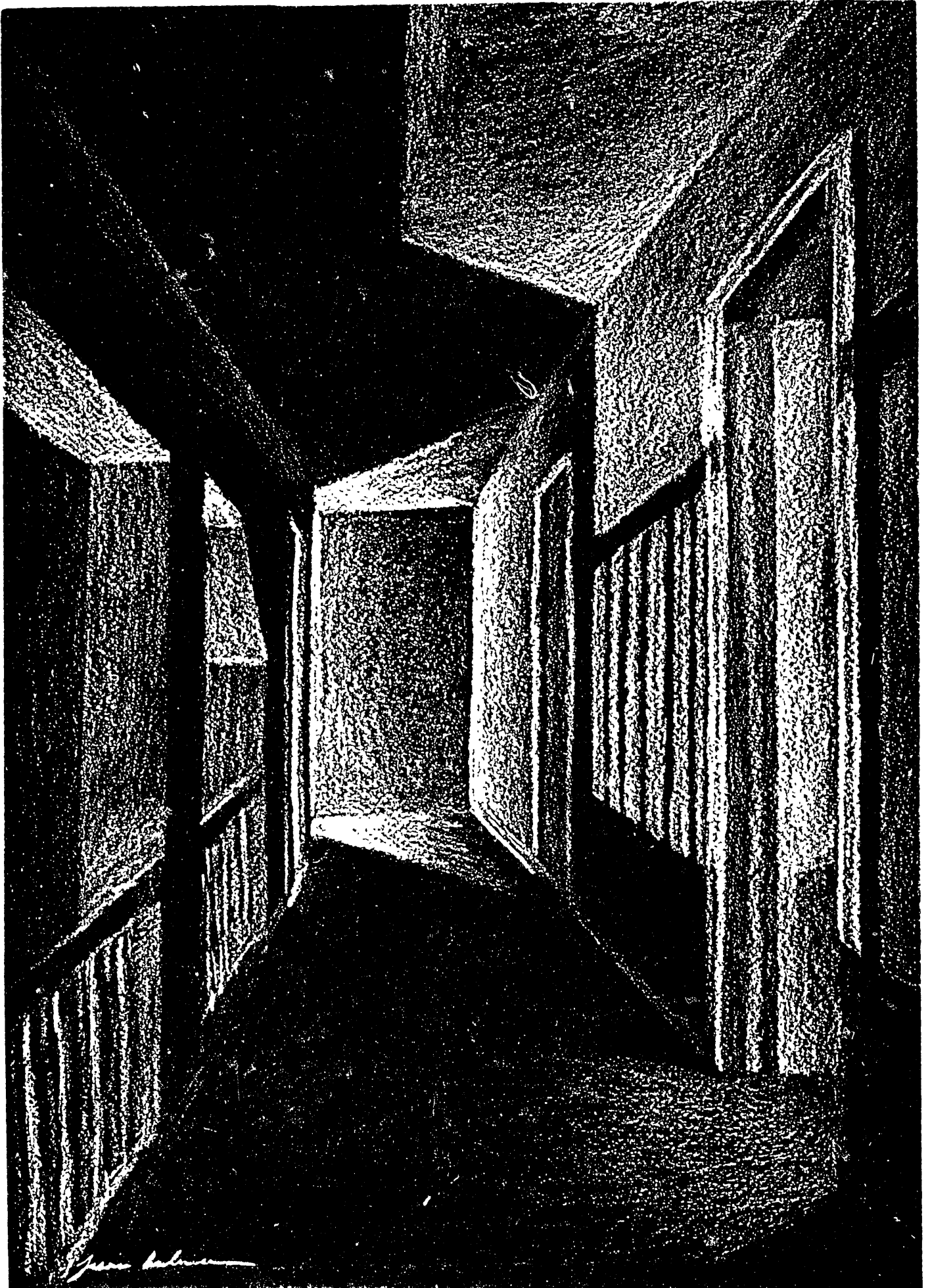
Issued in Austin, Texas, on April 29, 1994

TRD-9440149

Sarah Woelk
Director, Advisory Opinions
Texas Ethics Commission

Filed: May 2, 1994





J. J. ...

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 CORREC- TIONS

Part III. Texas Youth Commission

Chapter 93. General Provisions

Records, Reports and Forms

- 37 TAC §93.75

The Texas Youth Commission is renewing the effectiveness of the emergency adoption of new §93.75, for a 60-day period effective May 21, 1994. The text of new §93.75 was originally published in the January 28, 1994, issue of the *Texas Register* (19 TexReg 564).

Issued in Austin, Texas, on May 2, 1994.

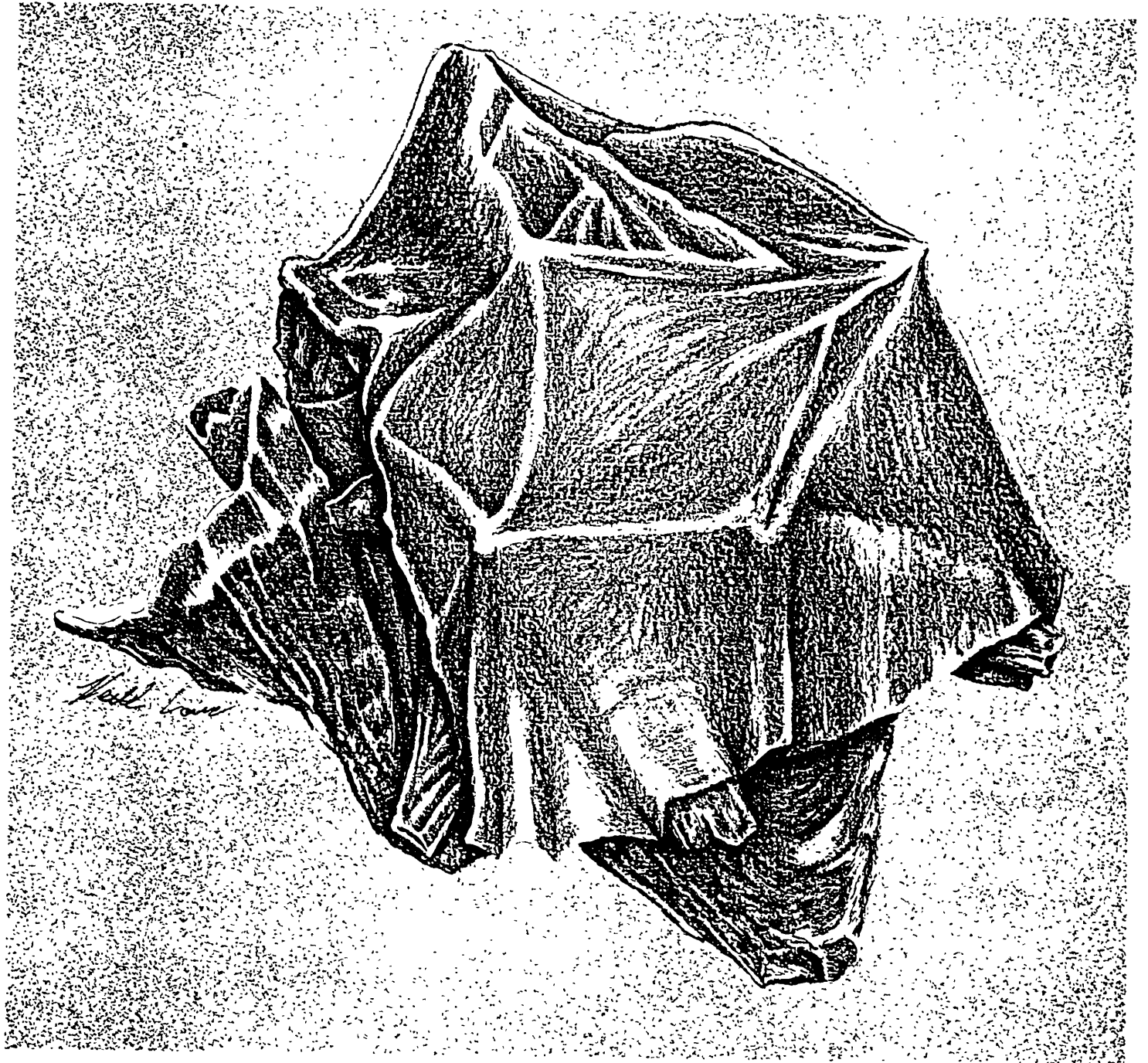
TRD-9440152 Steve Robinson
 Executive Director
 Texas Youth Commission

Effective date: May 21, 1994

Expiration date: July 21, 1994

For further information, please call: (512)
483-5244





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 4. AGRICULTURE

Part V. State Seed and Plant Board

Chapter 82. Administrative Procedures

Subchapter A. Procedures for Meeting by Telephone Conference Call

• 4 TAC §§82.1-82.5

The State Seed and Plant Board (the board) proposes new §§82.1-82.5, concerning telephone conference calls. The new sections are proposed to provide procedures to implement Texas Agriculture Code, §62.0021, which was enacted during the 73rd Legislative Session (1993). The new sections provide for the board to conduct telephone conference calls for meetings requiring immediate action when it is otherwise difficult or impossible to convene a quorum and provides procedures to ensure compliance with the Texas Open Meeting Act

Charles Leamons, director, seed quality program, has determined that for the first five-year period the sections are in effect, there will be fiscal implications as a result of enforcing or administering these sections. The effect on state government for the first five-year period the sections are in effect will be an estimated reduction in cost of \$1,500 per year for fiscal years 1994-1998. For meetings which will now be held by conference call. There will be no effect on local government for the first five-year period the sections are in effect.

Mr. Leamons also has determined that for each year of the first five years the sections are in effect, the public benefit anticipated as a result of enforcing the sections will be increased efficiency in the operation of the board and a reduction in board expenses. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to Charles Leamons, Director, Seed Quality Program, Texas Department of Agriculture, P.O. Box 629, Giddings, Texas 78942 and must be received no later than 30 days from

the date of the publication of the proposal in the *Texas Register*

The new sections are proposed under Texas Agriculture Code, §62.0021, which provides the State Seed and Plant Board with the authority to conduct meetings by telephone conference call and Texas Government Code, §2001.004, which authorizes agencies to adopt rules of practice and procedures

The code affected by these proposed new sections is the Texas Agriculture Code, Chapter 62.

§82.1 *Authorization* Beginning September 1, 1993, telephone conference calls are specifically authorized for meetings of the State Seed and Plant Board (the Board) by the Texas Agriculture Code, §62.0021.

§82.2. *Limitations.* Telephone conference calls shall be restricted to special called meetings requiring immediate action when it is otherwise difficult or impossible to convene a quorum of the Board in one location.

§82.3. *Compliance With Open Meetings Act.* In order to comply with Texas Open Meetings Act (the Act), Texas Government Code, Chapter 551, the following procedures shall be observed

(1) Conference calls are subject to the same notice requirements that apply to other meetings and notice shall be properly posted in accordance with the Act.

(2) For purposes of notice, the place of the meeting by conference call is considered to be the normal meeting place for the Board, or if there is no "normal" meeting place, a location easily accessible to the public.

(3) Conference call meetings shall be conducted in accordance with the Act's procedures, depending on whether the meeting is either "open" or "closed." Closed meetings by telephone conference call are subject to the same procedures as a regularly convened meeting which is closed

(4) Due to the telephonic nature of the meeting, extra care must be taken for speakers to identify themselves so that the record will properly reflect what action was taken by whom.

§82.4. *Accessibility to Public.* Each part of the conference call that is open must be available to be heard by the public at the normal meeting place for the Board, or at another location which is easily accessible to the public. A Texas Department of Agriculture staff person and, if possible a Board member, shall be present at the designated location to set up the conference call so as to make it audible to the public, and in order to monitor registration of persons in attendance.

§82.5. *Recording of Meeting.* Each part of the conference call that is open to the public must be tape recorded and this tape recording must be made available to the public. A Texas Department of Agriculture staff person shall be present at the designated location to tape the meeting and monitor recording

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 May 3, 1994

TRD-9440282

Dolores Alvarado Hibbs
Chief Administrative Law
Judge
Texas Department of
Agriculture

Earliest possible date of adoption: June 10, 1994

For further information, please call: (512) 463-7583

◆ ◆ ◆

**TITLE 22. EXAMINING
BOARDS**
**Part VI. State Board of
Registration for
Professional Engineers**

**Chapter 131. Practice and
Procedure**

Registration

• 22 TAC §131.138

The Texas State Board of Registration for Professional Engineers proposes an amendment to §131.138, concerning engineers' seals. Paragraph five of the section is amended to permit the use of a reduced-size computer-aided design/drafting seal (CADDSEAL) as long as the engineer's name

and registration number is clearly legible on all copies. Paragraph nine of the section is amended to stipulate that the initial sheet, title sheet, or table of contents of a bound volume of engineering drawings shall contain the seal conforming to the standard sizes stipulated in the section.

Charles E. Nemir, P.E., executive director, has determined that for the first five-year period the rule is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the rule.

Mr. Nemir also has determined that for each year of the first five years the rule is in effect the public benefit anticipated as a result of enforcing the rule will be clarification of the proper use of a CADDSEAL. There will be no effect on small business as a result of enforcing the rule. There is no anticipated economic

cost to persons who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Charles E. Nemir, P.E., Executive Director, Texas State Board of Registration for Professional Engineers, P.O. Drawer 18329, Austin, Texas 78760.

The amendment is proposed under Texas Civil Statutes, Article 3271a, §8(a), which provide the board with the authority to make and enforce all rules and regulations necessary for the performance of its duties.

§131.138. Engineers' Seals. Seals of two different sizes will be acceptable, a pocket seal, the size commercially designated as 1-5/8-inch seal, or desk seal, commercial designated as a two-inch seal, to be of the design shown as follows:



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

(5) Registrants may obtain and use both an impression type seal and a rubber stamp facsimile. In addition, a seal replica produced by computer-aided design/drafting (CADDSEAL) may be used based on the provisions prescribed in subparagraphs (A)-(C) of this paragraph. The rubber stamp facsimile and the CADDSEAL seal shall bear the same name, in the same style, as the impression seal, and conform to the design requirements previously stated in this section. A CADDSEAL may be of reduced size, but the name and registration number shall be clearly legible on all copies.

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

(6)-(8) (No change.)

(9) The engineer shall affix his seal or professional identification as stipulated in paragraph (8) of this section on each sheet of engineering plans, drawings, and other separate engineering documents, and on the title or contents page of engineering specifications, reports, studies, and similar engineering work products consid-

ered to be bound volumes. The initial sheet, title sheet, or table of contents sheet of a bound volume of engineering drawings shall contain the seal conforming to the size as stated in this section. Registered employees of the state, its political subdivisions, or other public entities are responsible for sealing their original engineering work; however, such registered employees engaged in review and evaluation for compliance with applicable law or regulation of engineering work submitted by others, or in the preparation of general planning documents, a proposal for decision in a contested case or any similar position statement resulting from a compliance review, need not seal the review reports, planning documents, proposals for decision, or position statement. Not including in the sealing requirements of this paragraph are standards and general guideline specifications which should be labeled as such by and bear the identity of the publishing entity, except that when an engineer elects to use such standards and incorporate them into his work he must seal each of those which he uses, or seal an integral design/title/contents sheet which authorizes and directs the inclusion of each enumerated standard, and become responsible for their use in the end product.

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 May 2, 1994.

TRD-9440143

Charles E. Nemir, P.E.
Executive Director
Texas State Board of
Registration for
Professional Engineers

Proposed date of adoption: June 14, 1994

For further information, please call: (512) 440-7723

◆ ◆ ◆
Complaints

• 22 TAC §131.171

The Texas State Board of Registration for Professional Engineers proposes an amendment to §131.171, concerning complaints. Subsection (a) of the section is amended to clarify that the executive director has the authority to evaluate the completeness of complaint matters before they are either investigated or allowed to be presented to the Board for action.

Charles E. Nemir, P.E., executive director, has determined that for the first five-year period the rule is in effect there will be no fiscal implications for state or local govern-

ment as a result of enforcing or administering the rule.

Mr. Nemir also has determined that for each year of the first five years the rule is in effect the public benefit anticipated as a result of enforcing the rule will be clarification that the executive director has the authority to determine the completeness of a complaint and also to dismiss the allegation if probable cause cannot be established. There will be no effect on small business as a result of enforcing the rule. There is no anticipated economic cost to persons who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Charles E. Nemir, P.E., executive director, Texas State Board of Registration for Professional Engineers, P.O. Drawer 18239, Austin, Texas 78760.

The amendment is proposed under Texas Civil Statutes, Article 3271a, §8(a), which provide the board with the authority to make and enforce all rules and regulations necessary for the performance of its duties.

§131.171. General.

(a) Complaints alleging violations of the Act or board rules must be made in good faith and be accompanied by sufficient information or factual evidence for the executive director to establish probable cause. If the executive director does not find probable cause, he shall be authorized to dismiss the allegation without further action. The board is not responsible for proving the basis of a complaint.

(b)-(e) (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 May 3, 1994.

TRD-9440208 Charles E. Nemir, P.E.
Executive Director
Texas State Board of
Registration for
Professional Engineers

Proposed date of adoption: June 14, 1994

For further information, please call. (512) 440-7723

Part XVI. Texas State Board of Physical Therapy Examiners

Chapter 323. Powers and Duties of the Board

• 22 TAC §323.4

The Texas State Board of Physical Therapy Examiners proposes new §323.4, concerning Applications Review Committee. The new section establishes an applications review committee to review the educational credentials of applicants, and potential credentialing evaluators.

Sherry L. Lee, executive director, has determined that for the first five-year period the section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Ms. Lee also has determined that for each year of the first five years the section is in effect there will be no public benefit anticipated as a result of enforcing the section. 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.

Comments on the proposal may be submitted to: Gerard Swain, PT Coordinator, Executive Council of Physical Therapy and Occupational Therapy Examiners, 3001 South Lamar Boulevard, Suite 101, Austin, Texas 78704.

The new section is proposed under Texas Civil Statutes, Article 4512e, §4(a), which provide the Texas State Board of Physical Therapy Examiners with the authority to adopt rules consistent with the Texas Physical Therapy Practice Act to govern its proceedings and to implement the purposes of the Act.

§323.4 Applications Review Committee

(a) The Applications Review Committee is established to review the educational credentials of an applicant. If it is determined that a board-approved credentialing evaluator failed to adhere to the guidelines established by §329.5(g) of this title (relating to Licensing Procedures for Foreign-Trained Applicants), the Applications Review Committee may overrule the credentialing evaluation of an applicant.

(b) The Applications Review Committee by September 1, 1995, will have reviewed potential credentialing evaluators and have made a recommendation to the board as to which evaluator(s) should be board-approved. The board must then adopt an evaluator(s) by rule.

(c) The Applications Review Committee by September 1, 1996, will have reviewed potential credentialing evaluators and have made a recommendation to the board as to which evaluator(s) should be board-approved. The board must then adopt an evaluator(s) by rule.

(d) The Applications Review Committee by September 1, 1998, will have reviewed potential credentialing evaluators and have made a recommendation to the board as to which evaluator(s) should be board-approved. The board must then adopt an evaluator(s) by rule. Thereafter, the Applications Review Committee on a biennial basis will review potential credentialing evaluators and make a recommendation to the board as to which evaluator(s) should be board-approved, and on a biennial basis the board will adopt an evaluator(s) by rule.

(e) The Applications Review Committee may for good cause conduct the re-

views of credentialing evaluators more or less frequently.

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 April 26, 1994.

TRD-9440183 Sherry L. Lee
Executive Director
Executive Council of
Physical Therapy and
Occupational Therapy
Examiners

Earliest possible date of adoption. June 10, 1994

For further information, please call. (512) 443-8202

Chapter 323 Licensing Procedures

• 22 TAC §§329.3, §329.5

The Texas State Board of Physical Therapy Examiners proposes amendments to §329.3 and §329.5, concerning Second Temporary Licenses; Licensing Procedures for Foreign-Trained Applicants. Section 329.3 will function by eliminating the issuance of second temporary licenses. Section 329.5 will function to clearly identify the board-approved credentialing entity which will evaluate the educations of foreign-trained applicants, and to clearly establish that no applicant with a grade of "D" in a professional education course has the equivalent of a U.S. degree in physical therapy.

Sherry L. Lee, executive director, has determined that for the first five-year period the sections are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the sections.

Ms. Lee also has determined that for each year of the first five years the sections are in effect there will be no public benefit anticipated as a result of enforcing the sections. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to Gerard Swain, PT Coordinator, Executive Council of Physical Therapy and Occupational Therapy Examiners, 3001 South Lamar Boulevard, Suite 101, Austin, Texas 78704.

The amendments are proposed under Texas Civil Statutes, Article 4512e, §4(a), which provide Texas State Board of Physical Therapy Examiners with the authority to adopt rules consistent with the Texas Physical Therapy Practice Act to govern its proceedings and to implement the purposes of the Act.

§329.3. Temporary Licensure for Examination Candidates.

(a) A temporary license may be issued to an examination candidate which is

valid from the date of issuance until the score reports are received. A temporary license is issued no earlier than the day after the examination which precedes the examination for which the candidate is scheduled.

(b) A candidate is eligible for a temporary license when the following has been received and the application has been approved for a temporary license by the executive director: all documentation required by §329.1 of this title (relating to General Licensing Procedure) with the exception of the scores, all documentation required by §329.2 of this title (relating to License by Examination), all documentation required by §329.5 of this title (relating to Licensing Procedures for Foreign-Trained Applicants), a copy of the notarized affidavit of temporary license supervision, and all fees have been received.

(c) [Second Temporary License.

[(1)] The examination is not complete until the score has been reported to the candidate. All previous takes of the physical therapy licensure examinations, regardless of locations are counted toward the total number of takes for Texas licensure

[(2) First failure of Examination. If the candidate has not failed the examination by more than five raw points, the candidate may be issued, at the discretion of the board, a second temporary license. This applicant will be required to complete the application for the next scheduled examination for a second temporary license to be considered.

[(3) Second or Additional Failures of the Examination. A candidate who fails the examination for the second time or falls below minimum standards as set out under this rule will not be issued a second temporary license.

[(4)] A temporary license is void upon the receipt of the scores of the national examination. The void temporary license must be returned immediately to the board office upon notification of failure of examination.

(d) Supervision of Temporary License. A person with a temporary physical therapist license while engaged in the practice of physical therapy must have on-site supervision by a physical therapist with a permanent license. A person with a temporary physical therapist assistant license while engaged in the practice of physical therapy must have on-site supervision by a physical therapist with a permanent license or a physical therapist assistant with a permanent license.

(e) Mailing of Temporary License. A temporary license will be mailed only to the residential address of record of the applicant within the United States, territories of the United States, or to a U.S. military base.

§329.5. Licensing Procedures for Foreign-Trained Applicants.

(a) The provisions of §329.1 of this title (relating to General Licensing Procedure) apply to foreign-trained applicants with the exception of §329.1(a)-(c).

(b) The foreign-trained applicant's transcripts will be evaluated by a board-approved credentialing entity. The board-approved credentialing entity is International Credentialing Associates (ICA). This entity will determine if the education is equivalent to a U.S. degree in physical therapy and if the applicant has a minimum of 60 academic semester credits or the equivalent from an accredited institution of higher learning. In the event that the board-approved entity in an evaluation does not adhere to the guidelines of §329.5(g), the Applications Committee can override the evaluation. An evaluation by a board-approved education credentialing agency is valid for the purpose of licensing in this state for not more than two years after the date of issuance of the evaluation.

(c)-(f) (No change.)

(g) Guidelines for board-approved education credentialing agencies.

(1)-(5) (No change.)

(6) The credentialing agency must identify and list those courses which would not transfer to the U.S. as a "C" or above or "Pass" or "Credit" in accordance with the most current version of the National Association for Foreign Graduate Students. The agency must omit any of these courses that are [required] physical therapy courses when evaluating the equivalency of the credentials to a U.S. degree in physical therapy. Any applicant with grades which would not transfer to the U.S. as a "C" or "Pass" or "Credit" in professional education courses does not have the equivalent of a U.S. degree in physical therapy.

(7)-(9) (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 April 26, 1994.

TRD-9440182

Sherry L. Lee
Executive Director
Executive Council of
Physical Therapy and
Occupational Therapy
Examiners

Earliest possible date of adoption: June 10, 1994

For further information, please call. (512) 443-8202



Chapter 342. Open Records

• 22 TAC §342.1

The Texas State Board of Physical Therapy Examiners proposes an amendment to §342.1, concerning Open Records. The amendment sets charges for copies of public records according to those established by the General Services Commission; allows the board to waive charges if there is a public benefit perceived; and authorizes the executive director of the Executive Council of Physical Therapy and Occupational Therapy Examiners to determine whether a public benefit exists on a case-by-case basis.

Sherry L. Lee, executive director, has determined that for the first five-year period the section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Ms. Lee also has determined that for each year of the first five years the section is in effect there will be no public benefit anticipated as a result of enforcing the section. 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.

Comments on the proposal may be submitted to Gerard Swain, PT Coordinator, Executive Council of Physical Therapy and Occupational Therapy Examiners, 3001 South Lamar Boulevard, Suite 101, Austin, Texas 78704.

The amendment is proposed under Texas Civil Statutes, Article 4512e, §4(a), which provide Texas State Board of Physical Therapy Examiners with the authority to adopt rules consistent with the Texas Physical Therapy Practice Act to govern its proceedings and to implement the purposes of the Act.

§342.1. Open Records.

(a) Open Record Requests. Inspection of Public Records under the Texas Open Records Act, Texas Civil Statutes, Article 8890, §9(c) and (d) provide that all of the records of the board are public records and are available for public inspection during normal business hours except that investigative files and records of the board are confidential. In addition, the exceptions to disclosure in Texas Civil Statutes, Article 6252-17a may protect certain information. This rule is promulgated pursuant to Article 6252-17a to establish a records review process that is efficient, safe, and timely to the public and to the agency.

(1) Requests must be in writing and reasonably identify the records requested.

(2) Records access will be by appointment only.

(3) Records access is available only during the regular business hours of the agency.

(4) Unless confidential information is involved, review may be by physical access or by duplication at the requestor's option. Any person, however, whose request would be unduly disruptive to the ongoing business of the office may be denied physical access and will be provided the option of receiving copies. Costs of duplication shall be the responsibility of the requesting party in accordance with the established board fee policy, payable at the time of receipt of records, if a person; or in advance, if by mail. The board may, in its discretion, waive fees if it is in the public interest to do so.

(5) When the safety of any public record is at issue, physical access may be denied and the records will be provided by duplication as previously described

(6) Confidential files will not be made available for inspection or for duplication except under certain circumstances, e.g., court order

(7) All open records request appointments will be referred to the executive director or designee before complying with a request.

(8) The open records coordinator for the agency is the executive director and the alternate is the director's designee

(b) Charges for copies of Public Records The charge to any person requesting reproductions of any readily available record of the Texas State Board of Physical Therapy Examiners will be the charges established by the General Services Commission.

(c) The board may waive these charges if there is a public benefit. The executive director of the Executive Council of Physical Therapy and Occupational Therapy Examiners is authorized to determine whether a public benefit exists on a case-by-case basis.

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 April 26, 1994

TRD-9440179

Sherry L Lee
Executive Director
Executive Council of
Physical Therapy and
Occupational Therapy
Examiners

Earliest possible date of adoption June 10, 1994

For further information, please call (512) 443-8202

Chapter 343. Contested Case Procedure

• 22 TAC §343.23, §343.24

The Texas State Board of Physical Therapy Examiners proposes an amendment to

§343.23, concerning Hearings, and new §343.24, concerning Payment of Costs for Contested Case Hearings. The amendment and new section will function clearly identifying the State Office of Administrative Hearings as the entity which holds contested hearings, clarifying and simplifying the procedure for appealing a disciplinary order of the board, establishing that a contested case hearing on the denial of an application must be requested in writing to the board, establishing that the person requesting a hearing on the denial of an application for licensure bears the costs for a contested case hearing and that a licensee who has been found in violation of the Act or rules at a hearing bears the cost of the hearing.

Sherry L Lee, executive director, 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 section is in effect will be an estimated increase in revenue of \$3,000 in 1995, \$3,000 in 1996, \$3,000 in 1997, and \$3,000 in 1998. There will be no effect on local government for the first five-year period the section will be in effect

Ms Lee also has determined that for each year of the first five years the rule as proposed is in effect the public benefits anticipated as a result of enforcing the rule as proposed will be that some state revenues will be saved as these costs are paid by individuals who appeal their cases. The anticipated economic cost to persons who are required to comply with the rule as proposed will be \$3,000 in 1995, \$3,000 in 1996, \$3,000 in 1997, and \$3,000 in 1998

Comments on the proposal may be submitted to Gerald Swain, PT Coordinator, Executive Council of Physical Therapy and Occupational Therapy Examiners, 3001 South Lamar Boulevard, Suite 101, Austin, Texas 78704

The amendments and new section are proposed under Texas Civil Statutes, Article 4512e, §4(a), which provides Texas State Board of Physical Therapy Examiners with the authority to adopt rules consistent with the Texas Physical Therapy Practice Act to govern its proceedings and to implement the purposes of the Act

§343.23 Hearings

(a) The State Office of Administrative Hearings (SOAH) shall conduct all administrative hearings in contested cases under the Administrative Procedure Act (APA) that are before the board. [All hearings on complaints and applications for reinstatement filed with the agency shall be conducted as contested case proceedings under the Administrative Procedure Act and Texas Register Act (APTRA)]

(b) Transcription of hearing. Each hearing will be recorded by a court reporter.

(1) The cost of the transcription shall be borne by the person making the request.

(2) A party who appeals a final decision of the board shall pay all of the cost of preparation of the original and any certified copy of the record of the agency proceeding that is required to be transmitted to the reviewing court.

§343.24. Payment of Costs for a Contested Case Hearing Resulting in the Discipline of a Licensee or the Denial of an Application for License.

(a) A contested case hearing on the denial of an application must be requested in writing to the board

(b) A person whose application for a license has been denied by the staff or a licensee who has been found in violation of the Act or rules as a result of contested case hearing will be required to submit a fee for costs to the board. The costs will be those fees billed by SOAH to the board for conducting the hearing and rendering the proposal for final decision

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 April 26, 1994.

TRD-9440181

Sherry L Lee
Executive Director
Executive Council of
Physical Therapy and
Occupational Therapy
Examiners

Earliest possible date of adoption June 10, 1994

For further information, please call (512) 443-8202

• 22 TAC §343.24

(Editor's note The text of the following section proposed for repeal will not be published. The section may be examined in the offices of the Texas State Board of Physical Therapy Examiners or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)

The Texas State Board of Physical Therapy Examiners proposes the repeal of §343.24, concerning Record of Hearing. The repeal is necessary so that the section can be replaced with a specific procedure for appealing an order of the board, and allocate costs for such an appeal

Sherry L Lee, executive director, has determined that for the first five-year period the repeal is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the repeal

Ms Lee also has determined that for each year of the first five years the repeal is in effect there will be no public benefit anticipated as a result of enforcing the repeal. There will be no effect on small businesses. There is no anticipated economic cost to per-

sons who are required to comply with the repeal as proposed.

Comments on the proposal may be submitted to Gerard Swain, PT Coordinator, Executive Council of Physical Therapy and Occupational Therapy Examiners, 3001 South Lamar Boulevard, Suite 101, Austin, Texas 78704.

The repeal is proposed under Texas Civil Statutes, Article 4512e, §4(a), which provide Texas State Board of Physical Therapy Examiners with the authority to adopt rules consistent with the Texas Physical Therapy Practice Act to govern its proceedings and to implement the purposes of the Act

§343.24 Record of Hearing.

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 April 21, 1994

TRD-9440180

Sherry L Lee
Executive Director
Texas State Board of
Physical Therapy
Examiners

Earliest possible date of adoption June 10, 1994

For further information, please call: (512) 443-8202

TITLE 25. HEALTH SERVICES

Part II. Texas Department of Mental Health and Mental Retardation

Chapter 401. System Administration

Subchapter L. In-Home and Family Support Program

- 25 TAC §§401.683, 401.685, 401.690, 401.692

The Texas Department of Mental Health and Mental Retardation (TXMHMR) proposes amendments to §§401.683, 401.685, 401.690, and 401.692 of Chapter 401, Subchapter L, concerning TDMHMR In-Home and Family Support Program. This rule action would affect the Texas Health and Safety Code, Chapter 535.

The proposed amendments would update references throughout the subchapter and would base the determination of an individual's income eligibility upon the individual's adjusted gross income instead of taxable income. The proposed amendments to §401.685(c) would eliminate the costly appeals procedure which involves the State Office of Administrative Hearings and instead utilize the appeals process described in §401.464 (relating to Notification and Appeals Process) of Chapter 401, Subchapter G of this title, concerning Community Mental Health and Mental Retardation Centers. The applicant would be provided a

document which describes the appeals processes available and the administering agency would also be responsible for communicating the information contained in the document to the applicant. The proposal would also involve a second level of appeal which would allow an administrative review at the Legal Services Division of TXMHMR.

Leilani Rose, director, Financial Services, has determined that there will be no significant fiscal cost to state or local government as a result of administering the amendments as proposed.

Jaylon Fincannon, deputy commissioner, Mental Retardation Services, and Steven Shon, M.D., deputy commissioner, Mental Health Services, have determined that the public benefit is a more cost effective, consumer friendly, and accessible method of administering the TDMHMR In-Home and Family Support Program. There will be no effect on small businesses. There is no anticipated cost to individuals required to comply with the proposed amendments

Comments on the proposed amendments may be submitted to Linda Logan, director, Policy Development, Texas Department Mental Health and Mental Retardation, P.O. Box 12668, Austin, Texas 78711-2668, within 30 days of publication

The amendments are proposed under the Texas Health and Safety Code, Title 7, §532.015, which provides the Texas Board of Mental Health and Mental Retardation with rulemaking powers.

§401.683 Definitions. The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise

Mental illness—Consistent with the Texas Mental Health Code, Texas Health and Safety Code, §571.003 [Texas Civil Statutes, Article 5547-4], an illness, disease, or condition which either

(A) substantially impairs the person's thought, perception of reality, emotional process, or judgment; or

(B) grossly impairs behavior as manifested by recent disturbed behavior

Mental retardation—Consistent with the Persons With Mental Retardation Act, Texas Health and Safety Code, §591.003 [Mentally Retarded Persons Act, Texas Civil Statutes, Article 5547-300, §3(5)], significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and originating during the developmental period.

§401.685 Eligibility Determination.

(a) Criteria for eligibility A request for support must be made on an individual basis by the person with a mental disability or a family member of the person with a

mental disability. If the person with a mental disability lives independently, that person must be 18 years of age or older to apply for support. Upon receipt of a request for support, eligibility will be determined on the basis of the following four factors:

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

(3) Income. Income eligibility will be determined based on the income of the person with a mental disability as documented in the written plan. If the person with a mental disability is under 18 years of age, the determination shall be based on the family's income.

(A) The administering agency shall base its determination of income on the adjusted gross [taxable] income from the previous year's federal income tax return (Form 1040EZ, 1040A, or 1040) or other documented indicators.

(B)-(C) (No change.)

(4) (No change.)

(b) (No change.)

(c) Appeal. If the administering agency denies an applicant's request, it shall provide to the applicant a copy of the In-Home and Family Support Program Appeal Procedures, referred to as Exhibit A, copies of which may be obtained by contacting TDMHMR, Office of Policy Development, P.O. Box 12668, Austin, Texas 78711-2668, [information] concerning the right to appeal the denial of services and the procedures for doing so. The administering agency shall be responsible for communicating to the applicant, verbally and/or in writing in the applicant's primary language, the information contained in Exhibit A. [to request a hearing (for which the department will provide a hearing officer) in accord with Chapter 403, Subchapter O of this title (relating to Practice and Procedure with Respect to Administrative Hearings of the Department in Contested Cases).] Denial of a request for services due to lack of available funding shall not be considered grounds for appeal.

(1) The first level of appeal shall follow the procedures as outlined in §401.464(g) and (h) (relating to Notification and Appeals Process) of Chapter 401, Subchapter G of this title (relating to Community Mental Health and Mental Retardation Centers).

(2) If the decision in the first level of appeal described in paragraph (1) of this subsection is unsatisfactory to the applicant, then the applicant may request an administrative review by the Legal Services Division of the Texas Department of Mental Health and Mental Re-

retardation. The applicant must request an administrative review within 10 working days of the previous appeal decision. The applicant may choose to have the person conducting the review:

(A) conduct the administrative review at the Legal Services office in Austin, Texas, with the applicant and a representative from the administering agency present;

(B) conduct the administrative review by telephone conference with the applicant and a representative from the administering agency; or

(C) make a determination based solely upon documents provided by the applicant and the administering agency without the presence of any of the parties involved.

(3) The administrative review described in paragraph (2) of this subsection shall:

(a) be conducted no sooner than 10 working days and no later than 30 working days of receipt of the request for an administrative review unless an extension is granted by the director of Legal Services;

(b) include a review of the pertinent information concerning the denial of an applicant's request and may include consultation with department staff who administer the TDMHMR In-Home and Family Support Program;

(c) result in a final decision which will either uphold, reverse, or modify the original decision to deny an applicant's request; and

(d) be the final step of the appeals process for the TDMHMR In-Home and Family Support Program.

(4) Within five working days of the administrative review, the final decision shall be:

(A) communicated to the applicant, verbally and/or in writing in the applicant's primary language; and

(B) included in writing to the administering agency.

Section 5547.014, Texas Civil Statutes, is amended to read as follows: "§5547.014. TDMHMR In-Home and Family Support Program. A community care provider or the standard care provider of the Texas Health and Safety

Code, §535.014 [Texas Civil Statutes, Article 5547-205, §5 09], who

(1) makes or causes to be made a statement or representation that the person knows to be false, or

(2) solicits or accepts support for which the person knows he, or the person for whom the solicitation is made, is not eligible.

(e) (g) (No change)

§401.690. *Protection of Client Rights*. All departmental requirements relating to the protection of client rights and mechanisms for reporting and investigating complaints shall be observed in the TDMHMR In-Home and Family Support Program, including, but not limited to, notifying persons and their families of the existence of the public responsibility committee in accord with Chapter 410 [403], Subchapter A [P] of this title, relating to Public Responsibility Committees, and informing persons and families of the name and phone number of the administering agency's client rights protection officer.

§401.692. *References*. Reference is made in this subchapter to the following laws, rules, and standards:

(1) Texas Health and Safety Code, Chapter 535 [House Bill 1154, 70th Texas Legislature],

(2) Texas Mental Health Code, Texas Health and Safety Code, Subtitle C [Texas Civil Statutes, Article 5547-4 et seq.],

(3) Persons With Mental Retardation Act, Texas Health and Safety Code, Subtitle D [Mentally Retarded Persons Act, Texas Civil Statutes, Article 5547-300 et seq.],

(4) Chapter 401, Subchapter G of this title, relating to Community Mental Health and Mental Retardation Centers [Chapter 403, Subchapter O of this title, relating to Practice and Procedure with Respect to Administrative Hearings of the Department in Contested Cases],

(5) Chapter 410 [403], Subchapter A [P] of this title, relating to Public Responsibility Committees, and

(6) community standards of the Texas Department of Mental Health and Mental Retardation most recent edition[, and

(7) Texas Mental Health and Mental Retardation Act [Texas Civil Statutes, Article 5547-205, Section 5 09].

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 May 3, 1993

TRD-9440185

Anne K Utley
Chair
Texas Board of Mental
Health and Mental
Retardation

Earliest possible date of adoption: June 10, 1994

For further information, please call: (512) 206-4670

TITLE 30. ENVIRONMENTAL QUALITY

Part I. Texas Natural Resource Conservation Commission

Chapter 312. Sludge Use, Disposal, and Transportation

Subchapter A. General Provisions

The Texas Natural Resource Conservation Commission proposes amendments to §§312.1, 312.3, 312.4, 312.6, 312.8, 312.9, 312.10, 312.12, 312.13, 312.41, 312.44, 312.46-312.48, 312.62, 312.64, 312.68, 312.82, and new §§312.121-312.124 and §§312.141-150 concerning Sewage Sludge Use and Disposal.

New §§312.121-124 will establish standards applicable to any person who prepares water treatment sludge that is land applied for reuse, to any person who land applies water treatment sludge for reuse, to water treatment sludge that is reused, and to the land on which water treatment sludge is applied for reuse, and to any person who prepares water treatment sludge that is placed in a surface disposal site, to any person who places water treatment plant sludge on a surface disposal site, to water treatment sludge which is placed on a surface disposal site, and to the land on which a water treatment sludge disposal unit is located.

New §§312.141-150 will establish standards applicable to persons collecting and/or transporting sewage sludge, water treatment sludge, septage, chemical toilet waste, grit trap waste, or grease trap waste.

Amended §312.1 clarifies that requirements relating to the transportation of sewage sludge, water treatment sludge, septage, chemical toilet waste, grit trap waste, and grease trap waste are found in this chapter.

Amended §312.3(d) clarifies which TNRCC rules are applicable to domestic and industrial sludges, and combinations of the two.

Amended §312.3(h) clarifies that this chapter does not establish criteria for the storage, processing, use or disposal of grease trap waste, chemical toilet waste or grit trap waste.

Amended §312.4 clarifies when a registration or permit is required for the reuse or disposal of water treatment sludge.

Amended §312.6 clarifies that this section applies to water treatment sludge

Amended §312.8 clarifies and adds definitions of Beneficial Use, Commission, Disposal, Reclamation Site, Reuse and Transporter.

Amended §312.9(b)(4) establishes the fee for surface disposal of sewage sludge or water treatment sludge at \$1.25 per ton rather than dry ton

Amended §312.10 reflects clerical changes

Amended §312.12 clarifies that beneficial use registrations are applicable only to water treatment sludge

Amended §312.13 clarifies the differences between actions, notice, public meeting and hearing requirements as they relate to registrations versus permits. The purpose of adding additional notice and public meeting opportunities to the registration process when these rules became effective in August, 1993, was to give the public greater access to the registration process. However, it was not the intention that these additional notice and public meeting requirements be applicable to permit applications. To require permit applicants to fulfill all the notice requirements applicable to a registrant would be duplicative of notice requirements already applicable to permit applications.

Amended §§312.44, 312.46-312.48, 312.62, and 312.68 represent corrections of clerical errors

Amended §312.82(c) establishes that the samples necessary for the testing required by this section shall be collected within 48 hours of the time the sewage sludge is used or disposed

New Subchapter F (§§312.121-312.124) will establish standards applicable to any person who prepares water treatment sludge that is land applied for reuse, to any person who land applies water treatment sludge for reuse, to water treatment sludge that is reused, and to the land on which water treatment sludge is applied for reuse, and to any person who prepares water treatment sludge that is placed in a surface disposal site, to any person who places water treatment plant sludge on a surface disposal site, to water treatment sludge which is placed on a surface disposal site, and to the land on which a water treatment sludge disposal unit is located

New §312.121 establishes the applicability of the subchapter

New §312.122 and §312.123 establish the requirements for reuse of water treatment sludge. The requirements include necessity of a permit or registration, metal limits of the sludge, metal concentrations of the sludge, management practices of the site, monitoring frequency of the sludge and site, record keeping, and reporting

New §312.124 establishes the requirements for the disposal of water treatment sludge at a surface disposal site. The requirements include closure and post closure plan, deed recordation, metal limits of the sludges, metal concentrations of the sludge, management practices of the site, monitoring frequency of

the sludge and site, record keeping and reporting, and financial assurance

New Subchapter G (§§312.141-312.150) will establish standards applicable to persons collecting and/or transporting sewage sludge, water treatment sludge, septage, chemical toilet waste, grit trap waste, or grease trap waste

New §312.121 establishes the applicability of the subchapter

New §312.141 establishes the applicability of this subchapter and the responsibility of the transporter

New §312.142 describes the transporter registration process. The section also states that all registrations are for a duration of two years and will expire on August 31. Beginning September 1, 1994, the commission will be issuing biannual authorization stickers for all register transport vehicles

New §312.143 states that the transporter shall deposit waste at a facility that is authorized by the Commission to receive this type of waste

New §312.144 deals with the transporters' vehicles and equipment. This section establishes minimum standard for the identification markings on all transport vehicles and containers, requires all closed vehicles and containers to have sight gages and authorizes the commission staff to inspect all transport vehicles

New §312.145 requires all transporters to maintain trip tickets for all waste transported, and establishes required recipients of copies of the trip tickets

New §312.146 describes the requirements in the event of a discharge or spill of waste during collection or transportation

New §312.147 establishes the requirements for the temporary storage of waste

New §312.148 establishes that persons who engage in the secondary transportation of waste (meaning persons receiving waste from other transporters and transporting the waste to a disposal or processing site) shall transfer the waste at registered or permitted transfer station only.

New §312.149 establishes the requirements for interstate transportation of waste regulated by this chapter.

New §312.150 establishes the penalties for the failure of a transporter to properly and correctly maintain records, trip tickets, or other documents; or failure of a transporter to submit to the executive director correct information on the annual summary report or on an application for registration by the required due date, or unauthorized discharges of sewage sludge, water treatment sludge, septage, chemical toilet waste, grit trap waste, or grease trap waste

Stephen Minick, division of budget and planning, has determined that for the first five years these sections as proposed are in effect, there will be fiscal implications as a result of administration and enforcement of the sections. The effects on state government will be minor cost increases related to

changes in technical requirements for management of sludges under this chapter. Other provisions related to reuse of wastewater treatment sludges will result in more efficient processing of requests for reuse of these materials and slightly lower agency operating costs. It is anticipated that any cost savings from changing transporter registration requirements from annual to biannual will be offset by the costs of producing identification labels for registered vehicles. Any net cost increases to the agency attributed to these sections is anticipated to be minor and will be satisfied within existing budgeted resources. These rules will effect revenues to state government. Costs of application of wastewater treatment sludge qualifying for reuse will decrease from \$.75 per dry weight ton to \$.50 per dry weight ton. Costs of surface disposal of sludge, however, will increase, in some cases significantly, due to the change in the basis of assessment from dry weight to total weight, from \$1.25 per dry weight ton to \$1.25 per ton (total weight). In addition, additional requirements for registration of transporters will result in increased fee revenues. The total impact of changes in fees for disposal or reuse is uncertain. Although the fee reduction for reuse is of much smaller magnitude than the increase in the effective surface disposal rates, it is anticipated that the cost increase will tend to discourage surface disposal and limit the anticipated revenue gains. Revenue increases from transporter registrations are anticipated to be approximately \$125,000 per year. The cost to any new registrant will average \$100 and will not exceed \$500.

The effect on local governments will be similar to those for any party subject to these rules as a manager of the wastes subject to these sections or as a registered transporter. Many of the businesses potentially affected by these sections will be small businesses, particularly among registered transporters. These businesses would be affected in the same manner and to the same degree as any affected party, based on the amounts of regulated wastes handled or the number of vehicles subject to registration. The change in registration period for transporters from one year to two years will have a small benefit to these firms

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 improvement and clarification of the regulatory requirements for management of wastewater treatment sludges; improvements in the management and control of both reuse and surface disposal of wastewater treatment sludge; and improvements in the management of the transportation and storage of wastewater treatment sludge, septage, and grit and grease trap wastes. There are no additional costs anticipated for any individual required to comply with these sections as proposed.

- 30 TAC §§312.1, 312.3, 312.4, 312.6, 312.8-312.10, 312.12, 312.13

Comments on the proposal may be submitted to Paul Curtis, Permitting Section, Watershed Management Division, P.O. Box 13087,

Austin, Texas 78711 The deadline for submission of written comment will be 30 days after the date of publication of this proposal in the *Texas Register*. A public hearing will be held on these proposed rules on Wednesday, June 8, 1994, 2:00 p.m. at the Harlingen Public Library, 410 76 Drive, Harlingen, Texas

The amendments are proposed under the Texas Water Code (Vernon 1992), §5 103, which provides the TNRCC with the authority to adopt any rules necessary to carry out the powers and duties under the provisions of the Texas Water Code and other laws of this state. Additionally, these sections are proposed pursuant to the Texas Solid Waste Disposal Act (the Act), Texas Health and Safety Code, Chapter 361 (Vernon 1992), §361.011 and §361.024, which provides the TNRCC with the authority to regulate municipal solid waste and adopt rules consistent with the general intent and purposes of the Act

§312.1. Purpose. It is the goal of the Commission to encourage the beneficial uses of sludge. This chapter establishes standards, which consist of general requirements, pollutant limits, management practices, and operational standards, for the final use or disposal of sludge generated during the treatment of domestic sewage [in a treatment works], water treatment sludge generated during the treatment of domestic drinking water, and domestic septage. Standards are included in this chapter for sewage sludge, water treatment sludge, and domestic septage applied to the land for beneficial use [uses], reuse or placed on a surface disposal site. Standards are also included in this chapter for sewage sludge fired in a sewage sludge incinerator. Also included in this chapter are pathogen and vector attraction reduction requirements for sewage sludge, water treatment sludge and domestic septage applied to the land or placed on a surface disposal site. In addition, the standards in this chapter include the frequency of monitoring and record keeping requirements when sewage sludge, water treatment sludge, or domestic septage is applied to the land or placed on a surface disposal site. Also included are the frequency of monitoring and record keeping requirements when sewage sludge is fired in a sewage sludge incinerator. Also included are requirements relating to the transportation of sewage sludge, water treatment sludge, septage, chemical toilet waste, grit trap waste and grease trap waste.

§312.3 Exclusions

(a)-(c) (No change)

(d) This chapter does not establish requirements for the use and disposal of sewage sludge generated at an industrial facility, unless the sewage sludge is of a domestic origin and the sewage

sludge is generated from the treatment of domestic sewage. If a process at an industrial facility that primarily treats industrial wastewater combines domestic sewage with any type of industrial solid waste, any resulting sludge, process waste, wastewater, and sewage sludge generated at the industrial facility will be considered to be industrial solid waste and must be processed, stored, or disposed of in accordance with the applicable requirements of Chapter 335 of this title (relating to Industrial Solid Waste and Municipal Hazardous Waste). Notwithstanding the above, industrial solid waste which has been combined with domestic sewage must meet the applicable metal limits, pathogen reduction standards, and vector attraction reduction methods of this chapter, in addition to any requirements of Chapter 335 of this title (relating to Industrial Solid Waste and Municipal Hazardous Waste), prior to any use or disposal of such industrial solid waste authorized under Chapter 335. If a facility that primarily treats domestic wastewater combines domestic sewage with any type of industrial solid waste, any resulting sludge, process waste, wastewater, and sewage sludge generated at the industrial facility will be considered to be domestic sludge and must be processed, stored, or disposed of in accordance with the applicable requirements of this chapter. [This chapter does not establish requirements for the use and disposal of industrial sewage sludge generated at an industrial facility or from an industrial process, including industrial sewage sludge generated during the treatment of industrial wastewater even when combined with domestic sewage sludge at an industrial facility. Such sludge, process wastes, wastewater, and sewage sludge are all considered to be industrial solid waste and subject to all applicable requirements of Chapter 335 of this title (relating to Industrial Solid Waste and Municipal Hazardous Waste)]

(e)-(g) (No change)

(h) This chapter does not establish requirements for the storage, except as provided for in §§312.141-312.150 of this title (relating to Transporters and Temporary Storage Provisions), processing, use or disposal of grease trap waste, chemical toilet waste, grit (e.g., sand, gravel, cinders, or other materials with a high specific gravity), screenings (e.g., relatively large materials such as rags) or other wastes generated during preliminary treatment of domestic sewage in a treatment works

(i)-(j) (No change)

(k) Experimental use shall be excluded from the regulations provided the following conditions are met at the time

sewage sludge or water treatment sludge is placed on a beneficial use site, [or at a] reclamation site, or reuse site

(1) -(6) (No change)

§312.4 Permit or Registration Required

(a) Except as described in subsections [subsection] (b) and (e) of this section, a permit is required for the beneficial use, [or] disposal, or reuse of sewage sludge or water treatment sludge, in accordance with the requirements of §§312.10, 312.12, and 312.13 of this title (relating to Permits and Registration Applications Processing, Permits, and Actions, Notice, Public Meeting, and Hearing)

(b) Registration of land application of sewage sludge for beneficial use sites

(1) (No change)

(2) An exemption from a permit, as described in paragraph (1) of this subsection may be allowed by the executive director so long as all of the following conditions are met

(A) the registration of land for beneficial use of sewage sludges shall meet the requirements in Subchapter B §§312.41-312.49 of this title (relating to Land Application for Beneficial Use),

(B) the pH of the natural soil at the beneficial use site shall be greater than 5.5 standard units,

(C) the beneficial use site shall not be greater than 1,500 acres in the application area, and

(D) the beneficial site shall receive at least 14 inches of rainfall annually or a comparable amount of irrigation water

(3) the effective date for the registration of a site at which sewage sludge [or water treatment sludge] is applied to the land for beneficial use is the date that the executive director by letter, approves the application, in accordance with §312.12(c) of this title (relating to Registration of Land Application Activities). Site registration information on file with the commission shall be confirmed or updated, in writing, whenever

(A)-(C) (No change)

(4) (No change)

(c) (No change)

(d) The permit and registration requirements of this section do not apply to any person who receives sewage sludge, or

a material which is derived from the sewage sludge, which is sold or given away to them in a bag or in bulk [similar enclosure] for application to the land and if such materials meet the metal concentration limits in §312.43(b)(3), (Table 3)[.] of this title (relating to Metal Limits), the requirements in §312.82(a) [§312.83(a)] of this title (relating to Pathogen Reduction), and one of the requirements in §312.83(b)(1)-(8) §312.84(b)(1)-(8)] of this title (relating to Vector Attraction Reduction).

(e) The registration of land for reuse of water treatment sludge shall meet the requirements in §§312.121-312.123 of this title (relating to Applicability, Land Application for Reuse of Water Treatment Sludge, and Registration of Reuse Activities).

§312.6 Additional or More Stringent Requirements On a case-by-case basis, the commission or executive director may impose requirements for the use or disposal of sewage sludge or water treatment sludge in addition to or more stringent than the requirements in this chapter when necessary to protect public health and the environment from any adverse effect of a pollutant in the sewage sludge or water treatment sludge.

§312.8 General Definitions The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise

Beneficial Use—Placement of sewage sludge [or water treatment sludge] onto land in a manner which complies with the requirements of Subchapter B of this chapter, (relating to Land Application for Beneficial Use), and does not exceed [when the land application activity is determined no only on] the agronomic need or rate for a cover crop, or [but also on the basis of] any metal or toxic constituent limitations which the cover crop may have [has]. Placement of sewage sludge on the land at a rate below the optimal agronomic rate will be considered a beneficial use.

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

Disposal—The placement of sewage sludge [or water treatment sludge] on the land for any purpose other than beneficial use. The placement of water treatment sludge on the land for any purpose other than reuse as defined in this section. Disposal shall not include placement onto the land where the activity has been approved by the executive director as storage and such storage occurs for a period of time less than two years.

Executive Director—The executive director of the Texas Natural Resource Conservation [Water] Commission.

Facility—Includes all contiguous land, and structures, other appurtenances, and improvements on the land used for the surface disposal, land application for beneficial use or reuse, or incineration of sewage sludge or water treatment [plant] sludge.

Reclamation site—Drastically disturbed land that is reclaimed using sewage sludge or water treatment sludge. This includes, but is not limited to, strip mines and construction sites.

Reuse—Placement of water treatment sludge onto land in a manner which complies with the requirements of §§312.122-312.123 of this title (relating to Applicability, Land Application for Reuse of Water Treatment Sludge, and Registration of Reuse Activities) and the land application is determined to be a suitable secondary use which will not cause environmental or nuisance problems.

Transporter—Any person who collects, conveys, or transports sewage sludge, water treatment plant sludges, grit trap waste, grease trap waste, and septage by roadway [truck], ship, rail [pipeline], or other means.

§312.9. Sludge Fee Program.

(a) (No change.)

(b) An annual fee is assessed to each person holding a registration or permit to treat, process, or dispose of sewage sludge or water treatment sludge issued under this chapter, including all persons holding a commission permit allowing the treatment, discharge, or disposal of sewage sludge or water treatment sludge, issued pursuant to the Texas Water Code, Chapter 26. The amount of the fee is determined by weight of dry solids disposed of and reported to the commission as of September 1, of each year. Failure to report the disposal of sewage sludge or water treatment sludge does not exempt a registrant or permittee from this fee. The fees shall be as follows.

(1) (No change.)

(2) When sewage sludge [or water treatment plant sludge] that is classified as Class A is applied to the land in a beneficial use as described in subchapter B of this chapter (relating to Land Application) the fee shall be \$0.50 per dry ton.

(3) When sewage sludge [or water treatment plant sludge] that is classified as Class B is applied to the land in a beneficial use as described in subchapter B of this chapter (relating to Land Application) the fee shall be \$0.75 per dry ton.

(4) When sewage sludge or water treatment [plant] sludge is applied to a surface disposal site as described in

subchapter C of this title (relating to Surface Disposal) the fee shall be \$1.25 per [dry] ton.

(5) (No change.)

(6) When water treatment plant sludge is applied to the land for reuse as described in Subchapter F of this chapter (relating to Water Treatment Sludges) the fee shall be \$0.50 per dry ton.

(c) An annual transporter fee is assessed against each person or entity holding a registration to transport sewage sludge, water treatment sludge or septage (including transporters of grit (mud) trap and grease trap waste) issued in accordance with in Subchapter G of this title (relating to Transporters and Temporary Storage [Transportation] Provisions). The amount of the annual fee shall be based upon the total annual volume of waste transported by the transporter under each registration and reported to the commission as of June [July] 15, each year. Failure to report the transportation of sewage sludge or water treatment sludge does not exempt a registrant from this fee. The fees shall be as follows:

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

(d) Fees assessed in subsections [subsection] (b) [and (c)] of this section shall be paid, by the registrant or permittee, prior to October 1, of each year and subsection (c) of this section shall be paid, by the registrant, prior to September 1, of each year. Fees shall be paid by check, certified check or money order payable to the Texas Natural Resource Conservation [Water] Commission. [Fees not paid within 30 days of bill shall be assessed a 10% late charge.] The permittee or registrant of a facility failing to make payment of the fees imposed under this subchapter when due shall be assessed a penalty of five percent (5.0%) of the amount due; and, if the fees are not paid within 30 days after the day on which the fees are due, an additional 5.0% penalty shall be imposed. An annual interest rate of 12%, compounded monthly, shall be imposed on delinquent fees beginning 60 days from the date on which the fees are due.

(e) (No change.)

§312.10. Permit and Registration Applications Processing.

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

(d) Upon receipt of an application for a permit or registration, described in subsections (b) and (c) of this section not to include transportation registrations, which contains the information required, the executive director or his designee shall assign the application a number for identification purposes, and prepare a statement of the

receipt of the application and declaration of administrative completeness which is suitable for publishing or mailing and shall forward that statement to the chief clerk. The chief clerk shall notify every person entitled to notification of a particular application [under the rules of the commission, and] as described in §312.13 of this title (relating to Actions, Notice, Public Meetings, and Hearing).

(e)-(i) (No change.)

(j) The registration shall be cancelled upon receipt of a written request for cancellation from either applicant. The TNRCC [TWC] will provide notice to the other applicant that cancellation has been requested and that cancellation will occur ten days from the issuance of notice. This notice is provided merely as a courtesy by the TNRCC [TWC].

(k)-(l) (No change.)

§312.12. *Registration of Land Application Activities.*

(a) Any person who intends to conduct an activity of land application for beneficial use of sewage sludge [or water treatment sludge] without a permit, as allowed by §312.4 of this title (relating to Permit or Registration Required) shall:

(1) (No change.)

(2) have the continuing obligation to immediately provide written notice to the executive director of any changes, requests for an amendment, modification or renewal of a registration, or any additional information concerning **changes in land ownership, changes in site control, or operator, changes in waste composition, change in the source of sewage sludge, waste management methods, and information regarding soils and subsurface conditions where the operation is to be located.** [, to that reported in paragraph (1) of this subsection, authorized in any permit, or stated in any application filed with the commission.] Any information provided under this subsection shall be submitted to the executive director in duplicate form;

(3) submit to the executive director upon request such information as may reasonably be required to enable the executive director to determine whether the land application for beneficial use activity is compliant with the terms of this chapter. The information submitted pursuant to the notification shall include, but is not limited to:

(A) a description and composition of the sewage sludge [or water treatment sludge];

(B) a description of all processes generating the sewage sludge [or water treatment sludge];

(C) the disposition of the sewage sludge [or water treatment sludge], including the name, address, and telephone number of any landowner or operator at the site, if subject to the registration requirements of this section, including the following information:

(i)-(u) (No change)

(iii) a listing of the types of sewage sludge [or water treatment sludge] managed in each unit or tract,

(iv) a justification describing why each unit or tract qualifies for an exclusion from permitting as described under §312.4 of this title (relating to Permit or Registration Required), and

(v) a detailed description of the beneficial use occurring at each unit or tract of land where application of sewage sludge [or water treatment sludge] is proposed

(b) Any person who intends to conduct an activity of land application for reuse of water treatment sludge without a permit, as allowed by §312.4 of this title (relating to Permit or Registration Required) shall meet the requirements of §312.123 of this title (relating to Registration of Reuse Activities).

(c)(b) No person may cause, suffer, allow, or permit any activity of land application for beneficial use of sewage sludge or reuse of water treatment sludge without a permit, as allowed by §312.4 of this title (relating to Permit or Registration Required), unless such activity has received the prior written authorization of the executive director

(d)(c) The executive director or his designee shall, after review of any application for registration of [a] an activity to land apply for beneficial use sewage sludge or for reuse water treatment sludge without a permit, as allowed by §312.4 of this title (relating to Permit or Registration Required) determine if he will approve or deny an application in whole or in part, suspend the authority to conduct an activity for a specified period of time, or amend or modify the proposed activity requested by the applicant. The determination of the executive director shall include review and action on any new applications or changes, renewals, and requests for major amendment of any existing application. In consideration of such an application, the executive director will consider all relevant requirements of this chapter and consider all information received by the executive director regarding the application. The written determination on any application, including any authorization granted, shall be mailed to the applicant upon the decision of the executive director

(e)(d) At the same time the executive director's decision is mailed to the applicant, a copy or copies of this decision shall also be mailed to all parties who submitted written requests for a public meeting on the application, as described in §312.13(c)(2) of this title (relating to Actions, Notice, Public Meeting, and Hearings)

§312.13. *Actions, Notice, Public Meetings, and Hearing*

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

(c) **Registration Actions** [Opportunity for public meeting concerning a permit or registration]. The public notice requirements of this subsection apply to new applications for [either] a [permit or] registration[,] and [also] to applications for major amendment of [either] a [permit or] registration of sites for land application [, disposal, or incineration] of sewage sludge [or water treatment sludge]. These public notice requirements include the following

(1) [In addition to persons entitled to notice under §312.10(d) of this title (relating to Permit and Registration Applications Processing)] The chief clerk of the commission shall [also] mail Notice of Receipt of Application and Declaration of Administrative Completeness to all county judges, county commissioner's courts [court], and underground water districts in the county where the proposed site for land application [, disposal, or incineration] of sewage sludge [or water treatment sludge] is to be located. The Chief Clerk of the commission shall mail Notice of Receipt of Application and Declaration of Administrative Completeness to the Deputy Commissioner of the Resource and Asset Management Division of the Texas General Land Office of all proposed sites for the land application [, disposal or incineration] of the sewage sludge [, septic, or water treatment sludge]

(2)-(3) (No change)

(4)(d) [Posting of Notice at the Proposed Site] Concurrently with the 30-day period for public review of the application, described in subsection (c)(2) of this section, any applicant for a [permit or] registration shall comply with the following posting requirements

(A)(1) At the applicant's expense, a sign or signs shall be placed and maintained at the site of the proposed land application [, disposal, or incineration] of sewage sludge [or water treatment sludge], declaring the filing of an application for a [permit or] registration and stating the manner in which the commission may be contacted for further information. Such signs shall be provided by the applicant and shall meet the following requirements:

(i)[(A)] signs shall consist of dark lettering on a white background and shall be no smaller than 18 inches by 28 inches;

(ii)[(B)] signs shall be headed by the words "PROPOSED (BIOSOLIDS, SLUDGE, or SEPTAGE) [(APPLICATION, DISPOSAL, or INCINERATION)] SITE" in no less than two inch boldface block printed capital lettering.

(iii)[(C)] signs shall include the words "APPLICATION No _____" and the number of the [permit or] registration application in no less than one inch boldface block printed capital lettering;

(iv)[(D)] signs shall include the words "for further information contact" in no less than 1/2-inch lettering.

(v) [(E)] signs shall include the words "Texas [Water] Natural Resource Conservation Commission," in no less than one inch boldface capital lettering and 3/4-inch boldface lower case lettering, and

(vi)[(F)] signs shall include the phone number of the Austin office of the Texas Natural Resource Conservation [Water] Commission where more information may be obtained regarding the application, in no less than two inch boldface numbers

(B)[(2)] The sign or signs must be in place by the date of placement of the application in the county courthouse or public library as required by paragraph (2) of subsection (c) and must remain in place and legible throughout the same 30-day period in which the application is available for public review

(C)[(3)] Each sign placed at the site must be located within ten feet of each property line paralleling a street or other public thoroughfare. **If no property line parallels a street or public thoroughfare, signs shall be placed at the street or public thoroughfare closest to the site.** Signs must be completely visible from the street and spaced at not more than 1500 foot intervals. A minimum of one sign, but no more than three signs shall be required along any property line paralleling a public thoroughfare

(D)[(4)] These sign requirements do not apply to properties under the same ownership which are noncontiguous and/or separated by intervening public thoroughfares.

(5)[(e)] [Permit and] Registration public meeting and notice requirements [] shall be in [In] accordance with

paragraphs (2) and (3) of subsection (c) A public meeting may be requested on any new or major amendment applications to register [or permit] a site for land application [, disposal, or incineration] of sewage sludge [or water treatment sludge] The executive director shall, upon receipt of a request for a public meeting from the office of the chief clerk, determine whether a public meeting should be held It is solely within the discretion of the executive director to make this determination If it is determined that a public meeting will not be held, the executive director shall mail notice of the decision to all individuals who had requested the public meeting during the public comment period If it is determined that a public meeting will be held, the following requirements apply

(A) [(1)] The purpose of the public meeting is to facilitate constructive communication between applicants and members of the public and to allow citizens to provide the commission with additional information regarding the proposed land application [for beneficial use, disposal of, or incineration] of sewage sludge [or water treatment sludge] A public meeting under this section is not a contested case hearing under the Government Code, Chapter 2002, Vernon's Texas Civil Statutes)

(B)[(2)] The public meeting shall be held as soon as is practicable after it is requested At least 15 days prior to the public meeting, the applicant shall cause notice of the meeting approved by the executive director to be published in a newspaper of the largest general circulation that is published in the county where the site is proposed to be located, or, if no newspaper is published in the county, in a newspaper of general circulation in the county

(C)[(3)] The applicant is responsible for all costs associated with the publication of notice The applicant shall coordinate the date and time of [a] the public meeting with commission staff reviewing the application and the chief clerk of the commission prior to publication of notice

(D)[(4)] The published notice may not be smaller than 96.8 square centimeters or 15 square inches with the shortest dimension at least 7.6 centimeters or three inches and shall contain, at a minimum, the following information

(i) [(A)] the registration [or permit] application number,

(ii) [(B)] the applicant's name,

(iii)[(C)] the proposed location of the facility,

(iv)[(D)] the location and availability of copies of the registration [or permit] application The applicant shall retain copies of the application at the county courthouse or local library for public review, and

(v)[(E)] the date, time, and location of the public meeting to be held regarding the application

(d)[(f)] Major Amendment For purposes of this chapter, a major amendment is an amendment that changes a substantive term, provision, requirement, or a limiting parameter of a permit or registration or a substantive change in the information provided in an application for registration, regarding sewage sludge or water treatment sludge management Changes which are not considered major include typographical errors, changes which result in more stringent monitoring requirements, changes in site ownership, changes in site operator, or similar administrative information Any major amendment of a registration issued under §330.461-330.465 of this title (relating to Applicability and Responsibility, Basic Requirements for Land Application, General Land Application Authorization, Sampling, Analysis, and Records, and Storage of Sludge at Land Application Sites) will require re-registration under this chapter.

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 May 3, 1994

TRD-9440202 Mary Ruth Holder
Director, Legal Division
Texas Natural Resource
Conservation
Commission

Earliest possible date of adoption June 10, 1994

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

◆ ◆ ◆
Subchapter B. Land Application for Beneficial Use

• 30 TAC §§312.41, 312.44, 312.46-312.48

The amendments are proposed under the Texas Water Code (Vernon 1992), §5.103, which provides the TNRCC with the authority to adopt any rules necessary to carry out the powers and duties under the provisions of the Texas Water Code and other laws of this state. Additionally, the sections are proposed pursuant to the Texas Solid Waste Disposal Act (the Act), Texas Health and Safety Code, Chapter 361 (Vernon 1992), §361.011 and §361.024, which provide the TNRCC with the authority to regulate municipal solid waste and adopt rules consistent with the general intent and purposes of the Act

§312.41. *Applicability.*

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

(d) Bulk derived materials. The requirements in this subchapter may [do] not apply when a bulk material derived from sewage sludge is applied to the land if the sewage sludge from which the bulk material is derived meets the metal concentrations in §312.43(b)(3) of this title (relating to Metal Limits), the Class A pathogen requirements in §312.82(a) of this title (relating to Pathogen Reduction), and one of the vector attraction reduction requirements in §312.83(b)(1)-(8) of this title (relating to Vector Attraction Reduction). **The executive director may apply any or all the requirements of this subchapter on a case-by-case.**

(e) Bagged sludge. Sewage sludge sold or given away in a bag or other container for application to the land. §312.42 of this title (relating to General Requirements) and in §312.44 of this title (relating to Management Practices) may [do] not apply when sewage sludge is sold or given away in a bag or other container for application to the land if the sewage sludge sold or given away in a bag or other container for application to the land meets the metal concentrations in §312.43(b) of this title (relating to Metal Limits), the Class A pathogen requirements in §312.82(a) of this title (relating to Pathogen Reduction), and one of the vector attraction reduction requirements in §312.83(b)(1)-(8) of this title (relating to Vector Attraction Reduction). **The executive director may apply any or all of §312.42 of this title (relating to General Requirements) or in §312.44 of this title (relating to Management Practices) to the bagged sludge on a case-by-case basis after determining that the general requirements or management practices are**

needed to protect public health and the environment from any reasonably anticipated adverse effect that may occur from any metal in the sewage sludge.

(f) Bagged derived materials. Section 312.42 of this title (relating to General Requirements) and §312.44 of this title (relating to Management Practices) may [do] not apply when a material derived from sewage sludge is sold or given away in a bag or other container for application to the land if the derived material meets the metal concentrations in §312.43(b) of this title (relating to Metal Limits), the Class A pathogen requirements in §312.82(a) of this title (relating to Pathogen Reduction), and one of the vector attraction reduction requirements in §312.83(b)(1)-(8) of this title (relating to Vector Attraction Reduction). **The executive director may apply any or all of §312.42 of this title (relating to General Requirements) or in §312.44 of this title (relating to Management Practices) to the bagged derived sludge on a case-by-case basis after determining that the general requirements or management practices are needed to protect public health and the environment from any reasonably anticipated adverse effect that may occur from any metal in the sewage sludge.**

(g) Bagged materials. The requirements in this subchapter may [do] not apply when a material derived from sewage sludge is sold or given away in a bag or other container for application to the land if the sewage sludge from which the material is derived meets the metal concentrations in §312.43(b)(3) of this title (relating to Metal Limits), the Class A pathogen requirements in §312.82(a) of this title (relating to Pathogen Reduction), and one of the vector attraction reduction requirements in §312.83(b)(1)-(8) of this title (relating to Vector Attraction Reduction). **The execu-**

tive director may apply any or all the requirements of this subchapter on a case-by-case.

§312.44. *Management Practices.*

(a)-(g) (No change.)

(h) Sludge shall be applied by a method and under conditions that prevent runoff beyond the active application area and **protect [protects] the quality of the surface water and the soils in the unsaturated zone. Other sludge application requirements are as follows.**

(1)-(9) (No change.)

(i) A land application site location shall be selected and the site operated in a manner to prevent public health nuisances. Where nuisance conditions exist, the operator shall take necessary action to abate such nuisances. The tracking of mud or soils from the application area or access roads onto public roadways shall be controlled to meet any [any applicable conform to] state and local requirements. Dust from site and access roadways shall be prevented from becoming a nuisance to surrounding areas.

(j) (No change.)

§312.46 *Frequency of Monitoring.*

(a) Sewage sludge (other than domestic septage).

[(1)] The frequency of monitoring for the metals listed in Table 1, Table 2, Table 3, and Table 4 of §312.45(b) of this title (relating to Metal Limits); the pathogen density requirements in either §312.82(a) or §312.82(b)(1)(D) [§312.82(b)(2)] of this title (relating to Pathogen Reduction); and vector attraction reduction requirements in §312.83(b)(1)-(8) of this title (relating to Vector Attraction Reduction) are defined in Table 5.

TABLE 5 - FREQUENCY OF MONITORING - LAND APPLICATION

Amounts of sewage sludge* (metric tons per 365 day period)	Plant Design Flow (million gallons per day)	Frequency
0 to less than 290	0 to less than 1.0	once per year
290 to less less than 1,500	1.0 to less than 5.0	once per quarter
1,500 to less than 15,000	5.0 to less than 15.0	once per 60 days
15,000 or greater	15.0 or greater	once per month

* Either the amount of bulk sewage sludge applied to the land or the amount of sewage sludge received by a person who prepares the sewage sludge for sale or give away in a bag or similar enclosure for application to the land - dry weight basis.

[(2) The commission may increase the frequency of monitoring required in paragraph (1) of this subsection after the sewage sludge is monitored for two years at the frequency in Table 5. The [increase in] frequency of monitoring should only increase to the next highest frequency for each two year period and then may be lowered in the same manner. In no case shall the frequency of monitoring be less than the frequency required in Table 5 if sewage sludge is placed on a beneficial use site.]

(b) Domestic septage applied to agricultural land, forest, or a reclamation site shall be monitored for the pathogen reduction requirements in §312.82(c) of this title (relating to Pathogen Reduction) and the vector attraction reduction requirements in

§312.83(b)(12) of this title (relating to Vector Attraction Reduction)

§312.47. Recordkeeping

(a) Sewage sludge.

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

(4) If the metal concentrations in §312.43(b)(3) of this title (relating to Metal Limits) and the Class B pathogen requirements in §312.82(b) of this title (relating to Pathogen Reduction) are met when bulk sewage sludge is applied to agricultural land, forest, a public contact site, or a reclamation site:

(A) (No change.)

(B) the person who applies the bulk sewage sludge shall develop the

following information and shall retain the information for five years

(i) the following certification statement: "I certify, under penalty of law, that the management practices in §312.44, the site restrictions in §312.82(b)(3) [31 TAC §312.82(b)(5)], and the vector attraction reduction requirements in (insert either §312.83(b)(9) or (10), if one of those requirements is met) have been met for each site on which bulk sewage sludge is applied. This determination has been made under my direction and supervision in accordance with the system designed to ensure that qualified personnel properly gather and evaluate the information used to determine that the management practices and site restrictions (and the vector attraction reduction requirements if applicable) have been met. I am aware that there are

significant penalties for false certification including the possibility of fine and imprisonment”;

(ii) (No change.)

(iii) a description of how the site restrictions in §312.82(b)(3) [§312.82(b)(5)] of this title (relating to Pathogen Reduction) are met for each site on which bulk sewage sludge is applied; and

(iv) (No change.)

(5) If the requirements in §312.43(a)(2)(A) of this title (relating to Metal Limits) are met when bulk sewage sludge is applied to agricultural land, forest, a public contact site, or a reclamation site:

(A) (No change.)

(B) the person who applies the bulk sewage sludge shall develop the following information, retain the information in §312.47(a)(5)(B)(i)-(vii) indefinitely, and retain the information in clauses (viii)-(xi) of this subparagraph for five years.

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

(iv) the cumulative amount of each metal (i.e., kilograms) listed in Table 2 of §312.43(b)(2) of this title (relating to Metal Limits) in the bulk sewage sludge applied to each site, including the amount in §312.42(e) [(2) (C)] of this title (relating to General Requirements [Requirement]),

(v) (No change.)

(vi) the following certification statement “I certify, under penalty of law, that the requirements to obtain information in §312.42(e) [(2)] have been met for each site on which bulk sewage sludge is applied. This determination has been made under my direction and supervision in accordance with the system designed to ensure that qualified personnel properly gather and evaluate the information used to determine that the requirements to obtain information have been met. I am aware that there are significant penalties for false certification including fine and imprisonment”.

(vii) a description of how the requirements to obtain information in §312.42(e) [§312.42(e)(2)] of this title (relating to General Requirements) are met,

(viii)-(ix) (No change.)

(x) the following certification statement when the bulk sewage sludge meets the Class B pathogen requirements in §312.82(b) of this title (relating to Pathogen Reduction). “I certify, under penalty of law, that the site restrictions in §312.82(b)(3) [§312.82(b)(5)] have been met. This determination has been made un-

der my direction and supervision in accordance with the system designed to ensure that qualified personnel properly gather and evaluate the information used to determine that the site restrictions have been met. I am aware that there are significant penalties for false certification including fine and imprisonment”;

(xi) a description of how the site restrictions in §312.82(b) (3) [§312.82(b)(5)] of this title (relating to Pathogen Reduction) are met for each site on which Class B bulk sewage sludge is applied;

(xii)-(xiii) (No change.)

(6) (No change.)

(b) (No change.)

§312.48. *Reporting.* Unless otherwise specified by the commission, sludge management facilities [and publicly owned treatment works (POTWs)] shall submit the following information to the Enforcement Section of the Watershed Management Division and to the District Office:

(1)-(2) (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.

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Mary Ruth Holder
Director, Legal Division
Texas Natural Resource
Conservation
Commission

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For further information, please call: (512) 463-8069

Subchapter C. Surface Disposal of Sewage Sludge or Domestic Septage

• 30 TAC §§312.62, 312.64, 312.68

The amendments are proposed under the Texas Water Code (Vernon 1992), §5.103, which provides the TNRCC with the authority to adopt any rules necessary to carry out the powers and duties under the provisions of the Texas Water Code and other laws of this state. Additionally, the sections are proposed pursuant to the Texas Solid Waste Disposal Act (the Act), Texas Health and Safety Code, Chapter 361 (Vernon 1992), §361.011 and §361.024, which provides the TNRCC with the authority to regulate municipal solid waste and adopt rules consistent with the general intent and purposes of the Act.

§312.62. *General Requirements.*

(a) (No change.)

(b) An active sludge unit located within 60 meters of a fault that has displacement in Holocene time, located in an unstable area, or located in a wetland, except as provided in a permit issued pursuant to the Clean Water Act, §402 or §404, shall close within [prior to] one year from the effective date of this regulation.

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

(e) The commission shall require evidence of financial responsibility as it deems appropriate to assure the commission that the responsible owner or operator has sufficient assets to properly operate the site and to provide proper closure. This assurance for the proper operation of the site may be in the form of performance bonds, letters of credit from recognized financial institutions, trust funds, or insurance.

§312.64. *Management Practices.*

(a)-(f) (No change.)

(g) Runoff from an active sludge unit shall be collected and disposed in accordance with discharge permit requirements and any other applicable requirements. The runoff collection system for an active sludge unit shall have the capacity to handle the runoff from the 25-year/24 hour storm.

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

(j) When a cover is placed on an active sewage sludge unit, the concentration of methane gas in air in any structure within the surface disposal site shall not exceed 25% of the lower explosive limit for methane gas during the period that the sewage sludge unit is active and the concentration of methane gas in air at the property line of the surface disposal site shall not exceed the lower explosive limit for methane gas during the period that the sludge unit is active. When a final cover is placed on a sludge unit at closure, the concentration of methane gas in air in any structure within the surface disposal site shall not exceed 25% of the lower explosive limit for methane gas for three years after the sludge unit closes and the concentration of methane gas in air at the property line of the surface disposal site shall not exceed the lower explosive limit for methane gas for three years after the sludge unit closes. On a case by case basis, the executive director may consider exclusion from these requirements.

(k)-(n) (No change.)

§312.68. *Reporting.* [Class I sludge management facilities, Publicly owned treatment works (POTWs) with a design flow rate equal to or greater than one million gallons per day, and POTWs that serve 10,000 people or more] All facilities regu-

lated under this subchapter shall submit the information required in §312.67(a) of this title (relating to Record Keeping) to the commission by September 1 each year

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

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Director, Legal Division
Texas Natural Resource
Conservation
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Subchapter D. Pathogen and Vector Attraction Reduction

• 30 TAC §312.82

The amendment is proposed under the Texas Water Code (Vernon 1992), §5.103, which provides the TNRCC with the authority to adopt any rules necessary to carry out the powers and duties under the provisions of the Texas Water Code and other laws of this state. Additionally, the sections are proposed pursuant to the Texas Solid Waste Disposal Act (the Act), Texas Health and Safety Code, Chapter 361 (Vernon 1992), §361.011 and §361.024, which provides the TNRCC with the authority to regulate municipal solid waste and adopt rules consistent with the general intent and purposes of the Act

§312.82 Pathogen Reduction

(a) (No change)

(b) Sewage sludge Class B

(1) Compliance requirements Class B

(A) For a sewage sludge to be classified as Class B with respect to pathogens, the requirements in subparagraphs (B) and (C) of this paragraph shall be met

(B) Prior to March 1, 1994, one of the alternatives listed in paragraph (2) of this subsection may be used in lieu of the requirements in subparagraph (D) of this paragraph]

(B)[(C)] The site restrictions in paragraph (3) of this subsection shall be met when sewage sludge that is classified as Class B with respect to pathogens is applied to the land for beneficial use.

(C)[(D)] A minimum of seven samples of the sewage sludge shall be

collected within 48 hours of the time the sewage sludge is used or disposed of during each monitoring episode for the sewage sludge. The geometric mean of the density of fecal coliform for the sample collected shall be less than either two million Most Probable Number per gram of total solids (dry weight basis) or two million Colony forming Units per gram of total solids (dry weight basis).

[(2) Interim compliance alternatives--Class B

[(A) Alternative 1. Sewage sludge that is used or disposed of shall be treated in one of the Processes to Significantly Reduce Pathogens described in 40 Code of Federal Regulations, Part 503, Appendix B

[(B) Alternative 2 Sewage sludge that is used or disposed of shall be treated in a process that has been approved by the executive director as equivalent to those in subparagraph (A) of this paragraph]

(2)[(3)] Site restrictions

(A)-(H) (No change)

(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

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Conservation
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Subchapter F. Water Treatment Sludges

• 30 TAC §§312.121-312.124

The new sections are proposed under the Texas Water Code (Vernon 1992), §5.103, which provides the TNRCC with the authority to adopt any rules necessary to carry out the powers and duties under the provisions of the Texas Water Code and other laws of this state

Additionally, the sections are proposed pursuant to the Texas Solid Waste Disposal Act (the Act), Texas Health and Safety Code, Chapter 361 (Vernon 1992), §361.011 and §361.024, which provide the TNRCC with the authority to regulate municipal solid waste and adopt rules consistent with the general intent and purposes of the Act

§312.121 Applicability

(a) This subchapter applies to any person who prepares water treatment sludge that is land applied for reuse, to any person who land applies water treatment sludge for reuse, to water treatment sludge that is re-used, and to the land on which water treatment sludge is applied for reuse

(b) This subchapter applies to any person who prepares water treatment sludge that is placed in a surface disposal site, to any person who places water treatment sludge on a surface disposal site, to water treatment sludge which is placed on a surface disposal site, and to the land on which a water treatment sludge disposal unit is located

(c) This subchapter does not apply to water treatment sludge which is placed in a TNRCC permitted or registered municipal co-disposal landfill.

(d) This subchapter does not establish requirements for the use or disposal of water treatment sludge or other wastes determined to be a hazardous waste, as defined in §335.1 of this title (relating to Industrial Solid Waste and Municipal Hazardous Waste Management), or as determined in accordance with 40 Code of Federal Regulations, Part 261.

§312.122 Land Application for Reuse of Water Treatment Sludge.

(a) General Requirements

(1) Reuse of water treatment sludge shall be considered by the executive director provided the following conditions are met

(A) The applicant shall apply for a registration for reuse of the water treatment sludge in accordance with §312.123 of this title (relating to Registration of Reuse Activities)

(B) If the applicant is proposing to apply water treatment sludge to land which is not under the ownership of the person proposing to apply water treatment sludge, the landowner of the site shall provide a written statement granting his permission for the applicant to apply water treatment sludge

(C) The metal ceiling concentrations established in subsection (b) (Table 9) of this section shall be met

(D) The record keeping requirements in subsection (c) of this section shall be met

(E) The proposed activity shall meet the definition of reuse as found in §312.8 of this title (relating to General Definitions) and shall not constitute disposal.

(F) Activities which constitute disposal shall require a permit in accordance with §312.4 of this title (relating to Permit or Registration).

(G) The applicant shall receive written approval from the executive director prior to commencement of reuse operations.

(2) The person authorized to reuse water treatment sludge must submit an

annual report to the commission describing the amount of water treatment sludge land applied for reuse by September 1, of each year.

(3) The person authorized to reuse water treatment sludge shall conform to the monitoring requirements set forth in the written approval letter from the executive director

(4) Upon the suspension of reuse or upon a significant change in the nature of the authorized reuse, the person authorized to reuse water treatment sludge shall submit a written notice of the proposed changes to the executive director

(b) Metal Limits

(1) Water treatment sludge shall not be land applied for reuse if the concentration of any metal in the water treatment sludge exceeds the ceiling concentration for the metal in Table 9 of paragraph (3) of this subsection

(2) All sampling and analysis required by this subchapter shall be in accordance with §312.7 of this title (relating to Sampling and Analysis)

(3) Metal concentrations (Table 9)

TABLE 9 - Metal Concentrations.

Metal	Concentration (Milligrams per kilogram) *
Arsenic	41
Cadmium	39
Chromium	200
Copper	1500
Lead	300
Mercury	17
Molybdenum	18
Nickel	420
Selenium	36
Zinc	2800
Aluminum	10,000

* Dry weight basis

(c) Record Keeping The person who prepares the water treatment sludge for land application for reuse pursuant to subsection (a) of this section or §312.121(e) of this title (relating to Applicability) shall retain a record of the concentration of each metal listed in subsection (b) (Table 9) of this section (relating to Metal Concentrations) and shall retain the information for a minimum of five years. Records shall be readily available for review or submittal to the executive director upon request.

§312.123. Permit or Registration Required.

(a) Except as described in subsection (b) of this section, a permit is required for the reuse or disposal of water treatment sludge, in accordance with the requirements of §§312.10, 312.12, and 312.13 of this title (relating to Permits and Registration Applications Processing, Permits, and Actions, Notice, Public Meeting, and Hearing).

(b) Any person who intends to conduct an activity of land application for reuse of water treatment sludge without a permit,

as allowed by §312.122 of this title (relating to Reuse of Water Treatment Plant Sludges) shall

(1) notify the executive director in writing that such reuse activities are planned Such person shall submit to the executive director upon request such information as may reasonably be required to enable the executive director to determine whether the proposed reuse activities are compliant with the terms of this chapter Any information provided under this subsection shall be submitted to the executive director in triplicate form,

(2) if the registration term is greater than three months, have the continuing obligation to immediately provide written notice to the executive director of any changes, requests for an amendment, modification or renewal of a registration, or any additional information concerning changes in land ownership, changes in site control, or operator, changes in waste composition, change in the source of water treatment sludges, waste management methods, and information regarding soils and subsurface conditions where the operation is to be located, to that reported in paragraph (1) of this subsection, authorized in any permit, or stated in any application filed with the commission. Any information provided under this subsection shall be submitted to the executive director in duplicate form,

(3) submit to the executive director upon request such information as may reasonably be required to enable the executive director to determine whether the reuse activity is compliant with the terms of this chapter. The information submitted pursuant to the notification shall include, but is not limited to:

(A) a description and composition of the water treatment sludge,

(B) a description of all processes generating the water treatment sludge,

(C) the disposition of water treatment sludge, including the following information:

(i) whether such material is managed on-site and/or off-site from its point of generation;

(ii) a description of each land tract, including the name, address, and telephone number of all landowners, on which water treatment sludge will be reused,

(iii) a detailed description of the reuse occurring at each tract of land where application of water treatment sludge is proposed

(b) No person may cause, suffer, allow, or permit any reuse of water treatment sludge, unless such activity has received the prior written authorization of the executive director.

(c) The executive director or his designee shall, after review of any application for registration for reuse of water treatment sludge, as allowed by §312.122 of this title (relating to Reuse of Water Treatment Sludge), determine if he will approve or deny an application in whole or in part, suspend the authority to conduct an activity for a specified period of time, or amend or modify the proposed activity requested by the applicant. The determination of the executive director shall include review and action on any new applications or changes, renewals, and requests for major amendment of any existing authorization. In consideration of such an application, the executive director will consider all relevant requirements of this chapter and consider all information received by the executive director regarding the application. The written determination on any application, including any authorization granted, shall be mailed to the applicant upon the decision of the executive director.

§312.124 Surface Disposal

(a) General Requirements

(1) No person shall place water treatment sludge on an active sludge unit unless the requirements in this subchapter are met.

(2) An active sludge unit located within 60 meters of a fault that has displacement in Holocene time, located in an unstable area, or located in a wetland, except as provided in a permit issued pursuant to the Clean Water Act, §402 or §404, shall be closed prior to one year from the effective date of this regulation.

(3) The owner/operator of an active sludge unit shall submit a written "closure and post closure plan" to the executive director 180 days prior to the date that the active sludge unit closes. The plan shall describe how the sludge unit will be closed and, at a minimum, shall include:

(A) a discussion of how the leachate collection system will be operated and maintained for three years after the sludge unit closes, if the sludge unit has a liner and leachate collection system,

(B) a discussion of how public access to the surface disposal site will be

restricted for three years after the last sludge unit in the surface disposal site closes.

(4) Deed Recordation Notification

(A) No person shall place water treatment sludge on an active sludge unit prior to recording, in the deed records of the county or counties in which the disposal takes place, the following information:

(i) a metes and bounds description of the portion(s) of the tract of land on which disposal of water treatment sludge will take place,

(ii) a detailed description of the water treatment sludge which is to be disposed of,

(iii) all pertinent information related to the permit to dispose of water treatment sludge, including at least the permit number and issuing agency, and

(iv) the name and permanent address of the person or persons operating the facility where more specific information on the waste can be secured.

(B) Proof of recordation shall be provided to the executive director before the commission issues a permit.

(5) Financial Assurance Required. The commission may require evidence of financial responsibility as it deems appropriate to assure the commission that the responsible owner or operator of a facility regulated under this section has sufficient assets to properly operate the site and to provide proper closure. This assurance for the proper operation of the site may be in the form of performance bonds, letters of credit from recognized financial institutions, trust funds, or insurance.

(b) Metal Limits

(1) All sampling and analysis required by this section shall be in accordance with §312.7 of this title (relating to Sampling and Analysis).

(2) The concentration for each metal listed in Table 10 in water treatment sludge placed on an active sludge unit that does not have a liner and leachate collection system shall be equal to or less than the concentration for each of the metals in Table 10.

TABLE 10 - Metal Concentrations

<u>Metal</u>	<u>Concentration</u> <u>(milligrams per kilogram*)</u>
Arsenic	73
Chromium	600
Nickel	420

* (Dry weight basis)

(3) The concentration of each metal listed in Table 10 of subsection (b) of this section in water treatment sludge placed on an active sludge unit whose boundary is less than 150 meters from the property line of the surface disposal site shall not exceed the concentration determined using the following procedure

(A) The shortest actual distance from the active sludge unit boundary to the property line of the surface disposal site shall be determined

(B) The concentration of each metal listed in Table 11 in the water treatment sludge shall not exceed the concentration in Table 11 that corresponds to the actual distance as described in paragraph (2) of this subsection.

TABLE 11 - Metal Concentrations

Unit boundary to property line <u>distance (meters)</u>	Metal concentration*		
	Arsenic	Chromium	Nickel
	<u>(mg/kg)</u>	<u>(mg/kg)</u>	<u>(mg/kg)</u>
0 to less than 25	30	200	210
25 to less than 50	34	220	240
50 to less than 75	39	260	270
75 to less than 100	46	300	320
100 to less than 125	53	360	390
125 to less than 150	62	450	420

* (Dry weight basis)

(c) Management Practices

(1) Water treatment sludge shall

not be placed on an active sludge unit if it is likely to adversely affect a threatened or endangered species listed under the Endan-

gered Species Act, §4, or its designated critical habitat.

(2) An active sludge unit shall not restrict the flow of the 100-year flood

nor be located within the 100-year floodway

(3) When a surface disposal site is located in a seismic impact zone, each sludge unit in that site shall be designed to withstand the maximum recorded horizontal ground-level acceleration

(4) An active sludge unit shall be located 60 meters or more from a fault that has displacement in Holocene time, unless otherwise approved by the commission

(5) An active sludge unit shall not be located in an unstable area

(6) An active sludge unit shall not be located in a wetland except as provided in a permit issued pursuant to the Clean Water Act, §402 or §404

(7) Runoff from an active sludge unit shall be collected and disposed of in accordance with discharge permit requirements and any other applicable requirements. The runoff collection system for an active sludge unit shall have the

capacity to handle runoff from the 25-year 24-hour storm event

(8) The leachate collection system for an active sludge unit that has a liner and leachate collection system shall be operated and maintained during the period the sludge unit is active and for three years after the sludge unit closes

(9) Leachate from an active sludge unit that has a liner and leachate collection system shall be collected and disposed of in accordance with the applicable requirements during the period the sludge unit is active and for three years after the sludge unit closes

(10) Public access to a surface disposal site shall be restricted during the period that the surface disposal site contains an active sludge unit and for a period of three years after the last active sludge unit in the surface disposal site closes. The means of restricting access to a surface disposal site shall be effective with consideration of the location of the site and adjacent land use(s)

(A) The permit application shall include an explanation of the means for restricting access to a surface disposal site

(B) The executive director shall include, as a condition of the proposed permit, specific requirements for the means of restricting access to a surface disposal site.

(11) Water treatment sludge placed on an active sludge unit shall not contaminate an aquifer. Results of a groundwater monitoring program developed by a qualified groundwater scientist or a certification by a qualified groundwater scientist shall be used to demonstrate that water treatment sludge placed on an active sludge unit does not contaminate an aquifer.

(d) Frequency of Monitoring

(1) When required by this subchapter, the frequency of monitoring for the metals in Table 10 and Table 11 of subsection (b)(1) and (2) of this section, for water treatment sludge placed on an active sludge unit shall be the frequency in Table 12

TABLE 12 - FREQUENCY OF MONITORING

<u>Amount of water treatment sludge*</u> <u>(metric tons per 365 day period)</u>	<u>Frequency</u>
Greater than zero but less than 290	once per year
Equal to or greater than 290 but less than 1,500	once per quarter (4 times per year)
Equal to or greater than 1,500 but less than 15,000	once per 60 days (6 times per year)
Equal to or greater than 15,000	once per month (12 times per year)

* Amount of water treatment sludge placed on an active water treatment sludge unit (dry weight basis).

(2) The commission may increase or decrease the frequency of monitoring required in paragraph (1) of this subsection after the water treatment sludge is monitored for two years at the frequency in Table 12. In no case shall the frequency of monitoring be less than the frequency required in Table 12 if water treatment sludge is placed on an active sludge unit.

(e) Record Keeping

(1) When sludge is placed on an active sludge unit, the person who prepares the water treatment sludge for surface disposal shall develop the following information and shall retain the information for a minimum of five years. Records of the information required under this subsection shall be readily available for review or

submittal to the executive director upon request.

(A) The concentration of each metal listed in Table 10 of subsection (b) (2) of this section in the water treatment sludge when the metal concentrations in Table 10 are met.

(B) The following certification statement "I certify, under penalty of law, that the management practices in subsection (c) of this section have been met. This determination has been made under my direction and supervision in accordance with the system designed to assure that qualified personnel properly gather and evaluate the information used. I am aware that there are significant penalties for false certification including the possibility of fine and imprisonment."

(2) The owner/operator of the surface disposal site shall develop the following information and shall retain that information for a minimum of five years. Records of the information required under this subsection shall be readily available for review or submittal to the executive director upon request.

(A) The concentration of each metal listed in Table 11 of §312.123(b)(2) of this title (relating to Metal Limits) in the water treatment sludge when the metal concentrations in Table 11 are met.

(B) The following certification statement "I certify, under penalty of law, that the management practices in

§312.123(c) have been met. This determination has been made under my direction and supervision in accordance with the system designed to ensure that qualified personnel properly gather and evaluate the information used to determine that the management practices have been met. I am aware that there are significant penalties for false certification including the possibility of fine and imprisonment."

(C) A description of how the management practices in subsection (c) of this section are met

(f) All records required under this subsection shall be readily available for the review or transmittal to the executive director upon the request of the commission staff

(g) All facilities regulated under this section shall submit the information required in subsection (e) of this section to the commission by September 1 each year

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

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Subchapter G. Transporters and Temporary Storage Provisions

• 30 TAC §§312.141-312.150

The new sections are proposed under the Texas Water Code (Vernon 1992), §5 103, which provides the TNRCC with the authority to adopt any rules necessary to carry out the powers and duties under the provisions of the Texas Water Code and other laws of this state

Additionally, the sections are proposed pursuant to the Texas Solid Waste Disposal Act (the Act), Texas Health and Safety Code, Chapter 361 (Vernon 1992), §361 011 and §361 024, which provide the TNRCC with the authority to regulate municipal solid waste and adopt rules consistent with the general intent and purposes of the Act

§312.141 Transporters-Applicability and Responsibility

(a) Rules contained in this subchapter establish standards applicable to persons, including municipalities, state and

federal agencies, collecting, generating and/or transporting sewage sludge, water treatment sludge, septage, chemical toilet waste, grit trap waste, or grease trap waste. This chapter also establishes standards applicable to persons and facilities who receive waste from transporters regulated under this subchapter. Methods of transportation shall include measures utilizing roadway, rail, and water.

(b) Transporters of waste subject to control under this subchapter shall only transport the waste types specified in subsection (a) of this section. Each transporter shall take reasonable precautions to ensure that waste handled in accordance with rules contained in this subchapter is not hazardous waste, as defined in Chapter 335 of this title (relating to Industrial Solid Waste and Municipal Hazardous Waste)

(c) The processing of wastes is not authorized under this subchapter, except for domestic septage under §312.144(e) of this title (relating to Transporters-Vehicle and Equipment)

(d) These rules are not applicable to person transporting sewage sludge that meets and has been approved for marketing and distribution

§312.142 Transporter Registration.

(a) Persons who plan to transport sewage sludge, water treatment sludge, septage, chemical toilet waste, grit trap waste, or grease trap waste regulated under this subchapter shall apply for registration with the commission on forms furnished by the executive director and receive a registration from the executive director prior to commencing operations

(b) Failure to submit a complete and accurate application or other information requested by the executive director will result in return of the application to the applicant. Applications for transportation registrations shall include:

(1) a complete application form(s), signed and notarized, and appropriate copies provided;

(2) the verified legal status of the applicant(s);

(3) the signature of the applicant(s), checked against agency requirements, in accordance with §305.44 of this title (relating to Signatories to Applications);

(i) the attachment of technical reports and supporting data required by the application; and

(5) any other information as the executive director or the commission may reasonably require.

(c) Persons who apply to the commission for registration and receive a registration shall maintain a copy of the

registration acknowledgment, as annotated by the executive director with an assigned registration number, at their designated place of business and in each vehicle operated under that registration. This registration shall be produced and shown to the operator of the facility receiving the waste at the time of delivery

(d) The expiration date of the registration shall be August 31, of the year in which it expires. Registrations are required to be renewed bi-annually prior to the expiration date. Application for renewal shall be submitted by June 15, of the year in which the registration expires. Any registrant shall notify the executive director in writing within 15 days of cessation of operation and request that the registration be cancelled, and request all forms and reports needed to report waste hauled during the period they were registered

(e) A new registration application is required to be submitted within 15 days of the following, whereupon the old registration number will be voided and the old registration cancelled

(1) change in ownership of the operating entity, or

(2) determination by the executive director that operations or management methods are no longer adequately described by the existing registration, or

(3) failure of the registrant to submit an annual summary report

(f) Transporters shall notify the executive director, by letter, within 15 days of any changes to their registration whenever

(1) the office or place of business is moved or its address or telephone number changes,

(2) the name of the operating entity is changed, or

(3) a transporter handles or plans to handle a waste not included in the existing registration

(g) The commission may revoke or void a registration for cause as provided in §312.150 of this title (relating to Penalties). An opportunity for a formal hearing on the revocation may be requested by the registrant within 20 days after a Notice of Revocation has been sent from the executive director to the last known address of the registrant. If the registration is revoked or voided, a transporter shall not continue to transport the wastes regulated under this subchapter

(h) An applicant owing delinquent fees or an applicant who has failed to submit required reports will not be eligible to renew their registration to transport waste until all fees and reports are submitted and accepted by the executive director

(i) A registrant failing to submit the annual summary report by the date due is subject to payment of the maximum fees specified in §312.9(c) of this title (relating to Sludge Fee Program).

(j) The commission will issue, beginning September 1, 1994, authorization stickers for all registered transport vehicles including, but not limited to, trucks, portable tanks, trailers, barges, or similar transport vehicles/receptacles. The commission will charge a fee of ten dollars per transport vehicle.

§312.143 Transporters-Delivery Requirement Transporters shall deposit wastes at a facility designated by or acceptable to the generator where the owner or operator of the facility agrees to receive the wastes and the (Texas) facility has written authorization by permit or registration issued by the executive director to receive wastes. In this regard, "authorization by the executive director" means the executive director or commission has given its approval by rule, permit, letter, or other document that identifies the individual facility or class of facilities to receive that specific waste or class of waste.

§312.144 Transporters-Vehicle and Equipment

(a) Marking and identification Owners or operators of specially equipped vacuum pump trucks, tanks, or containers used for the collection and/or over-the-road transportation of wastes regulated under this subchapter shall prominently mark such trucks, tanks, or containers to show the following:

- (1) company name,
- (2) telephone number,
- (3) authorization stickers, and
- (4) the commission assigned registration number on both sides of the vehicles or receptacle.

(A) The registration number shall be a minimum of three inches in height, in block numbers permanently affixed.

(B) The identification, authorization stickers, and the registration number shall be removed from the trucks, tanks, or containers, by the registrant, when it is no longer authorized by the commission or leaves the control of the person(s) holding the registration.

(b) Sanitation standards All vehicles and equipment used for the collection and transportation of the wastes regulated under this subchapter shall be constructed,

operated, and maintained to prevent loss of liquid or solid waste materials and to prevent health nuisance and safety hazards to operating personnel and the public. Collection vehicles and equipment shall be maintained in a sanitary condition to preclude nuisance conditions such as odors and insect breeding.

(c) Mixing of incompatible wastes. Mixing of incompatible wastes within the same container is prohibited. Transporters shall not use the same container or pumping equipment to collect or transport incompatible waste without first emptying and cleaning the container and equipment of all previously handled wastes. For purposes of this subsection, incompatible waste are wastes which have different processing, storage, or disposal requirements. However, transporters may mix wastes with different characteristics provided the facility to which the waste is being transported is authorized to store, process, or dispose of such mixed wastes.

(d) Site gages All closed vehicles, tanks, or containers used to transport liquid wastes regulated by this subchapter shall have sight gages maintained in a manner which can be used to determine whether or not a vehicle is loaded and the approximate capacity. Gages are not required to read in gallons or liters, but shall show what percentage of the tank capacity is filled.

(e) Septage transport If the vehicles, tanks, or containers are used to transport septage to a beneficial use site, the registrant shall keep records showing how the septage met the pathogen and vector attraction reduction requirements listed in §312.82(c) of this title (relating to Pathogen Reduction) and §312.83 of this title (relating to Vector Attraction Reduction). Copies of records pertaining to the pathogen and vector attraction reduction requirements shall be maintained on the vehicles for a minimum of one month and at the beneficial use site and transporter office for a minimum of five years.

(f) Discharge valves All closed vehicles, tanks, or containers used to transport liquid wastes regulated by this subchapter shall prominently mark all discharge valves and ports. All discharge ports shall be visible and readily accessible.

(g) Inspection All transport vehicles shall include, but are not limited to, trucks, portable tanks, trailers, barges, or similar transport vehicles/receptacles and are subject to inspection by commission staff authorized by the executive director. If a transport vehicle fails the inspection, the authorization sticker and the commission assigned registration number are to be removed from the vehicle and that vehicle is not authorized to transport waste until the vehicle is reinspected and passes.

§312.145 Transporters-Record Keeping.

(a) Trip tickets Persons who collect and transport waste subject to control under this subchapter shall maintain a record of each individual collection and deposit. Such records shall be in the form of a trip ticket or similar documentation approved by the executive director. The trip ticket shall include:

- (1) name and commission registration number of transporter,
- (2) name, address and phone number of the person who generated the waste and the date collected,
- (3) type and amount(s) of waste collected or transported,
- (4) name of responsible person(s) collecting, transporting, and depositing the waste,
- (5) date and place where the waste was deposited,
- (6) identification (permit or site registration number, location, and operator) of the facility where the waste was deposited, and
- (7) name and signature of facility on-site representative acknowledging receipt of the waste and the amount of waste received.

(b) Maintenance of records and reporting

(1) Trip tickets Trip tickets shall be divided into five parts and records of trip tickets shall be maintained as follows:

(A) The first part of the trip ticket shall have the generator and transporter information completed and be given to the generator at the time of waste pickup.

(B) The remaining four parts of the trip ticket shall have all required information completely filled out and signed by the appropriate party before distribution of the trip ticket.

(C) The second part of the trip ticket shall go to the disposal facility.

(D) The third part shall go to the transporter, who shall retain a copy of all trip tickets showing the collection and disposition of waste.

(E) The fourth copy of the trip ticket shall be returned by the transporter to the person who generated the wastes within 15 days.

(F) The fifth part of the trip ticket shall go to the local authority, if needed.

(2) Copies. Copies of trip tickets shall be retained for five years and made available to the executive director upon request

(3) Rail or barge transport. Persons who transport waste via rail, or barge may use an alternate record keeping system if approved by the executive director.

(4) Submission of reports. By June 15th, transporters shall submit to the executive director an annual summary of their activities for the previous period of June 1-May 31, showing the following

(A) amounts and types of waste collected;

(B) disposition of such wastes, and

(C) amounts and types of waste delivered to each facility

(c) Discrepancies. A facility which receives waste must note any significant discrepancies on each copy of the trip ticket.

(1) Trip ticket discrepancies are differences between the quantity or type of waste designated on the trip ticket, and the quantity or type of waste a facility actually received. Significant discrepancies in type are obvious differences which can be discovered by inspection or waste analysis. Significant discrepancies in quantity are

(A) for bulk weight, variations greater than 10% in weight, and

(B) for liquid waste, any variation greater than 15% in gallons

(2) Upon discovering a significant discrepancy, the owner or operator must attempt to reconcile the discrepancy with the waste generator or transporter (e.g., with telephone conversations). If the discrepancy is not resolved within 15 days after receiving the waste, the owner or operator must immediately submit to the executive director a letter describing the discrepancy and attempts to reconcile it, and a copy of the trip ticket

(d) Notification. A facility which receives waste from a transporter who cannot produce a registration acknowledgement pursuant to §312.142(c) of this title (relating to Transporter Registration) shall notify the appropriate Regional Office of the TNRCC within three days of the waste receipt of the transporters failure to produce a current registration acknowledgement.

(e) Local ordinances. Where local ordinances require controls and records substantially equivalent to or more stringent than the requirements of subsection (a) of this section, transporters may use such controls and records to satisfy the commission's requirement under this section

§312.146 *Transporters-Discharge or Spills.* In the event of a discharge or spill of waste during collection or transportation, the collector or transporter must take appropriate action to protect human health and the environment, e.g., notify local law enforcement and health authorities, delineate the discharge area, clean up any waste discharge that occurs during transportation, or take such action as may be required or approved by federal, state, or local officials having jurisdiction so that the waste discharge no longer presents a public health or environmental problem. Transporters are responsible for reporting certain spills to the executive director in accordance with requirements of the State of Texas Oil and Hazardous Substance Spill Contingency Plan and the Texas Water Code, Chapter 26 039

§312.147 *Temporary Storage*

(a) Transporters who store waste in a mobile closed container (container on wheels), shall not store the waste for more than four days

(b) Transporters who temporarily store waste at the fixed or permanent site shall obtain approval in writing from the executive director prior to engaging in such activities. The storage site shall comply with the following standards

(1) The temporary storage of waste shall not exceed 30 days

(2) The use of lagoons and/or in-ground storage tanks are not authorized under the provision of this section

(3) If the waste is not stored in a closed vessel, the location of the storage site shall meet the buffer zone requirement in §312.44(d) of this title (relating to Management Practices)

(4) The storage of waste shall not cause or contribute to the harm of a threatened or endangered species of plant, fish, or wildlife or result in the destruction or adverse modification of the critical habitat of a threatened or endangered species.

(5) The waste shall be stored by a method and under conditions that prevent runoff and protects the quality of the surface water and groundwater

(6) The storage site shall not be located on land within a designated base flood zone (100-year floodplain)

(7) A storage site location shall be selected and the site operated in a manner to prevent public health nuisances. Where nuisance conditions exist, the operator shall take necessary action to abate such nuisances

§312.148. *Secondary Transportation of Waste.* Persons who engage in the secondary transportation of waste (meaning receiving waste from other transporters and transporting the waste to a disposal or processing site) shall transfer the waste at registered or permitted transfer stations only.

§312.149. *Interstate Transportation*

(a) Persons who engage in the transportation of wastes (subject to regulation under this subchapter) from Texas to other states or from other states to Texas, or persons who collect or transport such waste in Texas but have their place of business in another state, shall comply with all the requirements for transporters contained in §§312.141-312.150 of this title (relating to Transporters and Temporary Storage Provisions). If such persons also engage in any activity of managing such wastes in Texas by storage, processing, or disposal, they shall follow the applicable requirements of this chapter for such activities

(b) Prior to approval of a transporter registration by the executive director, persons who engage in the transportation of wastes (subject to regulation under this subchapter) from Texas to other states or from other states to Texas, shall submit to the executive director copies of authorization(s) that permit transportation and/or disposal of waste in another state(s), including the state in which the office or place of business is located

§312.150 *Penalties.* Failure of a transporter to properly and correctly maintain records, trip tickets, or other documents; or failure of a transporter to submit to the executive director correct information on the annual summary report or on an application for registration by the required due date, or unauthorized discharges of sewage sludge, water treatment sludge, septage, chemical toilet waste, grit trap waste, or grease trap waste shall be sufficient cause for the commission to void the transporter's registration and authorization to transport such wastes. The commission may also take any other action authorized by law to secure compliance, including the assessment of administrative penalties or seeking of civil penalties as prescribed by law and the rules of the commission.

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

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Mary Ruth Holder
Director, Legal Division
Texas Natural Resource
Conservation
Commission

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For further information, please call (512) 463-8069

◆ ◆ ◆
Chapter 330 Municipal Solid
Waste

The Texas Natural Resource Conservation Commission (TNRCC) proposes an amendment to §330 4(p) and (f) and new §330 160, concerning municipal solid waste management and operational procedures for Type V facilities that are exempt from permit or registration requirements. The amendment and new section will apply to the municipal solid waste rules which were published in the June 18, 1993, issue of the *Texas Register* (18 TexReg 4030)

Section 330 4(p) relating to permit requirement is proposed to be amended to provide that a permit is not required for a municipal solid waste management facility that is used in the transfer of municipal solid waste and recovers recyclable materials if certain siting criteria and design capacity are met. In lieu of permitting, these facilities must be registered pursuant to requirements of §330 65 (relating to Registration for Solid Waste Management Facilities)

This proposed rule is intended to encourage the development of certain transfer stations and the recovery of reusable material from solid waste received at those transfer stations, thereby assisting the concept of regionalization of landfills. Due to Federal requirements of Subtitle D of the Resource Conservation and Recovery Act many small landfills in Texas have closed. This proposed rule is in keeping with the concept to reduce waste going into landfills and to assist the reduction of costs in transporting waste to regional landfills.

Siting criteria in this proposed rule may be changed based upon comments received from the public.

Section 330 4(f) relating to permit requirement is proposed to be amended by adding new language which states that the exempt facilities must follow operational procedures, and clarification is added to delineate which material recovery facilities must apply for a permit or registration.

Section 330 160 relating to Material Recovery Facilities is proposed to be added to delineate minimal operating standards.

The proposed changes are in response to a need to address appropriate enforcement actions dealing with certain municipal solid waste handling facilities that are exempt from registration or permit requirements. This rule change will provide minimum standards of operation for exempt material recovery facilities.

Stephen Minick, division of budget and planning, has determined that for the first five years the sections as proposed are in effect there will be fiscal implications as a result of administration and enforcement of the section. The effect on state government will be an anticipated reduction in costs related to the processing of permit applications for those facilities affected by this rule. These cost savings are prospective and cannot be determined accurately at this time, but will depend on the number of facilities which may be established under these provisions. There are no direct effects anticipated for local governments, although a local government establishing a facility subject to this section would realize the same benefits as any other class of registrant or facility operator.

The adoption of the sections will reduce the costs to applicants seeking commission approval of eligible material recovery operations at municipal solid waste transfer stations. It has been estimated that potential cost savings for applicants could range between \$10,000 and \$100,000 in the extreme. The actual cost savings, however, cannot be determined exactly, but will vary with site-specific characteristics of each proposed facility. There are no impacts on small businesses other than those that are attributable to potential applicants. These cost savings would be identical and specific to each case.

Mr. Minick also has determined that for the first five years the sections as proposed are in effect the public benefit anticipated as a result of enforcement of and compliance with the sections will be improvements in the management of municipal solid waste, more efficient utilization of existing landfill and waste management capacity and enhancement of state-wide efforts for recycling and material recovery. There are no additional fiscal implications anticipated for any persons required to comply with the sections as proposed.

Comments on the proposal may be submitted to C. Wayne Lee, P.E., Rule Writer, Waste Policy Division, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087. Comments will be accepted for a period of 30 days following the date of this publication.

A public hearing for comments has also been scheduled for May 24, 1994, at 9:30 a.m., in Room 564 of the Colonnade (Building F), Park 35 Circle, Austin, Texas.

Subchapter A. General Information

• 30 TAC §330.4

The amendment is proposed under the Texas Water Code (Vernon 1992), §5 103, which provides the TNRCC with the authority to adopt any rules necessary to carry out the powers and duties under the provisions of the Texas Water Code.

Additionally, it is promulgated pursuant to the Texas Solid Waste Disposal Act, §361.024 and §361.061 (the Act), Texas Health and Safety Code (Vernon 1992), which provide the TNRCC with the authority to regulate municipal solid waste and adopt rules as neces-

sary to regulate the operation, management and control of solid waste under its jurisdiction.

§330.4 Permit Required.

(a)-(e) (No change.)

(f) A permit or registration under this chapter is not required for a facility or site that is used as a citizens' collection station, as a collection and processing point for nonputrescible recyclable wastes or for composting of leaves, grass clippings, or wood chips; a collection point for parking-lot or street sweepings or wastes collected and received in sealed plastic bags from such activities as periodic citywide cleanup campaigns and cleanup of rights-of-way or roadside parks, or for the disposal of soil, dirt, rock, sand, or other natural or man-made inert solid materials used to fill and if the object of the fill is to make the land suitable for the construction of surface improvements. A permit or registration is not required for a baling operation at a recycling or materials recovery facility that handles nonputrescible recyclable waste. Facilities that process nonputrescible recyclable wastes must follow operational procedures established in §330.160 of this title (relating to Material Recovery Facilities). Facilities that process recyclable wastes that contain other than incidental amounts of putrescible waste must apply for a permit or registration as applicable under subsection (a) or (d) of this section.

(g)-(o) (No change.)

(p) A permit is not required for a municipal solid waste Type V transfer station that meets all of the following criteria.

(1) Site location criteria. For a facility to be eligible for a Registration under this section, it shall not be located less than 1/8 mile from any residence, school, church, or recreation area; it shall not be located in any 100-year floodplain or in a wetland; and a minimum set-back distance of 75 feet shall be maintained between the process area and the facility property line. The distances from structures shall be considered to be those distances from structures in place at the time the application was submitted and is the distance between the facility property line and the structure.

(2) Facility design capacity. To be eligible for registration in lieu of a permit, the maximum design capacity of the facility is 325 tons per day.

(3) Materials recovery. The facility must recover 10% or more of the total incoming nonsegregated waste stream for reuse or recycling.

(4) Distance to a landfill. The facility must demonstrate that it will transfer the remaining nonrecyclable waste to a permitted landfill not more than 50 miles from the facility. Facilities exempted from a permit under this subsection shall be registered with the executive director in accordance with §330.65 of this title (relating to Requirements of an Application for Registration of Solid Waste Facilities (Type V)). Failure to operate such registered facilities in accordance with the requirements established in §§330.150-330.159 of this title (relating to Operational Standards for Solid Waste Processing and Experimental Sites) may be grounds for revocation of the registration.

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

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Mary Ruth Holder
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For further information, please call (512) 239-6087



Subchapter E. Permit Procedures

• 30 TAC §330.59

The Texas Natural Resource Conservation Commission (TNRCC) proposes an amendment to §330.59, and the repeal of §§330.411-330.415, 330.431-330.432, 330.441-330.449, 330.461-330.465, 330.481-330.484, 330.501-330.504, 330.511-330.514, and 330.531-330.534

The repealed sections are now included in 30 Texas Administrative Code (TAC), Chapter 312, relating to Sludge Use, Disposal, and Transportation. Consequently, these sections of Chapter 330 will be repealed.

Section 330.513 relating to additional permit requirements for compost sites and sites for processing grease trap waste, grit trap waste, or septage, will be moved to Subchapter E, §330.59(c) and (d). Therefore, §330.513 will be repealed and §330.59 will be amended to include these provisions.

Mr. Stephen Minick, Division of Budget and Planning, has determined that for the first five years these sections as proposed are in effect, there will be no fiscal implications as a result of the repeal or reorganization of the sections. Any fiscal implications on state government or local government resulting from substantive changes to the regulations governing the use, disposal and transportation of sludge will be identified with proposals for amendments to 30 TAC Chapter 312.

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 improvement and clarification of the regulatory requirements for the management, transportation and storage of wastewater treatment sludge, septage, and grit and grease trap wastes. There will be no effect on small businesses. There are no additional costs anticipated for any persons required to comply with these sections as proposed.

Comments on the proposal may be submitted to Wayne Lee, Waste Policy Division, Rules Development Section, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087. Comments will be accepted for a period of 30 days following the date of this publication in the *Texas Register*.

A public hearing has been scheduled to receive comments on June 8, 1994, at 2:00 p.m. at the Harlingen Public Library, 410 76 Drive, Harlingen, Texas 78550.

The amended section is proposed under the Texas Water Code, §5103, which provides the Texas Natural Resource Conservation Commission (TNRCC) with the authority to adopt any rules necessary to carry out the powers and duties under the provisions of the Texas Water Code and other laws of this state.

Additionally, the section is proposed pursuant to the Texas Solid Waste Disposal Act (the Act), the Texas Health and Safety Code, §361.011 and §361.024, which provide the TNRCC with the authority to regulate municipal solid waste and adopt rules consistent with the general intent and purposes of the Act.

§330.59 *Additional Technical Requirements of the Application for Solid Waste Processing and Experimental Sites (Types V and VI)*

(a)-(b) (No change)

(c) Compost site.

(1) Composting system. The composting system shall be described in the site development plan to include:

(A) a detailed engineering description of the system and the manufacturer's performance data for mechanical composting systems;

(B) site layout, including calculations for area requirements;

(C) sludge analysis for the following parameters (dry weight):

(i) cadmium (milligrams per kilogram);

(ii) lead (milligrams per kilogram);

(iii) zinc (milligrams per kilogram);

(iv) copper (milligrams per kilogram);

(v) nickel (milligrams per kilogram);

(vi) polychlorinated biphenyls (PCB) (parts per million);

(D) process design which describes:

(i) use of bulking agents, moisture control, or feed amendments;

(ii) temperature range and resident time;

(iii) storage of compost for curing after the primary composting operation; and

(iv) provision for additional drying and screening;

(E) odor and vector control.

(2) Final product specifications. The operator shall submit proposed specifications for the final product with the site development plan.

(3) Disposition. The operator shall also describe product packaging, marketing, distribution, and the delivery or pick-up system in the site development plan.

(d) Sites for processing grease trap waste, grit trap waste, or septage.

(1) Waste identification. The operator shall submit data identifying the sources and characteristics of wastes (i.e., grease trap, grit trap, soluble sludges, septage, etc.) proposed to be received for processing. An analysis of each type of waste to be processed by the plant shall include constituent concentrations and characteristics, i.e., pH, grease and oil concentrations, total suspended solids, chemical oxygen demand, biochemical oxygen demand, and other constituents that may impact or influence the design and operation of the facility.

(2) Process wastes. The operator of a proposed processing site shall submit specifications on the characteristics and constituent concentrations of wastes emanating from the facility. This attachment shall also include written documentation that all processed wastes leaving the site can be adequately handled for treatment by other facilities, licensed or permitted by the appropriate agencies to receive such wastes, at the volumes and concentrations estimated in the facility design.

(3) Other permit requirements. The operator of a proposed processing site shall submit information on permit requirements of other agencies, i.e., National Pollutant Discharge Elimination System (NPDES) permit, or local government pretreatment or discharge authorization.

(4) Process design. The operator of a proposed processing site shall also submit a process design which is normally a generalized design and working plan of the overall processing facility. As a minimum, the data in subparagraphs (A)-(H) of this paragraph shall be included:

(A) flow diagrams indicating the processing sequences proposed for the various types of wastes received;

(B) schematic view drawings showing the various phases of collection, separation, treatment, and disposal as applicable for the types of wastes received for processing;

(C) proposed odor control measures for each storage, separation, and processing unit;

(D) generalized construction details of all treatment and storage components (i.e., tanks, sumps, wet walls, etc.) with regard to approximate dimensions and capacities, construction materials, vents, covers, enclosures, protective coatings of expound surfaces, etc. Performance data on all units shall be provided;

(E) generalized construction details of slab and subsurface supports of all treatment and storage components;

(F) locations and engineering design details of all containment dikes or walls (with indicated freeboard) proposed to enclose all treatment, processing, and storage components and all loading and unloading areas;

(G) plans for the storage of grease, oil, and sludge on-site, including determinations of maximum periods of time all separated materials will remain on-site and the ultimate disposition of such materials off-site; and

(H) proposed disposition of effluent resulting from all treatment and processing operations.

(5) Site operating plan. The site operating plan shall include guidance

on the items in Subparagraphs (A)-(F) of this paragraph:

(A) protection of all utilities on or near the site property from facility-related operations;

(B) provisions for the control of accidental spillage;

(C) provisions for the periodic cleaning of storage, treatment, and processing units;

(D) maximum allowable period of time unprocessed and processed wastes are to remain on-site;

(E) contingency plans (included with the site operational concept) which address facility breakdowns; and

(F) quality control plans to ensure that unauthorized wastes are not unloaded or processed at the plant.

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

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**Subchapter G. Operational
Standards for Solid Waste
Processing and Experimental
Sites**

• 30 TAC §330.160

The new section is proposed under the Texas Water Code (Vernon 1992), §5.103, which provides the Texas Natural Resource Conservation Commission with the authority to adopt any rules necessary to carry out the powers and duties under the provisions of the Texas Water Code and other laws of this state.

Additionally, this section is promulgated pursuant to the Texas Solid Waste Disposal Act, §361.024 (the Act), Texas Health and Safety Code, Vernon 1992, which provides the Texas Natural Resource Conservation Commission the authority to regulate municipal solid waste and adopt rules as necessary to regulate the operation, management and control of solid waste under its jurisdiction.

§330.160. Material Recovery Facilities.

(a) Rules in this subsection apply to facilities that accept nonputrescible solid waste for storage, collection, or processing for recycling and recovery, but are exempt from permit or registration requirements. Facilities under this subsection must operate according to standards set in the following paragraphs:

(1) §330.22 of this title (relating to Storage Requirements);

(2) §330.23 of this title (relating to Approved Containers);

(3) §330.116 of this title (relating to Access Control);

(4) §330.126 of this title (relating to Disease Vector Control);

(5) §330.136 of this title (relating to Disposal of Special Wastes);

(6) §330.137 of this title (relating to Disposal of Industrial Wastes);

(b) The processing facility shall not accumulate solid waste in quantities that cannot be processed within such time as will preclude the creation of odors, insect breeding, or harborage of other vectors. If such accumulations occur, additional solid waste shall not be received until the adverse conditions are abated.

(c) At processing facilities, all working surfaces that come in contact with wastes shall be washed down on a weekly basis at the completion of processing. Processing facilities that operate on a continuous basis shall be swept daily and washed down at least two times per week.

(d) Wash waters shall not be allowed to accumulate on site without proper treatment to prevent the creation of odors or an attraction to vectors.

(e) All wash waters shall be collected and disposed of in an authorized manner.

(f) Surface drainage in and around the facility shall be controlled to minimize surface water running onto, into, and off the treatment area.

(g) Unless wash waters are disposed of into a sanitary sewer, they shall not otherwise be disposed of except in accordance with the rules and regulations of the State concerning discharge of polluted waters.

(h) Off-site discharge of contaminated waters shall be made only after approval under the Texas Water Code, Chapter 26.

(i) If a facility is not completely enclosed, the owner or operator shall provide a wire or other type fencing or screen-

ing when necessary to minimize windblown materials.

(j) Litter or windblown material resulting from the operation should be collected and returned to the processing or storage area daily, but at a minimum it shall be collected at least twice per week to minimize unsightly conditions and fire hazards.

(k) An adequate supply of water under pressure shall be available for firefighting purposes, or firefighting equipment shall be readily available

(l) For recycling and material recovery facilities, solid waste capable of creating a public health hazard or nuisance shall be transferred within 72 hours of being received.

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

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Subchapter N. Management of Sludges and Similar Waste

- 30 TAC §§330.411-330.415, 330.431, 330.432, 330.441-330.449, 330.461-330.465, 330.481-330.484, 330.501-330.504, 330.511-330.514, 330. 531-330.534

(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 are proposed under the Texas Water Code, §5.103, which provides the Texas Natural Resource Conservation Commission (TNRCC) with the authority to adopt any rules necessary to carry out the powers and duties under the provisions of the Texas Water Code and other laws of this state.

Additionally, the sections are proposed pursuant to the Texas Solid Waste Disposal Act (the Act), the Texas Health and Safety Code, §361.011 and §361.024, which provide the TNRCC with the authority to regulate municipal solid waste and adopt rules consistent with the general intent and purposes of the Act

§330.411. Purpose

§330.412. Applicability.

§330.413. Effective Date.

§330.414. Nonhazardous Class I Industrial Waste and Small Quantities of Hazardous Waste.

§330.415. Agency Jurisdiction.

§330.431. General Requirements for Generators.

§330.432. Notification by Municipal Wastewater Treatment Plant Operators.

§330.441. Applicability and Responsibility.

§330.442. Registration.

§330.443. Delivery Requirements.

§330.444. Vehicles and Equipment.

§330.445. Record Keeping.

§330.446. Discharge or Spills.

§330.447. Interstate Transportation.

§330.448. Transporter Fees.

§330.449. Penalties.

§330.461. Applicability and Responsibility.

§330.462. Basic Requirements for Land Application.

§330.463. General Land Application Authorization.

§330.464. Sampling, Analysis, and Records.

§330.465. Storage of Sludge at Land Application Sites.

§330.481. General.

§330.482. Permit Requirements.

§330.483. Special Considerations.

§330.484. Operational Requirements.

§330.501. General and Applicability.

§330.502. Sludge for Controlled Use.

§330.503. Sludge for Uncontrolled Use.

§330.504. Records and Reports.

§330.511. General.

§330.512. Permit Requirements.

§330.513. Additional Permit Requirements.

§330.514. Operational Requirements.

§330.531. Grease Trap Wastes.

§330.532. Grit Trap Wastes.

§330.533. Septage.

§330.534. Water Supply Treatment Plant Sludge.

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 May 3, 1994.

TRD-9440201 Mary Ruth Holder
Director, Legal Division
Texas Natural Resource
Conservation
Commission

Earliest possible date of adoption: June 10, 1994

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

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part XVI. Coastal Coordination Council

Chapter 504. Special Area Management Planning

- 31 TAC §504.3

(Editor's Note: The Coastal Coordination Council proposed new §§504.1-504.8, concerning Special Area Management Planning, for public comment in the March 18, 1994, issue of the Texas Register (19 TexReg 1916). Due to an error on the part of the Texas Register, the text to proposed new §504.3 was inadvertently omitted. It is being published for public comment in this issue of the Texas Register. All statutory requirements for proposed §504.3 were addressed in the preamble of the original proposal (19 TexReg 1916) and thus will not be republished at this time. The Texas Register regrets the error. Com-

ments concerning the proposal will be accepted until 5:00 p.m., June 10, 1994, and should be addressed to Cecilia Howells, 1700 North Congress Avenue, Stephen F. Austin State Office Building, Room 630, Austin, Texas 78701, FAX (512) 463-6311.)

§504.3. Preliminary Evaluation of a Nominated Geographic Area of Particular Concern. The GLO Coastal Management Division will complete a preliminary evaluation of the nominated GAPC within 30 days after receipt of an administratively complete nomination form. The preliminary evaluation will determine if the nominated GAPC complies with the approved program guidelines. Upon completion of the preliminary evaluation, the GLO Coastal Management Division shall make its recommendation to the executive committee of the council. The GLO Coastal Management Division shall recommend either that no action be taken, or a work plan be developed. The executive committee of the council shall either approve or disapprove the nominated GAPC. The executive committee of the council shall inform the nominating entity of their reasons for disapproval of a nomination.

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 March 11, 1994.

TRD-9440399
Garry Mauro
Chairman
Coastal Coordination
Council

Earliest possible date of adoption: June 10, 1994

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

◆ ◆ ◆
Title 34. PUBLIC FINANCE

Part I. Comptroller of Public Accounts

Chapter 3. Tax Administration

Subchapter L. Motor Fuels Tax

• 34 TAC §3.196

The Comptroller of Public Accounts proposes an amendment to §3.196, concerning reports, due dates, bonding requirements, and qualifications for annual filers to allow the comptroller to determine the reporting requirements for a diesel fuel bonded user permit. The change will allow a diesel fuel bonded user to initially qualify to file an annual report upon approval by the comptroller.

Mike Reissig, chief revenue estimator, has determined that for the first five-year period the rule will be in effect there will be no revenue impact on the state or local government.

Mr. Reissig also has determined that for each year of the first five years the rule is in effect the public benefit anticipated as a result of enforcing the rule will be in providing new information regarding tax responsibilities. This rule is adopted under the Tax Code, Title 2, and does not require a statement of fiscal implications for small businesses. There is no significant anticipated economic cost to individuals who are required to comply with the proposed rule.

Comments on the proposal may be submitted to Charles C. Johnstone, Manager, Tax Administration Division, P.O. Box 13528, Austin, Texas 78711.

This amendment is proposed under the Tax Code, §111.002, which provides the comptroller with the authority to prescribe, adopt, and enforce rules relating to the administration and enforcement of the provisions of the Tax Code, Title 2. The amendment implements the Tax Code, §153.221

§3.196. Reports, Due Dates, Bonding Requirements, and Qualifications for Annual Filers. (Tax Code, §153.001, §153.221).

(a) Reports required.

(1) Interstate truckers as defined by the Tax Code, §153.001(12) [§153.001(11)], and bonded users of diesel fuel as defined by the Tax Code, §153.209, having an average quarterly tax liability of \$600 or less have the option of filing quarterly or annual reports. After the method of reporting has been selected, it cannot be changed without permission from the comptroller unless the tax liability for a year exceeds \$2,400. If the tax liability during a year exceeds \$2,400, a report must be filed for all previous quarters of that year. Future reports must be filed on a quarterly basis.

(2) Interstate truckers and bonded users of diesel fuel having an average quarterly tax liability of more than \$600 must file quarterly reports.

(3) Liquefied gas dealers as defined by the Tax Code, §153.304, and liquefied gas interstate truckers as defined by the Tax Code, §153.306, must file annual reports.

(b) Due dates.

(1) The due date for all annual reports is January 25th.

(2) Annual filers may receive a refund for credit gallons accrued during quarterly periods whose due date is not more than one year before the date the annual report was filed.

(A) If the report is filed by the due date, a request for refund must be made on the annual report.

(B) If the annual report is not filed by the due date, quarterly reports for

the periods within one year must be filed with the request. The quarterly reports filed shall be assigned the same postmark date as the annual report.

(c) Bonding requirements. Bonded users of diesel fuel reporting annually will be required to post security in the amount of two times the annual tax liability on taxable uses of diesel fuel. The minimum bond is \$10,000. The bond may be waived if it is determined that it is not necessary to protect the state.

(d) Qualifications.

(1) Interstate truckers [and bonded users of diesel fuel] who obtain permits during the calendar year must file quarterly reports until they are notified that they have the option to file annually

(2) The annual report for a permit holder going out of business or whose permit is cancelled during the year is due on or before the 25th day of the month following the calendar quarter in which business ceased.

(3) Interstate truckers and diesel fuel users will be notified each March of any filing status change based on the previous year's operation.

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 May 3, 1994

TRD-9440227
Martin E. Cherry
Chief, General Law
Section
Comptroller of Public
Accounts

Earliest possible date of adoption: June 10, 1994

For further information, please call: (512) 463-4028

◆ ◆ ◆
Part III. Teacher Retirement System of Texas

Chapter 25. Membership Credit Compensation

• 34 TAC §25.30

The Teacher Retirement System of Texas (TRS) proposes an amendment to §25.30, concerning limitations on the crediting, for benefit and contribution purposes, of otherwise creditable compensation that has been derived from a conversion of noncreditable compensation to salary and wages during a TRS participant's last years of employment before retirement. TRS retirement benefits are based on a formula that takes into consideration a participant's highest three years' creditable compensation, which generally consists of compensation at the end of a

person's career. Not all forms of compensation, such as fringe benefits, sick leave, or lump sum bonuses, are creditable annual compensation. This rule prevents a participant from avoiding member contributions on compensation received in a noncreditable form until a few years before reaching retirement and then converting such compensation to a creditable form for use in computing benefits. The amendment modifies the existing rule by requiring employer certifications with respect to these salary conversions, reducing the number of years affected by the rule from the member's last seven to the last five, explicitly listing certain payroll actions which are not to be considered conversions, stating a de minimis rule, and disregarding conversions in certain limited circumstances.

Wayne Fickel, controller, has determined that for the first five-year period that the proposed section will be in effect there will be no net costs to state and local government as a result of enforcing or administering the rule as amended.

Mr. Fickel also has determined that for the first five years the amendment is in effect the public benefit of enforcing the section as amended will be that the system's costs of administering retirements will be reduced, the time for processing retirement applications will be shortened, and, although employers will incur certain costs for making the certifications, these costs should be offset by simplified procedures for determining conversions that will reduce the required interaction between TRS and the employer during an employee's retirement processing. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Wayne Blevins, Executive Director, Teacher Retirement System, 1000 Red River, Austin, Texas 78701-2698, within 30 days of publication in the *Texas Register*.

The amendment is proposed under the Texas Government Code, §825.110, which authorizes the Teacher Retirement System to adopt rules to exclude from annual compensation all or part of salary and wages in the final years of employment that can reasonably be presumed to have been derived from a conversion of noncreditable compensation, and §825.102, which provides authorization for the board to adopt rules for eligibility for membership and the administration of the funds of the retirement system.

§25.30 Conversion of Noncreditable Compensation to Salary

(a) **General Rule.** The Teacher Retirement System of Texas (TRS) will exclude from annual compensation any amounts converted into salary and wages from noncreditable compensation during the last five [seven] creditable school years of employment before retirement. No amounts will be excluded under this section for school years before 1981-1982.

(b) **Definition of Noncreditable Compensation.** Noncreditable compensation consists of the payments and benefits

provided to a contributing TRS member for service as an employee or a consultant with a Texas public educational institution for which no TRS member contributions have been[,] or[,] should have been made [for years when a ceiling on creditable compensation was applied, the payments and benefits for which no contributions would have been made if the ceiling had been removed].

(c) **Certification required of employers.** After [When] a member applies for retirement, each employer of the member during any of the member's best three year's average compensation will, upon request by TRS, certify the amount, if any, of the member's noncreditable compensation previously provided by the employer which was converted into TRS creditable salary and wages paid by the employer during each of the last five creditable school years of the member's employment immediately before the member's anticipated retirement date [TRS will identify, evaluate, and compare the noncreditable compensation provided to the member in each of the last eight creditable school years of employment before retirement. If a member's noncreditable compensation in any one of these years exceeds that of any other subsequent year, TRS will presume the difference to have been converted into salary and wages in the subsequent year. The amount of the conversion for any year will be the difference in noncreditable compensation for that year and the greater amount of noncreditable compensation in a previous year of those compared].

(d) **Conversion.** A conversion of noncreditable compensation to creditable salary and wages occurs when noncreditable compensation is reduced or eliminated and is replaced by creditable salary and wages. [In order to overcome the presumption, a member must submit documentary evidence to TRS which clearly and convincingly proves that the difference was not converted to salary and wages.]

(e) **Factors leading to a presumption of conversion.** A conversion should normally be presumed when noncreditable compensation provided to a member in a school year is not provided in the immediately following school year and the member's creditable salary and wages for the subsequent year exceeds that of the previous year in which the noncreditable compensation was provided. The conversion should normally be presumed to have occurred in each of the years following the year of the initial conversion. [Employers and members will provide the system, upon request, with copies of contracts, board minutes, memoranda, payroll records, and other materials which will assist the system in these determinations.]

(f) **Amount of presumed conversion.** The amount of the conversion is normally the amount by which the member's salary and wages after the conversion exceeds the salary and wages before the conversion, but not to exceed the amount of the noncreditable compensation reduced or eliminated. [After the effective date of retirement, TRS will refund to the member any deposits made on the amounts excluded from annual compensation under this section.]

(g) **Factors overcoming a presumption of conversion.** Factors which may overcome the presumption of conversion include:

(1) if the member's creditable salary increase in a subsequent year is not greater than a general salary increase given to a substantial number of the employer's employees who did not have a reduction or elimination of noncreditable compensation;

(2) if the amount of the creditable salary increase is based on additional work performed;

(3) if the amount of the creditable salary increase is based on a promotion;

(4) if the amount of the salary increase is a bona fide merit increase;

(5) if the amount of the creditable salary increase is de minimis. For purposes of this rule a de minimis increase shall be an amount not to exceed \$85 per month; and

(6) if other circumstances clearly and convincingly prove that the increase in creditable compensation was not derived from the reduction in noncreditable compensation. [Amounts withheld from employee's salaries before September 1, 1985 under voluntary salary reduction agreements for cafeteria plans or deferred compensation qualifying under the U.S. Internal Revenue Code, §401(k) will be excluded from noncreditable compensation for the purposes of this section only.]

(h) **Exclusions from conversion determinations.** For the purposes of determining amounts converted to creditable compensation the following will be disregarded:

(1) amounts withheld from salaries for cafeteria plans or deferred compensation plans under the United States Internal Revenue Code, §125 or §401(k), even if received prior to the date such amounts became a part of creditable compensation for TRS purposes;

(2) noncreditable compensation paid in only one school year; or

(3) tax exempt benefits which have subsequently lost tax exempt status and which, for all employees receiving such benefit, were converted into creditable compensation. [This section does not apply to noncreditable compensation that was paid in only one school year.]

(i) **Review by TRS.** The retirement system may rely upon employer certifications or may conduct an investigation to determine whether any conversion has occurred. Employers will provide the retirement system upon request with copies of and access to contracts, board minutes, memoranda, payroll records and other materials which will assist the system in making these determinations.

(j) **Exclusion of conversion amounts from benefit computations.** The retirement system will exclude from a member's average compensation used to compute benefits any amounts converted from noncreditable compensation to creditable compensation that are reported by an employer or determined by the retirement system.

(k) **Refund of contributions on conversion amounts.** After the effective date of retirement TRS will refund to the member any deposits made on the amounts excluded from annual compensation under 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 April 29, 1994
T-10 440282 Wayne Blevins
Executive Director
Teacher Retirement
System of Texas

Proposed date of adoption June 10, 1994
For further information please call (512) 370-0506

Chapter 27 Termination of Membership and Refunds

• 34 TAC 27.6

The Teacher Retirement System of Texas (TRS) proposes an amendment to §27.6, concerning the reinstatement of service credit canceled by the termination of membership in TRS and the withdrawal by the member of the accumulated contributions in the account.

Wayne Fickel, controller, has determined that for the first five year period the proposed section will be in effect there will be no fiscal implications for state or local governments as a result of enforcing or administering the section.

Mr. Fickel also has determined that for each year of the first five years the section as proposed is in effect, the public benefit anticipated as a

result of administering the rule is that the section will accurately reflect a statutory change made by the 73rd Texas Legislature that eliminated the length of service prerequisite for a TRS member's reinstatement of service credit canceled by a previous withdrawal of a member account. A further benefit is that a TRS member with more than one withdrawn account who desires to reinstate canceled service credit for a previously withdrawn account will no longer be required to reinstate other withdrawn accounts that will not result in additional service credit for the member. 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.

Comments on the proposal may be submitted to Wayne Blevins, Executive Director, 1000 Red River Street, Austin, Texas 78701-2698.

The amendment is proposed under the Government Code, §825.102, which provides authorization for the board to adopt rules for eligibility for membership and the administration of the funds of the retirement system. The amendment implements §823.501, Texas Government Code.

§27.6 *Reinstatement of an Account.* Any member who has withdrawn an [his] account resulting in the cancellation of service credit may reinstate this account and receive credit for the canceled [this] service by meeting the following requirements:

(1) **Resume membership service in the retirement system.** [Return to employment in a covered position and render the lesser of the following amounts of creditable service:

(A) Two consecutive years of creditable service.

(B) Creditable service for a continuous period of time equal to the time from the member's withdrawal to his return to covered employment.]

(2)-(3) (No change.)

(4) **Reinstate all withdrawn accounts which resulted in the cancellation of service credit.** A withdrawn account representing less than a creditable year of service must be reinstated only when it is necessary to combine the canceled service in the account with all other canceled service performed in the same year to constitute a creditable year of service [if more than one account has been withdrawn].

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 April 29, 1994
T-10 440284 Wayne Blevins
Executive Director
Teacher Retirement
System of Texas

Earliest possible date of adoption June 10, 1994

For further information, please call (512) 370-0506

Chapter 51. General Administration

Open Records

• 34 TAC §51.5

The Teacher Retirement System of Texas proposes new §51.5, concerning compliance with Acts, 73rd Legislature, 1993, Chapter 428, which requires state agencies to adopt rules that specify the charges the agency will make for providing public information.

Wayne Fickel, controller, has determined that for the first five year period the proposed section will be in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Mr. Fickel also has determined that for each year of the first five years the proposed section is in effect the public benefit anticipated as a result of enforcing the section will be the enhancement of the public's understanding of how costs for public information have been calculated. There will be no effect on small businesses. The anticipated economic cost to persons who are required to comply with the section as proposed will vary according to the amount and type of media requested for copies of public information.

Written comments on the proposed rule may be submitted to Wayne Blevins, Executive Director, Teacher Retirement System of Texas, 1000 Red River, Austin, Texas 78701-2698.

The new section is proposed under the Government Code, Title 8, Subtitle C, Chapter 825, §825.102, which provides authorization for the board to adopt rules concerning the administration of the funds of the retirement system and the transaction of the business of the board.

§51.5 Charges for Public Information

(a) The Teacher Retirement System of Texas establishes the following guidelines for the charges to be made for providing public information and copies of public information in the possession of the retirement system:

(1) standard-size paper copy-\$10 per page.

(2) nonstandard-size copy-

(A) diskette-\$1.00 each,

(B) magnetic tape-\$10.00 each,

(C) VHS video cassette-\$2.50 each,

- (D) audio cassette- \$1.00 each;
 - (E) paper copy- \$.50 each;
 - and
 - (F) other-actual cost;
 - (3) personnel charge-\$15.00 per hour;
 - (4) overhead charge-20% of personnel charge;
 - (5) microfiche or microfilm charge-
 - (A) paper copy-\$.10 per page; and
 - (B) fiche or film copy-actual cost
 - (6) remote document retrieval charge-actual cost;
 - (7) computer resource charge-
 - (A) mainframe-\$17.50 per minute;
 - (B) midsize-\$3.00 per minute;
 - (C) client/server-\$ 1.00 per minute; and
 - (D) PC or LAN-\$.50 per minute;
 - (8) programming time charge-\$26.00 per hour;
 - (9) miscellaneous supplies-actual cost;
 - (10) postage and shipping charge-actual cost;
 - (11) fax charge-
 - (A) local-\$.10 per page;
 - (B) long distance, same area code-\$.50 per page;
 - (C) long distance, different area code-\$ 1.00 per page;
 - (12) access to information in other than standard-size form where no copies are made and the information is not readily available-\$15.00 per hour/personnel cost; and
 - (13) other costs-actual cost.
- (b) The Teacher Retirement System of Texas reserves the right to furnish public

records without charge or at a reduced charge if the executive director or his or her designee determines that the waiver or reduction of fees is in the interest of its membership or the general public.

(c) All funds generated from the charges assessed for providing public information and copies of public information shall remain a part of the funds of the retirement system under the administration of the Board of Trustees.

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 April 29, 1994.

TRD-9440285

Wayne Blevins
Executive Director
Teacher Retirement
System of Texas

Earliest possible date of adoption: June 10, 1994

For further information, please call: (512) 370-0506

◆ ◆ ◆
• 34 TAC §51.9

The Teacher Retirement System of Texas proposes new §51.9, concerning electronic funds transfer of payments. The adoption of this section will increase the speed of depositing revenue from large remitters to the retirement system, increase interest income for the system and provide a safer and more efficient method for remitters to transmit what is owed to the retirement system.

Wayne Fickel, controller, has determined that for the first five-year period the proposed section will be in effect there will be no cost to the state as a result of enforcing or administering the section. Mr. Fickel has determined that the cost to local government will be a statewide total of \$14,500 per year.

Mr. Fickel also has determined that for each year of the first five years the section in effect the public benefit anticipated as a result of enforcing the section will be a safer and more efficient method for remitters to transmit payments to the retirement system. 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.

Comments on the proposal may be submitted to Wayne Blevins, Executive Director, Teacher Retirement System of Texas, 1000 Red River, Austin, Texas 78701-2698, within 30 days of publication in the *Texas Register*

The new section is proposed under the Texas Government Code, §404.095(c), which provides the Teacher Retirement System with the authority to adopt a rule to require fund transfers for payments to the system of \$10,000 or more due in a category of payments if the district paid the retirement system a total of \$250,000 or more in a category of payments, and §825.102, which authorizes the board of trustees to adopt rules for the administration of the funds of the retirement

system and for the transaction of the business of the board.

§51.9. *Electronic Funds Transfer for Payments.* If during the preceding year a district paid the retirement system a total of \$250,000 or more in a category of payments and the retirement system anticipates that during the current state fiscal year the district will pay the retirement system \$250,000 or more in a category of payments, the district is required to transfer payment amounts of \$10,000 or more due the retirement system by one or more of the means of electronic funds transfer approved by the state treasurer.

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 April 29, 1994.

TRD-9440286

Wayne Blevins
Executive Director
Teacher Retirement
System of Texas

Earliest possible date of adoption: June 10, 1994

For further information, please call: (512) 370-0506

◆ ◆ ◆
Part VI. Texas Municipal
Retirement System
Chapter 129. Domestic
Relations Orders

• 34 TAC §129.12

The Texas Municipal Retirement System proposes an amendment to §129.12, concerning payments to alternate payees. The amendment would add a subsection (d) to authorize the system to make a lump-sum payment to an alternate payee at the time when an annuity otherwise would be payable, if the reserves upon which the alternate payee's annuity would be calculated are \$5,000 or less.

Gary W. Anderson, director of the system, has determined that for the first five-year period the section is in effect there will be no fiscal implications for state and local government as a result of enforcing or administering the section.

Mr. Anderson 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 a reduction in the cost to the system of issuing checks to alternate payees. There will be no effect on small business. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Gary W. Anderson, Executive Director, Texas Municipal Retirement System, P.O. Box 149153, Austin, Texas 78714-9153.

The amendment is proposed under the Texas Government Code, §855.102, which provides the board of trustees of the Texas Municipal Retirement System with the authority to adopt rules necessary or desirable for effective administration of the system.

§129.12. *Payments to Alternate Payees.*

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

(d) In the event that the total reserves upon which an annuity (otherwise payable to an alternate payee under a qualified domestic relations order) would be calculated are \$5,000 or less, then the system is authorized to make a single lump-sum payment to the alternate payee in the amount of those reserves instead of paying an annuity to the alternate payee. No such payment shall be made by the system until such point in time as the system begins paying an annuity to the participant or the participant's designated beneficiary, surviving spouse, or estate.

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 May 2, 1994.

TRD-9440168

Gary W Anderson
Executive Director
Texas Municipal
Retirement System

Earliest possible date of adoption: June 10, 1994

For further information, please call: (512) 476-7577

◆ ◆ ◆
**TITLE 37. PUBLIC
SAFETY AND CORREC-
TIONS**

**Part I. Texas Department
of Public Safety**

**Chapter 21. Equipment and
Vehicle Standards**

**Equipment and Vehicle Stan-
dards**

• 37 TAC §21.7

The Texas Department of Public Safety proposes new §21.7, concerning Equipment and Vehicle Standards. The department proposes this section which provides that a person may not operate a passenger vehicle while towing a trailer or house trailer on a public highway unless safety chains of a type approved by the department are attached in a manner approved by the department from the trailer or house trailer to the towing vehicle.

Tom Haas, chief of finance, has determined that for the first five-year period the section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

George King, chief, Traffic Law Enforcement, has determined that for each year of the first five years the section as proposed is in effect the public benefit anticipated as a result of enforcing the section as proposed will be a reduction in traffic accidents involving trailer or house trailer disconnecting from the towing vehicle while being towed. There will be no effect on small businesses. The anticipated economic cost to persons who are required to comply with the section will be the cost of installing a safety chain.

Comments on the proposal may be submitted to John C. West, Jr., Texas Department of Public Safety, Box 4087, Austin, Texas 78773-0001, (512) 465-2000.

The new section is proposed under Texas Civil Statutes, Article 6701d, §106A(c), which provide the Texas Department of Public Safety with the authority to adopt rules which set forth the type of safety chains required to be used based on the weight of the trailer or house trailer being towed.

§21.7. *Safety Chains.*

(a) A person may not operate a passenger vehicle while towing a trailer or house trailer on a public highway unless safety chains of a type approved by the department are attached in a manner approved by the department from the trailer or house trailer to the towing vehicle.

(b) Exceptions:

(1) does not apply to trailers used for agricultural purposes;

(2) does not apply to trailers operated in compliance with the Federal Motor Carrier Safety Regulations;

(3) does not apply to trailers which are equipped with safety chains installed by the original manufacturer before the effective date of this section.

(c) Definition of Terms.

(1) House Trailer—A trailer or semitrailer—

(A) which is designed, constructed, and equipped as a dwelling place, living abode, or sleeping place (either permanently or temporarily) and equipped for use as a conveyance on streets and highways; or

(B) whose chassis and exterior shell is designed and constructed for use as a house trailer, as defined in paragraph (1)(A) of this subsection, but which is used instead permanently or temporarily for the services, or for any other commercial purpose except the transportation of property for hire or the transportation of property for distribution by a private carrier.

(2) Passenger car—Every motor vehicle, designed for carrying ten passengers or less and used for the transportation of persons.

(3) Safety chains—A series of metal links or rings connected to or fitted into one another, and are inclusive of the hooks, coupling devices, and other connections, necessary in the coupling together of a towing or towed vehicle.

(4) Trailer—Every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so connected that no part of its weight rests upon the towing vehicle.

(d) Specifications for Safety Chains.

(1) Two separate and individual safety chains shall be used simultaneously in all situations where safety chains are required.

(2) The two safety chains will be of equal length, long enough to permit free turning of the vehicles without placing stress on the chains, and attached to the towing vehicle equidistant right and left of the point at which the vehicles are connected. They must be of appropriate length to allow for them to be crossed under the tongue, or connecting apparatus, of the towed vehicle in such a manner that they would prevent it from coming into contact with the road surface should the vehicles become detached. In no event will the safety chains be allowed to contact the road surface during movement of the vehicles.

(3) Safety Chains shall be of sufficient strength to prevent the vehicles from separating in the event the towed vehicle disengages from the towing vehicle under ordinary towing conditions.

(4) Safety Chains must be attached to either side of the tongue or connecting apparatus of the towed vehicle, equidistant forward and aft of the hitch or connector. They shall not be directly welded to the towed vehicle, but rather shall be connected by means of bolts, pins, or other secure connecting methods, that meet necessary strength requirements.

(e) Enforcement policy.

(1) When the use of safety chains are required in accordance with subsection (a) of this section, enforcement actions should be initiated against all persons apprehended who are operating a towing and towed vehicle in combination:

(A) without both safety chains securely attached;

(B) when safety chains are improperly attached to the degree that one or both are in contact with surface of the road;

(C) when the failure of either or both safety chains or the manner in which they are attached allow the vehicles to become disconnected or allow the tongue or connected apparatus of the towed vehicle to come into contact with the road surface during ordinary towing operations; or

(D) when the failure of either or both safety chains or the manner in which they are attached results in an accident.

(2) The provisions apply to passenger cars only and not light trucks towing trailers or house trailers in accordance with subsection (a) of this section.

(3) The provisions do not apply to any vehicle towing semi trailers such as boat and utility trailers.

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 April 26, 1994.

TRD-9440176 James R. Wilson
Director
Texas Department of
Public Safety

Earliest possible date of adoption: June 10, 1994

For further information, please call: (512) 465-2000

◆ ◆ ◆
**Part IX. Commission on
Jail Standards**
**Chapter 259. New Construction
Rules**

The Commission on Jail Standards proposes repeal of §§259.60, 259.156, 259.243, and 259.349 concerning new construction rules to allow for the adoption of new rules regarding the emergency operation of doors.

Jack E. Crump, executive director, has determined that for the first five-year period the repeals are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the repeals.

Mr. Crump also has determined that for each year of the first five years the repeals are in effect the public benefit anticipated as a result of enforcing the repeals will be to provide effective jail standards that will save counties money by eliminating the requirement for a third means of emergency door release.

There will be no effect on small businesses.

There will be no anticipated economic cost to persons who are required to comply with the rules as proposed.

Comments on the proposal may be submitted to Rhonda C. Long, P.O. Box 12985, Austin, Texas 78711, (512) 463-5505.

The repeal is proposed under the Government Code, Chapter 511, which provides the Texas Commission on Jail Standards with the

authority to adopt reasonable rules and procedures establishing minimum standards for the construction, equipment, maintenance and operation of county jails.

**New Jail Design, Construction,
and Furnishing Requirements**
• 37 TAC §259.60

The repeal implements the Government Code, §351.002 and §351.015.

§259.60. *Emergency Operation of Doors.* For emergency operation of all doors to single cells, multiple-occupancy cells, and dormitories, and to permit quick and orderly release of inmates in the event of interruption of primary and emergency power sources, fire, smoke, or other emergency, reliable means shall be provided remote from the inmate living area for unlocking all cell doors. The reliable means should also provide for completely opening sliding cell doors. Reference should be made to Chapter 295 of this title (relating to Plans for Emergencies, Fire Prevention, Critical Articles in County Jails.)

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 May 3, 1994.

TRD-9440225 Jack E. Crump
Executive Director
Commission on Jail
Standards

Earliest possible date of adoption: June 10, 1994

For further information, please call: (512) 463-5505

◆ ◆ ◆
**New Jail Design, Construction
and Furnishing Requirements**
• 37 TAC §259.60

The Commission on Jail Standards proposes new §§259.60, 259.156, 259.243, and 259.349 concerning New Construction Rules relating to the emergency operation of doors.

Jack E. Crump, executive director, has determined that for the first five-year period the sections are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the sections.

Mr. Crump also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be to provide effective jail standards that will save counties money by eliminating the requirement for a third means of emergency door release.

There will be no effect on small businesses.

There will be no anticipated economic cost to persons who are required to comply with the rules as proposed.

Comments on the proposal may be submitted to Rhonda C. Long, P.O. Box 12985, Austin, Texas, 78711 (512) 463-5505.

The new section is proposed under the Government Code, Chapter 511, which provides the Texas Commission on Jail Standards with the authority to adopt reasonable rules and procedures establishing minimum standards for the construction, equipment, maintenance and operation of county jails.

The new section implements the Government Code, §351.002 and §351.015.

§259.60. *Emergency Operation of Doors.* All doors to cells and day rooms shall be capable of being unlocked by a manual means at the door or a remote location.

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 May 3, 1994.

TRD-9440218 Jack E. Crump
Executive Director
Commission on Jail
Standards

Earliest possible date of adoption: June 10, 1994

For further information, please call: (512) 463-5505

◆ ◆ ◆
New Lockup Design, Construction and Furnishing Requirements

• 37 TAC §259.156

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

The repeal is proposed under the Government Code, Chapter 511, which provides the Texas Commission on Jail Standards with the authority to adopt reasonable rules and procedures establishing minimum standards for the construction, equipment, maintenance, and operation of county jails.

The repeal implements the Government Code, §351.002 and §351.015.

§259.156. *Emergency Operation of Doors.*

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 May 3, 1994.

TRD-9440292 Jack E. Crump
Executive Director
Commission on Jail
Standards

Earliest possible date of adoption: June 10, 1994

For further information, please call: (512) 463-5505

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The new section is proposed under the Government Code, Chapter 511, which provides the Texas Commission on Jail Standards with the authority to adopt reasonable rules and procedures establishing minimum standards for the construction, equipment, maintenance, and operation of county jails.

The repeals implement the Government Code, §351.002 and §351.015.

§259.156. *Emergency Operation of Doors.* All doors to cells and day rooms shall be capable of being unlocked by a manual means at the door or a remote location.

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 May 3, 1994.

TRD-9440217 Jack E. Crump
Executive Director
Commission on Jail
Standards

Earliest possible date of adoption: June 10, 1994

For further information, please call: (512) 463-5505

• 37 TAC §259.243

The new section is proposed under the Government Code, Chapter 511, which provides the Texas Commission on Jail Standards with the authority to adopt reasonable rules and procedures establishing minimum standards for the construction, equipment, maintenance and operation of county jails.

The new section implements the Government Code, §351.002 and §351.015.

§259.243. *Emergency Operation of Doors.* All doors to cells and day rooms shall be capable of being unlocked by a manual means at the door or a remote location.

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 May 3, 1994.

TRD-9440216 Jack E. Crump
Executive Director
Commission on Jail
Standards

Earliest possible date of adoption: June 10, 1994

For further information, please call: (512) 463-5505

• 37 TAC §259.349

The new section is proposed under the Government Code, Chapter 511, which provides the Texas Commission on Jail Standards with the authority to adopt reasonable rules and procedures establishing minimum standards for the construction, equipment, maintenance and operations of county jails.

The new section implements the Government Code, §351.002 and §351.015.

§259.349. *Emergency Operation of Doors.* All doors to cells and day rooms shall be capable of being unlocked by a manual means at the door or a remote location.

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 May 3, 1994.

TRD-9440215 Jack E. Crump
Executive Director
Commission on Jail
Standards

Earliest possible date of adoption: June 10, 1994

For further information, please call: (512) 463-5505

New Low-Risk and Medium-Risk Design, Construction and Furnishing Requirements

• 37 TAC §259.243

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

The repeal is proposed under the Government Code, Chapter 511, which provides the Texas Commission on Jail Standards with the authority to adopt reasonable rules and procedures establishing minimum standards for the construction, equipment, maintenance, and operation of county jails.

The repeal implements the Government Code, §351.002 and §351.015.

§259.243 *Emergency Operation of Doors.*

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 May 3, 1994.

TRD-9440224 Jack E. Crump
Executive Director
Commission on Jail
Standards

Earliest possible date of adoption: June 10, 1994

Podular/Direct Supervision Design, Construction and Furnishing Requirements

• 37 TAC §259.349

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

The repeal is proposed under the Government Code, Chapter 511, which provides the Texas Commission on Jail Standards with the authority to adopt reasonable rules and procedures establishing minimum standards for the construction, equipment, maintenance, and operation of county jails.

The repeals implements the Government Code, §351.002 and §351.015.

§259.349 *Emergency Operation of Doors.*

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 May 3, 1994.

TRD-9440223 Jack E. Crump
Executive Director
Commission on Jail
Standards

Earliest possible date of adoption: June 10, 1994

Chapter 260. County Correctional Centers

CCC Design, Construction, and Furnishing Requirements

• 37 TAC §260.63

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

The Commission on Jail Standards proposes the repeal of §260.63 concerning County Correctional Centers to allow for the adoption of a new rule regarding the emergency operation of doors.

Jack E. Crump, executive director, has determined that for the first five-year period the repeal is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the repeals.

Mr. Crump also has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of enforcing the repeal will be to provide effective jail standards that will save counties money by eliminating the requirement for a third means of emergency door release.

There will be no effect on small businesses.

There will be no anticipated economic cost to persons who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Rhonda C. Long, P.O. Box 12985, Austin, Texas 78711, (512) 463-5505.

The repeal is proposed under Government Code, Chapter 511, which provides the Texas Commission on Jail Standards with the authority to adopt reasonable rules and procedures establishing minimum standards for the construction, equipment, maintenance, and operation of county jails.

The repeal implements Government Code, §351.002 and §351.015.

§260.63. Emergency Operation of Doors

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 May 3, 1994.

TRD-9440222 Jack E. Crump
Executive Director
Commission on Jail
Standards

Earliest possible date of adoption: June 10, 1994

For further information, please call: (512) 463-5505

◆ ◆ ◆
**Chapter 260. County
Correctional Centers**

**CCC Design, Construction and
Furnishing Requirements**

• 37 TAC §260.63

The Commission on Jail Standards proposes new §260.63 concerning County Correctional Centers relating to the emergency operation of doors.

Jack E. Crump, executive director, has determined that for the first five- year period the section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Mr. Crump 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 to provide effective jail standards that will save counties money by eliminating the requirement for a third means of emergency door release.

There will be no effect on small businesses.

There will be no anticipated economic cost to persons who are required to comply with the rules as proposed.

Comments on the proposal may be submitted to Rhonda C. Long, P.O. Box 12985, Austin, Texas 78711, (512) 463-5505.

The new section is proposed under the Government Code, Chapter 511, which provides

the Texas Commission on Jail Standards with the authority to adopt reasonable rules and procedures establishing minimum standards for the construction, equipment, maintenance, and operation of county jails.

The new section implements the Government Code, §351.002 and §351.015

§260.63. Emergency Operation of Doors. All doors to cells and day rooms shall be capable of being unlocked by a manual means at the door or a remote location.

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 May 3, 1994.

TRD-9440214 Jack E. Crump
Executive Director
Commission on Jail
Standards

Earliest possible date of adoption: June 10, 1994

For further information, please call: (512) 463-5505

◆ ◆ ◆
**Chapter 261. Existing
Construction Rules**

The Commission on Jail Standards proposes repeal of §§261.49, 261.145 and 261.232 concerning Existing Construction Rules to allow for the adoption of new rules regarding the emergency operation of doors.

Jack E. Crump, executive director, has determined that for the first five- year period the repeals are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the repeals.

Mr. Crump also has determined that for each year of the first five years the repeals are in effect the public benefits anticipated as a result of enforcing the repeals will be to provide effective jail standards that will save counties money by eliminating the requirement for a third means of emergency door release.

There will be no effect on small businesses.

There will be no anticipated economic cost to persons who are required to comply with the rules as proposed

Comments on the proposal may be submitted to Rhonda C. Long, P.O. Box 12985, Austin, Texas, 78711, (512) 463-5505.

The repeal is proposed under the Government Code, Chapter 511, which provides the Texas Commission on Jail Standards with the authority to adopt reasonable rules and procedures establishing minimum standards for the construction, equipment, maintenance, and operation of county jails

Existing Jail Design, Construction, and Furnishing Requirements

• 37 TAC §261.49

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

The repeal implements Government Code §351.002 and §351.015.

§261.49. Emergency Operation of Doors.

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 May 3, 1994.

TRD-9440221 Jack E. Crump
Executive Director
Commission on Jail
Standards

Earliest possible date of adoption: June 10, 1994

For further information, please call (512) 463-5505

◆ ◆ ◆
The Commission on Jail Standards proposes new §§261.49, 261.145, and 261.232 concerning Existing Construction Rules relating to the emergency operation of doors.

Jack E. Crump, executive director, has determined that for the first five- year period the sections are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the sections.

Mr. Crump also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be to provide effective jail standards that will save counties money by eliminating the requirement for a third means of emergency door release.

There will be no effect on small businesses

There will be no anticipated economic cost to persons who are required to comply with the rules as proposed

Comments on the proposal may be submitted to Rhonda C. Long, P.O. Box 12985, Austin, Texas 78711, (512) 463-5505

The new section is proposed under the Government Code, Chapter 511, which provides the Texas Commission on Jail Standards with the authority to adopt reasonable rules and procedures establishing minimum standards for the construction, equipment, maintenance and operation of county jails.

The new section implements the Government Code, §351.002 and §351.015.

§261.49. Emergency Operation of Doors. All doors to cells and day rooms shall be capable of being unlocked by a manual means at the door or a remote location.

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 May 3, 1994.

TRD-9440213 Jack E. Crump
Executive Director
Commission on Jail
Standards

Earliest possible date of adoption: June 10, 1994

For further information, please call: (512) 463-5505

◆ ◆ ◆
Existing Lockup Design, Construction and Furnishing Requirements

• 37 TAC §261.145

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

The repeal is proposed under the Government Code, Chapter 511, which provides the Texas Commission on Jail Standards with the authority to adopt reasonable rules and procedures establishing minimum standards for the construction, equipment, maintenance and operation of county jails.

The repeals implement the Government Code, §351.002 and §351.015.

§261.145. Emergency Operation of Doors.

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 May 3, 1994.

TRD-9440220 Jack E. Crump
Executive Director
Commission on Jail
Standards

Earliest possible date of adoption: June 10, 1994

For further information, please call: (512) 463-5505

◆ ◆ ◆
The new section is proposed under the Government Code, Chapter 511, which provides the Texas Commission on Jail Standards with the authority to adopt reasonable rules and procedures establishing minimum standards for the construction, equipment, maintenance and operation of county jails.

The new section implements the Government Code, §351.002 and §351.015.

§261.145. Emergency Operation of Doors. All doors to cells and day rooms shall be capable of being unlocked by a manual means at the door or a remote location.

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 May 3, 1994.

TRD-9440212 Jack E. Crump
Executive Director
Commission on Jail
Standards

Earliest possible date of adoption: June 10, 1994

For further information, please call: (512) 463-5505

◆ ◆ ◆
Existing Low-Risk Design, Construction and Furnishing Requirements

• 37 TAC §261.232

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

The repeal is proposed under the Government Code, Chapter 511, which provides the Texas Commission on Jail Standards with the

authority to adopt reasonable rules and procedures establishing minimum standards for the construction, equipment, maintenance, and operation of county jails.

The repeals implement the Government Code, §351.002 and §351.015.

§261.232. Emergency Operation of Doors.

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 May 3, 1994.

TRD-9440219 Jack E. Crump
Executive Director
Commission on Jail
Standards

Earliest possible date of adoption: June 10, 1994

For further information, please call: (512) 463-5505

◆ ◆ ◆
• 37 TAC §261.232

The new section is proposed under the Government Code, Chapter 511, which provides the Texas Commission on Jail Standards with the authority to adopt reasonable rules and procedures establishing minimum standards for the construction, equipment, maintenance and operation of county jails.

The new section implements the Government Code, §351.002 and §351.015.

§261.232. Emergency Operation of Doors. All doors to cells and day rooms shall be capable of being unlocked by a manual means at the door or a remote location.

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 May 3, 1994.

TRD-9440211 Jack E. Crump
Executive Director
Commission on Jail
Standards

Earliest possible date of adoption: June 10, 1994

For further information, please call: (512) 463-5505

◆ ◆ ◆
Texas Department of Insurance Exempt Filing

Notification Pursuant to the Insurance Code, Chapter 5, Subchapter L

(Editor's note: As required by the Insurance Code, Article 5.96 and Article 5.97, the Register publishes notices of actions taken by the Texas Department of Insurance pursuant to Chapter 5, Subchapter L, of the Code. Board action taken

under these articles is not subject to the Administrative Procedure Act.

The text of the material being adopted will not be published, but may be examined in the offices of the Texas Department of Insurance, 333 Guadalupe, Austin.)

The Commissioner of Insurance, at a meeting scheduled for 9:00 a.m., June 20, 1994 in Room 100 of the Texas Department of Insurance Building, 333 Guadalupe Street in Austin, Texas, will consider proposed new and/or adjusted 1991-1994 model Private Passenger Automobile Physical Damage Rating Symbols for the Texas Automobile Rules

and Rating Manual (The Manual). This proposal was made by staff in a petition (Reference Number: A-0494-10), filed on April 29, 1994.

The new and/or adjusted symbols for the Manual's Symbol and Identification Section were developed from Manufacturer List Price figures and reflect data compiled on damageability, repairability, and other relevant loss factors for the various model years of the listed vehicles. Staff has deleted from the exhibit on file under Reference Number A-0494-10 the symbols developed by Insurance Services Office, Inc. (ISO) for utility vehicles and trucks, in accordance with existing departmental methodology. Staff has requested that this proposed amendment be adopted effective on the 60th day after publication of the notification of the Commissioner's action in the Texas Register.

Copies of the petition containing the full text of this proposed amendment to the Manual are available for review in the office of the Chief Clerk of the Texas Department of Insurance, 333 Guadalupe Street, Austin, Texas 78714-9104. For further information or to request copies of the petition, please contact Angie Arizpe at (512) 322-4147; (refer to Reference Number A-0494-10).

The staff and the Commissioner request that written comment to this proposed amendment be submitted prior to the public meeting on June 20, 1994. Any written comment should be directed to the Office of the Chief Clerk, Texas Department of Insurance, P.O. Box 149104, MC 113-2A, Austin, Texas

78714-9104. An additional copy of the comment is to be submitted to David Durden, Deputy Commissioner, Property and Casualty Lines, Texas Department of Insurance, P.O. Box 149104, MC 103-11, Austin, Texas 78714-9104.

This notification is made pursuant to the Insurance Code, Article 5.97, which exempts it from the requirements of the Administrative Procedure Act.

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

Issued in Austin, Texas, on May 2, 1994

TRD-9440127

D. J. Powers
Legal Counsel to
Commissioner
Texas Department of
Insurance

For further information, please call: (512) 463-6327



The Texas Department of Insurance at a public meeting held at 9 00 a. m , June 6, 1994, in room 100 of the Texas Department of Insurance Building, 333 Guadalupe Street, Austin, Texas, will consider a form filing by the Texas Department of Human Services (Department) for a revised surety bond form entitled "Resident Fund Surety Bond" (Bond). The Bond is a requirement of 42 U. S.C.A., §1396r (c)(6)(C) and 40 TAC §19.204.

The Bond, formerly entitled "Nursing Home Surety Bond", has been re-titled and revised for clarity with some minor changes and one substantive change. paragraph (10) has been revised to add the following new language: "However, claims may be filed for a period of 3 years and 90 days after the effective termination date in connection with any resident trust fund transactions occurring during the effective period of the bond." This wording meets the requirements of 40 TAC 19.1924, which requires the principal to keep financial records of the facility for a minimum of 3 years and 90 days after the termination of the contract period and 40 TAC §19.1925, that makes those records subject to audit by the Department

Copies of the full text of the proposed bond form for the Department are available for review in the Office of the Chief Clerk of the Texas Department of Insurance, 333 Guadalupe Street, Austin, Texas 78714-9104. For further information or to request copies of the text, please contact Angie Arizpe at (512) 322-4147. (refer to Reference Number 0-0594-11-1).

This notification is made pursuant to the Insurance Code, Article 5.97, which exempts it from the requirements of the Administrative Procedure Act.

Issued in Austin, Texas, on May 4, 1994.

TRD-9440288

D. J. Powers
Legal Counsel to the
Commissioner
Texas Department of
Insurance

Filed: May 4, 1994



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 1. ADMINISTRATION

Part XIII. Texas Incentive and Productivity Commission

Chapter 273. State Employee Incentive Program

• 1 TAC §273.9

The Texas Incentive and Productivity Commission adopts an amendment to §273.9(d), concerning eligibility, with changes to the proposed text as published in the February 22, 1994, issue of the *Texas Register* (19 TexReg 1277)

Section 273.9(d) amends the provisions concerning the award eligibility period for a suggestion. A non-substantive change was made to the proposed text §273.9(e)(3) to clarify that the Commission may open a suggestion file that has been closed and establish a new award eligibility period for that specific suggestion

The section as adopted will facilitate participation in our cost saving program

No comments were received regarding adoption of the amendment

The amendment is adopted under the Government Code, Chapter 2108, §2108.004(b), which provides the Texas Incentive and Productivity Commission with the authority to promulgate rules for the State Employee Incentive Program

§273.9 Eligibility

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

(d) Award Eligibility Period.

(1) A suggestion is eligible for a cash award if the following actions occur within two years of the date the Commission receives the suggestion:

(A) the Commission approves the suggestion,

(B) a target agency implements the suggestion; and

(C) the target agency transfers the savings/revenue resulting from the suggestion.

(2) The following exceptions apply to the award eligibility period.

(A) If a suggestion requires legislative change, then the period shall be four years.

(B) The Commission may grant a two-year extension to an employee whose suggestion has been approved if the employee makes such a request in writing before the award eligibility period expires.

(C) A suggestion is not eligible for an award if it duplicates a suggestion that was previously received by the Commission and that has not been closed.

(e) Closing of suggestion files.

(1) The file on a suggestion shall be closed at the expiration of the applicable award eligibility period, including any valid extensions.

(2) Once a suggestion file has been closed, the same suggestion may be submitted as a new suggestion subject to all eligibility requirements and the evaluation process described in §273.7 and §273.9 of this title (relating to Agency's Role; Eligibility).

(3) If the Commission believes circumstances warrant, the Commission may open a suggestion file that has been closed and establish a new award eligibility period for that suggestion.

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 May 3, 1994.

TRD-9440246

M. Elaine Powell
Executive Director
Texas Incentive and
Productivity
Commission

Effective date: May 24, 1994

Proposal publication date: February 15, 1994

For further information, please call: (512) 475-2393

TITLE 16. ECONOMIC REGULATION

Part I. Railroad Commission of Texas

Chapter 5. Transportation Division

Subchapter I. Identification and Reports

• 16 TAC §5.152

The Railroad Commission of Texas adopts an amendment to §5.152, without changes to the proposed text as published in the March 8, 1994, issue of the *Texas Register* (19 TexReg 1626).

The amendment is adopted to allow motor carriers to maximize the efficient usage of their transportation equipment under their certificates and permits.

For each motor carrier certificate or permit under which a motor vehicle operates, the vehicle must bear a current cab card as evidence of the vehicle's compliance with insurance and registration requirements of the commission. Currently, §5.152 allows a motor vehicle to be issued a maximum of three cab cards by the commission, but will allow the issuance of four cab cards if at least one of the cards is issued for the transportation of recyclable materials. However, because Senate Bill 1313 of the 73rd Legislature created a new type of authority (truckload contract carrier permit), it is now possible that a motor carrier might seek to register its motor vehicles under five certificates or permits, which would require the issuance of five cab cards. The proposed amendment would accommodate the change in the law by removing the maximum limit on the number of cab cards that could be issued to a motor vehicle.

No comments were received regarding adoption of the rule.

The amendment is adopted under the Texas Motor Carrier Act, Texas Civil Statutes, Article 911b, which authorize the commission to prescribe rules and regulations for the operations of motor carriers.

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 May 2, 1994.

TRD-9440258

Mary Ross McDonald
Assistant Director, Legal
Division-Gas Utilities/LP
Gas
Railroad Commission of
Texas

Effective date: May 24, 1994

Proposal publication date: March 8, 1994

For further information, please call (512) 463-7095

TITLE 22. EXAMINING BOARDS

Part XI. Board of Nurse Examiners

Chapter 223. Fees

• 22 TAC §223.1

The Board of Nurse Examiners adopts an amendment to §223.1, concerning fees, without changes to the proposed text as published in the April 1, 1994, issue of the *Texas Register* (19 TexReg 2257)

Beginning April 1, 1994, the licensure examination for Registered Nurses will be administered by the National Council of State Boards of Nursing, Inc. using Computer Adaptive Testing (CAT). The exam fee will be submitted directly to the testing service. Therefore, the fee structure has been amended by adding an initial licensure fee and deleting the admission fee to the examination.

The Board of Nurse Examiners will determine eligibility of candidates and will process candidates applications for initial licensure and will charge the initial licensure fee for those services. The examination fee will be paid to the testing service by the candidate.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 4514, §1, and Article 4527, §1, which provide the Board of Nurse Examiners with the authority to make and enforce all rules and regulations necessary for the performance of its duties and conducting of proceedings before it. The board, by rule shall establish reasonable and necessary fees so that the fees, in the aggregate, produce sufficient revenue to cover the cost of administering this chapter.

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 May 3, 1994.

TRD-9440209

Louise Waddill, Ph.D., R.N.
Executive Director
Texas Board of Nurse
Examiners

Effective date: May 24, 1994

Proposal publication date: April 1, 1994

For further information, please call (512) 835-8650

Part XXIII. Texas Real Estate Commission

Chapter 537. Professional Agreements and Standard Contracts

- 22 TAC §§537.11, 537.21, 537.22, 537.24, 537.26, 537.27, 537.37-537.39

The Texas Real Estate Commission adopts amendments to §§537.11, 537.21, 537.22, 537.24, 537.26, 537.27, and new §§537.37-537.39, concerning standard contract forms. Section 537.11 is adopted with changes to the proposed text as published in the February 22, 1994, issue of the *Texas Register* (19 TexReg 1315) Sections 537.21, 537.22, 537.24, 537.26, 537.27, and new §§537.37-537.39 are adopted without changes and will not be republished.

The amendments and new sections adopt by reference a series of revised or new standard form earnest money contracts, leases, or addenda developed by the Texas Real Estate Broker-Lawyer Committee. Texas real estate licensees will generally be required to use these forms beginning September 1, 1994, although the forms may be used on a voluntary basis prior to that time.

Adoption of the amendments and new sections is necessary to ensure that the forms used by real estate licensees are adequate to serve the needs of the public and to prevent the unauthorized practice of law by the licensees.

Section 537.11 was modified to clarify that form TREC Number 32-0, Condominium Resale Certificate, is to be used as a resale certificate, but not as an addendum to an earnest money contract.

A number of changes were made to the text of the proposed forms in response to comments. Concerning the condominium earnest money contract forms, TREC Number 30-0 and TREC Number 31-0, provisions were added to specify a time for the seller to deliver documentation such as the declaration and by-laws of the association or the resale certificate if those instruments had not been provided prior to the signing of the contract. The prorations paragraph of TREC Number 30-0 was revised to provide for the handling of any escrow account in the event of an assumption, using language consistent with other TREC standard forms. Language was added to the paragraph in both forms relating to attorneys' fees to clarify that the provision survived the closing of the sale. In the property condition paragraph in both forms, space was added to specify a time for the buyer to receive written confirmation from the condominium association that it will make repairs to common elements requested by the buyer.

The Condominium Resale Certificate, form TREC Number 32-0, was modified by adding a notice that the certificate must be prepared no more than three months before the date it is delivered to the buyer. The change conforms the form with the Property Code's requirements for the preparation of resale certificates.

Form TREC Number 15-2, Seller's Temporary Lease, was modified in response to a comment to require advance payment of rental by a seller in full at the time of the funding of the sale, rather than in weekly or monthly advance payments. Form 15-2 and Form 16-2, Buyer's Temporary Lease, were both modified to provide notice to the landlord of an obligation imposed by the Property Code to install security devices such as window latches and deadbolts. The caption on each form also was modified to clarify that the intended use of the forms is for transactions in which the tenant occupies the property for no more than 90 days.

Form TREC Number 10-2, Addendum for Sale of Other Property by Buyer, was modified in response to a comment to clarify that the seller may continue to show the property and consider offers from other buyers. The commission did not concur with a comment that the addendum was too seller-oriented, the commission determined that the addendum adequately balanced the interests of the buyer and the seller.

No substantive changes were made in form TREC Number 11-2, Addendum for Second or "Back-Up" Contract, or in form TREC Number 13-1, New Home Insulation Addendum. Minor spacing and placement changes were made on all the forms, and the two earnest money contracts were reset on seven pages to provide adequate space for insertions.

The amendments and new sections are adopted under Texas Civil Statutes, Article 6573a, §16, which provide the Texas Real Estate Commission with the authority to make and enforce rules and regulation requiring real estate brokers and salesmen to use contract forms prepared by the Texas Real Estate Broker-Lawyer Committee and promulgated by the Texas Real Estate Commission.

§537.11. Use of Standard Contract Forms.

(a) Standard Contract Form TREC No. 2-4 is promulgated for use as an addendum only to another promulgated standard contract form. Standard Contract Form TREC No. 9-2 is promulgated for use in the sale of unimproved property where intended use is for one to four family residences. Standard Contract Form TREC No. 10-2 is promulgated for use as an addendum concerning sale of other property by a buyer to be attached to promulgated forms of contracts. Standard Contract Form TREC No. 11-3 is promulgated for use as an addendum to be attached to promulgated forms of contracts which are second or "back-up" contracts. Standard Contract Form TREC No. 12-1 is promulgated for use as an addendum to be attached to promulgated forms of con-

tracts where there is a Veterans Administration release of liability or restoration entitlement. Standard Contract Form TREC No. 13-1 is promulgated for use as an addendum concerning new home insulation to be attached to promulgated forms of contracts. Standard Contract Form TREC No. 15-2 is promulgated for use as a residential lease when a seller temporarily occupies property after closing. Standard Contract Form TREC No. 16-2 is promulgated for use as a residential lease when a buyer temporarily occupies property prior to closing. Standard Contract Form 20-2 is promulgated for use in the resale of residential real estate where there is all cash or owner financing, an assumption of an existing loan, or a conventional loan. Standard Contract Form TREC No. 21-2 is promulgated for use in the resale of residential real estate where there is a Veterans Administration guaranteed loan or a Federal Housing Administration insured loan. Standard Contract Form TREC No. 23-1 is promulgated for use in the sale of a new home where construction is incomplete. Standard Contract Form TREC No. 24-1 is promulgated for use in the sale of a new home where construction is completed. Standard Contract Form TREC No. 25-1 is promulgated for use in the sale of a farm or ranch. Standard Contract Form TREC No. 26-2 is promulgated for use as an addendum concerning seller financing. Standard Contract Form TREC No. 27-0 is promulgated for use as an addendum to be attached to promulgated forms of contracts where there is an inspection

with a right to terminate. Standard Contract Form TREC No. 28-0 is promulgated for use as an addendum to be attached to promulgated forms of contracts where reports are to be obtained relating to environmental assessments, threatened or endangered species, or wetlands. Standard Contract Form TREC No. 29-0 is promulgated for use as an addendum to be attached to promulgated forms of contracts where an abstract of title is to be furnished. Standard Contract Form TREC No. 30-0 is promulgated for use in the resale of a residential condominium unit where there is all cash or seller financing, an assumption of an existing loan, or a conventional loan. Standard Contract Form TREC No. 31-0 is promulgated for use in the resale of a residential condominium unit where there is a Veterans Administration guaranteed loan or a Federal Housing Administration insured loan. Standard Contract Form TREC No. 32-0 is promulgated for use as a condominium resale certificate.

(b)-(j) (No change)

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 April 29, 1994

TRD-9440148 Mark A Moseley
General Counsel
Texas Real Estate
Commission

Effective date September 1, 1994

Proposal publication date February 22, 1994

For further information, please call (512) 465-3900

• 22 TAC §537.25

The Texas Real Estate Commission adopts the repeal of §537.25, concerning standard contract forms, without changes to the proposed text as published in the February 22, 1994, issue of the *Texas Register* (19 TexReg 1316). The repeal permits Texas real estate licensees to add to standard contract forms business details relating to the terms of conventional non-fixed rate loans instead of using form TREC Number 14-0 for that purpose. The repeal is necessary to avoid required use of an unnecessary form promulgated by the commission.

No comments were received regarding adoption of the rule

The repeal is adopted under Texas Civil Statutes, Article 6573a, §16, which provide the Texas Real Estate Commission with the authority to make and enforce rules and regulation requiring real estate brokers and salesmen to use contract forms prepared by the Texas Real Estate Broker-Lawyer Committee and promulgated by the Texas Real Estate Commission.

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 April 29, 1994.

TRD-9440147 Mark A Moseley
General Counsel
Texas Real Estate
Commission

Effective date: September 1, 1994

Proposal publication date: February 22, 1994

For further information, please call: (512) 465-3900

Texas Department of Insurance Exempt Filing

Notification Pursuant to the Insurance Code, Chapter 5, Subchapter L

(Editor's Note As required by the Insurance Code, Article 5.96 and 5.97, the Texas Register publishes notices of actions taken by the Texas Department of Insurance pursuant to Chapter 5, Subchapter L, of the Code. Board action taken under these articles is not subject to the Administrative Procedure Act)

These actions become effective 15 days after the date of publication or on a later specified date

The text of the material being adopted will not be published, but may be examined in the offices of the Texas Department of Insurance, 333 Guadalupe, Austin)

The Commissioner of Insurance at a public hearing under Docket Number 2091 on May 2, 1994 at 8:30 a.m. in Room 100 of the Texas Department of Insurance Building, 333 Guadalupe Street in Austin, Texas revised and adopted the amendments proposed by

the staff of the Workers' Compensation Division to the Texas Basic Manual of Rules, Classifications and Experience Rating Plan for Workers' Compensation and Employers' Liability Insurance (Manual) pertaining to a transition period for the calculation of experience modifiers by the insurance companies. The adopted transition period is a two-phase transition of 90 and 60 days, rather than the three-phase transition as originally proposed by the staff. Notice of the public hearing was published in the April 1, 1994, issue of the *Texas Register* (19 TexReg 2321)

For experience modifiers with an effective date of May 1, 1994, through June 30, 1995, that are either issued or revised within the first 90 days of the inception date of the policy or within 90 days of the anniversary rating date, the increase in premium due to the application of the modifier is applicable retroactive to the inception date of the policy or the anniversary rating date, if different than the effective date of the policy. For experience

modifiers with an effective date of May 1, 1994, through June 30, 1995, that are either issued or revised after the first 90 days of the effective date of the policy or after 90 days of the anniversary rating date, the increase in premium due to the application of the modifier is computed pro rata from the date the modifier is either issued or revised.

For experience modifiers with an effective date of July 1, 1995, or after that are either issued or revised within the first 60 days of the effective date of the policy or within 60 days of the anniversary rating date, the increase in premium due to the application of the modifier is applicable retroactive to the inception date of the policy or the anniversary rating date, if different than the effective date of the policy. For experience modifiers with an effective date of July 1, 1995, or after that are either issued or revised after the first 60 days of the policy or after 60 days of the anniversary rating date, the increase in premium due to the application of the modifier is

computed pro rata from the date the modifier is either issued or revised

The Commissioner of Insurance adopted this matter pursuant to the Insurance Code, Articles 5.60 and 5.96

The Commissioner of Insurance adopted the amendments to the Texas Basic Manual of Rules, Classifications and Experience Rating Plan for Workers' Compensation and Employers' Liability Insurance as set forth above and attached hereto and incorporated by reference, by Commissioner's Order Number 94-0475

A copy of the amendments containing the full text of the adopted amendments is available for review in the office of the Chief Clerk of the Texas Department of Insurance, 333

Guadalupe Street, Austin, Texas 78714-9104
For further information or to request copies of the amendments, please contact Angie Arizpe (512) 322-4147, (refer to Reference Number W-0394-08)

This notification is made pursuant to the Insurance Code, Article 5.96, which exempts it from the requirements of the Administrative Procedure Act

IT IS THEREFORE THE ORDER of the Commissioner of Insurance that the Texas Basic Manual of Rules, Classifications and Experience Rating Plan for Workers' Compensation and Employers' Liability Insurance pertaining to the two-phase transition period of 90 and 60 days for the calculation of experience modifiers is adopted to be effective of the

15th day after notice of this action is published in the *Texas Register*.

The department hereby certifies that the adoption has been reviewed by the legal counsel and found to be within the department authority to adopt

Issued in Austin, Texas, on May 4, 1994

TRD-9440287

D J Powers
Legal Counsel to the
Commissioner
Texas Department of
Insurance

Effective date May 25, 1994

For further information, please call (512) 463-6328

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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 State Board of Public Accountancy

Thursday, May 12, 1994, 9:00 a.m.

333 Guadalupe, Tower III, Suite 900

Austin

According to the complete agenda, the Executive Committee will consider discussion of pending litigation (executive session), consideration of the recommendations of the Technical Standards Review, Behavioral Enforcement, Nominating, Licensing, Constructive Enforcement, Major Case, and ad hoc Expert Witness and Consulting Services Committees. Consideration of proposed board orders, consent orders and proposals for decision, consideration of adoption of the following proposed rules or rule revisions: §§501.2 (Definitions), 501.4 (Practice of Public Accountancy), 501.43 (Advertising), 505.10 (Board Committees), 511.164 (Names on Certificates), 511.168 (Reinstatement of a Certificate), 513.24 (Restrictions), 513.47, (Affidavit of Firm), 515.2 (Initial License), 515.3 (License Renewal for Individuals and Practice Units), 515.4 (License Cancellations), 515.5 (Reinstatement), 515.8 (Retirement or Permanent Disability), 521.1 (License Fees), 523.2 (Standards for CPE Program Development), and 523.62 (Mandatory CPE Reporting).

Contact: J. Randel Hill, 333 Guadalupe, Tower III, Room 900, Austin, Texas 78701-3942, (512) 505-5542.

Filed: May 4, 1994, 9:00 a.m.

TRD-9440263

Texas Department on Aging

Thursday, May 12, 1994, 9:30 a.m.

1949 South IH-35, Third Floor, Large Conference Room

Austin

According to the complete agenda, the Citizens Advisory Council will consider and possibly act on call to order, minutes of March 10, 1994 meeting of the Citizens Advisory Council (CAC), receive public testimony, update on Texas Board on Aging actions, recommendations to Board on Aging relating to the reduction of the number of CAC members to comply with Senate Bill 383; roundtable discussion of issues and recommendations to Board on Aging, general announcements, and adjourn.

Contact: Mary Sapp, P.O. Box 12786, Austin, Texas 78711, (512) 444-2727

Filed: May 4, 1994, 4 24 p.m.

TRD-9440356

Texas Department of Agriculture

Friday, May 13, 1994, 10:00 a.m.

Texas Department of Agriculture, Expressway 83, Two Blocks West of Morningside Road

San Juan

According to the complete agenda, the Office of Hearings will hold an administrative hearing to review alleged violation of Texas Agriculture Code, §103.001-103.015 (Vernon 1982) by Fresco Produce as petitioned by Chulinos Produce.

Contact: Dolores Alvarado Hibbs, P.O. Box 12487, Austin, Texas 78711, (512) 463-7853.

Filed: May 4, 1994, 8 50 a.m.

TRD-9440262

Friday, May 13, 1994, 10:30 a.m.

Texas Department of Agriculture, Expressway 83, Two Blocks West of Morningside Road

San Juan

According to the complete agenda, the Office of Hearings will continue an administrative hearing to review alleged violation of Texas Agriculture Code, §§103.001-103.015 (Vernon 1982) by Valley Central Sales, Inc. as petitioned by Carl Bauer.

Contact: Dolores Alvarado Hibbs, P.O. Box 12487, Austin, Texas 78711, (512) 463-7853.

TRD-9440261

Friday, May 13, 1994, Noon.

Fairway Resort, 2105 South Tenth Street McAllen

According to the complete agenda, the Texas Citrus Producers Board will call to

order and opening remarks; actions: minutes from last meeting; review and action: financial statements, including status of assessment collections, discussion and action: Tristeza and budwood project, special guest, Dr Mani Skaria, review list of refund requests that have been processed, review selection of accountant/auditor for Texas Citrus Producers Board; discussion: future priorities including research and export marketing, other business, possible date and location of next meeting; and adjourn

Contact: Ray Prewett, P.O. Box 2648, McAllen, Texas 78502-2648, (210) 687-7158

Filed: May 4, 1994, 3:49 p.m.

TRD-9440355

Thursday, June 2, 1994, 10:00 a.m.

Texas Department of Agriculture, 1700 North Congress Avenue, Room 928B

Austin

According to the complete agenda, the Office of Hearings will hold an administrative hearing to review alleged violation of Texas Agriculture Code, §76.114(a) and §76.116(a)(1) and 4 TAC §7.18 and §7.22 by Curt Hemme doing business as Eagle Ag Service

Contact: Barbara B. Deane, P.O. Box 12847, Austin, Texas 78711, (512) 463-7448.

Filed: May 5, 1994, 9:20 a.m.

TRD-9440371

The State Bar of Texas

Thursday-Friday, May 12-13, 1994, 9:30 a.m. and 8:30 a.m. respectively.

The Texas Law Center, 1414 Colorado, Room 206

Austin

According to the agenda summary, the Commission for Lawyer Discipline will call to order, introductions, review and discuss minutes of prior meetings, statistical reports, compliance with State Bar Act, Texas Rules of Disciplinary procedure, Orders of the Supreme Court, General Counsel's Office, grievance committees, special counsel program, operations of the commission, internal operating rules; collection of attorneys fees; litigation dockets, closed session discuss: pending litigation, cases before evidentiary panels, personnel matters; special counsel assignments, public discuss and take action on matters discussed in closed session, discuss future meetings of the commission, discuss other matters as appropriate, receive public comment, and adjourn.

Contact: Anne McKenna, P.O. Box 12487, Austin, Texas 78711, 1-(800) 204-2222

Filed: May 4, 1994, 4:39 p.m.

TRD-9440360

Texas Department of Commerce

Wednesday, May 11, 1994, 9:00 a.m.

Eleventh Floor Board Room, Frost Bank Plaza, 816 Congress Avenue

Austin

According to the agenda summary, the Policy Board will call to order, appointment of Deborah Kastrin as executive director; adoption of minutes from meeting of April 13, 1994; amendment to Enterprise Zone rules-§176.5; requirements for designation as a recycling market development zone and respective loans or grants, adoption of ethics policy for the Texas Department of Commerce staff, approve for publication in the *Texas Register* as proposed rules the Tourism Advisory Committee rules, approve for publication in the *Texas Register* proposed Jobs Training Partnership Act rules relating to eligibility, nondiscrimination, and grievance procedures, authorize amendment to the Taxable Commercial Paper Notes Series A Program (Texas Leverage Fund), approving an amendment to the credit facility and program guidelines, approve "net earnings" calculation of the Texas Small Business Industrial Development Corporation, Office of Rural Affairs fiscal year 1994-1995 work plan; overview of strategic plan, public comments; and adjourn

Contact: Pat Segura, 816 Congress Avenue, Suite 890, Austin, Texas 78701, (512) 320-9612

Filed: May 3, 1994, 2:53 p.m.

TRD-9440237

Wednesday, May 11, 1994, 10:50 a.m.

Frost Bank Plaza, 11th Floor Board Room, 816 Congress Avenue

Austin

According to the agenda summary, the Texas Small Business Industrial Development Corporation will call to order; adoption of minutes from meeting of April 13, 1994; consider appointing new president due to resignation, approval of resolution authorizing TEXCAP to refinance an outstanding obligation issued by YMCA of the Greater Houston area, and adjourn

Contact: Pat Segura, 816 Congress Avenue, Suite 890, Austin, Texas 78701, (512) 320-9612.

Filed: May 3, 1994, 2:50 p.m.

TRD-9440235

Texas Council on Workforce and Economic Competitiveness

Wednesday, May 11, 1994, 1:00 p.m.

816 Congress Avenue

Austin

Rescheduled from 11:00 a.m.-1:00 p.m.

According to the agenda summary, the Five Region Task Force will call to order; public comment briefing; briefing on area proposals; action item on recommendations to TCWEC on area designations and adjournment.

Notice: Persons with disabilities who plan to attend this meeting and who may need auxiliary aids of services, or persons who need assistance in having English translated into Spanish, should contact Alexa Ray, (512) 305-7007 (or Relay Texas (800) 735-2988), at least two days before this meeting so that appropriate arrangements can be made.

Contact: Alexa Ray, 816 Congress Avenue, Austin, Texas 78701, (512) 305-7000.

Filed: May 3, 1994, 11:01 a.m.

TRD-9440188

Texas Department of Criminal Justice

Thursday, May 12, 1994, 8:00 a.m.

The Wyndham Warwick Hotel, 5701 Main Street

Houston

According to the complete agenda, the Board of Criminal Justice, Subcommittee on Windham and Programs will discuss Windham: Chapter 29 revision, upgrade on WSS performance review, transfer of WSS employee membership from Teachers Retirement System to the Employees Retirement System of Texas, coordinating with corrections projects; and programs.

Contact: Susan Power-McHenry, P.O. Box 13084, Austin, Texas 78711, (512) 475-3250.

Filed: May 4, 1994, 3:40 p.m.

TRD-9440343

Thursday, May 12, 1994, 9:00 a.m.

The Wyndham Warwick Hotel, 5701 Main Street

Houston

According to the complete agenda, the Board of Criminal Justice, Subcommittee on Audit and Management will discuss audit reports; review of fiscal year 1995 proposed annual audit plan; and changes in fiscal year 1994 annual audit plan.

Contact: Susan Power-McHenry, P.O. Box 13084, Austin, Texas 78711, (512) 475-3250.

Filed: May 4, 1994, 3:40 p.m.

TRD-9440342

Thursday May 12, 1994, 10:00 a.m.

The Wyndham Warwick Hotel, 5701 Main Street

Houston

According to the complete agenda, the Board of Criminal Justice, Subcommittee on Parole Division will discuss parole revocation; and other items.

Contact: Susan Power-McHenry, P.O. Box 13084, Austin, Texas 78711, (512) 475-3250.

Filed: May 4, 1994, 3:40 p.m.

TRD-9440344

Thursday, May 12, 1994, 10:30 a.m.

The Wyndham Warwick Hotel, 5701 Main Street

Houston

According to the complete agenda, the Board of Criminal Justice, Subcommittee on Minority Relations will discuss promotion and hiring practices; institutional division; parole division; agency purchasing procedures; construction and architect/engineer selection procedures; and other items.

Contact: Susan Power-McHenry, P.O. Box 13084, Austin, Texas 78711, (512) 475-3250.

Contact: May 4, 1994, 3:41 p.m.

TRD-9440345

Thursday, May 12, 1994, 1:00 p.m.

The Wyndham Warwick Hotel, 5701 Main Street

Houston

According to the complete agenda, the Board of Criminal Justice, Subcommittee on Prison Names will discuss consideration and formulation of recommendations for facility names.

Contact: Susan Power-McHenry, P.O. Box 13084, Austin, Texas 78711, (512) 475-3250.

Filed: May 4, 1994, 3:41 p.m.

TRD-9440346

Thursday, May 12, 1994, 1:30 p.m.

The Wyndham Warwick Hotel, 5701 Main Street

Houston

According to the agenda summary, the Board of Criminal Justice, Subcommittee on Construction will discuss current project

status; state jail facilities; review of construction projects for board approval; architect/engineer selection; staffing; prevailing wage rate program; and other items.

Contact: Susan Power-McHenry, P.O. Box 13084, Austin, Texas 78711, (512) 475-3250.

Filed: May 4, 1994, 3:41 p.m.

TRD-9440347

Thursday, May 12, 1994, 2:30 p.m.

The Wyndham Warwick Hotel, 5701 Main Street

Houston

According to the complete agenda, the Board of Criminal Justice, Subcommittee on Community Justice Assistance Division will discuss state jails-Mode II: final contract awards; proposed implementation rules; and proposed rules for contested cases.

Contact: Susan Power-McHenry, P.O. Box 13084, Austin, Texas 78711, (512) 475-3250.

Filed: May 4, 1994, 3:41 p.m.

TRD-9440348

Thursday, May 12, 1994, 3:30 p.m.

The Wyndham Warwick Hotel, 5701 Main Street

Houston

According to the agenda summary, the Board of Criminal Justice will meet in executive session for discussion with attorneys concerning agency litigation; discussion of matters made confidential under State Bar Disciplinary Rules of Professional Conduct; and discussion of personnel matters regarding complaints against an employee.

Contact: Susan Power-McHenry, P.O. Box 13084, Austin, Texas 78711, (512) 475-3250.

Filed: May 4, 1994, 3:41 p.m.

TRD-9440349

Texas Commission for the Deaf and Hearing Impaired

Friday, May 20, 1994, 9:00 a.m.

William B. Travis Building, 1701 North Congress Avenue, Room 1-111

Austin

According to the complete agenda, the Board will call to order, public comment; chairperson's report; approval of minutes of March 25, 1994 meeting; executive director's report; financial report; direct services report including strategic plan, additional

members for hard of hearing task force and educational interpreting task force, memorandum of understanding with Texas Employment Commission and Mental Health and Mental Retardation, and enabling statutes, Board for Evaluation of Interpreters report including certifications and revocations, design of interpreter certificate, criteria for evaluators and policy for review of close evaluation scores; sharing of information items; and adjournment.

Contact: Loyce Kessler, 4800 North Lamar Boulevard, #310, Austin, Texas 78756, (512) 451-8494.

Filed: May 5, 1994, 8:30 a.m.

TRD-9440364

Texas Planning Council for Developmental Disabilities

Thursday-Friday, May 12-13, 1994, 1:30 p.m. and 8:30 a.m. respectively.

Guest Quarters Hotel, 303 West 15th Street
Austin

According to the agenda summary, the Texas Planning Council for Developmental Disabilities will: Thursday: call to order; introductions; public comments; approval of minutes; executive director's report; overview of Developmental Disabilities Act Amendments of 1993; Planning and Evaluation Committee report, UT-Austin University Affiliated Program update, Advocacy, Inc. update; recess; Friday: reconvene; continuation of unfinished business from May 12, 1994, chair's report; partners in policy-making graduation video; Executive Committee report; Advocacy and Public Information Committee report; announcements; and adjourn.

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 Rosalinda Lopez at (512) 483-4094.

Contact: Roger Webb, 4900 North Lamar Boulevard, Austin, Texas 78751, (512) 483-4080.

Filed: May 3, 1994, 2:39 p.m.

TRD-9440232

Texas Office for Prevention of Developmental Disabilities

Thursday, May 19, 1994, 10 00 a.m.

4900 North Lamar Boulevard

Austin

According to the complete agenda, the Statewide Bicycle Helmet and Safety Coalition will call to order; introductions: members and special guests, Steve Barrow, California, and Donald Chastang, CDC, Atlanta, Georgia; task force reports: education, data collection, helmet distribution, and legislation; bicycle safety grant report; Pediatric Society Auxiliary status, DPS Bicycle Education Program, new issues and discussion; meeting schedule; and adjournment.

Contact: Jerry Ann Robinson, 4900 North Lamar Boulevard, Austin, Texas 78756, (512) 483-5042.

Filed: May 4, 1994, 3:23 p.m.

TRD-9440338

◆ ◆ ◆
Texas Diabetes Council

Friday, May 20, 1994, 9:00 a.m.

Texas Department of Health, Room G-107, 1100 West 49th Street

Austin

According to the complete agenda, the Texas Diabetes Council will discuss approval of the minutes of the February 25, 1994 meeting, and discuss and possibly act on: 1994 budget utilization, proposed 1995 budget; election of officers, diabetes program project reports, council's meeting calendar, citizens comments, and staff report

Contact: Amy Pearson, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7490 For ADA assistance, call Richard Butler at (512) 458-7695 or T D D (512) 458-7708 at least two days prior to the meeting.

Filed: May 4, 1994, 3:21 p.m.

TRD-9440333

◆ ◆ ◆
Interagency Council on Early Childhood Intervention

Wednesday, May 11, 1994, 9:00 a.m.

Texas Department of Health, Room 201-A, 4412 Spicewood Springs

Austin

According to the complete agenda, the Interagency Council on Early Childhood Intervention will conduct a briefing session (services in underserved area, and community administration of Milestones); and discuss and possibly act on: the minutes from the March 16, 1994 meeting, Advisory Committee and director's forum report, interagency agreement with the Texas Department of Human Services for computer programming necessary to support ECI, Medicaid administrative claiming project, strategic plan for fiscal years 1996-1997,

fiscal year 1995 operative budget; legislative initiative for fiscal years 1996-1997; funding needed to close out Tri-County Mental Health Mental Retardation; and adoption of 25 TAC §§621.3, 621.4, and 621.62 of the ECI rules; proposed rule amendments to 25 TAC §§621.23-621.33, 621.41-621.44, 621.46, and 621.48; new sections to the current ECI rules which relate to targeted case management.

Contact: Mary Elder, 1100 West 49th Street, Austin, Texas 78756, (512) 502-4900. 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: May 3, 1994, 4:17 p.m.

TRD-9440257

◆ ◆ ◆
Texas Education Agency

Thursday, May 12, 1994, 8:30 a.m.

William B Travis Building, Room 1-109, 1701 North Congress Avenue

Austin

According to the agenda summary, the State Board of Education (SBOE) Ad Hoc Committee on Communications will meet for review of issues relating to events identified to increase awareness of educational excellence in Texas public schools.

Contact: Criss Cloudt, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9701.

Filed: May 4, 1994, 9:41 a.m.

TRD-9440274

Thursday, May 12, 1994, 10:30 a.m.

William B Travis Building, Room 1-104, 1701 North Congress Avenue

Austin

According to the agenda summary, the State Board of Education (SBOE) Committee of the Whole will discuss public testimony, commissioner overview of May 1994 SBOE meeting; membership of advisory committees, composition of advisory committees, report of the revision of the Texas Education Code, and discussion of pending litigation. The discussion of pending litigation will be held in executive session in accordance with §551.071(1)(A), Texas Government Code, in Room 1-103, and will include a discussion of Edgewood Independent School District et al v. Meno and related school finance litigation.

Contact: Criss Cloudt, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9701.

Filed: May 4, 1994, 9:41 a.m.

TRD-9440275

Thursday, May 12, 1994, 1:00 p.m.

William B. Travis Building, Room 1-111, 1701 North Congress Avenue

Austin

According to the agenda summary, the State Board of Education (SBOE) Committee on Personnel will discuss public testimony; proposed amendments to 19 TAC Chapter 97, Planning and Accreditation; request for fee increases for the Examination for the Certification of Educators in Texas (ExCET) and the Texas Oral Proficiency Test (TOPT); report of visiting team and request for reapproval for Prairie View A&M University for an alternative certification program for teachers; recommendation for appointment to Boys Ranch Independent School District board of trustees; request from Region II, Region VI, and Region X Education Service Centers for additional alternative teacher certification areas; request from West Texas A&M University and Sul Ross State University at Uvalde for educator preparation programs; discussion of gender equity and fairness in professional staff development programs and status of counselor certification; discussion of requirements for developing state and local appraisal systems; report on ethnic/gender distribution of Texas Education Agency personnel; statewide standards on duties of a school board member; and status report on the accreditation of school districts.

Contact: Criss Cloudt, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9701.

Filed: May 4, 1994, 9:42 a.m.

TRD-9440276

Thursday, May 12, 1994, 1:00 p.m.

William B Travis Building, Room 1-100, 1701 North Congress Avenue

Austin

According to the agenda summary, the State Board of Education (SBOE) Committee on Students will discuss public testimony; 19 TAC §89.221, The Admission, Review, and Dismissal (ARD) Committee and §89.224, Local District Procedures Required; 19 TAC §75.197, Texas Advanced Placement Incentive Program; discussion of report of the State Panel on Student Skills and Knowledge and recommendations for revision of essential elements; discussion of proposed amendments to 19 TAC §89.331, State Parent Advisory Council for Migrant Education; discussion of proposed amendments to 19 TAC §75.62, Other Languages (addition of essential elements for a third year of American Sign Language); and textbook waiver requests for science.

Contact: Criss Cloudt, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9701.

Filed: May 4, 1994, 9:42 a.m.

TRD-9430277

Thursday, May 12, 1994, 1:00 p.m.

William B. Travis Building, Room 1-104,
1701 North Congress Avenue

Austin

According to the agenda summary, the State Board of Education (SBOE) Committee on School Finance will discuss public testimony; school finance update; 19 TAC Chapter 67, State Adoption and Distribution of Instructional Materials; 19 TAC §120.21, Requirements for Student Attendance Accounting for State Funding Purposes; 19 TAC §175.128, Application Fees and Other Charges; 19 TAC §89.239, Other Special Program Provisions; recommendation of the Apprenticeship and Training Advisory Committee contact-hour rate for apprenticeship training programs for fiscal year 1995; proposed 1994 priority occupations; request for approval to accept grant funds from Exxon Education Foundation; requesting permission to accept funds for innovation in Education; State Plan for Vocational and Applied Technology Education for fiscal years 1995-1996; report of the state auditor's financial and compliance audit for fiscal year 1993; and textbook waiver requests for science.

Contact: Criss Cloudt, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9701.

Filed: May 4, 1994, 9:42 a.m.

TRD-9440280

Thursday, May 12, 1994, 7:00 p.m.

Guest Quarters Hotel, Longhorn Room, 303
West 15th Street

Austin

According to the complete agenda, the State Board of Education (SBOE) will hold a dinner meeting to review the proceedings of the May SBOE meetings.

Contact: Criss Cloudt, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9701.

Filed: May 4, 1994, 9:41 a.m.

TRD-9440273

Friday, May 13, 1994, 8:30 a.m.

William B. Travis Building, Room 1-104,
1701 North Congress Avenue

Austin

According to the agenda summary, the State Board of Education (SBOE) Committee on Long-Range Planning will discuss public testimony; expert speaker-issues related to a core curriculum; approval of innovative program grants funded through the Educational Economic Policy Center; develop-

ment of the SBOE Long-Range Plan for Public Education, 1995-1999; and discussion of federal governmental relations activities.

Contact: Criss Cloudt, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9701.

Filed: May 4, 1994, 9:42 a.m.

TRD-9440278

Friday, May 13, 1994, 8:30 a.m.

William B. Travis Building, Room 1-109,
1701 North Congress Avenue

Austin

According to the agenda summary, the State Board of Education (SBOE) Committee on the Permanent School Fund (PSF) will discuss public testimony; recommended PSR investment program for May and funds available for the program; review of PSR securities transactions and the investment portfolio; and report of the PSR executive administrator.

Contact: Criss Cloudt, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9701.

Filed: May 4, 1994, 9:42 a.m.

TRD-9440279

Friday, May 13, 1994, 1:00 p.m.

William B. Travis Building, Room 1-104,
1701 North Congress Avenue

According to the agenda summary, the State Board of Education (SBOE) will discuss approval of SBOE minutes for March 11, 1994 and April 7, 1994; public testimony; SBOE resolutions; approval of consent agenda; membership of advisory committees; 19 TAC Chapter 97, Planning and Accreditation; request for fee increases for Examination for the Certification of Educators in Texas and Texas Oral Proficiency Test; Prairie View A&M University alternative certification program for teachers; 19 TAC §§189.221, The Admission, Review, and Dismissal Committee and §89.224, Local District Procedures Required; 19 TAC §75.197, Texas Advanced Placement Incentive Program; 19 TAC Chapter 67, Subchapter A, State Adoption and Distribution of Instructional Materials; 19 TAC §129.21, Requirements for Student Attendance Accounting for State Funding Purposes; 19 TAC §175.128, Application Fees and Other Charges; 19 TAC §89.239, Other Special Program Provisions; Apprenticeship and Training Advisory Committee contact-hour rate for apprenticeship training programs; proposed 1994 priority occupations; approval to accept grant funds from Exxon Education Foundation; permission to accept funds for innovation in education; State Plan for Vocational and Applied Technology Education for fiscal years 1995-1996;

approval of innovative program grants funded through the Educational Economic Policy Center; recommended Permanent School Fund investment program for May and funds available to the program; and information on agency administration.

Contact: Criss Cloudt, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9701.

Filed: May 4, 1994, 9:42 a.m.

TRD-9440281

◆ ◆ ◆
**Advisory Commission on
State Emergency Commu-
nications**

Tuesday, May 3, 1994, 1:00 p.m.

John H. Reagan Building, Room 106, 15th
Street and North Congress Avenue

Austin

Emergency Revised Agenda

According to the complete agenda, the Addressing Committee called the meeting to order and recognized guests; heard public comment; staff report; attorney general opinion on appraisal districts participation in addressing; discussion of distribution of addressing pool funds; discussion and commission action on strategic plan implementation issues; review and commission action on proposed addressing plan amendment for Alamo Area Council of Governments (Atascosa County); and adjourned.

Reason for emergency: Addition of an agenda item and rescheduling in order of presentation of an agenda item at the chairman's request.

Persons requesting interpreter services for the hearing- and speech-impaired should contact Velia Williams at (512) 327-1911 at least two working days prior to the meeting.

Contact: Jim Goerke, 1101 Capital of Texas Highway South, B-100, Austin, Texas 78746, (512) 327-1911.

Filed: May 3, 1994, 11:02 a.m.

TRD-9440192

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**Texas State Board of Exam-
iners of Social Worker Ex-
aminers**

Saturday, May 14, 1994, 9:00 a.m.

6633 Travis, Room 906, Plaza Hilton
Houston

According to the complete agenda, the Supervision Committee will discuss and possibly act on: review law as it pertains to supervision; review old certification rules;

review correspondence from applicants; issues related to supervision; and development of a draft set of rules, policies and procedures on supervision to present to the board

Contact: Michael Doughty, 1100 West 49th Street, Austin, Texas 78756, (512) 719-3521. 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: May 3, 1994, 4 17 p.m

TRD-9440256

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**Office of the Governor,
Criminal Justice Division**

Friday, May 13, 1994, 9:00 a.m.

Texas Capitol Extension 1400 Congress Avenue, Room E2 020

Austin

According to the complete agenda, the Juvenile Justice and Delinquency Prevention Advisory Committee will call to order, approval of minutes, compare mandates of Juvenile Justice and Delinquency Prevention Act with state law and discuss draft changes in Title III, Texas Family Code; public comment, and adjourn.

Contact: Jim Kester, P.O. Box 12428, Austin, Texas 78701, (512) 463-1919.

Filed: May 3, 1994, 10.30 a.m.

TRD-9440184

◆ ◆ ◆
**Texas Department of Health,
Bureau of Women and
Children**

Monday, May 16, 1994, 9:30 a.m.

Texas Department of Health, Room T-607, 1100 West 49th Street

Austin

According to the complete agenda, the Midwifery Board will discuss approval of the minutes of February 21, 1994 meeting and discuss and possibly act on. committee reports (grievance, continuing education, education, and standards); rule change recommendations, new business not requiring board action, open forum (public comments will be limited to three minutes each not to exceed allotted time of 30 minutes Persons interested in making public comments should notify the Midwifery Program, Belva Alexander (512) 458-7700, ten working days prior to the board meeting); and executive session if necessary.

Contact: Belva Alexander, 1100 West 49th Street, Austin, Texas 78756, (512)

458-7700. 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: May 3, 1994, 4:17 p.m.

TRD-9440255

◆ ◆ ◆
**Health and Human Services
Commission**

Tuesday, May 17, 1994, 10:00 a.m.

Texas Department of Health, 1100 West 49th Street

Austin

According to the complete agenda, the Advisory Committee to Develop a Tool to Assess Decision-Making Capacity for Persons with Mental Retardation and Developmental Disability, and Elderly Persons will call to order; review and approval of minutes of March meeting, discussion of changes in the draft final report and identification of issues to discuss; discussion of unresolved issues; identification of issues about which the committee will make alternate recommendations; drafting of alternate recommendations, signing of cover letter for the report; and adjourn.

If you require auxiliary aids or services or materials in alternate format, please contact Sherry McCulley at the Health and Human Services Commission at least four working days prior to the meeting.

Contact: Sherry McCulley, 4807 Spicewood Springs Road, Building Four, Austin, Texas 78759, (512) 502-3252

Filed: May 5, 1994, 8:30 a.m.

TRD-9440363

◆ ◆ ◆
**Texas Department of Housing
and Community Affairs**

**Tuesday-Wednesday, May 10-11, 1994,
Noon and 9:30 a.m. respectively.**

300 West 15th Street

Austin

Emergency Revised Agenda

According to the complete agenda, the Board will add. approval of form of bond documents and certain program documents for the 1983A Single Family Refunding.

Reason for emergency. Unforeseen need to obtain board approval for final bond documents in connection with the refunding of the 1983A Series Single Family Mortgage Revenue Bonds.

Contact: Henry Flores, 811 Barton Springs Road, Austin, Texas 78704, (512) 475-3934.

Filed: May 4, 1994, 4:33 p.m.

TRD-9440359

◆ ◆ ◆
**Texas State Affordable Housing
Corporation**

Wednesday, May 11, 1994, 10:00 a.m.

Clements Building Committee Room One, 300 West 15th Street, Fifth Floor

Austin

According to the complete agenda, the Board of Directors will call to order; approval of articles of incorporation; adoption of bylaws; consider and possibly act on: election of officers; chairman; vice chairman; secretary; treasurer; president; general organization corporate matters; public comment; and adjourn.

Individuals who require auxiliary aids or services for this meeting should contact Aurora Carvajal, ADA responsible employee, at (512) 475-3822 or Relay Texas at 1-800-735-2989 at least two days before the meeting so that appropriate arrangements can be made.

Contact: Henry Flores, 311 Barton Springs Road, Austin, Texas 78704, (512) 475-3916.

Filed: May 3, 1994, 2:50 p.m.

TRD-9440234

◆ ◆ ◆
**Texas Department of Human
Services**

Thursday, May 12, 1994, 10:30 a.m.

701 West 51st, Sixth Floor, West Tower, Room 651

Austin

According to the complete agenda, the Advisory Committee on Nursing Facility Affairs will call the roll; introduce visitors; approve committee minutes; discuss proposed rule changes; discuss subcommittee structure; discuss other items of interest; hear the Long Term Care director's update; and adjourn.

Contact: Mary Sidelnik, P.O. Box 149030, Austin, Texas 78714-9030, (512) 834-6770.

Filed: May 3, 1994, 3:51 p.m.

TRD-9440247

Texas General Land Office

Friday, May 13, 1994, 3:00 p.m.

1700 North Congress Avenue, SFA Building, Room #831

Austin

According to the complete agenda, the Veterans Land Board will discuss approval of the April 27, 1994, minutes of the Veterans Land Board meeting; consideration of forfeiture action on delinquent Veterans Land Program accounts; and consideration of forfeiture action on land accounts for tax suits.

Contact: Karen Pratt, 1700 North Congress Avenue, Room 700, Austin, Texas 78701, (512) 463-5171.

Filed: May 3, 1994, 11:02 a.m.

TRD-9440191

Texas Life, Accident, Health and Hospital Service Insurance Guaranty Association

Wednesday, May 11, 1994, 10:00 a.m.

301 Congress Avenue, Suite 500, Board Room

Austin

According to the agenda summary, the Audit Committee will meet for consideration and possible action on: approval of minutes; review of independent auditor reports for year ended December 31, 1993; executive session; matters discussed in executive session; audit for year ending December 31, 1994; internal control procedures, policies, and framework; and next meeting.

Contact: C. S. LaShelle, 301 Congress Avenue, #500, Austin, Texas 78701, (512) 476-5101.

Filed: May 3, 1994, 11:03 a.m.

TRD-9440195

Texas State Board of Medical Examiners

Thursday, May 5, 1994, 11:00 a.m.

1812 Centre Creek Drive, Suite 300

Austin

Emergency Meeting

According to the complete agenda, the Disciplinary Panel called to order; roll call, consideration of the temporary suspension of the license of Ira Mark Levin, M.D., license #J-3142; and adjourned. Executive session under the authority of the Open Meetings Act, §551.071 of the Government

Code, and Article 4495b, §2.07(b) and §2.09(o), Texas Revised Civil Statutes, to consult with counsel regarding pending or contemplated litigation.

Reason for emergency: Information has come to the attention of the agency and required prompt consideration.

Contact: Pat Wood, P.O. Box 149134, Austin, Texas 78714-9134, (512) 834-7728, Ext. 402.

Filed: May 4, 1994, 2:39 p.m.

TRD-9440332

Wednesday, May 11, 1994, 9:00 a.m.

1812 Centre Creek Drive, Suite 300

Austin

According to the complete agenda, the Hearings Division will meet at 9:00 a.m. - modification request-Floyd Leon House, M.D., Brownsville, Texas; Raul Rivera, M.D., El Paso, Texas, probation appearance; termination request, Joseph Merl Long, M.D., Victoria, Texas; termination request, Larry D. Wilson, M.D., Austin, Texas; request for termination of suspension, Paul Eugene McLean II, M.D., Kilgore, Texas.

Contact: Pat Wood, P.O. Box 149134, Austin, Texas 78714-9134, (512) 834-7728, Ext. 402.

Filed: May 3, 1994, 2:36 p.m.

TRD-9440210

Texas Council on Offenders with Mental Impairments

Monday, May 16, 1994, 12:30 p.m.

TDCJ-Pardons and Paroles Building, 8610 Shoal Creek Boulevard

Austin

According to the complete agenda, the Executive Committee will call the meeting to order; approve minutes from the previous meeting; discuss the Continuity of Care Draft Paper; committee reports; Council agenda for July 11th; hear executive director's report; and adjourn.

Contact: Dee Kifowit, 8610 Shoal Creek Boulevard, Austin, Texas 78757, (512) 406-5406.

Filed: May 3, 1994, 11:01 a.m.

TRD-9440189

Texas Mental Health and Mental Retardation Board

Thursday, May 12, 1994, 8:30 a.m.

909 West 45th Street, Auditorium

Austin

Revised Agenda

According to the revised agenda summary, the Planning and Policy Development Committee will add to the previously posted agenda: consideration of a Task Force on Equity of Access; and consideration of approval of adoption of emergency new §401.25 (relating to a Texas Force on Equity of Access) of Chapter 401, Subchapter A, Governing Advisory Committees.

If ADA assistance or deaf interpreters are required, notify TXMHMR, (512) 323-3255 (voice, TDD, Relay Texas), Ernest Fuentes, 72 hours prior to the meeting.

Contact: Ellen Hurst, P.O. Box 12668, Austin, Texas 78711, (512) 206-4506.

Filed: May 3, 1994, 5:08 p.m.

TRD-9440260

Friday, May 13, 1994, 9:00 a.m.

909 West 45th Street, Auditorium

Austin

Revised Agenda

According to the revised agenda summary, the Texas Mental Health and Mental Retardation Board will add to the previously posted agenda: consideration of a Task Force on Equity of Access; and consideration of approval of adoption of emergency new §401.25 (relating to a Task Force on Equity of Access) of Chapter 401, Subchapter A, Governing Advisory Committees.

If ADA assistance or deaf interpreters are required, notify TXMHMR, (512) 323-3255 (voice, TDD, Relay Texas), Ernest Fuentes, 72 hours prior to the meeting.

Contact: Ellen Hurst, P.O. Box 12668, Austin, Texas 78711, (512) 206-4506.

Filed: May 3, 1994, 5:07 p.m.

TRD-9440259

Texas Natural Resource Conservation Commission

Wednesday, May 4, 1994, 9:00 a.m.

1700 North Congress Avenue, Stephen F. Austin State Building, Room 118

Austin

Emergency Meeting

According to the agenda summary, the Commission held an emergency order to authorize Gulf Coast Waste Disposal Authority to discharge up to three million gallons per day of treated wastewater into Taylor Bayou, then to Taylor Lake the to Clear Lak.

Reason for emergency: (This item needs to be posted on an emergency basis due to the potential overflow of wastewater treatment ponds and imminent threat to public health and safety.)

Contact: Doug Kitts, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-7905.

Filed: May 3, 1994, 2:39 p.m.

TRD-9440231

Wednesday, May 18, 1994, 1:30 p.m.

Texas A&M University Corpus Christi, Conrad Blucher Institute, 6300 Ocean Drive
Corpus Christi

According to the complete agenda, the Kick-Off Celebration Coordination Committee of the Corpus Christi Bay National Estuary Program will call to order, introduction, minutes; subcommittee reports; review of planning time line; other items, next meeting date; and adjourn.

Contact: Richard Volk, TAMU-CC, Campus Box 290, Corpus Christi, Texas 78412, (512) 985-6767.

Filed: May 4, 1994, 3:45 p.m.

TRD-9440350

◆ ◆ ◆
Texas Board of Pardons and Paroles

Thursday, May 12-13, 1994, 9:00 a.m.

Park Inn-1407 IH-35

Huntsville

According to the agenda summary, the Board Workshop will call to order by chairman; discussion of items: parole and the parole process; revocation hearings and the revocation process; mandatory supervision; board policies; T. D.C.J. programs and policies affecting the board; finance and budget, executive clemency; S.C.R. 26 Program; personnel policy; hearings; training programs; agency rules; legislation relevant to the board; parole certificate; interagency relations; litigation update; and adjournment.

Contact: Juanita Llamas, 8610 Shoal Creek Boulevard, Austin, Texas 78759, (512) 406-5407.

Filed: May 3, 1994, 2:50 p.m.

TRD-9440236

◆ ◆ ◆
Public Utility Commission of Texas

Friday, May 13, 1994, 9:00 a.m.

7800 Shoal Creek Boulevard

Austin

According to the complete agenda, the Hearings Division will hold a joint prehearing conference in Tariff Control Numbers 12475 and 12481: Tariff Control Number 12475-application of GTE Southwest Inc. for approval of LRIC workplan pursuant to Substantive Rule §23.91; Tariff Control Number 12481-application of Southwestern Bell Telephone Company for approval of LRIC workplan pursuant to Substantive Rule §23.91.

Contact: John M. Renfrow, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: May 4, 1994, 3:22 p.m.

TRD-9440335

Tuesday, May 17, 1994, 9:00 a.m.

7800 Shoal Creek Boulevard

Austin

According to the complete agenda, the Hearings Division will hold a prehearing conference in Docket Number 12957-application of Houston Lighting and Power Company for approval of Experimental Tariff for Special Contract Pricing, Rate Schedule SCP.

Contact: John M. Renfrow, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: May 4, 1994, 11:01 a.m.

TRD-9440187

Tuesday, May 24, 1994, 10:00 a.m.

7800 Shoal Creek Boulevard

Austin

According to the complete agenda, the Public Utility Commission of Texas will hold a hearing on the merits in Docket Number 12916-application of Southwestern Electric Power Company to adjust fixed fuel factors.

Contact: John M. Renfrow, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: May 4, 1994, 11:02 a.m.

TRD-9440308

◆ ◆ ◆
Council on Sex Offender Treatment

Thursday, May 12, 1994, 10:00 a.m.

Department of Health Building, 909 West 45th Street 295

Austin

According to the complete agenda, the Council on Sex Offender Treatment and the Interagency Advisory Committee will convene; work session on strategic planning; and adjourn.

Contact: Eliza May, P.O. Box 12546, Austin, Texas 78711, (512) 463-2323.

Filed: May 4, 1994, 11:03 a.m.

TRD-9440312

Thursday, May 12, 1994, 4:00 p.m.

Department of Health Building, 909 West 45th Street 295

Austin

According to the complete agenda, the Council on Sex Offender Treatment will convene; discussion and possible action on strategic plan; discussion and possible action on fair labor standards policy; discussion and possible action on reclassification of executive director; discussion and possible action on legislative initiatives; discussion and possible action on continuing education issues; discussion and possible action on standards of practice; public testimony; other business; and adjourn.

Contact: Eliza May, P.O. Box 12546, Austin, Texas 78711, (512) 463-2323.

Filed: May 4, 1994, 11:03 a.m.

TRD-9440311

◆ ◆ ◆
State Board of Examiners for Speech-Language Pathology and Audiology

Saturday, May 14, 1994, 1:30 p.m.

Audio Acoustics, 3813 22nd Street

Lubbock

According to the complete agenda, the State Board of Examiners for Speech-Language Pathology and Audiology will discuss and possibly act on: the 30-day trial period for fitting and dispensing hearing aids, ambient noise levels and enforcement procedures, hearing screening, licensure of assistant in audiology, level II, and certification of persons doing electrophysiological testing; and draft proposed rules may be prepared to be presented to the board meeting scheduled for September 16, 1994.

Contact: Dorothy Cawthon, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6627. 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: May 4, 1994, 3:22 p.m.

TRD-9440334

Teacher Retirement System of Texas

Friday, May 20, 1994, 2:00 p.m.

1000 Red River, Fifth Floor Board Room
Austin

According to the complete agenda, the Retirees Advisory Committee will call to order; introduction of guests and visitors; approval of minutes of March 18, 1994 meeting; legislative update; report on TRS Coordinated Care Networks; report on status of TRS-Care Fund; staff recommendation regard TRS-Care funding; public comment regarding staff recommendation; consideration of staff recommendation; report on school district certification; report on health insurance study mandated by House Bill 2711; administrative remarks; and adjournment.

Contact: Stanford Blake, 1000 Red River, Austin, Texas 78701-2698, (512) 397-6394.

Filed: May 5, 1994, 9:49 a.m.

TRD-9440378



Texas State Technical College System

Friday, May 13, 1994, 1:00 p.m.

TSTC East Texas Center at Marshall, 2400 East End Boulevard South

Marshall

According to the agenda summary, the Board of Regents will discuss and review the following TSTC Policy Committee minute orders and reports: committee of the whole; policy committee for instruction and student service; policy committee for human resources and development; policy committee for fiscal affairs, policy committee for facilities; and committee of the whole.

Contact: Sandra J. Krumnow, 3801 Campus Drive, Waco, Texas 76705, (817) 867-4890.

Filed: May 3, 1994, 11:53 a.m.

TRD-9440197

Saturday, May 14, 1994, 9:00 a.m.

TSTC East Texas Center at Marshall, 2400 East End Boulevard South

Marshall

According to the agenda summary, the Board of Regents will discuss and act on the following minute orders: admissions and registration of regular matriculated students, expanded statement of institutional purpose, requests for budget change, tuition and fees, housing rental rates, service charges and deposits schedule, emoluments, board plan

rates, loan unexpended plant funds for construction costs coverage, release unexpected plant funds for emergency construction needs, RPT Corporation Lease, excess property sale, policy: employee probationary periods, equal employment opportunity/affirmative action, employment contracts, foundation annual operating plan, resolutions: Senator Bill Ratliff, Ruby Johnson, minute orders to be rescinded, FY 1995 operating budget, strategic plan concept, philosophy and overall goals.

Contact: Sandra J. Krumnow, 3801 Campus Drive, Waco, Texas 76705, (817) 867-4890.

Filed: May 3, 1994, 11:54 a.m.

TRD-9440198

Saturday, May 14, 1994, 9:15 a.m.

TSTC East Texas Center at Marshall, 2400 East End Boulevard South

Marshall

According to the agenda summary, the Board of Regents will discuss the following item IX of the agenda and shown as Item X the Board of Regents will go into executive session in accordance with Chapter 551 of the Texas Government Code for the specific purpose provided in §551.071 and will discuss the following: litigation Blankenship v. William H. Cox, Don E. Goodwin and Texas State Technical Institute and Blankenship v. Texas State Technical College.

Contact: Sandra J. Krumnow, 3801 Campus Drive, Waco, Texas 76705, (817) 867-4890.

Filed: May 3, 1994, 11:56 a.m.

TRD-9440199



Texas Tech University

Thursday, May 12, 1994, 1:30 p.m.

Health Sciences Center Building, Room, 2B152, Campus

Lubbock

According to the complete agenda, the Academic and Student Affairs Committee/Board of Regents will approve March 31, 1994 committee meeting minutes; consider: approval of the State Strategic Plan for Texas Tech University; approval of revisions to the Student Affairs Handbook and Code of Student Conduct to be effective August 1, 1994; granting of academic tenure with appointment; ratification of administrative actions related to academic and student affairs: conferral of degrees for May 14, 1994, commencement, commissioning of peace officers, establish the Institute for Design and Advanced Technology, and establish the Center for Feed and Industry Research and Education; and reports.

Contact: Donna Davidson Kittrell, Box 42011, Lubbock, Texas 79409, (806) 742-2161.

Filed: May 4, 1994, 10:47 a.m.

TRD-9440295

Thursday, May 12, 1994, 2:00 p.m.

Health Sciences Center Building, Room 2B152, Campus

Lubbock

According to the complete agenda, the Finance and Administration Committee/Board of Regents will approve March 31, 1994, committee meeting minutes; consider: approval of fees to be assessed and charged to regularly enrolled and prospective students beginning with the fall semester, 1994; Texas Tech University Operating Budget for fiscal year 1995; approval and adoption of Investment Policy Statement for Endowment Funds; approval of a contract between Texas Tech University and the City of Lubbock to provide campus bus service; approval to award a contract for printing of The University Daily for fiscal year 1995 and fiscal year 1996; award of concession contract for the University Center to provide canned soft drinks and snacks, and to offer cases for resale for the period August 1, 1994-August 31, 1996; approval of the contract to provide video game machines and service in the residence halls for the period September 1, 1994-August 31, 1996; and ratification of administration actions relating to Finance: delegation of officers and/or administrators to approve official travel reimbursements from appropriated funds and delegation of officers and/or employees to authorize and approve expenditures from appropriated funds; and reports.

Contact: Donna Davidson Kittrell, Box 42011, Lubbock, Texas 79409 (806) 742-2161.

Filed: May 4, 1994, 10:47 a.m.

TRD-9440296

Thursday, May 12, 1994, 3:00 p.m.

Health Sciences Center Building, Room 2B152, Campus

Lubbock

According to the complete agenda, the Campus Building Committee/Board of Regents will approve March 31, 1994 committee meeting minutes; consider: authorization for the president to award a construction contract for the refrigerant upgrade at Central heating and Cooling Plant I; authorization for the president to award a construction contract for the refrigerant upgrade at Central Heating and Cooling Plant II; authorization for the president to award a construction contract for the expansion of the Texas Tech Museum Building for the Diamond M Art Collection of C. T. and Claire

McLaughlin; authorization for the president to award a construction contract, with the concurrence of the chair of the board and the chair of the campus and Building Committee, to replace the third floor roofs on the Business Administration Building; and approval of the location of the site, approval of the schematic design and authorization for the president to proceed with design development for the construction of a facility for the Southwest Collection/Special Collections Library and the approval to name the facility the "Southwest Collection/Special Collections Library"; and reports.

Contact: Donna Davidson Kittrell, Box 42011, Lubbock, Texas 79409 (806) 742-2161.

Filed: May 4, 1994, 10:49 a.m.

TRD-9440297

Thursday, May 12, 1994, 3:30 p.m.

Health Sciences Center Building, Room 2B152, Campus

Lubbock

According to the complete agenda, the Research Committee/Board of Regents will discuss reports.

Contact: Donna Davidson Kittrell, Box 42011, Lubbock, Texas 79409, (806) 742-2161.

Filed: May 4, 1994, 10:50 a.m.

TRD-9440298

Thursday, May 12, 1994, 3:35 p.m.

Health Sciences Center Building, Room 2B152, Campus

Lubbock

According to the complete agenda, the Development Committee/Board of Regents will consider: appointment of members to the board of directors of the Texas Tech University Foundation; and reports.

Contact: Donna Davidson Kittrell, Box 42011, Lubbock, Texas 79409, (806) 742-2161.

Filed: May 4, 1994, 10:50 a.m.

TRD-9440299

Friday, May 13, 1994, 10:30 a.m.

Administration Building, Board Suite, Campus

Lubbock

According to the agenda summary, the Board of Regents will discuss reports and action on: minutes; president's report; academic and student affairs; finance and administration; campus and building; and development.

Contact: Donna Davidson Kittrell, Box 42011, Lubbock, Texas 79409, (806) 742-2161.

Filed: May 4, 1994, 10:46 a.m.

TRD-9440294

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Texas Tech University Health Sciences Center

Thursday, May 12, 1994, 1:45 p.m.

Health Sciences Center Building, Room 2B152, Campus

Lubbock

According to the complete agenda, the Academic, Clinical and Student Affairs Committee/Board of Regents will approve March 31, 1994 committee meeting minutes; consider: approval of the State Strategic Plan for Texas Tech University Health Sciences Center; approval of the agreement between Texas Tech University Health Sciences Center and R. E. Thomason General Hospital (El Paso, Texas) for funding of resident services; approval of the addendum to the Master Coordinating Agreement between Texas Tech University Health Sciences Center and University Medical Center (Lubbock, Texas) for funding of resident services; approval of the Resident Support Agreement between Texas Tech University Health Sciences Center and Amarillo Hospital District (Amarillo, Texas); approval of the addendum to the Affiliation Agreement between Tech University Health Sciences Center and Saint Mary of the Plains Hospital (Lubbock, Texas), for funding of resident services; granting of academic tenure with appointment; and ratification conferral of degrees for May 21, 1994, commencement and commissioning of peace officers; and reports

Contact: Donna Davidson Kittrell, Box 42011, Lubbock, Texas 79409 (806) 742-2161.

Filed: May 4, 1994, 10:50 a.m.

TRD-9440301

Thursday, May 12, 1994, 2:00 p.m.

Health Sciences Center Building, Room 2B152, Campus

Lubbock

According to the complete agenda, the Finance and Administration/Board of Regents will approve March 31, 1994 committee meeting minutes; consider: approval of fees to be assessed and charged to regularly enrolled and prospective student beginning with the fall semester, 1994; Texas Tech University Health Sciences Center Operating Budget for fiscal year 1995; approval and adoption of Investment Policy Statement for Endowment Funds; and salary adjustments to be effective September 1, 1994; and reports.

Contact: Donna Davidson Kittrell, Box 42011, Lubbock, Texas 79409 (806) 742-2161.

Filed: May 4, 1994, 10:51 a.m.

TRD-9440302

Thursday, May 12, 1994, 3:00 p.m.

Health Sciences Center Building, Room 2B152, Campus

Lubbock

According to the complete agenda, the Campus and Building Committee/Board of Regents will approve March 31, 1994 committee meeting minutes; consider: authorization for the president to award a construction contract for the renovation and enclosure of the patio deck and atrium courtyard of the Health Sciences Center Building, Lubbock, Texas; authorization for the President to award a construction contract for the Phase III development of research laboratories and faculty offices on the fifth level, Pod C, of the Health Sciences Center Building, Lubbock, Texas; and approval of the location of the site and authorization for the president to proceed with planning and to appoint a project architect for the construction of a library/conference center in the Health Sciences Center, Lubbock, Texas; and reports.

Contact: Donna Davidson Kittrell, Box 42011, Lubbock, Texas 79409 (806) 742-2161.

Filed: May 4, 1994, 10:51 a.m.

TRD-9440303

Thursday, May 12, 1994, 3:30 p.m.

Health Sciences Center Building, Room 2B152, Campus

Lubbock

According to the complete agenda, the Research Committee/Board of Regents will discuss reports.

Contact: Donna Davidson Kittrell, Box 42011, Lubbock, Texas 79409 (806) 742-2161.

Filed: May 4, 1994, 10:51 a.m.

TRD-9440304

Thursday, May 12, 1994, 3:35 p.m.

Health Sciences Center Building, Room 2B152, Campus

Lubbock

According to the complete agenda, the Development Committee/Board of Regents will discuss reports.

Contact: Donna Davidson Kittrell, Box 42011, Lubbock, Texas 79409 (806) 742-2161.

Filed: May 4, 1994, 10:51 a.m.

TRD-9440305

Friday, May 13, 1994, 11:15 a.m.

Administrations Building, Board Suite, Campus

Lubbock

According to the agenda summary, the Board of Regents will discuss reports and action on minutes, academic, clinical, and student affairs; finance and administration, campus and building; and development.

Contact: Donna Davidson Kittrell, Box 42011, Lubbock, Texas 79409 (806) 742-2161.

Filed: May 4, 1994, 10:50 a.m.

TRD-9440300

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**Texas Council on Workforce
and Economic Competitive-
ness**

Thursday, May 12, 1994, 9:00 a.m.

Frost Bank Plaza, 316 Congress Avenue, Suite 1140

Austin

According to the complete agenda, the Strategic Plan Task Force will call to order, public comment, report and recommendations on core performance measures from the Performance and Evaluation Committee, break; review and discussion of part two of the Workforce Development System Strategic Plan, action item, recommendation of part two of the Workforce Development System Strategic Plan and implementation guidelines to the full council; and adjourn.

Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services or persons who need assistance in having English translated into Spanish, should contact Alexa Ray, (512) 305-7007 (or Relay Texas (800) 735-2988), at least two days before this meeting so that appropriate arrangements can be made.

Contact: Alexa Ray, P.O. Box 2241, Austin, Texas 78768, (512) 305-7007.

Filed: May 4, 1994, 9:30 a.m.

TRD-9440271

Thursday, May 12, 1994, 2:00 p.m.

Frost Bank Plaza, 816 Congress Avenue, Suite 1140

Austin

According to the complete agenda, the Executive Committee will call to order, action item, review and adoption of the state agency strategic plan and briefing item: fiscal year 1995 operating budget, and adjourn.

Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services or persons who need assistance in having English translated into Spanish, should contact Alexa Ray, (512) 305-7007 (or Relay Texas (800) 735-2988), at least two days before this meeting so that appropriate arrangements can be made.

Contact: Alexa Ray, P.O. Box 2241, Austin, Texas 78768, (512) 305-7007

Filed: May 4, 1994, 9:29 a.m.

TRD-9440270

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Regional Meetings

Meetings Filed May 3, 1994

The Canyon Regional Water Authority Regular Board met at the Guadalupe Fire Training Facility, 850 Lakeside Pass Drive, New Braunfels, May 9, 1994, at 7:00 p.m. Information may be obtained from Cathy C. Talcott, Route 2 Box 654 W, New Braunfels, Texas 78130-9579, (210) 609-0543 TRD-9440229

The Central Texas Area Consortium Bluebonnet Health and Human Services, Inc. met at the Hallmark Restaurant, Sixth Street at III-35 Belton, May 6, 1994, at Noon. Information may be obtained from Wynonah Wineman, P.O. Box 937, Belton, Texas 76513, (817) 933-8663, Fax (817) 933-8665 TRD-9440193

**The Concho Valley Council of Govern-
ments** Private Industry Council will meet at 5014 Knickerbocker Road, San Angelo, May 11, 1994, at 3:00 p.m. Information may be obtained from Monette Molinar, 5002 Knickerbocker Road, San Angelo, Texas 76904, (915) 944-9666 TRD-9440190.

**The Concho Valley Council of Govern-
ments** Executive Committee will meet at 5014 Knickerbocker Road, San Angelo, May 11, 1994, at 7:00 p.m. Information may be obtained from Robert Weaver, P.O. Box 60050, San Angelo, Texas 76906, (915) 944-9666 TRD-9440196

The Education Service Center Region 12 (Emergency meeting.) Board of Directors will meet at 2101 West Loop 340, Waco, May 10, 1994, at 1:00 p.m. The emergency meeting is necessary to approve resolution for refinancing, ESC building. Information may be obtained from Harry J. Beavers, P.O. Box 1249, Waco, Texas 76712, (817) 666-0707 TRD-9440239

The Hansford Appraisal District Regular Board will meet at 709 West Seventh Street, Spearman, May 11, 1994, at 9:00 a.m. Information may be obtained from Alice Peddy, P.O. Box 519, Spearman, Texas 79081-0519, (806) 659-5575 TRD-9440194

The Hood County Appraisal District Board of Directors will meet at the District Office, 1902 West Pearl Street, Granbury, May 10, 1994, at 7:30 p.m. Information may be obtained from Harold Chesnut, P.O. Box 819, Granbury, Texas 76048, (817) 573-2471 TRD-9440245

The Hood County Appraisal District Appraisal Review Board will meet at the District Office, 1902 West Pearl Street, Granbury, May 12, 1994, at 9:00 a.m. Information may be obtained from Harold Chesnut, P.O. Box 819, Granbury, Texas 76048, (817) 573-2471 TRD-9440240

The Middle Rio Grande Development Council Budget Committee met in the MRGDC Central Office Conference Room, 1904 North First Street, Carrizo Springs, May 6, 1994, at 10:00 a.m. Information may be obtained from Paul A. Edwards, P.O. Box 1199, Carrizo Springs, Texas 78834, (210) 876-3533 TRD-9440233

The San Jacinto River Authority Board of Directors met at the Woodlands Executive Conference Center and Resort, 2302 North Millbend Drive, The Woodlands, May 9, 1994, at 1:30 p.m. Information may be obtained from James K. Adams, P.O. Box 329, Conroe, Texas 77305, (409) 888-1111 TRD-9440186

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Meetings Filed May 4, 1994

The Austin Transportation Study Policy Advisory Committee met in Room 2102, the Joe C. Thompson Conference Center, 26th and Red River, Austin, May 9, 1994, at 6:00 p.m. Information may be obtained from Michael R. Aubek, P.O. Box 1388, Austin, Texas 78767, (512) 499-6441 or (512) 499-2275 TRD-9440307

The Austin-Travis County MHMR Center Board of Trustees, Human Resources Committee will meet in the Board Room, 1430 Collier Street, Austin, May 11, 1994, at 4:30 p.m. Information may be obtained from Sharon Taylor, 1430 Collier Street, Austin, Texas 78704, (512) 440-4631 TRD-9440323

The Bexar-Medina-Matagorda Counties Water Control and Improvement District Number One Board of Directors met at 226 Highway 152, Natalia, May 9, 1994, at 8:00 a.m. Information may be obtained from John M. Ward III, P.O. Box 170, Natalia, Texas 78059, (210) 663-2132 TRD-9440329

The Brazos Valley Development Council Executive Committee Meeting will meet in the Council Conference Room, 1306 East 29th Street, Bryan, May 12, 1994, 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-9440330

The Cass County Appraisal District Board of Directors met at the Cass County Appraisal District Office, 502 North Main Street, Linden, May 9, 1994, at 7:00 p.m. Information may be obtained from Janelle Clements, P.O. Box 1150, Linden, Texas 75563, (903) 756-7545. TRD-9440337.

The Central Appraisal District of Taylor County Board of Directors will meet at 1534 South Treadaway, Abilene, May 11, 1994, at 3:30 p. m. Information may be obtained from Richard Petree, P.O. Box 1800, Abilene, Texas 79604, (915) 676-9381. TRD-9440357.

The Deep East Texas Council of Governments DET Regional Economic Development Committee met at the Ramada Inn, 249 East Gibson, Highway 190, Jasper, May 9, 1994, at Noon. Information may be obtained from Rusty Phillips, 274 East Lamar, Jasper, Texas 75951, (409) 384-5704. TRD-9440339.

The Denton Central Appraisal District Appraisal Review Board Meeting will meet at 3911 Morse Street, Denton, May 18, 1994, at 9:00 a.m. Information may be obtained from John Brown, 3911 Morse Street, Denton, Texas 76202, (817) 566-0904. TRD-9440269.

The Education Service Center, Region XI Board of Directors will meet at the Education Service Center, Region XI, 3001 North Freeway, Fort Worth, May 17, 1994, at Noon. Information may be obtained from Dr. Ray Chancellor, 3001 North Freeway, Fort Worth, Texas 76106, (817) 625-5311. TRD-9440265.

The Education Service Center, Region XVI Board of Directors met in the Board Room, Region XVI Education Service Center, 1601 South Cleveland, Amarillo, May 9, 1994, at 2:00 p.m. Information may be obtained from Jim Holmes, P.O. Box 30600, Amarillo, Texas 79120, (806) 376-5521. TRD-9440336.

The Edwards Central Appraisal District (Rescheduled from March 31, 1994.) Board of Directors will meet at the County Annex Building, Rocksprings, May 19, 1994, at 10:00 a.m. Information may be obtained from Natalie Pruitt, P.O. Box 378, Rocksprings, Texas 78880, (210) 683-4189. TRD-9440326.

The Fisher County Appraisal District Appraisal Review Board will meet in the Fisher County Commissioner's Court Room, Fisher County Courthouse, Roby, May 16, 1994, at 6:00 a.m. Information may be obtained from Betty Mize, Box 516, Roby, Texas 79543, (915) 776-2733 TRD-9440322.

The Garza County Appraisal District Appraisal Review Board will meet at the Appraisal District Office, 124 East Main, Post,

May 16, 1994, at 2: 00 p.m. Information may be obtained from Billie Y. Windham, P.O. Drawer F, Post, Texas 79356, (806) 495-3518. TRD-9440328.

The Gregg County Appraisal District Board of Directors will meet at 2010 Gilmer Road, Longview, May 10, 1994, at 11:00 a.m. Information may be obtained from William T. Carroll, 2010 Gilmer Road, Longview, Texas 75604, (903) 759-0015. TRD-9440306.

The Hansford Appraisal District (Revised Agenda.) Regular Board will meet at 709 West Seventh Street, Spearman, May 11, 1994, at 9:00 a.m. Information may be obtained from Alice Peddy, P.O. Box 519, Spearman, Texas 79081-0519, (806) 659-5575. TRD-9440353.

The High Plains Underground Water Conservation District Number One Board of Directors will meet in the Conference Room, 2930 Avenue Q, Lubbock, May 10, 1994, at 10:00 a.m. Information may be obtained from A. Wayne Wyatt, 2930 Avenue Q, Lubbock, Texas 79405, (806) 762-0181. TRD-9440358.

The Johnson County Rural Water Supply Corporation Finance Committee Meeting met at the JCRWSC Office, Highway 171 South, Cleburne, May 9, 1994, at 6:00 p.m. Information may be obtained from Peggy Johnson, P.O. Box 509, Cleburne, Texas 76033, (817) 645-6646. TRD-9440352

The Johnson County Rural Water Supply Corporation Public Relations Committee met at the JCRWSC Office, Highway 171 South, Cleburne, May 9, 1994, at 6:00 p.m. Information may be obtained from Peggy Johnson, P.O. Box 509, Cleburne, Texas 76033, (817) 645-6646. TRD-9440365.

The Johnson County Rural Water Supply Corporation Special Board met at the JCRWSC Office, Highway 171 South, Cleburne, May 9, 1994, at 7:00 p. m. Information may be obtained from Peggy Johnson, P.O. Box 509, Cleburne, Texas 76033, (817) 645-6646. TRD-9440351.

The Kempner Water Supply Corporation Board of Directors will meet at the Kempner Water Supply Corporation Office, Highway 190, Kempner, May 10, 1994, at 7:00 p.m. Information may be obtained from Doug Lavender, P.O. Box 103, Kempner, Texas 76539, (512) 932-3701. TRD-9440354.

The Lometa Rural Water Supply Corporation Board of Directors met at the Lometa Rural Water Supply Corporation Office, 506 West Main Street, P.O. Box 158, Lometa, May 9, 1994, at 7:00 p.m. Information may be obtained from Tina Hodge or Levi G Cash III, P.O. Box 158, Lometa, Texas 76853, (512) 752-3505. TRD-9440309

The South Franklin Water Supply Corporation Board of Directors will meet at the Office of South Franklin Water Supply Corporation, Highway 115, South of Mount Vernon, May 10, 1994, at 7:00 p.m. Information may be obtained from Richard Zachary, P.O. Box 591, Mount Vernon, Texas 75457, (903) 860-3400. TRD-9440310.

The Wood County Appraisal District Board of Directors will meet in the Conference Room, 217 North Main, Quitman, May 12, 1994, at 1:30 p.m. Information may be obtained from W. Carson Wages or Lou Brooke, P.O. Box 518, Quitman, Texas 75783-0518, (903) 763-4891. TRD-9440327.

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Meetings Filed May 5, 1994

The Ark-Tex Council of Governments Ark-Tex Private Industry Council met at the Region VIII Education Service Center, 2230 North Edwards Avenue, Mount Pleasant, May 9, 1994, at 1:00 p.m Information may be obtained from Cindy Wright, P.O. Box 5307, Texarkana, Texas 75505, (903) 832-8636. TRD-9440361.

The Blanco County Appraisal District 1994 Board of Directors will meet at the Courthouse Annex in Blanco County, Avenue G and Seventh Street, Johnson City, May 10, 1994, at 5:00 p.m. Information may be obtained from Hollis Boatright, P.O. Box 338, Johnson City, Texas 78636, (210) 868-4013. TRD-9440375.

The Brown County Appraisal District Board of Directors met at 403 Fisk Avenue, Brownwood, May 9, 1994, at 7:00 p.m. Information may be obtained from Doran E. Lemke, 403 Fisk Avenue, Brownwood, Texas 76801, (915) 643-5676. TRD-9440362.

The Grand Parkway Association will meet at 5757 Woodway, Suite 140 East Wing, Houston, May 12, 1994, at 8:15 a.m. Information may be obtained from Jerry L. Coffman, 5757 Woodway, 140 East Wing, Houston, Texas 77057, (713) 782-9330. TRD-9440372.

The Kendall Appraisal District Kendall Board of Directors will meet at 121 South Main Street, Boerne, May 12, 1994, at 5:30 p.m. Information may be obtained from J. P. Davis, P.O. Box 788, Boerne, Texas 78006, (210) 249-8012. TRD-9440373.

The South Plains Association of Governments Executive Committee will meet at 1323 58th Street, Lubbock, May 10, 1994, at 9:00 a.m. Information may be obtained from Jerry D. Casstevens, P.O. Box 3730, Freedom Station, Lubbock, Texas 79452-3730, (806) 762-8721. TRD-9440369.

The South Plains Association of Governments Board of Directors will meet at 1323 58th Street, Lubbock, May 10, 1994, 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-9440370.

The Sulphur-Cypress Soil and Water Conservation District Number 419 will meet at 1809 West Ferguson, Suite B, Mount Pleasant, May 12, 1994, at 8:30 a.m. Information may be obtained from Beverly Amerson, 1809 West Ferguson, Suite B, Mount Pleasant, Texas 75455-2921, (903) 572-5411. TRD-9440374.

The Tax Appraisal District of Bell County Board of Directors will meet at the Tax Appraisal District Building, 411 East Central Avenue, Belton, May 11, 1994, at 7:00 p.m. Information may be obtained from Mike Watson, P.O. Box 390, Belton, Texas 76513-0390, (817) 939-3841, Ext. 29. TRD-9440368.



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.

Central Texas Council of Governments Request for Proposals

The Central Texas Council of Governments (CTCOG) announces a Request for Proposal (RFP) for a transportation planning study of the traffic flow and congestion in the Central Business District of Killeen. The study will recommend alternative solutions and priorities for improvements based in part on analysis of prior studies on the subject. Proposals must be submitted by June 6, 1994. A copy of the Request for Proposals can be obtained from Sara Koeninger (817) 939-1801, P.O. Box 729, Belton, Texas 76513. Responses must be in the format and on

forms provided in the complete RFP packet. The CTCOG is an affirmative action/equal opportunity employer.

Issued in Belton, Texas, on May 3, 1994.

TRD-9440178 Mike Morgan
Transportation Planning Director
Central Texas Council of Governments

Filed: May 3, 1994

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Comptroller of Public Accounts Local Sales Tax Changes Effective July 1, 1994

The 1.0% city sales tax will become effective July 1, 1994, in the following cities.

<u>CITY NAME</u>	<u>CITY CODE</u>	<u>NEW RATE</u>	<u>COMBINED RATE</u>
Ingleside On The Bay (San Patricio County)	2205110	0.01000	0.07250
Payne Springs (Henderson County)	2107155	0.01000	0.07250
*Rio Grande City (Starr County)	2214020	0.01500	0.07750

An additional 0.5% sales tax for improving and promoting economic and industrial development will become effective July 1, 1994, in the following cities.

<u>CITY NAME</u>	<u>CITY CODE</u>	<u>NEW RATE</u>	<u>COMBINED RATE</u>
Commerce (Hunt County)	2116010	0.01500	0.08250
Conroe (Montgomery County)	2170022	0.02000	0.08250
Lamesa (Dawson County)	2058010	0.01500	0.08250
Lindale (Smith County)	2212022	0.01500	0.08250
Littlefield (Lamb County)	2140029	0.01500	0.07750
Llano (Llano County)	2150017	0.02000	0.08250
Pittsburg (Camp County)	2032011	0.01500	0.08250
*Rio Grande City (Starr County)	2214020	0.01500	0.07750
Sachse (Collin County)	2057191	0.01500	0.07750
Sachse (Dallas County)	2057191	0.01500	0.07750
Tomball (Harris County)	2101106	0.02000	0.08250
Tomball (Montgomery County)	2101106	0.02000	0.08250
White Settlement (Tarrant County)	2220193	0.01500	0.07750
Wylie (Collin County)	2043116	0.02000	0.08250
Wylie (Dallas County)	2043116	0.02000	0.08250
Wylie (Rockwall County)	2043116	0.02000	0.08250

Filed: May 3, 1994

An additional 1.0% sales tax for improving and promoting economic and industrial development will become effective July 1, 1994, in the City of Cedar Hill (Dallas County); City Code 2057137; New Rate 0.0200; Combined Rate 0.08250; and the City of Cedar Hill (Ellis County); City Code 2057137; New Rate 0.02000; Combined Rate 0.08250.

The City of Rio Grande City adopted both the 1.0% city sales and use tax and the 0.5% sales tax for improving and promoting economic and industrial development. Both taxes will become effective July 1, 1994.

Issued in Austin, Texas, on May 3, 1994.

TRD-9440226
 Martin E. Cherry
 Chief, General
 Law Section
 Comptroller of
 Public Accounts

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**Office of Consumer Credit
 Commissioner**

Notice of Rate Ceilings

The Consumer Credit Commissioner of Texas has ascertained the following rate ceilings by use of the formulas and methods described in Texas Civil Statutes, Title 79, Article 1.04, as amended (Texas Civil Statutes, Article 5069-1.04).

<u>Types of Rate Ceilings</u>	<u>Effective Period (Dates are Inclusive)</u>	<u>Consumer ⁽¹⁾/Agricultural/ Commercial ⁽²⁾ thru \$250,000</u>	<u>Commercial⁽²⁾ over \$250,000</u>
Indicated (Weekly) Rate - Art. 1.04(a)(1)	05/09/94-05/15/94	18.00%	18.00%

(1) Credit for personal, family or household use. (2) Credit for business, commercial, investment or other similar purpose.

Filed: May 4, 1994

Issued in Austin, Texas, on May 2, 1994.

TRD-9440284 Al Endsley
 Consumer Credit Commissioner

Texas Education Agency Request for Applications, Development of Model Language Programs for Critical Foreign Languages

RFA #701-94-020. This request for applications is filed in accordance with the Foreign Languages Assistance Act, Public Law 100-297, Title II, Part B.

Eligible Applicants. The Texas Education Agency (TEA) is requesting applications (RFA #701-94-020) from school districts and cooperatives of school districts in Texas (which requires a fiscal agent that can be either a school district or education service center) for the development of model language programs for foreign language instruction in the primary critical languages of Arabic, Chinese, Japanese, Korean, and Russian, and in the secondary critical languages of French, German, Italian, Portuguese, and Spanish.

Description. The major objective is to improve the quantity and quality of foreign language instruction through model programs which provide for the commencement, improvement, or expansion of instruction in the critical languages designated. Absolute priority will be given to projects in the primary critical languages of Arabic, Chinese, Japanese, Korean, or Russian. A waiver may be applied for and granted by the U.S. secretary of education for development of a model language program in one of the secondary critical languages. The secretary anticipates, however, that few requests for waivers are likely to be granted. Applications selected for funding will represent a variety of innovative and alternative approaches to sequential foreign language instruction and must be replicable, with priority given to programs beginning the elementary and middle grades. Examples of model language programs may include, but are not limited to: distance learning, partial or total immersion programs, language magnet schools, summer language academies, intensive language programs, language cooperatives of two or more districts, content-based instruction, and programs which provide for the maintenance of students' native language skills.

Dates of Project. The Foreign Languages Assistance Program will fund projects which begin no earlier than August 1, 1994, and will end August 31, 1995. Applicants are to submit budget projections for a three-year project.

Project Amount. Funding will be provided to approximately ten projects with priority given to those projects whose first and second year combined budgetary projections for federal funds do not exceed \$110,000. The local school district is required to match from a non-federal source the total amount awarded under the Foreign Languages Assistance Program. The LEA may apply for a waiver if adequate resources are not available to pay the non-federal share of the cost of the project. This waiver may be approved only if the secretary of education determines that adequate resources are not available. Funding for continuation of the project in 1995-1996 and 1996-1997 will be contingent upon satisfactory progress of the objectives and activities in the preceding year. In addition, continued funding for 1995-1996 will depend on the reauthorization and reappropriation of funds by Congress.

Selection Criteria. Applications will be selected based upon the ability of each applicant to carry out all requirements contained in this request for application. TEA reserves the right to select from the highest-ranking applica-

tions those which will provide the most effective educational model programs in the designated critical languages and which will provide for programs that are diverse with respect to size and geographic location of the district.

Requesting the Application. A copy of the complete request for application (RFA #701-94-020) may be obtained by writing or calling the: Document Control Center, Room 6-108, Texas Education Agency, William B. Travis Building, 1701 North Congress Avenue, Austin, Texas 78701-1494, (512) 463-9304. Please refer to the RFA number in your request.

Further Information. For clarifying information about this request, contact Ines Garcia, Division of Curriculum Development, Texas Education Agency, (512) 463-9556.

Deadline for Receipt of Applications: Applications may be delivered by mail or in person to the Texas Education Agency, Document Control Center, Room 6-108. The Document Control Center is open Monday-Friday, 8:00 a.m. to 5:00 p.m., excluding holidays. To be considered for funding, applications must be received no later than 5:00 p.m. on Friday, June 17, 1994.

Issued in Austin, Texas, on May 4, 1994.

TRD-9440272 Lionel R. Meno
Commissioner of Education
Texas Education Agency

Filed: May 4, 1994

Texas Department of Health Notice of Intent to Revoke a Certificate of Registration

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 registrant: Bruce M. Bumgardner, D.C., Deer Park, R14918.

The department intends to revoke the certificate of registration; order the registrant to cease and desist use of radiation machine(s); order the registrant to divest himself of such equipment; and order the registrant 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 and the items in the complaint are corrected within 30 days of the date of complaint, the department will not issue an order.

This notice affords the opportunity to the registrant for a hearing to show cause why the certificate 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 or if the items in the complaint are not corrected, the certificate 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 a.m. to 5 p.m. (except holidays).

Issued in Austin, Texas, on May 3, 1994.

TRD-9440249 Susan K. Steeg
General Counsel, Office of General
Counsel
Texas Department of Health

Filed: May 3, 1994

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 complaints against the following registrants: Riverside Hospital, Inc., Corpus Christi, R00715; Patrick K. Crouch, D.V.M., Canadian, R01339; Corpus Christi-Nueces City Health Department, Corpus Christi, R01880; R. H. Lewis, Jr., D.D.S., Inc., Dallas, R08031; Jack P. Kirby, M.D., Gilmer, R09385; Fredrick D. Gibson, D.D.S., Fort Worth, R10916; Elscint, Inc., Spring, R06675.

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 a.m. to 5 p.m. (except holidays).

Issued in Austin, Texas, on May 3, 1994.

TRD-9440250 Susan K. Steeg
General Counsel, Office of General
Counsel
Texas Department of Health

Notice of Intent to Revoke Radioactive Material Licenses

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 complaints against the following licensees: Baylor Medical Center at Gilmer, Gilmer, L03493; Tri-City Regional Hospital, Pasadena, L03502; Osteoporosis Diagnostic Center of Houston, Houston, L03728.

The department intends to revoke the radioactive material licenses; order the licensees to cease and desist use of such radioactive materials; order the licensees to divest themselves of the radioactive material; and order the licensees

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 licensees for a hearing to show cause why the radioactive material licenses 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 licenses 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 a.m. to 5 p.m. (except holidays).

Issued in Austin, Texas, on May 3, 1994.

TRD-9440248 Susan K. Steeg
General Counsel, Office of General
Counsel
Texas Department of Health

Filed: May 3, 1994

Notice of Issuance and Rescission of Emergency Impoundment Order

Notice is hereby given that on April 13, 1994, the Bureau of Radiation Control (bureau) ordered Marklan, Inc., doing business as Femchec, (registrant-R14847 (terminated)) of Dallas to immediately surrender to the bureau for impoundment all sources of radiation in the registrant's possession at any location in Texas. The order was issued because the certificate of registration was terminated and the company still possessed radiation sources.

On April 20, 1994, the bureau rescinded the Emergency Impoundment Order issued to the Marklan, Inc., located at 13617 Inwood Road, Suite 245, Dallas, after the company transferred one x-ray unit and rendered the unit at the facility inoperable. The bureau determined the actions appear to remove the health and safety hazards found during an investigation, and brings Marklan, Inc. into compliance with Texas radiation control regulations.

Issued in Austin, Texas, on May 3, 1994.

TRD-9440251 Susan K. Steeg
General Counsel, Office of General
Counsel
Texas Department of Health

Filed: May 3, 1994

Notice of Rescission of Order

Notice is hereby given that the Bureau of Radiation Control, Texas Department of Health, rescinded the following order: Emergency Cease and Desist Order issued April 12, 1994, to TriCorp of Tennessee, Inc., 17 North Walnut Street, Springfield, Tennessee 37172.

A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, the Ex-

change Building, 8407 Wall Street, Austin, Monday-Friday, 8:00 a.m. to 5:00 p.m. (except holidays).

Issued in Austin, Texas, on May 3, 1994.

TRD-9440254 Susan K. Steeg
General Counsel, Office of General
Counsel
Texas Department of Health

Filed: May 3, 1994

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**Notice of Revocation of Certificates of
Registration**

The Texas Department of Health, having duly filed complaints pursuant to Texas Regulations for Control of Radiation, Part 13 (25 TAC §289.112), has revoked the following certificates of registration: Dessau Veterinary Clinic, Austin, R15339, April 26, 1994; Ardyce Carlson, M.D., Orange, R19845, April 26, 1994; Memorial City Medical Center, Houston, Z00257, April 26, 1994; Laser Production Network, Miami, Florida, Z00778; April 26, 1994.

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 a.m. to 5 p.m. (except holidays).

Issued in Austin, Texas, on May 3, 1994.

TRD-9440253 Susan K. Steeg
General Counsel, Office of General
Counsel
Texas Department of Health

Filed: May 3, 1994

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**Notice of Revocation of Radioactive
Material Licenses**

The Texas Department of Health, having duly filed complaints pursuant to Texas Regulations for Control of Radiation, Part 13 (25 TAC §289.112), has revoked the following radioactive material licenses: Larpen of Texas, Inc., Houston, L00074, April 26, 1994; Landscaping & Maintenance Services, Inc., Dallas, L03025, April 26, 1994; Texas West Wireline, Midland, L03992, April 26, 1994.

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 May 3, 1994.

TRD-9440252 Susan K. Steeg
General Counsel, Office of General
Counsel
Texas Department of Health

Filed: May 3, 1994

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**Texas Commission on Human Rights
Correction of Errors**

The Texas Commission on Human Rights submitted a proposed amendment to §§321.1, 321.2, and 321.6, concerning definitions, purpose, and availability. The rules appeared in the April 19, 1994, issue of the *Texas Register* (19 TexReg 2899).

In column three of page 2899, the definition of the term "alternative dispute resolution" is made a part of the definition of "age" instead of a separate definition. The term "alternative dispute resolution" and the bold type language that follows these words should be separate and apart from the definition of "age." The correct version of the proposed rule should read as follows:

"Alternative dispute resolution—Mediation in which an impartial person facilitates communications between parties to promote voluntary settlement of the dispute."

On page 2900, in §321.1, the first phrase in the definition of "sex" should read, "because of".

The Texas Commission on Human Rights submitted a proposed amendment to §§323.1-323.4, concerning general description, term of office, meetings, and reimbursements. The rules appeared in the April 19, 1994, issue of the *Texas Register* (19 TexReg 2901).

The first § symbol on the last line should be in bold.

The Texas Commission on Human Rights submitted a proposed amendment to §327.1, concerning filing a complaint. The rule appeared in the April 19, 1994, issue of the *Texas Register* (19 TexReg 2903).

On page 2904 incorrectly states that §327.1 is being repealed. Section 327.1 is not being repealed; rather, it is being amended as shown on page 2903.

The Texas Commission on Human Rights submitted a proposed new §§327. 21-327.31, concerning policy. The rules appeared in the April 19, 1994, issue of the *Texas Register* (19 TexReg 2906).

On page 2997, §327.23(a) the second sentence should begin with "If". Subsection (b) should read "on behalf".

Section 327.31(e) should read "warrant a protective order".

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**Department of Information Resources
Notice of Request for Proposal**

Notice to contractors of the following work at Angelo State University, San Angelo, Texas.

PROJECT: Campus Area Network

SCOPE OF WORK: Design and installation of a fiber-optic and copper cable plant. Specification, installation, and configuration of ethernet hubs, routers, and bridges. Involves approximately 850 copper drops in 16 buildings dispersed across a campus area of 4,200 feet by 600 feet. Specification, installation, and training in operation, of a Network Management Station is included.

REQUIREMENTS: A Performance Bond and Payment Bond in an amount of 100% of the contract price will be required of the winning bidder. A Contractor Qualification Statement must also accompany each bid. Bidders must attend a site visit on May 24 and 25, 1994, to qualify to bid on this project.

The release date for the Request for Proposal will be May 17, 1994. To obtain a copy, send name and address to:

Doug Lange, Physical Plant Director, Angelo State University P.O. 11011 University Station San Angelo, Texas, 76909 Voice: (915) 942-2355 FAX : (915) 942-2359

Issued in Austin, Texas, on May 4, 1994.

TRD-9440266 Edward Serna
Interim Executive Director
Department of Information Resources

Filed: May 4, 1994

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Texas Department of Insurance
Notice of Meeting

The Commissioner of Insurance, at a meeting scheduled for 9:00 a.m., June 20, 1994 in Room 100 of the Texas Department of Insurance Building, 333 Guadalupe Street in Austin, Texas, will consider proposed new and/or adjusted 1991-1994 model Private Passenger Automobile Physical Damage Rating Symbols for the Texas Automobile Rules and Rating Manual (The Manual). This proposal was made by staff in a petition (Reference Number: A-0494-10), filed on April 29, 1994.

The new and/or adjusted symbols for the Manual's Symbol and Identification Section were developed from Manufacturer List Price figures and reflect data compiled on damageability, repairability, and other relevant loss factors for the various model years of the listed vehicles. Staff has deleted from the exhibit on file under Reference Number A-0494-10I the symbols developed by Insurance Services Office, Inc. (ISO) for utility vehicles and trucks, in accordance with existing departmental methodology. Staff has requested that this proposed amendment be adopted effective on the 60th day after publication of the notification of the Commissioner's action in the *Texas Register*.

Copies of the petition containing the full text of this proposed amendment to the Manual are available for review in the office of the Chief Clerk of the Texas Department of Insurance, 333 Guadalupe Street, Austin, Texas 78714-9104. For further information or to request copies of the petition, please contact Angie Arizpe at (512) 322-4147; (refer to Reference Number A-0494-10).

The staff and the Commissioner request that written comment to this proposed amendment be submitted prior to the public meeting on June 20, 1994. Any written comment should be directed to the Office of the Chief Clerk, Texas Department of Insurance, P.O. Box 149104, MC 113-2A, Austin, Texas 78714-9104. An additional copy of the comment is to be submitted to David Durden, Deputy Commissioner, Property and Casualty Lines, Texas Department of Insurance, P.O. Box 149104, MC 103-11, Austin, Texas 78714-9104.

This notification is made pursuant to the Insurance Code, Article 5.96, which exempts it from the requirements of the Administrative Procedure Act.

Issued in Austin, Texas, on May 2, 1994.

TRD-9440128 D. J. Powers
Legal Counsel to the Commissioner
Texas Department of Insurance

Filed: May 4, 1994

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Flex Rate Filing

The Commissioner of Insurance, or his designee, will consider approval of a rate filing outside the promulgated flexibility bands filed by Republic Insurance Company pursuant to Article 5.101 §3(f) requesting rates above the

benchmark rate ranging from 66.9% for bodily/personal injury and medical payments; to 60.4% for physical damage; to 29.6% for comprehensive; and to 56.4% for collision for private passenger automobile for standard business.

This rate filing is subject to Department approval without a hearing unless an objection is filed with the Associate Commissioner of Policy and Research, 333 Guadalupe, P.O. Box 149104, Austin, Texas 78714-9140 within 30 days after publication of this notice.

Issued in Austin, Texas, on May 2, 1994.

TRD-9440129 D. J. Powers
Legal Counsel to the Commissioner
Texas Department of Insurance

Filed: May 2, 1994

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The Commissioner of Insurance, or his designee, will consider approval of a rate filing outside the promulgated flexibility bands filed by Blue Ridge Insurance Company pursuant to Article 5.101, §3(f), requesting rates above the benchmark rate ranging from 50% for bodily/personal injury and medical payments; to 57.3% for physical damage; to 26.8% for comprehensive; and to 52.6% for collision for private passenger automobile for standard business.

This rate filing is subject to Department approval without a hearing unless an objection is filed with the Associate Commissioner of Policy and Research, 333 Guadalupe, P.O. Box 149104, Austin, Texas 78714-9140 within 30 days after publication of this notice.

Issued in Austin, Texas, on May 2, 1994.

TRD-9440130 D. J. Powers
Legal Counsel to the Commissioner
Texas Department of Insurance

Filed: May 2, 1994

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The Commissioner of Insurance, or his designee, will consider approval of a rate filing outside the promulgated flexibility bands filed by Firemen's Insurance Company of Newark, NJ, pursuant to Article 5.101, §3(f) requesting a rate 40% above the benchmark rate for private passenger automobile.

This rate filing is subject to Department approval without a hearing unless an objection is filed with the Associate Commissioner of Policy and Research, 333 Guadalupe, P.O. Box 149140, Austin, Texas 78714-9140 within 30 days after publication of this notice.

Issued in Austin, Texas, on May 4, 1994

TRD-9440290 D. J. Powers
Legal Counsel to the Commissioner
Texas Department of Insurance

Filed: May 4, 1994

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Notice of Public Meeting

The Texas Department of Insurance at a public meeting held at 9:00 a.m., June 6, 1994, in Room 100 of the Texas

Department of Insurance Building, 333 Guadalupe Street, Austin, Texas, will consider a form filing by the Texas Department of Human Services (Department) for a revised surety bond form entitled "Resident Fund Surety Bond" (Bond). The Bond is a requirement of 42 U. S.C.A., §1396r (c) (6) (C) and 40 TAC. §19.204.

The Bond, formerly entitled "Nursing Home Surety Bond", has been re-titled and revised for clarity with some minor changes and one substantive change. Paragraph (10) has been revised to add the following new language: "However, claims may be filed for a period of 3 years and 90 days after the effective termination date in connection with any resident trust fund transactions occurring during the effective period of the bond." This wording meets the requirements of 40 TAC §19.1924 which requires the principal to keep financial records of the facility for a minimum of 3 years and 90 days after the termination of the contract period and 40 TAC §19.1925, that makes those records subject to audit by the Department.

Copies of the full text of the proposed bond form for the Department are available for review in the Office of the Chief Clerk of the Texas Department of Insurance, 333 Guadalupe Street, Austin, Texas 78714-9104. For further information or to request copies of the text, please contact Angie Arizpe at (512) 322-4147, (refer to Reference Number 0-0594-11-I).

This notification is made pursuant to the Insurance Code, Article 5.97, which exempts it from the requirements of the Administrative Procedure Act.

Issued in Austin, Texas, on May 4, 1994.

TRD-9440189 D. J. Powers
 Legal Counsel to the Commissioner
 Texas Department of Insurance

Filed: May 4, 1994

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Executive Council of Physical Therapy and Occupational Therapy Examiners

Notice of Programming Contract Award

In accordance with the provisions of Texas Civil Statutes, Article 6252-11c, 4(a)(3), the Executive Council of Physical Therapy and Occupational Therapy announces this notice of programming contract award

The company will create a database/cash processing system in d-BaseIV for the processing of fees received regarding the regulation of occupational therapy in this state. Also, the company will create a database/cash processing system in d-BaseIV for the processing of fees received regarding the registration of physical therapy and occupational therapy facilities.

The contract is awarded to Druma Inc., 6633 Highway 290 East, Suite 308, Austin, Texas 78723. The total dollar value of the contract is \$11,840. The contract was executed April 25, 1994 and extends through July 20, 1994. Druma Inc. is to present its final deliverable on June 20, 1994.

Issued in Austin, Texas, on May 2, 1994.

TRD-9440146 Sherry L. Lee
 Executive Director
 Executive Council of Physical Therapy and
 Occupational Therapy Examiners

Filed: May 2, 1994

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Texas Department of Public Safety Local Emergency Planning Committee Hazardous Materials Transportation Act Grants Request for Proposals

Introduction United States Department of Transportation Local Emergency Planning Committee Hazardous Materials Transportation Act Grants announcement in Volume 18, Number 81, Page 7493, *Texas Register*, October 26, 1993, has changed. Contract period has been changed from begins on January 1, 1994, and ends August 31, 1994 to begins May 1, 1994, and ends December 31, 1994.

Contract Period. Grant contracts begin May 1, 1994, and end December 31, 1994. An interim status report will be due August 1, 1994.

Issued in Austin, Texas on May 2, 1994.

TRD-9440175 Tom Millwee
 State Coordinator
 Texas Department of Public Safety

Filed: May 3, 1994

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Public Utility Commission of Texas Notices of Application to Locate and Maintain Records Outside the State of Texas

Notice is given to the public of the intent to file with the Public Utility Commission of Texas an application for a waiver of Public Utility Commission Substantive Rule 23.14, which requires public utilities to keep all records necessary for regulation within the State of Texas.

Docket Title and Number. Application of Southwest Rural Electric Association, Inc. for Authority to Maintain Records Outside the State of Texas. Docket Number 12943.

The Application. Southwest Rural Electric Association, Inc. is requesting approval to maintain certain records in Tipton, Oklahoma.

Persons who wish to intervene in the proceeding or comment upon action sought, should contact the Public Utility of Texas, at 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757, or call the Public Utility Commission Public Information Section at (512) 458-0256, or (512) 458-0221 for teletypewriter for the deaf on or before May 27, 1994.

Issued in Austin, Texas, on May 2, 1994.

TRD-9440241 John M. Renfrow
 Secretary of the Commission
 Public Utility Commission of Texas

Filed: May 3, 1994

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Notice is given to the public of the intent to file with the Public Utility Commission of Texas an application for a waiver of Public Utility Commission Substantive Rule 23.14, which requires public utilities to keep all records necessary for regulation within the State of Texas.

Docket Title and Number. Application of Harmon Electric Cooperative Association, Inc. for Authority to Maintain Records Outside the State of Texas. Docket Number 12944.

The Application. Harmon Electric Cooperative Association, Inc. is requesting approval to maintain certain records in Hollis, Oklahoma.

Persons who wish to intervene in the proceeding or comment upon action sought, should contact the Public Utility of Texas, at 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757, or call the Public Utility Commission Public Information Section at (512) 458-0256, or (512) 458-0221 for teletypewriter for the deaf on or before May 27, 1994.

Issued in Austin, Texas, on May 2, 1994.

TRD-9440244 John M. Renfrow
Secretary of the Commission
Public Utility Commission of Texas

Filed: May 3, 1994



Notice is given to the public of the intent to file with the Public Utility Commission of Texas an application for a waiver of Public Utility Commission Substantive Rule 23.14, which requires public utilities to keep all records necessary for regulation within the State of Texas.

Docket Title and Number Application of Southwest Rural Electric Association, Inc. for Authority to Maintain Records Outside the State of Texas. Docket Number 12942.

The Application. Lea County Electric Cooperative, Inc is requesting approval to maintain certain records in Lovington, New Mexico.

Persons who wish to intervene in the proceeding or comment upon action sought, should contact the Public Utility of Texas, at 7800 Shoal Creek Boulevard, Suite 400N,

Austin, Texas 78757, or call the Public Utility Commission Public Information Section at (512) 458-0256, or (512) 458-0221 for teletypewriter for the deaf on or before May 27, 1994.

Issued in Austin, Texas, on May 2, 1994.

TRD-9440243 John M. Renfrow
Secretary of the Commission
Public Utility Commission of Texas

Filed: May 3, 1994



Notice of Public Meeting

The Public Utility Commission of Texas will hold a public meeting for the purpose of discussing with members of the public whether there is a consensus among interested persons that the Commission should publish a proposed rule on integrated resource planning for electric utilities, in order to solicit comments from interested members of the public.

The meeting will be held on Tuesday, May 24, 1994, at 9:00 a.m. at the offices of the Public Utility Commission, 7800 Shoal Creek Boulevard, Austin, Texas 78757.

All parties who are interested in this proposed rule are invited to attend. The meeting will be conducted by the Commission Staff and will not be an open meeting of the Commission.

For additional information, please contact Assistant General Counsel Jess Totten, at the address listed above or at telephone number (512) 458-0365.

Issued in Austin, Texas, on May 2, 1994

TRD-9440242 John M. Renfrow
Secretary of the Commission
Public Utility Commission of Texas

Filed: May 3, 1994

